

**312<sup>th</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
463937

**Wednesday, 18 December 2002**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30 pm on Wednesday, 18 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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The Chairperson opened the meeting and welcomed those present to the last Council Meeting for the year 2002.

### **URGENCY MOTION**

At this stage, it was moved by Councillor Bush, seconded by Councillor Mallard that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the proposed closure of Redfern Public School.

### **PUBLIC RELATIONS – REDFERN PUBLIC SCHOOL – PROPOSED CLOSURE (2024409)**

That this Council strongly opposes the closure of Redfern Public School this Friday and calls upon the Mayor to urgently write to the Premier and Education Minister demanding that they intervene to reverse the decision in line with the motions adopted by that meeting and that Council liaise with P&C, provide support, resources and financial assistance to the campaign to keep the school open.

The Mayor ruled that this matter was not an Urgency Matter as Councillors are well aware of Council's position in respect of representation to have the school remain open.

Councillor Fowler moved a point of order and a motion of dissent on the Mayor's ruling saying that the proposed closure date for the Redfern Public School was this coming Friday the 20<sup>th</sup> December 2002.

The Mayor then put the motion of dissent by Councillor Fowler to the vote.

Motion of Dissent carried 5 votes to 4.

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

That this Council strongly opposes the closure of Redfern Public School this Friday and calls upon the Mayor to urgently write to the Premier and Education Minister demanding that they intervene to reverse the decision in line with the motions adopted by that meeting and that Council liaise with P&C, provide support, resources and financial assistance to the campaign to keep the school open.

Carried.

### **Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 4 December 2002, be taken as read and confirmed.

Carried.

**MINUTE BY THE MAYOR**

18 December 2002

**PUBLIC ELATIONS – RECOGNITION - EMERITUS MAYOR – AWARD TO  
FORMER MAYOR, COUNCILLOR VIC SMITH (2028081)**

**TO COUNCIL**

The Local Government Association of New South Wales has awarded the former Mayor, Councillor Vic Smith with the title of “Emeritus Mayor”.

The award is in recognition of his service to the people, in the position of Mayor of South Sydney from 1989 to 2000.

During his time as Mayor, the Council initiated many important projects, including the restoration and refurbishment of Paddington, Redfern and Alexandria Town Halls, the refurbishment of the Oxford Street properties and activity clubs/community centres, the redevelopment of Sydney Park, the Heritage Plan, the Green Square Development Masterplan and the Alexandra Canal.

I congratulate the former Mayor, Councillor Vic Smith, on achieving such a prestigious award and thank him for the outstanding service and contribution he has given to South Sydney and its residents.

Councillor Tony Pooley (SGD)  
**MAYOR**

Moved by Councillor Harcourt, seconded by Councillor Lay,

The Minute by the Mayor be approved and adopted.

Carried.

Various Councillors rose and spoke of how the former Mayor along with other Councillors and staff was instrumental in initiating policies that were innovative to Local Government.

The Mayor then presented the Emeritus Certificate to the former Mayor, Councillor Vic Smith, to the acclamation of those present.

**MINUTE BY THE MAYOR**

18 December 2002

463157

**PUBLIC RELATIONS – CHRIS O’NEIL TRUST - SYDNEY  
CRICKET TEST– FRIDAY 3 JANUARY 2003 – BREAKFAST FUNDRAISER FOR  
SOUTH SYDNEY YOUTH SERVICES (2019355)**

An invitation has been received by the University of NSW and South Sydney Youth Services, inviting Council to the Chris O’Neil Breakfast on Friday 3 January 2003, at the Aussie Stadium.

Chris O’Neil passed away on 18 November 1998, his generosity, time and his tireless work for the Western Suburbs District Cricket Club, was reflected in the extraordinary efforts of the cricketers and South Sydney Communities in establishing the Children of Chris O’Neil Trust.

South Sydney Youth Services is a registered charity and 50 percent of the proceeds will be given to the Charity Organisation with the balance to be shared between the Western Suburbs and University of NSW Clubs.

It is intended that South Sydney Council sponsor a table of ten at approximately \$850 at the breakfast, for this worthwhile cause, which Councillors and Senior staff will be invited to attend.

**Recommendation**

That Council purchase a table of ten at a cost of \$850 for the Chris O’Neil Breakfast to be held on Friday 3 January 2003, at the Aussie Stadium with the additional funds to be added to the 2002/2003 Donations Budget (1.245.6815.16410) to cover this expenditure but recouped from operational savings.

Councillor Tony Pooley (SGD)  
**MAYOR**

Moved by Councillor Harcourt, seconded by Councillor Lay,

The Minute by the Mayor be approved and adopted.

Carried.

