

311th Meeting

Erskineville Town Hall
Erskineville
459415

Wednesday, 4 December 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.37 pm on Wednesday, 4 December 2002.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Shaw.:-

That the minutes of the Ordinary Meeting of Council of 23 October 2002, Pages 12121 to 1216 be taken as read and confirmed.

Carried.

Councillor Fowler and Councillor Lennon requested that their names be recorded as opposed to the foregoing.

That the minutes of the Ordinary Meeting of Council of 20 November 2002, be taken as read and confirmed.

It was moved by the Mayor, seconded by Councillor Furness that the minutes be amended by the insertion of the report of the Management Review Committee, held in the Hunter Valley on 16 November 2002, as hereunder:-

REPORT OF THE MANAGEMENT REVIEW COMMITTEE HELD IN THE HUNTER VALLEY ON 16 NOVEMBER 2002

At the commencement of business and at 3.24 pm those present were:-

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

An apology was received from Councillor Bush.

The Committee recommended the following:-

1. ADMINISTRATION – MANAGEMENT PLAN 2002/2005 – REPORT FOR THREE MONTHS ENDED 30 SEPTEMBER 2002 (2026037)

That Council receives and notes the minute by the General Manager dated 13 November 2002 and by the Chief Financial Officer dated 11 November 2002, on the achievement of performance targets and financial position of Council in relation to the Management Plan 2002.

(GM Minute 13.11.02)

The Management Review Committee terminated at 3.55 pm

Moved by Councillor Harcourt, seconded by Councillor Lay, that the recommendation of the Management Review Committee Meeting, be received and noted.

Carried.

It was moved by Councillor Shaw, seconded by Councillor Lay that the minutes be amended on page 1355 by the deletion of the name Pooley and the insertion in lieu thereof, of the name Fowler.

It was moved by Councillor Shaw, seconded by Councillor Lennon that the minutes be amended on page 1376 by the addition of the name Lennon in the third line of the first paragraph in the heading of Question Without Notice No. 8.

It was moved by Councillor Fowler, seconded by Councillor Mallard that the minutes be amended on page 1382, where appearing in the third line by the deletion of the word "of" between the words "State" and "expired" and the insertion in lieu thereof, of the word "or".

The minutes were then read and confirmed.

MINUTE BY THE MAYOR

4 December 2002

PUBLIC RELATIONS - DEATH OF CATHY SEELIN – VICTIM OF BALI TRAGEDY – CONDOLENCES (2004380)

It is with regret that I inform Council of the death of Cathy Seelin, who unfortunately was a victim of the Bali bombing tragedy.

Cathy had worked for the South Sydney Community Aid for the last 13 years, holding many positions in that time.

Cathy was held in very high esteem by her peers and clients.

RECOMMENDATION:

That a letter under the signature of the Mayor be forwarded to her husband David and family, expressing the condolences of the Council.

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 MAYOR

4 December 2002

**DONATIONS - FUNDRAISING EVENING FOR STEVE PURCELL- COUNCIL
EMPLOYEE (2019355)**

As you would all be aware, Council employee, Steve Purcell is one of the survivors of the Bali bombing.

As a result of his injuries, he is unable to return to work for an extended period of time.

The Sands Hotel have generously organised a benefit evening for Steve on Saturday, 21 December 2002 to try and raise funds to assist him during his recovery.

Recommendation:

That Council grant a donation of \$500 for the fundraising event being held in Steve Purcell's honour on Saturday, 21 December 2002. These funds to be added to the donations budget 1.24.6815.16410.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Shaw, seconded by Councillor Furness:-

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

Carried.

COMMITTEE OF THE WHOLE

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

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the undermentioned matter, as it dealt with Council's Rates.

Carried.

MINUTE BY THE GENERAL MANAGER

4 December 2002

**RATES - OUTSTANDING – LEGISLATION REVIEW
REQUEST TO MINISTER FOR LOCAL GOVERNMENT, DLG & LGSA (2011850)**

A minute by the General Manager dated 4 December 2002, was circulated to Councillors prior to the commencement of the Council Meeting.

Michael Whittaker (SGD)
General Manager

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

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

At 6.58 pm the Council Meeting resumed.

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

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

That the minute by the General Manager dated 4 December 2002, be approved and adopted, subject to the following amendments namely:-

Clause (1) be amended by the insertions of the words “an sends copies to the Treasurer and the Attorney General” between the words “Government” and “requesting” where appearing in the first line of the recommendation.

The addition of a Clause (4) to the recommendation namely:-

- (4) That the Mayor write to ELGOV and Metropolitan Regional Organisations of Councils (ROC's) advising them of this information.

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

PETITION

1. The Mayor tabled a petition with approximately 42 signatures appended from residents of Lawrence Street and Belmont Street, Alexandria, complaining of shopping tour buses, parking illegally and driving through the residential area on weekends.

Received

QUESTIONS WITHOUT NOTICE

1. **PROPERTY – KIMBERLEY ESTATE – CONCERNS OF NOISE FROM CORPORATE EXPRESS SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2001612)**

Question:

I would like to table a letter from a resident of the Kimberley Estate, Rosebery, complaining of late night and weekend noise from the adjacent Corporate Express site. Could an appropriate Council Officer investigate the matter and advise me of the outcome?

Answer by the Mayor:

Yes.

2. **PROPERTIES – NOS. 15 – 23A KNIGHT STREET, ERSKINEVILLE – PURCHASE OF SITE BY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2018626)**

Question:

Further to a recent resolution of Council authorising the General Manager to contact the owner of Nos. 15 – 23a Knight Street, Erskineville, to ascertain the possibility of Council purchasing the site, could you please advise the outcome of your enquiries? I understand the owner has very recently passed away and that this may have some bearing on the question.

Answer by the General Manager:

The matter is still under review. We are gathering information and that information is that the present owner may have just passed away has just come to light.

We are following up further and I will report back to the Councillors in future.

3.

**PARKS - ERSKINEVILLE OVAL – PUBLIC ACCESS TO OVAL -
QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (P52-00125)**

Question:

Mr Mayor, the lease of Erskineville Oval is to conclude this month. Could I be advised of plans to restore public access to the oval?

Answer by the Mayor:

I will get some information on that and ensure that it is in the Councillors Information Service.

4.

**WELFARE – HOMELESS PEOPLE – PLAN OF MANAGEMENT –
WAYSIDE CHAPEL - QUESTION WITHOUT NOTICE BY COUNCILLOR
LENNON (2024647)**

Question:

Could the Director of Community Development speak to the people of the Wayside Chapel? Over the last four weeks or so, Police have been moving people out of Fitzroy Gardens. About 14 people every night are sleeping outside the Chapel where there is normally only two or three. Do they have a Plan of Management or some long term strategy as people are wandering from the park to the Wayside Chapel isn't working that well?

Could the Plan of Management be made available to the residents in that area?

Answer by the Mayor:

I will ask the Director of Community Development to investigate those concerns and we will seek some information for you.

5.

**PROPERTY – WATERLOO SHOPPING COMPLEX – PROPOSED SURVEY
OF SHOP OWNERS REGARDING METHADONE CLINIC - QUESTION
WITHOUT NOTICE BY COUNCILLOR BUSH (2011465)**

Question:

Could a Council Officer survey or interview the shop owners in the Waterloo shopping precinct on Regent Street, with particular relevance to the use of the

Methadone Clinic there? I would ask that the Mayor write to the Minister to help in the relocation of the Methadone Clinic.

Answer by the Mayor:

I am aware of this issue. I have already had some discussions with relevant State authorities and I am happy to report back on those discussions. It is not a clinic, it is a methadone dispensing chemist and as soon as I have that information, Councillor Bush, I am happy to share it with you.

6.

STREETS - MANAGEMENT – REDFERN WEST PRECINCT – PROPOSED SPEED HUMPS – ROSEHILL STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2025813)

Question:

I have been contacted by residents in both the Water Tower and other residents in regards to the proposed speed humps in Rosehill Street and the adjacent street. Could a study be done on the residents interviewed as to whether or not the speed humps are relevant to that street?

Answer by the Mayor:

I will seek some information in relation to the speed humps proposal, Councillor Bush, but doubtless you have been contacted by people who wish for the rapid installation of the speed humps. I will certainly get some information for you and pass it on.

REPORT OF THE FINANCE COMMITTEE

27 November 2002

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

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

The Mayor and Councillors – Bush, Harcourt and Mallard

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

That the Report of the Finance Committee of its meeting of 27 November 2002, be received and the recommendations set out below for Items 1-4 inclusive and 6-10 inclusive, be adopted. The recommendations for Items 5 and 11 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

GOODS AND EQUIPMENT – SUPPLY AND DELIVERY OF AGRICULTURAL CHEMICALS AND ASSOCIATED PRODUCTS FOR A THREE YEAR PERIOD COMMENCING 1 SEPTEMBER 2002 – ACCEPTANCE OF TENDER (2027945)

That arising from consideration of a report by the Director of Corporate Services dated 4 November 2002, Council resolve to approve Clause A of the recommendation, namely:-

- (A) Endorse the Steering Committee Report in relation to the Tender and award the Tender to Global Australia Pty Ltd., and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Carried.

2.

GOODS AND EQUIPMENT – SUPPLY AND DELIVERY OF STATIONERY, LASER TONER CARTRIDGES AND OFFICE FURNITURE FOR A THREE YEAR PERIOD COMMENCING 1 NOVEMBER 2002 – ACCEPTANCE OF TENDER (2003203)

That arising from consideration of a report by the Director of Corporate services dated 4 November 2002, Council resolve to approve Clause A of the recommendation, namely:-

- (A) Endorse the Steering Committee Report in relation to the above Tender and award the Tender to Complete Office Supplies and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Carried.

3.

STREETS – WATTLE STREET, ULTIMO – ADJACENT TO NOS. 129 – 135 BROADWAY – CLOSURE (2027417)

That further to resolution of Council of 28 August 2002, and arising from consideration of a joint report by the Director of City Environment and Director of City Works dated 12 November 2002, approval be given to:-

- (1) the closure under Part 4 Division 1 of the Roads Act 1993 of part of Wattle Street, Ultimo as shown on Plan No. S6-280/266;
- (2) Council retain ownership of the land in fee simple as operational land;
- (3) the necessary application for road closure shall be made by Council to the Department of Land and Water Conservation under the provision of the Roads Act 1993;
- (4) relevant easements be created in favour of public utility authorities for the continued provision of services through the site;
- (5) all adjoining owners and public utility authorities being advised of Council's decision;
- (6) all relevant documents and plans being executed by Council's Attorney;
- (7) That following the closure of the subject portion of Wattle Street, Ultimo, the matter be referred back to Council so that a Masterplan can be developed for the site.

Carried.

4.

PROPERTIES – ALTERATIONS AND ADDITIONS TO NO. 12A DADLEY STREET, ALEXANDRIA FOR PROPOSED HOME AND COMMUNITY CARE (HACC) FACILITY – ACCEPTANCE OF TENDER (2027899)

That arising from consideration of a report by the Director of City Works dated 20 November 2002, Council resolve to approve Clause A of the recommendation, namely: -

- (A) Endorse the Steering Committee Report in relation to the above Tender and award the Tender to Kingsley Construction Pty Ltd. and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Carried.

5.

PARKS – FITZROY GARDENS AND LAWRENCE HARGREAVES RESERVE FOR THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENTATION – ACCEPTANCE OF TENDER (2027852)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That Council resolve: -

That the matter be deferred to the next Finance Committee Meeting so that the information requested at the Finance Committee Meeting of 27 November 2002, be supplied and the implications of Resolution of Council of 25 September 2002, be investigated

Carried.

6.

COUNCIL – RECESS FOR YEAR 2003, UNTIL SEPTEMBER – ADOPTION OF MEETING DATES SCHEDULE AND DELEGATION OF AUTHORITY TO MAYOR (C63-00019)

That arising from consideration of a minute by the Acting Civic Affairs Manager/Public Officer dated 20 November 2002, it be resolved that:-

(A) the terms of resolution of Council of 19 June 2002, approving of Council recessing from midnight 18 December 2002 to midnight 29 January 2003, be amended so as to provide for Council to recess from midnight Wednesday, 18 December 2002 to midnight Wednesday, 5 February 2003, and that the relevant delegations to the Mayor and General Manager referred to in Council's resolution be extended to 5 February 2003.