## **MINUTE BY THE GENERAL MANAGER**

17 December 2002

### **PLANNING - REQUEST FOR COUNCIL TO BE A PARTNER IN A REVISED INNER CITY HOMELESSNESS OUTREACH SERVICE (2025801)**

#### **Purpose**

To outline a request from the Department of Housing for Council to become a partner in a revised inner city homelessness outreach service for an initial one year period.

#### **Background**

On 31 July 2002, Council resolved to become a partner in an inner city homelessness outreach service with the Department of Housing (DoH) and the City of Sydney. Council resolved to contribute a total of \$300,000 per annum to the project, comprising \$100,000 in cash and \$200,000 in in-kind support, including office accommodation for the outreach team, Council staff salaries, homelessness research and access to the boarding house accommodation within Council's building at 120 Oxford Street, Darlinghurst. The City of Sydney also resolved to commit \$300,000 per annum (in cash only), with the DoH contributing the remaining funds required and funding was required to be committed for a two year period.

The DoH undertook an expression of interest (EOI) process in October 2002 to enable appropriate non-government organisations to tender for the operation of the new outreach service. After several interviews, an appropriate organisation could not be found and the process was abandoned. It is understood that the City of Sydney has now resolved to withdraw their funding and support from the partnership project and operate a one year outreach service within the City of Sydney local government area (LGA) only.

#### **Proposal**

The DoH has requested a renewal of Council's financial and in-kind support for a revised homelessness outreach service. A significant difference with this proposed service model is that it will comprise staff from the Homelessness Action Team already existing within the DoH. These staff will be reconfigured into two distinct teams; one which provides a street-based outreach service to homeless men and women across the inner city and one which will provide the associated support services and follow-up functions.

The DoH has recently confirmed that this outreach service will be operating from 1 January 2003 although initially it will be an interim service with limited hours and staffing resources. Once some administrative issues have been resolved, a full-time outreach service comprising eight staff will operate from 6.00am to 10.00pm, seven

days per week in the identified 'hot-spots' in South Sydney, including Woolloomooloo, Kings Cross, Surry Hills and Redfern.

### **Implications for Council**

On any given night there are between 30 and 70 people sleeping on the streets and around 2000 in crisis accommodation or insecure housing. The areas of Woolloomooloo, Kings Cross, Darlinghurst, Surry Hills and Redfern are all areas where homeless people are sleeping or congregating during the day. The success of the Woolloomooloo Homelessness Outreach Service has raised expectations amongst homeless people and local residents and workers and it is crucial that an ongoing commitment is maintained after 31 December 2002.

Council now has the opportunity to partner the DoH in the provision of a new outreach service model for the next twelve months. Council's contribution is \$300,000 over this period, comprising \$100,000 in cash and \$200,000 in in-kind support. The proposed outreach team will focus specifically on priority homeless 'hot spots' in the South Sydney LGA. This will lead to improved access to housing and support for local homeless people and faster and more effective responses to concerns raised by local residents. The establishment of an outreach team across the South Sydney LGA will also complement the range of initiatives to be developed under Council's own Homelessness Strategy, due for completion by June 2003.

In relation to Council's in-kind contribution of office accommodation, Council's Properties Manager reports that there is little space available within the Administration Building on Mary Street. Alternatively, Council could utilise its existing property portfolio to accommodate the outreach team.

### **RECOMMENDATION:**

Arising from the report from the General Manager dated 17 December 2002, that Council approve funding of \$300,000 for a revised inner city homelessness outreach service with the Department of Housing, comprising \$100,000 in cash and \$200,000 in in-kind support.

Michael Whittaker (SGD)  
**GENERAL MANAGER**

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE EXECUTIVE MANAGER - ASSESSMENTS**

17 December 2002

**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 WITH NEW CAR PARKING LEVELS AND OTHER MINOR  
ALTERATIONS (U01-01310)**

**EXECUTIVE SUMMARY**

The proposed Section 96 modification seeks to modify the development consent for conversion of the Rex Hotel to apartments. The modification seeks through the excavation and construction of a lowered car park slab, to provide at grade parking to replace a car parking stacking system, alteration of the entry top Macleay Street, deletion of a window to Baroda Street and other minor changes.

The proposed modification seeks to reduce excavation adjacent to the residential property known as Kingsclere, with proposed excavation being in the portion of the site away from Kingsclere and also will now require less excavation than was originally proposed in the approved development.

At the Council meeting of 4 December 2002, Council again considered the matter and requested a further report for Council's meeting of 18 December 2002. The further report was aimed at assessing the cumulative impact of the proposed development and clarifying discrepancies in the applicant's environmental management plan.

Additional information in the form a revised environmental management plan has now been provided by the applicant and the application is recommended for approval. The revised environmental management plan details strategies, actions and controls to limit impacts on surrounding residents including regular community consultations.