(B) approval be given to the schedule accompanying the before mentioned minute of Standing Committee meetings and Council meeting dates to 27 August 2003.

(C) Council recess on the undermentioned dates, namely:-

From midnight Wednesday 9 April to midnight Wednesday 7 May 2003 (School Holidays).

From midnight Wednesday 25 June to midnight Wednesday 23 July 2003 (School Holidays).

From midnight Wednesday 27 August to midnight Friday 12 September 2003 (Council Elections 13 September 2003).

-and that in order to carry out the services and obligations of the Council, approval be given to delegate to:-

- (1) the Mayor, its powers, authorities, duties and functions other than those reserved for the Council itself by Section 377, of the Local Government Act. 1993, and other than any regulatory functions under Chapter 7 of the Local Government Act, 1993;
- (2) the General Manager, any regulatory functions under Chapter 7 of the Local Government Act 1993, not previously delegated.

-during the periods referred to above and that all matters normally requiring decision by Council be circulated to Councillors two full working days prior to resolution by the Mayor and any written objections by three Councillors on any one item, stating the reason for objection, be enough to defer a decision until the next relevant Standing Committee meeting of Council, and that any decision of the Mayor or General Manager pursuant to such delegations be reported to members of the Council.

(At the Finance Committee Meeting and Council meeting, Councillor Mallard requested that his name be recorded as voting against the foregoing motion and at the Council Meeting Councillor Bush requested that his name be recorded as voting against the foregoing motion).

Carried.

7.

ADMINISTRATION - MANAGEMENT PLAN WORKSHOP – 16 NOVEMBER 2002 – ADOPTION OF RECOMMENDATION (2009377)

That for the reasons set out in the report by the General Manager dated 21 November 2002, it be resolved that:-

- (1) In respect of the General Manager's presentation, Council:-
 - (a) note the contents and philosophy of the presentation
 - (b) endorse the Strategic Priorities proposed.
- (2) In respect of the Director of City Environment's presentation, Council .
 - (a) approve the establishment of an Environment and Health Branch within the City Environment Department
 - (b) approve the establishment of an Law Enforcement Branch within the City Environment Department

- 3 In respect of the Director of Community Development's presentation, Council:-
- (a) note the proposed re-structure of the department
 - (b) confirm the new name for the Department being:-
"Community Living"
4. In respect of the presentation made by the Chief Financial Officer, the Director of Organisational Development and the Director of Corporate Services, Council:-
- (a) re-affirm that the functions of Finance Division, Organisational Development and Corporate Services all fall with the Corporate Services Department – as originally approved in the Organisational review dated 13 March 2002.

Carried.

8.

DONATIONS – SAVE ERSKINEVILLE ESTATE (SEE) - CELEBRATIONS – 14 DECEMBER 2002 (2025737)

That arising from consideration of a report by the Director of Community Development dated 26 November 2002, it be resolved that Council:-

- (a) approve free use of Harry Noble Reserve on Saturday 14 December, 2002 for a community gathering to celebrate Minister Refshauge's decision not to proceed with the Erskineville Estate redevelopment.
- (b) approve a donation of up to \$1,200 to cover the cost of organising the letterbox drop and hire of equipment, as well as the employment of Council staff if necessary. Funds to cover this expenditure would need to be added to the 2002/2003 Donations budget - 1.24.6815.16410.

Carried.

(At the Council Meeting, Councillors Fowler and Mallard requested that their names be recorded as voting against the foregoing motion).

9.

INSURANCES – CLAIMS – DAMAGES – UNIT 9, NO. 4 HUNTLEY STREET, ALEXANDRIA - RE-INSTATEMENT OF FIRE DAMAGED BUILDING – ACCEPTANCE OF TENDER (2027497)

That arising from consideration of a report by the Director of Corporate Service dated 26 November 2002, Council resolve to approve Clause (A) of the recommendation, namely:-

- (A) Endorse the Steering Committee Report in relation to the above Tender and award the Tender to Buildex (Aust) Pty Ltd for the reinstatement of the fire- damaged unit No. 9 at 4 Huntley Street Alexandria, for the amount of \$271,169 (plus extra over-costs: \$19,180) total amount \$290,349 including GST.

Carried.

10.

BOUNDARIES – COURT CASES WITH SYDNEY CITY COUNCIL – DISCONTINUANCE – RESPONSE STRATEGY (B52-00002)

That the report by the General Manager dated 27 November 2002, be received and that confirmatory approval be given to the General Manager to finalise these matters, prior to the Council Meeting.

Carried.

(At the Council Meeting, Councillor Fowler requested that his name be recorded as voting against the foregoing motion).

11.

FINANCE – JOINT INITIATIVE BY SOUTH SYDNEY CITY COUNCIL AND SYDNEY CITY COUNCIL – CANCER RESEARCH – JOINT MESSAGE TO RATEPAYERS (5275977)

Documents relating to the proposed Cancer Research Program were received and were tabled at the Finance Committee meeting.

This matter was submitted to Council without recommendation.

Moved by The Mayor, seconded by Councillor Shaw.

That Council agrees to a letter similar to the Sydney City Council proposal as

outlined in documents before Councillors being sent to the ratepayers in respect of Cancer Research.

Carried.

The Finance Committee Meeting terminated at 7.42 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

27 November 2002

PRESENT

Councillor Christine Harcourt (Chairperson)

The Mayor, Councillor Tony Pooley and Councillors – John Bush and Shayne Mallard

At the commencement of business at 7.43 pm those present were -

The Mayor and Councillors - Bush, Harcourt and Mallard

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

The recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

STREETS – MACLEAY STREET, KINGS CROSS – ERECTION OF PEDESTRIAN BARRIER FENCE (2027995)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Shaw.

That the matter be deferred to the next Community Services Committee meeting for consideration and to be dealt with in conjunction with the Fitzroy Gardens issue and that the Copy Right aspect in respect of the pedestrian barrier fence be investigated and reported on.

Carried.