Assessment has resulted in additional conditions being recommended in order to control and manage environmental impacts. These conditions relate to limiting the periods when percussive type equipment may be used on the site, require co-ordination of activity between development sites in the area, control traffic movement and require acoustic monitoring of work on the site. Council officers have contacted the owners of the adjacent residential development, Kingsclere, in order to undertake inspections and to ascertain whether any damage has occurred to these apartments. If any damage has occurred, and it is considered to be structural, an engineering consultant is to be engaged to inspect the building.

## RECOMMENDATION

### That Council:

- (A) In accordance with Section 96(2) of the Environmental Planning and Assessment Act, 1979, Council approve the modification to development consent DA U01-01310, subject to the following:
- (2) Add at end “as amended by architectural drawings numbered S96.2.01A dated 10 September 2002 and S96.2.02(A) to S96.2.09(A) dated 11 September 2002 drawn by Burley Katon Halliday.
  - (20)(c) Deleted . This condition relates to the window which is to be deleted from the Barouda Street frontage;
  - (26)(a) Deleted. This condition relates to the car stacking system which is to be deleted.
  - (26)(b) Deleted. This condition relates to the car stacking system which is to be deleted.
  - (26)(c) Deleted. This condition relates to the car stacking system which is to be deleted.
  - (25) *Add:* That a maximum of 146 car spaces shall be provided, the residential component of the development is limited to the maximum provision of the DCP No.11 being 60 spaces for the 1 bedroom units, 26 spaces for the 2 bedroom units, 25 visitors spaces; the retail component is limited to 31 spaces and the community facilities are limited to 4 spaces;
  - (26) Delete and replace as follows: That the parking spaces shall be appropriately line-marked and labelled prior to issuing an Occupation Certificate;
  - (40) Delete and replace follows: The construction/demolition/excavation/site operations incorporate all reasonable practicable and necessary noise mitigation measures to ensure that ‘offensive noise’ within the meaning of the Protection of the Environment Operation Act, 1997 is not emitted when assessed at or on any premises of different occupancy;
  - (41) Delete and replace as follows: That prior to the commencement of demolition/excavation/ construction activities an Environmental Management Plan (EMP) shall be developed. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by each phase of the proposed development. The EMP shall include but not be necessarily limited to the following measures:
    - (a) Measures to control noise emission from the site;

- (b) Measures to suppress odours and dust emissions;
- (c) Selection of traffic routes to minimise residential noise intrusions,
- (d) Soil and sediment control measures,
- (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
- (f) Community consultation;
- (g) The requirements of Council's City Environment Division;
- (h) Appraisal and outline of risks, safeguards and contingencies.

Note: A revised Environmental Management Plan shall be submitted for approval which considers the impact from the additional works proposed and their effect on the surrounding environment and the amenity of the area. As such any proposed reports are to be submitted to Council and should be considered the current proposal. These may include air water and noise management plans

- (69) *Add:* That acoustic investigation/monitoring of the proposed development is to be undertaken by suitable qualified Acoustical Consultants describing and assessing the impact of noise emissions from the site during the demolition, excavation and construction activities. The investigation shall include but not necessarily be limited to the following:
- (a) the identification of sensitive noise receivers potentially impacted by the proposal;
  - (b) the quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and EPA requirements);
  - (c) The identification of operational noise producing facets of the development and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises. Where appropriate the prediction procedures shall be justified and include an evaluation of prevailing atmosphere conditions that may promote noise propagation;
  - (d) Complaint response including contact numbers during excavation, demolition and construction activities;
  - (e) Noise reduction methods;
  - (f) Expected time period for excavation, demolition and construction activities;
  - (g) A statement indicating that the development is capable of complying with Council's imposed environmental conditions of consent together with details of acoustic control measures that

will be incorporated during the demolition, excavation and construction activities ;

- (70) *Add:* The subject to the agreement of the owner of the adjoining property at no.1 Greenknowne Avenue, Potts point, a dilapidation report (including a photographic survey) shall be prepared by a qualified structural engineer for the building, at the applicant's expense, and presented to the owner of that property, at least (seven) 7 days prior to the commencement of any works (including excavation works) associated with this development consent;
- (73) Add Condition 9162
- (74) Add Condition 9163
- (75) *Add* That the 2 car wash bays to be provided shall be identified and shall measure a minimum of 3.5 x 5.5m being for the exclusive use as car wash bays for the development. In this regard if parking needs to be reduced to achieve this outcome, then the reduction shall be made from residential tenant or retail tenant spaces only;
- (76) *Add:* That where small car spaces are provided, they shall have a minimum dimension of 2.3 wide by 5.0m long, and will be allowed for a maximum of 20% of the visitor spaces only in accordance with DCP 11. Small car spaces will not be accepted for tenant spaces.
- (77) *Add:* That a minimum of 3 spaces shall be provided for the exclusive use of people with disabilities;
- (78) *Add:* That details of appropriate electronic signals, line marking and signposting shall be provided to control priority of access to the 1 way ramps to levels B1 and B3 of the car park. Lines shall be marked on the pavement to indicate where vehicles are to sit when waiting for vehicles on the ramps. Red signals "Stop here – vehicles approaching" or similar, and green signals "Proceed with Caution" or similar shall be provided at each waiting point. The priority should be set to favour vehicles exiting from B1 and B3;
- (79) *Add:* The use of percussive equipment, including pneumatic hammers, is to be restricted to the hours of 7:00 am to 9:00 am, Monday to Friday, with no such equipment to be used on Saturdays or public holidays;
- (80) *Add:* That a schedule of work on the site for the following week be provided to site managers of surrounding construction sites, including the Manhattan, the Gazebo, 119 Macleay Street, Landmark Hotel site and the Sebel Town House site, and activities are to be scheduled by the site manager of the subject property in order to minimise impacts of construction and demolition works;

- (81) *Add:* Movements of trucks carrying excavated material from the site are to be coordinated through the use of two-way radios by the truck drivers so that there is only one truck present at the site and the succeeding truck is to wait at Cowper wharf road until being advised that the preceding truck has departed from the site;
- (82) *Add:* That an acoustic monitoring programme be implemented on a daily basis assessing the noise emanating from the construction site, with receivers located on the residential buildings known as Tara and Kingsclere and all the tenancies located on the subject property.
- (83) *Add:* That a plan of action is established should the noise acceptance limit be exceeded and shall include re-assessment with an accredited acoustic consultant in determining reduced noise levels and work practices. No work shall be permitted to continue until the noise acceptance limits are re-established and enforced as stated in the Environmental Management Plan by Southern Cross constructions dated 12 December 2002;
- (84) *Add:* That a log book be kept on site displaying the acoustic monitoring programme on all sensitive noise receivers showing compliance with the background plus 20dBA.
- (B) Detail in writing the poor performance/implementation of the PCA to the relevant Accreditation body.

## **DETAILED REPORT**

### **1.0 Background**

The Planning and Development Committee meeting of 27 November 2002, resolved to defer the consideration of the matter to Council without recommendation to allow for discussions to occur on the nature and allocation of car parking on the site, to allow for investigations of any breaches of construction hours by the applicant and also to allow for investigation of the construction methods on the site.

At the Council meeting of 4 December 2002 the following resolution was adopted:

- 1. Findings and recommendations of Consultant Planners report be received and noted;*
- 2. A further report assessing the 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 proceedings in the Land and Environment Court of NSW.*

Since the meeting of 4 December, Council officers have had on-going discussions and meetings with the applicant to ensure that a suitable action plan is submitted. A revised environmental management plan was submitted to Council on 13 December 2002 and the findings and recommendation of Council's City Environment Division is outlined in this report.

## **2.0 Strategic Outcomes**

The Executive Recommendation will, through the imposition of adequate environmental safeguards, contribute to the provision of sustainable South Sydney. The conditions recommended in this report for the effective control and management of the operation is in line with the objectives of the Statutory Planning Programme of Council's Management Plan.

## **3.0 Community Consultation**

An updated Community Consultation Plan is proposed which includes the following control measures:

- i) The issue of an updated Community Consultation Plan surrounding affected parties;
- ii) The weekly issue of "Community Bulletins" to keep the local community informed of upcoming activities. This will also be issued to the other development sites in the vicinity in order to limit the "cumulative" impacts of the works;
- iii) Meetings are to be held each Monday with key representatives of each community group, including residents of surrounding properties, to discuss issues of concern;
- iv) Key community group representatives are to be informed of any construction changes which may cause concern;
- v) A mechanism for recording complaints, correcting non-conformances, and a follow-up procedure for complaints is to be instituted;
- vi) Site managers of adjacent construction sites, the Manhattan, Gazebo, 119 Macleay Street, Landmark Hotel and Sebel Town House, are to be provided with a schedule of work to be undertaken in the following week on the subject site and requested to provide their own schedule of work. This will facilitate the co-ordination of construction activities across several sites within the immediate vicinity with the view to minimise the cumulative impact of the proposal.

## **4.0 Councillor/Officer Consultation**

The revised management plan was assessed by a range of specialists from Council's City Environment Division.

Over the next several weeks and in the new year, Council officers will be undertaking independent inspections of the adjacent residential property known as Kingsclere, in order to classify and qualify alleged damages as a result of work on the development site. If the damage is structural and is likely to endanger the occupants, Council will

arrange for an engineering consultant to inspect the building and will issue an order against the owners of the building to make good the damage.

In the mean time, an independent geotechnical consultant has been engaged to inspect the site and assess the report submitted by the builders geotechnical consultant to verify the accuracy of the findings and recommendation.