The Community Services Committee Meeting terminated at 8.01 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

27 November 2002

PRESENT

Councillor Jill Lay (Chairperson)

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

At the commencement of business at 6.40 pm, those present were -

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

Moved by the Chairperson (Councillor Lay), seconded by Councillor Shaw.

That the Report of the Planning and Development Committee of its meeting of 27 November 2002, be received and the recommendations set out below for Items 1,2,4,6,7,9 and 11 inclusive, be adopted. The recommendations for Items 3,5,8,10 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

COOK ROAD, NOS.153-155, CENTENNIAL PARK – DEMOLISH REAR OF EXISTING DWELLINGS AND ERECT PART THREE/PART FOUR STOREY RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U02-00770)

Deferred to the next Planning and Development Committee Meeting to be held on 11 December 2002, in order that the original objectors to this application be notified of the meeting.

Carried.

2.

BEACONSFIELD STREET, NO. 19, BEACONSFIELD – DEMOLITION OF COTTAGE AND ERECTION OF THREE DWELLINGS – DEVELOPMENT APPLICATION (U02-00093)

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Southmarc, with the authority of Graham South, for permission to demolish the existing cottage and to erect a multiple dwelling development on 3 levels, to accommodate 3 townhouses, with associated car parking, for the following reasons, namely:-
- (1) That the proposal is inconsistent with Clause 21A(1)(c) and (g) of Local Environmental Plan 1998, in that the building form is not in keeping with the adjoining development and will detract from the amenity of nearby residents;
 - (2) That the proposed development is inconsistent with clause 28(1)(c) and (d) of the Local Environmental Plan 1998 in that it is not compatible with the scale and design of neighbouring development and has the potential to adversely impact on adjoining properties by way of privacy and loss of sunlight;
 - (3) That the proposal exceeds the maximum permissible FSR as outlined in Part E,2.2 in Development Control Plan 1997 – Urban Design, and has an unacceptable visual bulk and scale;
 - (4) That the proposal exceeds the maximum permissible height as specified in Part E, 2.3 in Development Control Plan 1997 – Urban Design, and will have an adverse impact on adjoining properties in terms of bulk, scale and overshadowing;
 - (5) That the proposed development will have an adverse impact on the amenity of adjoining properties by way of loss of privacy and solar access, in accordance with Part E, 4.1, 5.1 of Development Control Plan 1997 Urban Design respectively;
 - (6) That in the circumstances of the case, approval of the application is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

**DARLINGHURST ROAD, NO. 138, DARLINGHURST – FITOUT FOR
GROUND FLOOR CAFÉ OPERATING 7AM TO 10PM SIX DAYS, 8AM TO
10PM SUNDAYS – DEVELOPMENT APPLICATION (U02-00942)**

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 Transplann Architects, with the authority of Dilinata Pty Ltd, for the fitout of a ground floor café, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans labelled DA01, DA02, DA03, DA04 drawn by Transplann and dated September 2001, subject to conditions;
 - (2) That the hours of operation shall be restricted to between 7.00am to 8.00pm, Monday to Saturday, and 8.00am to 10.00pm Sunday;
 - (3) That in respect of the cafe each evening:
 - (a) that no person must be permitted entry after closing time;
 - (b) that all customers on the premises must leave within 30 minutes of closing time;
 - (4) That no amplified music is to be projected onto the public way;
 - (5) That no on-site entertainment be permitted without prior approval of Council. Any entertainment proposed in future shall be accompanied by an environmental acoustic assessment undertaken by a suitably qualified acoustic consultant describing and assessing the impact of the likely noise emissions and be subject to Council approval;
 - (6) That signage shall be placed within the premises advising patrons to minimise the amount of noise they generate when leaving the premises.
 - (7) That no stickers, signs, flags or the like are to be attached to the external facade of the building or inside of the window;
 - (8) That the retractable awning shall only be fully extended during the approved hours of operation of the café and that outside these hours the awning shall be fully retracted;
 - (9) That all relevant sections of the BCA shall be complied with;

- (10) 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;
- (11) 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;
- (12) That the requirements of the Work Cover Authority shall be complied with;
- (13) 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;
- (14) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (15) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (16) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (17) That the demolition work shall comply with Australian Standard 2601-1991;
- (18) 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 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;
 - (b) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;

- (c) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
 - (d) That all glazed assemblies shall comply with clause B1.3(h) of the BCA;
 - (e) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (f) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
 - (g) That all essential fire safety measures shall be extended to cover the proposed area, to be constructed, and all system being certified to comply with all codes and the BCA;
 - (h) That toilet facilities shall be redesigned to comply fully with the requirements of Table F.2.3 of the BCA;
 - (i) That access and facilities for people with disabilities shall comply fully with the requirements of Part D.3 and F.2.4 of the BCA respectively;
- (19) 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;
- (20) 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 \$100, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (21) That the applicant shall apply to the Director of Public Works and Services under section 125 of the Roads Act, 1993 for a licence

to operate a restaurant on the footway of 138 Darlinghurst Road, Darlinghurst;

- (22) 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;
- (23) 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;
- (24) 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;
- (25) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (26) 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);
- (27) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (28) That the use of the premises shall not give rise to transmission of noise to any place of different occupancy;
- (29) That the plans and specifications demonstrating compliance with the National Code for the construction and Fitout of Food Premises and the Food Act 1989 for the following aspects of the development shall be submitted and be to the satisfaction of Council's Health Services Manager:
 - (a) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to the food preparation area;
- (30) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (31) That the kitchen exhaust hood shall be designed, constructed and installed in accordance with AS.1668.2, 1991, Appendix E.

- (32) That the kitchen exhaust air discharges shall be in accordance with Section 3.7 Air Discharges of AS.1668.2, 1991.
- (33) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
- (34) That the mechanical exhaust ventilation system to the toilets must exhaust at least 10 l/s per square metre of floor area of each sanitary compartment but not less than 25 l/s from each sanitary fixture and at least 5 l/s per square metre of floor area from each privacy lock. Each 0.6m length of urinal or part thereof shall be equivalent to one fixture;
- (35) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (36) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (37) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
 - (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;

NOTES:

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

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

- (2) Your attention is drawn to the requirements of the Smoke-Free Environment Act 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas. (Some exemptions do apply).
- (3) Prior to the commencement of food handling operations, the food business must notify the NSW Health Department of the following information including:
 - ? contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
 - ? the nature of the food business; and
 - ? the location of all food premises of the food business within the jurisdiction of NSW Health.