## **5.0 Environmental Issues**

### **5.1 Environmental Management**

As detailed in the 4 December report to Council, there were discrepancies in the Environmental Management Plan in relation to works on the site. These related to the following:

- i) The acoustic report submitted by Acoustic Logic Consultancy dated 27/11/02, contained discrepancies in the description of equipment and processes to be utilised in the excavation works;
- ii) As to whether percussive excavation equipment is to be used in the excavation work. Initially, the applicant proposed that there would be no unacceptable vibration or noise as a result of the works because non-percussive excavation methods were proposed, however other information provided referred to the use of percussive equipment.

The revised Environmental Management Plan provides a table detailing the proposed works, indicates possible environmental impacts and risks as a result of that work, and provides an assessment of the impacts and methods to control likely impacts. Percussive work is limited to the use of jack hammers and saws to trim excess concrete around columns left after the removal of the slab. It is noted that this activity is to be located away from the property known as Kingsclere.

The use of such equipment is to be limited to between 7.00 am and 9.00 am Monday to Friday and 7.00 am to 3.00 pm Saturday in order to limit impacts on adjacent non-residential uses. Council officers consider that it is not appropriate to allow such activity to occur on Saturdays and as such the use of such equipment should be limited to the 2 hour period 7.00am to 9.00am Monday to Friday and that there be no noise nuisance to tenancies on the site or surrounding residents outside of those times;

The revised Environmental Management Plan includes additional acoustic assessment by Acoustic Logic Consultancy which seeks to target a noise level for the high noise emitters such as percussive hammering at Background + 20 dB(A) within the vicinity of the Rex Hotel. However, assessment reveals that compliance with this limit to receivers within the commercial and community tenancies within the subject site cannot be practically achieved during periods of percussive hammering or saw cutting, as noise will be transmitted in the form of structure borne vibration.

In response it is now proposed, as detailed above, to limit the use of such equipment to 7.00am to 9.00 Monday to Friday and 7.00am and 3.00pm Saturday in order to limit the impact on these uses. It is not considered appropriate to allow such activity to occur on Saturdays and as such it is recommended that the use of such equipment be limited to between 7.00am to 9.00am Monday to Friday.

## **5.2 Cumulative Impacts**

The revised Environmental Management Plan addresses to address the potential cumulative impacts of construction on the subject site. Potential cumulative impacts of the proposed excavation works are considered to relate to traffic, vibration, and noise.

Specifically it is proposed to address these by:

- i) As part of the consultation programme being undertaken to provide site managers of adjacent construction sites (being the Manhattan, Gazebo, 119 Macleay Street, Landmark Hotel, and Sebel Town House) with a schedule of work for the following week on the subject property. Similarly, a schedule of work is to be requested from these adjacent sites. This will allow coordination of activities in order to lessen impacts;
- ii) It is proposed to utilise only three trucks in the removal of excavated material from the site. Truck movements are to be coordinated through the use of two-way radios so that there is only one truck being loaded with excavated material at a time and other trucks will not be permitted to proceed beyond Cowper Wharf Road until given instruction that the site is clear of the preceding truck;
- iii) Soft construction methods are generally proposed to achieve compliance with the safe limit recommended by Coffey Geosciences. Time limits are proposed for the use of equipment such as pneumatic hammers and saws, as detailed above, in order to limit any vibration impacts on surrounding uses.
- iv) An acoustic monitoring programme is to be implemented on a daily basis, assessing the construction demolition noise emanating from the building site. Monitoring locations are to include the adjacent residential properties of Tara and Kingsclere, as well as the commercial and community facilities located within the building structure, namely the Post Office, Community Centre, Library, Early Childhood Centre and Convenience Store.

## **6.0 Employment Outcome**

The application will not have a significant impact on employment within South Sydney City.

## **7.0 Council Policy Compliance**

There is a history of non-compliance with conditions of consent, particularly those relating to construction and demolition. These relates to breaches in the hours of work on the site, carriers being left on the road and parking breaches. These are detailed in the Consultant Planner's report of 3 December 2002, which is appended to this report.

In order to ensure compliance it is recommended that, additional monitoring of noise limits at receiver points within the commercial and community facility tenancies on the site. It is also proposed in Part (B) of the recommendation to write to the relevant Accreditation body concerning the poor performance of the PCA in respect of monitoring work on the site.

## **8.0 Legislative Compliance**

The proposed section 96 modification was notified in accordance Council's policy and the requirements of the Environmental Planning and Assessment Act, 1979. There have been numerous breaches of consent conditions and it is proposed to increase monitoring of work on the site.

## **9.0 Delegation of Authority**

Council officers do not have the delegated authority to determine this application and a further report has been prepared for Council in accordance with Council's resolution of 4 December 2002.

## **10.0 Relevant Precedents**

There are no relevant precedents applicable to this application.

## **11.0 Possible Options**

Possible options available for the consideration of this application include:

### ***11.1 Refusal of the subject section 96 application to modify the original consent:***

This would most likely result in Council's decision being the subject of an appeal to the Land and Environment Court and would not give Council the opportunity to ensure appropriate measures are in place to limit the impacts of construction/demolition on the site as the work would continue without the additional monitoring and action measures detailed in the Recommendation. This would not provide a means for solving the problems presently being experienced by surrounding residents and tenants in relation to work occurring on the subject property;

### ***11.2 Approval of the Section 96 application without the additional measures proposed in this Recommendation:*** This would not have allowed for the integrated and holistic approach achieved in the Recommendation, which as

detailed in this report, allows for increased monitoring of work on the site, imposes additional environmental safeguards.

## **12.0 Financial Implications**

There will be no financial implications for Council if legal action is required following further breaches of conditions.

Roger Quinton  
**Area Planning Manager (SGD)**

Peter Zadeian  
**EXECUTIVE MANAGER – ASSESSMENTS (SGD)**

Moved by the Mayor, seconded by Councillor Harcourt:-

That the minute by the Executive Manager - Assessments, be approved and adopted.

Carried

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

## **QUESTIONS WITHOUT NOTICE**

1.

### **PLANNING – TAYLOR SQUARE – REMOVAL OF TREE - AUTHORISATION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2925006)**

#### **Question:**

After the last Council meeting at which the Council voted by 5 votes to 4 to remove the Blue Gum Tree from Taylor Square, I was given the information that action to remove the tree would not be necessary for several weeks. I thought this prudent, as it would allow heated emotions to cool and prevent a dangerous situation developing. However, just over 24 hours later, 6-45 am on the Friday the tree was being cut down under armed Police protection and with private security guards. My question is who instructed that the tree be removed in such haste?

#### **Answer by the Director of City Works :**

Due to the dangerous situation Police advised us to cut the tree as soon as possible.

2.

**PLANNING – TAYLOR SQUARE – TREE SITTERS – REMOVAL FROM TREE TO BE CUT DOWN - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025006)**

**Question:**

Mr. Wilcoxon after the protests of Thursday 5<sup>th</sup> December 2002, where tree sitters were removed by police, would it not have been more prudent to avoid further potentially violent confrontation and arrange mediation and time for hot heads to cool down?

**Answer by the Mayor:**

No that was not considered.

3.

**PLANNING – TAYLOR SQUARE – TREE REMOVAL – SECURITY GUARDS - PLACEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026006)**

**Question:**

My question is to the Director of City Works. Who instructed the placement of two security guards to protect the tree from protesters, and from what budget were they paid?

**Answer by the Director of City Works:**

Once again we were instructed by Police, as one of the protestor's was removed by the Police on Thursday evening and because they were removing offices from the area. We instructed the contractors to provide Security Guards. The contractor advises us that there would be costs involved and Council reluctantly agreed to pay the cost at around \$500 to \$700.

4.

**PLANNING – TAYLOR SQUARE – TREE REMOVAL – SECURITY GUARDS – ANTI-SOCIAL BEHAVIOUR - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025006)**

**Question:**

My question is to the General Manager. One of the Security Guards in question yelled to me that "we are goin to cut your tree down" and yelled at another young man who was protesting "P.....off you virus". I can provide sworn statements from witnesses to these comments. Do you as General Manager feel that this behaviour is acceptable from Council's representatives and if not what can you do to prevent it re-occurring in the future?

**Answer by the General Manager:**

I am happy to take up that signed Statutory Declaration and refer it to the Police. It is not appropriate to make a comment.

5.

**PLANNING – TAYLOR SQUARE – TREE REMOVAL - APOLOGY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025006)**

**Question:**

My question is to the Mayor. The events of Thursday and Friday 5<sup>th</sup> and 6<sup>th</sup> of December, relating to Council's action at Taylor Square were an all time low for this Council and its relationship with members of the Community. That's the strong view of four Councillors in this chamber and two of the North Ward Councillors. Will you apologise on behalf of Council to those in the community hurt and alienated by the actions of Council and Council's representatives?

**Answer by the Mayor:**

That would be your view, Councillor Mallard because you don't care about wasting Council resources. The majority of Councillors were not prepared to agree to spend up to \$240,000 to protect the tree while those four Councillors were asleep at the wheel when the plans were exhibited and passed by this Council.

6.

**PLANNING – TAYLR SQUARE – TREE REMOVAL – UNNECESSARY – FORMER SOUTH SYDNEY COUNCIL EMPLOYEES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025006)**

**Question:**

Could the Lord Mayor of Sydney be asked that his employees, former South Sydney Council employees not to tell residents that it was unnecessary to take down the tree and it was done to spite our Councillors?

**Answer by the Mayor:**

If you can provide some evidence in relation to that matter, I am happy to examine it.

7.