You may notify the NSW Health Department via the Internet on www.foodnotify.nsw.gov.au or hard copy using the attached notification. Failure to notify the NSW Health Department may result in a penalty not exceeding \$2,750.

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

It was moved by Councillor Lay, seconded by Councillor Harcourt that the motion be amended by the following namely:-

- (1) That the premises shall be sound proofed to Environmental Planning Authority Standards.
- (2) That the seating capacity for patrons be reduced from 80 to 60 persons;
- (3) That the subject premises be on a one year trial;
- (4) That the opening hours of the premises be from 7.00 am to 8.00 pm daily;

- (5) That the garbage collection of the subject premises be from 8.00 am to 9.00 pm daily.

Amendment negatived.

It was moved by the Mayor, seconded by Councillor Mallard that the whole of the above motion be deleted and the following new resolution be inserted in lieu thereof, namely:-

That the matter be deferred to the next Planning and Development Committee Meeting to be held on 11 December 2002, for a further report, subject to the additional information being supplied in regard to the subject premises namely:-

- (1) The history of the subject premises
- (2) The sound proofing of the subject premises
- (3) The adequacy of exists from the subject premises
- (4) The hours of operation of the subject premises
- (5) The seating capacity of patrons of the subject premises
- (6) The garbage collection times from the subject premises.

Motion, as amended by consent, carried.

4.

BRODRICK STREET, NOS. 1 - 11, CAMPERDOWN – ALTERATIONS AND ADDITIONS TO WAREHOUSE TO CREATE 22 RESIDENTIAL UNITS, COMMERCIAL UNIT AND GROUND LEVEL CAR PARKING – DEVELOPMENT APPLICATION (U02-00665)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Design Studio 407, with the authority of Raynbell Pty Ltd, to undertake alterations and additions to create 22 residential units, one commercial tenancy and ground level car parking at Nos. 1-11 Brodrick Street, Camperdown, for the following reasons, namely:-
 - (1) That the proposal does not comply with the aims and objectives of LEP 1998.
 - (2) That the proposal does not comply with the requirements of Part E, Section 2 (2.2) of DCP 1997 in respect to Floor Space Ratio and the applicant has failed to provide satisfactory justification for the departure from this control.

- (3) That the proposal does not comply with the requirements of Part E, Section 2 (2.3) of DCP 1997 in respect to height and the applicant has failed to provide satisfactory justification for the departure from this control.
 - (4) That the proposal fails to satisfy the requirements of Clause 21(1)(g) of LEP 1998 in relation to impacts on residential amenity.
 - (5) That the plans are of an inadequate quality to permit full assessment of the development application.
 - (6) That the internal amenity of the future occupants of the building would be unacceptably compromised as a result of the design of the proposal.
 - (7) The applicant has not sought the consent of adjoining property owners regarding the provision of openings in the rear wall of neighbouring properties.
 - (8) Approval of the proposal would not be in the public interest in light of the circumstances of the case.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That the applicant be invited to discuss with Council Officers an alternative development proposal which responds appropriately to be reasons for refusal.

It was moved by Councillor Lay, seconded by Councillor Shaw that the whole of the above motion be deleted and the following new motion be inserted in lieu thereof namely:-

That the matter be deferred to allow for further discussions between Council Officers and the applicant.

Motion, as amended by consent, carried.

5.

DARLINGHURST ROAD, NOS. 207 – 211, DARLINGHURST – REFURBISH PART OF EXISTING BUILDING, DEMOLISH STRUCTURE TO REAR AND ERECT NEW RESIDENTIAL FLAT BUILDING – DEVELOPMENT APPLICATION (U02-00345)

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Mallard:-

That the matter be deferred for amended plans to be submitted which includes improvements to:-

- (1) solar access to the ground floor;
- (2) reduction of the height of the building by one floor.

Carried.

6.

KING STREET, NO. 221, NEWTOWN (COOPERS ARMS HOTEL) – USE AS A PLACE OF PUBLIC ENTERTAINMENT – DEVELOPMENT APPLICATION (U02-00810)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 and Section 68 of the Local Government Act 1993 to the development application submitted by David Cooper, with the authority of David and Michael Cooper, to use the ground floor of the Coopers Arms as a Place of Public Entertainment between 2pm and 8pm Saturdays and Sundays, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plan numbered EL01 dated April 2002 subject to conditions of consent;
 - (2) That use as a Place of Public Entertainment shall be restricted to between 2pm and 8pm Saturdays and Sundays;
 - (3) That use as a Place of Public Entertainment shall commence within 6 months of the date of this consent and shall cease after a period of 12 months from the date of commencement. A further development application may be lodged before the expiration of the 12 months trial period for Council's consideration of the continuation of the proposed use (it should be noted that the trial period and the consent may be deemed not have commenced unless the full range of hours approved has continually occurred during the trial period);
 - (4) That the use of the premises as a Place of Public Entertainment shall operate generally in accordance with the Plan of Management for the Coopers Arms Hotel dated September 2002 held on file U02-00810. A copy of this Plan of Management shall be made available for viewing at the Coopers Arms;
 - (5) That the use of the premises as a Place of Public Entertainment shall operate generally in accordance with conditions outlined by the NSW Police Service in its letter dated 27 September 2002 held on file U02-00810, specifically the following conditions:

- (a) That the applicant shall employ registered security officers that are instructed to act at all times as Security and not assist in the picking up of glassware;
 - (b) That security officers shall be deployed inside, on the door and outside the premises to ensure the acceptable behaviour of its patrons, especially after leaving;
 - (c) That security officers shall have counters, security identification and relevant certificates upon them at all times and be produced to any police officer in accordance with the Security Industry Act;
 - (d) That the applicant shall notify the Police at least seven days, preferably 28 days, prior to the entertainment as to the type and times they will be performing, so that the Police can respond accordingly;
 - (e) That video surveillance shall be operational from one hour prior to the time of 2pm to one hour after the Place of Public Entertainment time of 8pm, and shall be kept for a period of 28 days;
 - (f) That entertainment shall consist of no more than four members;
- (6) That the number of people in the hotel during its use as a Place of Public Entertainment shall be restricted to a maximum of 250 patrons at any one time;
 - (7) That a noise monitoring limiter shall be fitted to the Hotel's Public Address system subject to Environmental Protection Authority requirements, as recommended in the submitted Plan of Management dated September 2002;
 - (8) That a black box shall be installed that cuts power should the prescribed decibels be exceeded and shall be in place prior to the issue of the Place of Public Entertainment license;
 - (9) That entertainment shall be positioned so that the majority of noise (including Public Address and speaker systems) shall be projected away from the direction of residential properties;
 - (10) That a sign shall be provided on the doors exiting onto Hordern Street, directing patrons to use the King Street exit door after 9:30pm Monday to Friday and after 1pm Saturday and Sunday except in case of a fire or other emergency. These emergency egresses to Hordern Street shall be wired to trigger a loud alarm upon use of the doors (or other acceptable alternative) to assist

monitoring and enforcement of the requirement that the doors not be used after stipulated hours;

- (11) That signage shall be erected on exit doors requesting that patrons respect neighbourhood amenity when leaving the premises and shall be in place prior to the issue of the Place of Public Entertainment license;
- (12) That a minimum of one uniformed security guard per 50 patrons shall be provided at the premises Saturday and Sunday from 1pm until 30 minutes after closing time or until the last patron has left the area patrolled. Duties shall include controlling noise and anti-social behaviour as patrons arrive or depart from the hotel, dispersing congregation on the footpath and ensuring patrons do not loiter in surrounding streets. The streets to be patrolled shall include King Street, Hordern Street, Victoria Street, Church Street, Mechanic Street, Crooks Lane and Egan Street for a radius of approximately 100m from the hotel;
- (13) That all loading and unloading of equipment associated with use as a Place of Public Entertainment shall only occur between 9am and 5pm Monday to Friday and between 10am and 9pm Saturday and Sunday;
- (14) That entertainment shall not be conducted on the premises until a copy of the entertainment approval is given by Council and that approval is displayed pursuant to Clause 13 of Schedule 1 of the Local Government (Approvals) Regulation 1999;
- (15) That the capacity for the entertainment area shall accord to the requirements of Clause D1.13 (and relevant clauses of Part D thereunder) of the BCA;
- (16) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternate solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That all doors fitted to egress doorways shall be hung in two folds where the doorway is more than 1m in width, fitted only with 'panic' bolts where required to be secured;
 - (b) That fabric used to cover closed-back upholstered chairs in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4(d) of the BCA;

- (17) That noise from patrons and amplified music emitted from the licensed premises shall comply with the following criteria, namely:-
- (a) That the L10 noise level emitted from the licensed premises shall not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

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

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That the applicant be advised that Council may be in a position to issue the final Place of Public Entertainment approval subject to demonstrating compliance with all conditions of consent.

It was moved by Councillor Lay, seconded by Councillor Shaw that the motion be amended by the deletion of Condition No.12 and the insertion in lieu thereof, of a new clause No. 2 namely:-

- (12) That a minimum of two (2) uniformed security guards shall be provided at the premises Saturday and Sunday from 1.00 pm until 30 minutes after closing time or until the last patron has left the area patrolled. Duties shall include controlling noise and anti-social behaviour as patrons arrive or depart from the hotel, dispersing congregation on the footpath and ensuring patrons do not loiter in surrounding streets. The streets to be patrolled shall include King Street, Horden Street, Victoria Street, Church Street, Mechanic Street, Crooks Lane and Egan Street for a radius of approximately 100m from the hotel;

Carried.

7.

BOURKE STREET, NOS. 782 – 822, WATERLOO – STAGED DEVELOPMENT APPLICATION TO ESTABLISH BUILDING ENVELOPES FOR FORMER ACI SITE (U01-01130)

- (A) That pursuant to Section 80(4) of the Environmental Planning and Assessment Act 1979, Council approve the Staged Development Application submitted by Meriton Apartments Pty Ltd, at Nos. 782-822 Bourke Street, Waterloo, subject to the following conditions, namely:-
- (1) That development of the site shall be carried out in accordance with the Deed of Agreement between Meriton Apartments Pty Ltd and South Sydney City Council, signed on 26 November 2001;
 - (2) That development shall be in accordance with plans and information submitted with the application as amended 19 December 2001, except where amended by conditions of consent;
 - (3) That development of the site will require the submission of a separate development application for each Precinct;
 - (4) That development on the site takes into account the floor space area on the adjoining sites known as the 'Toyota' site, the AGM site, the Administration Building site, and Precincts D and J so that the total FSR on the block bounded by Lachlan, South Dowling, Bourke and Crescent Streets does not exceed an FSR (as defined) of 2.5:1.
- (B) That all those persons who made a submission in respect of the matter, be advised of Council's decision.
- (C) That the previous Council resolution dated 13 December 2000 which required public meetings for Development Applications on the ACI site be amended to read:
- "That Meriton Apartments maintain a public noticeboard on the former ACI site providing plans and details of current development applications on the site"
- (D) That the applicant be advised that Council requires all future development applications on the site, to incorporate a high standard of development in terms of both sustainability and urban design quality.

NOTE:

1. That Section 94 Contributions will be levied on all new development on the site, subject to the relevant section 94 Contributions Plan in place at the time of final determination of each development application;

2. That the provision of on-site car parking shall be assessed with the submission of each development application, subject to the rates required under Council's Car Parking Policy at that time.

Carried.

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

8.

ELIZABETH STREET, NO. 534, REDFERN – ALTERATIONS AND ADDITIONS TO TWO STOREY ATTACHED TERRACE HOUSE (U02-00976)

This matter be submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay.

That the matter be deferred to the next Planning and Development Committee meeting to address:-

- (1) the proposal being amended so that the first floor extension would be in line with the adjoining first floor extension to the north of the site; and
- (2) The legal status of the rear ground floor of the subject property.

Carried.

9.