**DEVELOPMENT – PROPOSALS – SUSTAINABLE STRATEGY  
OBJECTIVE – INCLUSION IN DEVELOPMENT APPLICATIONS -  
QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2001479)**

**Question:**

A recent DA was approved by South Sydney Council and was challenged on the basis of conditions that the sustainable strategy objective is not stated.

Could the General Manager formalise a condition for DA's that would include a sustainable strategy condition?

**Answer by the Mayor:**

If you can supply information on that matter then I will forward it to the General Manager and the Director of City Environment.

8.

**SPORTS – VICTORIA PARK POOL CAR PARK – CCTV – INSTALLATION  
OR OTHER SECURITY MEASURES - QUESTION WITHOUT NOTICE BY  
COUNCILLOR BUSH (S54-00144)**

**Question:**

There have been a number of smash and grabs at the car park at Victoria Park Pool, which are happening on a daily basis and Council could consider CCTV cameras or other security measures. Could the General Manager investigate this matter?

**Answer by the Mayor:**

I will ask the General Manager to investigate but I did meet with the Local Area Police Command who did inform me that these types of incidents have declined.

9.

**COUNCIL - MEETINGS – OFFICERS PRESENT – ISSUES – DISCUSSION  
WITH MAYOR AND GENERAL MANAGER - QUESTION WITHOUT NOTICE  
BY COUNCILLOR BUSH. (2002586)**

**Question:**

Yesterday afternoon, I attended a meeting at Council and there were 7 Council Officers, which were in relation to a DCP. In line with the question asked by Councillor Furness re the Master Plan at Erskineville on Ashmore Street, it was not considered necessary to have a large number of offices present.

Could guidelines be implemented in relation to allow Councillors to discuss issues with yourself and the General Manager so that resources are not wasted in relation to meetings?

**Answer by the Mayor:**

No, I will not agree to guidelines Councillor Bush, but you have put a point across to the General Manager and myself, Directors and Councillors and they are welcomed to discuss any issue with me.

10.

**KNIGHT STREET, NOS. 15-23A, ERSKINEVILLE – PURCHASE – PRESENT STATUS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2018626)**

**Question:**

Following several questions and a resolution of Council, could the General Manager advise Council on the progress of investigating the purchase of 15-23A Knight Street, Erskineville?

**Answer by the General Manager:**

At this stage, the only action is that we approached the parties and I will report back to Council when further information is received.

11.

**PUBLIC RELATIONS – ABORIGINAL HOUSING COMPANY – EVELEIGH STREET AND LOUIS STREET PROPERTIES – DEVELOPMENT – TIME LINE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2011907)**

**Question:**

Could Council formally write to the Aboriginal Housing Company seeking confirmation of a time line for their proposed re-development of their properties on Eveleigh and Louis Streets? Delays to date have been blamed in part on a lack of Federal and State Government financial assistance. It may be timely, given the approaching State Election, to join with them in lobbying for greater assistance so as to expedite this matter.

**Answer by the Mayor:**

I am happy to do so.

12.

**DEVELOPMENT – PROPOSALS - ERSKINEVILLE REGENERATION – PUBLIC MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2027253)**

**Question:**

At a meeting yesterday at Council offices attended by myself, Councillor Bush, two residents of Erskineville and a number of Council Officers, it was generally agreed that a public meeting to discuss planning issues in Erskineville would be worth holding. Further to Councillor Bush's recent request, can I add my own request for such a public meeting to be held in February? I am informed that Council Officers intend seeking Council approval to commence work on a Master Plan for Erskineville at the first Council meeting in the New Year.

**Answer by the Mayor:**

Yes, I will ask that a report be submitted to the first Committee of Council in 2003 by the appropriate Officer.

13.

**SIGNS – JOHN STREET AND ALBERT STREET, ERSKINEVILLE POCKET PARK “NO DUMPING” - INSTALLATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (S52-00107)**

**Question:**

Could Council please install a “No Dumping” notice at the Pocket Park at the corner of John and Albert Streets, Erskineville.

**Answer by the Mayor:**

I will refer that matter to the Director of City Works.

14.

**DONATIONS – TOM BASS SCULPTURE SCHOOL – ERSKIENVILLE PUBLIC SCHOOL – LOCATING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2028091)**

**Question:**

Can the General Manager and you meet with the Minister for Education regarding the State Government taking on the role of housing at the Erskineville Public School a sculpting facility that can be better accessed by all the community and its youth.

**Answer by the Mayor:**

I am not prepared to do that for the reasons that I raised following you mentioning it to me. It was not considered acceptable to a recent receiver of a subsidised accommodation grant and it was suggested to me by a member of Erskineville P&C that due to the influx of new children it will be difficult to accommodate Tom Bass in the short term.

15.

**PARKING – PARKING OFFICERS - MANAGEMENT – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2022784)**

**Question:**

Given the recent announcements of the political and possible corrupt use of management of parking officers can a report be brought to Council that outlines:-

- (a) hours and staffing for each shift
- (b) the locations of all shifts and staff on each shift
- (c) dissections of the fines levied and if possible the address of those levied.