LOUIS STREET, NOS. 28 – 54, REDFERN – REFURBISHMENT OF AN EXISTING WAREHOUSE – DEVELOPMENT APPLICATION (U02-00461)

(A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Patrick Mulqueeny, with the authority of South Sydney Council, to carry out alterations and additions in respect of the premises at Nos. 28 – 54 Louis Street, Redfern in order to refurbish the existing warehouse building so that it can function as a multipurpose community centre, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with the Development Application submitted on 7 May 2002 and the associated Statement of Environmental Effects dated 22 April 2002, stamped and endorsed by Council, and subject to the following conditions:

- (2) That the multipurpose centre's operating hours shall be limited to 9 am to 9 pm daily, except that these hours may be extended to 11 pm on no more than ten (10) occasions per annum.
- (3) That a system of reflection mirrors shall be installed to assist vehicle movements across the footway at the vehicular access point in Hugo Street to the satisfaction of the Director of City Works;
- (4) That an external illumination system shall be installed to the satisfaction of the Director of City Works, for the purpose of promoting safety and security;
- (5) That a back to base alarm system shall be installed at the centre to the satisfaction of the Director of City Works, for the purpose of promoting safety and security;
- (6) That the external face brickwork on the street elevations is to be cleaned and paint removed using a method that does not damage the brickwork. The face brickwork is not to be rendered, painted or coated;
- (7) That, on the street elevations of the building any repairs to, or replacement of, original building fabric, including windows and brickwork, is to match as closely as possible the original details;
- (8) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (9) 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 standards can be satisfied:
 - (a) 9319 "A"; "3"
 - (b) 9307
 - (c) 9421
 - (d) 9418
 - (e) 9608
 - (f) 9610
 - (g) 9601
 - (h) 9606
 - (i) 9615
 - (j) 9507
 - (k) 9506
 - (l) 9501
 - (m) 9502
 - (n) 9503
 - (o) 9519
 - (p) 9520

- (q) 9518
- (r) 9522
- (s) 9521
- (t) That access for people with disabilities shall be provided in accordance with Part D3 of the BCA

and the following standard conditions:

- | | | |
|------|-------|---|
| (10) | 30 | Builders hoarding permit |
| (11) | 32 | Alignment levels |
| (12) | 1109 | Consolidate lots |
| (13) | 1110 | Display street number |
| (14) | 1111 | Setback of awning |
| (15) | 3101 | Obstruction of the public way |
| (16) | 3102 | Work zones |
| (17) | 3104 | Delivery of construction materials |
| (18) | 3109 | Off-street car parking for construction workers |
| (19) | 3110 | Pedestrian safety |
| (20) | 3111 | Associated roadway costs |
| (21) | 4101 | Stormwater (general) |
| (22) | 6101 | Garbage on public way |
| (23) | 6102 | Refuse skips |
| (24) | 99013 | Drainage details with construction certificate |
| (25) | 99014 | Stormwater design certificate |
| (26) | 99016 | Stormwater certificate at completion |
| (27) | 7025 | Ventilation |
| (28) | | That construction, fitout and finishes of the kitchen to level 3 shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises; |
| (29) | 7016 | Sanitary facilities |
| (30) | 7008 | Construction noise |
| (31) | 7004 | Emissions |
| (32) | 7091 | (a); (b); (d); (e) Environmental management plans |
| (33) | 7087 | Soil and sediment: drains, gutters |
| (34) | 7090 | Soils and sediment: covering of loads |
| (35) | 7030 | Noise |
| (36) | 7017 | (a); (r) Details of health aspects |
| (37) | 9007 | Structural |
| (38) | 9151 | Construction hours |
| (39) | 9156 | Building demolition/noise control |

NOTE 1:

The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning and Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil,

excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system, or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

NOTE 2:

Prior to commencement of food handling operation, the food business must notify the NSW Health Department of the following information including:

- ? Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
- ? The nature of the food business; and
- ? The location of all food premises of the food business within the jurisdiction of NSW Health

You may notify the NSW Health Department via the Internet on www.foodnotify.nsw.gov.au or hard copy using the attached notification.

Failure to notify the NSW Health Department may result in a penalty not exceeding \$2,750.

NOTE 3:

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

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 surrounding area and would not be in the public interest.

- (B) The applicant be advised that the applicant may be liable for prosecution under the Local Government Act 1993 for breach of an approved condition.

Carried.

10.

MACLEAY STREET, NOS. 50-58, POTTS POINT (REX HOTEL) – SECTION 96 APPLICATION TO MODIFY DEVELOPMENT CONSENT FOR CONVERSION OF REX HOTEL TO APARTMENTS BY REPLACING CAR PARK STACKING SYSTEM WITH NEW CAR PARKING LEVELS AND OTHER MINOR ALTERATIONS (U01-01310)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

The matter be deferred to the next Planning and Development Committee in order that the report dated 4 December 2002, submitted to Council maybe adequately assessed.

Following discussion on the matter, Councillor Lay withdrew her original motion.

It was moved by Councillor Lay, seconded by Councillor Harcourt that the recommendation as contained in the joint report by the Executive Manager Assessments and the Area Planning Manager, City Environment dated 4 December 2002, namely:-

- (1) Findings and recommendation of Consultant Planner's report be received and noted;
- (2) A further report assessing cumulative impact and clarifying discrepancies in the construction management plan be prepared for Council's meeting of 18 December 2002;
- (3) In the event of an environmental threat and/or nuisance being discovered, authority be delegated to Executive Manager-Assessments to immediately initiate Class IV Findings in the Land and Environment Court of NSW.

-be approved and adopted.

Carried.

11.

ELIZABETH STREET, NO. 666, WATERLOO – USE AS COMMERCIAL BROTHEL - DEVELOPMENT APPLICATION (U01-00888)

- (A) That the Council as the responsible authority grants its consent to the application submitted by Trayjon Catering with the authority of Rhett Bulter for permission to use the subject premises as a commercial brothel, subject to the following conditions, namely:-
- (1) That the development shall be carried out in accordance with submitted plan ref 2001-401/2 as amended to satisfy the below mentioned conditions;
 - (2) That the maximum number of sex workers shall not exceed 4 at any one time;
 - (3) That the hours of operation shall be restricted to between 10.00am and 6.00p, Saturday and Sundays;
 - (4) That the use shall operate only in accordance with the provision of the Plan of Management dated August 2001 submitted with the application except where it is inconsistent with any condition in this consent in which case requirements of these conditions shall prevail;
 - (5) That a minimum of one off street parking space shall be maintained in the rear yard for use in conjunction with the development and the roller shutter door providing access to the yard shall be kept closed at all times that the brothel use is operating, except to provide vehicle access;
 - (6) That the windows facing onto the southern side boundary shall be fitted with non-transparent material, to maintain privacy to the adjoining property;
 - (7) That sanitary facilities accessible by all clients and separate sanitary facilities for staff shall be provided and maintained on the premises;
 - (8) That escort services shall not be provided by the premises and any proposed escort service shall be the subject of a separate development application for approval prior to the activity commencing;
 - (9) That no sex worker under 18 years of age shall work on the premises;
 - (10) That the premises shall provided regular access to, and facilities for, sexual health services to deliver outreach and health educational workshops;

- (11) That a staff noticeboard shall be clearly displayed in the staff room and it should be used solely for the display of health educational material and a list of the contact details of relevant health and sexual health services;
- (12) That a safe and accessible staff room in a non-working area shall be provided, with appropriate facilities (fully equipped bathroom, food and beverage preparation areas) for staff on breaks, which is separate from the client lounge/viewing area;
- (13) That the workplace shall provide workers who do not have adequate English language skills and/or who have low literacy skills, with health resources in appropriate format and language;
- (14) That no door locks shall be fitted on the working rooms;
- (15) That no internal surveillance video cameras shall be installed in the staff room;
- (16) That the proprietor shall provide written evidence that worker education and resource material is available to employees at all times;
- (17) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (18) That premises shall be maintained in clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (19) That suitably constructed waste disposal containers with securely fitting lids shall be left on the premises for the reception of any clinical, contaminated or related waste arising from the approved use and final disposal of the materials shall be effected at a facility approved by the Environment Protection Authority;
- (20) That vinyl protection covers shall be provided for all mattresses;
- (21) That the proprietor shall ensure that all linen, towelling and other bed coverings which come into contact with clients shall be changed immediately after each use;
- (22) That the proprietor shall ensure that sex workers are adequately trained to examine clients for any visible evidence of sexually transmitted disease and that examinations are conducted before any sexual contact.
- (23) That the wash hand basins shall be provided with a mixing device which can be adjusted to enable hands to be washed under hot running water;

- (24) That the garbage receptacle storage area provided within the site shall be in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (25) That the applicant shall enter into a commercial contract for the collection of trade waste;
- (26) That the use of the premises shall not give rise to:
- (a) Transmission of "offensive noise" to any place of different occupancy, and
 - (b) A sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{A10, 15min}$ and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and
 - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (27) 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;
- (28) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (29) 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;
- (30) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (31) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to

the certifying authority, illustrating how the relevant performance requirements can be satisfied:

- (a) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
- (b) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (c) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (d) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (e) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (f) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (g) That any cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing -/60/30 fire door in accordance with D2.8(b) of the BCA;
- (h) 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;
- (i) That doorways to suites and waiting rooms shall be protected by self closing solid core doors not been that 35mm thick;
- (j) That a suitable smoke fire system shall be installed throughout the premises;

- (32) That all relevant sections of the BCA shall be complied with;
- (33) 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;
- (34) 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;
- (35) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (36) That the requirements of the Work Cover Authority shall be complied with;
- (37) That any signage shall be limited to a non-illuminated external wall sign no greater than 0.6m x 0.3m and shall not display words or images which are in the opinion of Council sexually explicit, lewd or otherwise offensive.

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

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

NOTE 1: The proprietor's attention is drawn to the provisions of Section 13 of the Public Health Act, 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agrees to accept the risk.

NOTE 2: Your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas. (Some exemptions do apply.)

- (B) That the persons who made representation in regards to the application be notified of Council's determination.

Carried.

(Councillor Fowler requested that his name be recorded as voting against the foregoing motion).

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

NOTICES OF MOTION

1.

PLANNING – TAYLOR SQUARE – OXFORD STREET, FLINDERS STREET AND BOURKE STREETS, DARLINGHURST/SURRY HILLS – REMOVAL OF SYDNEY BLUE GUM TREE – QUESTION WITHOUT NOTICE BY COUNCILLOR AMANDA LENNON – NOTICE OF MOTION TO RESCIND (2023657)

By Councillors Fowler, Lennon and Mallard.

That resolution of Council of 20 November 2002, as approved and adopted in the General Managers minute dated 18 November 2002, Option (C) in part one and clause (2) of the recommendation as follows:-

Option C: Remove the subject tree and construct Taylor Square upgrade in accordance with the adopted Concept Design Plan and Development Application.

- (2) Allocate additional funds for the independent reports referred to in this report in the amount of \$7,000.

-be rescinded.

2. **By Councillor Mallard.**

That Option (B) in the General Managers minute dated 18 November 2002, namely:-

Proceed with Option B - Attempt to retain the subject tree *Eucalyptus saligna* (Sydney Blue Gum) by instructing the consultant to redesign and document in accordance with Option B; AND Allocate additional funds of \$213,000 (GST excl.) (\$21,300 – Revenue, \$191,700 – Section 94) to 2002/2003 Works Program – Taylor Square Environmental Streetscape - Budget Ref. 45-101.

be amended by the deletion of all the words after the word "AND" where appearing in the 3rd line of the recommendation and the insertion in lieu thereof of the following new words, namely:-

"allocate additional funds of \$213,000 (GST exclusive) from identified capital works savings in the North Ward budget for 2002-2003 and be allocated to 2002/2003 Works Program – Taylor Square Environmental Streetscape – Budget Ref 45-101"

Negatived.

A show of hands was requested.

Motion lost 4 votes to 5.

3.

DEVELOPMENTS – MULTI-STOREY – WORKING OUTSIDE OF APPROVED HOURS – INCREASE IN FINES

By Councillor Lennon.

That the fine for working outside agreed hours be increased from \$600 to \$5,000 for multi-storey developments.

It was moved by Councillor Lennon, seconded by Councillor Shaw, that Council write to the Minister for Planning and that the matter be also referred to the next Local Government Conference.

Carried.

The Council Meeting terminated at 8.42 p.m.

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

CHAIRPERSON

GENERAL MANAGER