**Answer by the Mayor:**

There is a detailed report being prepared and I will investigate the address as you mentioned.

16.

**PERSONNEL – SAFETY - ANTI TERRORISM – COMMITTEE ESTABLISHMENT – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2028000)**

**Question:**

Considering the recent announcements of the threats and the “when” of an incident. can Council assure the community that it is ready for the exercise and consider setting up a Committee in response to the Premier’s comments today? Especially in the light of the letter I wish to table.

It suggests that we have not the figures to relay to authorities of the number of and kind of residents that should such a thing as evacuation be necessary?

**Answer by the Mayor:**

Councillor Fowler, I can assure you that I have met with all four area commanders that cover the South Sydney Council area and have obtained all the information they have sort with us.

Council's Director of Organisation Development, Mr. Peter Chaffe has organised briefings and demonstrations by Police and Council's Directors are well aware.

17.

**COUNCIL- MEETINGS – ALP AND DEMOCRAT COUNCILLORS  
CAUCUSING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER  
(2002586)**

**Question:**

- (a) Considering recent pronouncement by ICAC, can the General Manager report to Council on what decisions, if any, have been as a result of the act of resolving in a caucus by the ALP Councillors?
- (b) Has the ALP Mayor and the Australian Democrat Councillor caucused with the other ALP Councillors on decisions tonight?

**Answer by the Mayor:**

- (a) The answer is nil and the ALP meets to discuss issues and there is no binding on members.
- (b) Certainly not.

**REPORT OF THE FINANCE COMMITTEE**

11 December 2002

**PRESENT**

**The Mayor, Councillor Tony Pooley (Chairperson)**

**Councillors – John Bush, Christine Harcourt and Shayne Mallard.**

At the commencement of business at 6.33 pm, those present were -

The Mayor and Councillors – Bush, and Harcourt.

Note: Councillor Mallard arrived at 6.40 pm during discussion on Item No. 3, which was brought forward to accommodate speakers.

At 7.05 pm the Finance Committee Meeting was temporarily adjourned to allow the opening of the Community Services Committee Meeting to accommodate speakers.

Note: At 7.42 pm the Finance Committee Meeting was re-convened after the temporary adjournment of the Community Services Committee meeting.

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

That the Report of the Finance Committee of its meeting of 11 December 2002, be received and the recommendations set out below for Items 1,2 and 4 to 13 inclusive, be adopted. The recommendation for Item 3 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**INVESTMENTS – INVESTMENT POLICY - UPDATE (M51-00005)**

That arising from consideration of a report by the Chief Financial Officer dated 29 November 2002, Council's Financial Investment Policy be changed as per *Attachment 3* accompanying the before mentioned report.

Carried.

2.

**STREETS – FURNITURE - JC DECAUX BUS SHELTERS SMALL PROMOTIONAL PANELS - COMMUNITY GROUP USE (202709)**

That arising from consideration of a report by the Director of Community Development dated 2 December 2002, it be resolved that Council:-

- (1) authorises the General Manager to approve all community group use of the small poster panel providing the booking does not clash with a Council booking and providing the aims of the community group are consistent with Council Policy;
- (2) notes that every 12 months a report detailing community use of the small poster panels will be provided to Council;
- (3) will not pay for any poster production cost associated with community use of the JC Decaux bus shelter small poster panel;

- (4) community groups must pay the installation fee of \$13.65 and the dismantlement fee of (\$13.65) per small panel.

Carried.

3.

**PROPERTIES - PROPOSED PROPERTY MANAGEMENT STRATEGY AND APPLICATION FOR RENT REDUCTIONS IN RESPECT OF SHOPFRONT PREMISES IN OXFORD STREET, DARLINGHURST**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

- (A) That arising from consideration of a report by the Director Corporate Services dated 29 November 2002, and a report by the Director of City Works dated 16 December 2002, that was circulated to Councillors prior to the Council Meeting commencing, it be resolved that Council:-
- (1) adopt the Property Management Strategy including the following key findings:-
- (a) There are two main reasons for Council to maintain a property portfolio, namely:-
- (i) to achieve a broader strategic outcome of a social and/or economic and/or environmental nature for example to stimulate growth in Green Square
- (ii) to generate an income stream ie. total rentals and capital appreciation less total management and maintenance costs, equal to or greater than the income such funds would attract if invested elsewhere eg. A financial institution
- (b) In retaining a property portfolio it is important for Council's to maintain a good mix of property types – commercial, retail, industrial etc.
- (c) Management practices in relation to the property portfolio must respond to the prevailing market conditions. To this end it is necessary to achieve a balance between charging rentals that are too high and rentals that are too low, both of which can impact adversely on the bottom line
- (d) Related strategies such as urban improvement programs and strategic marketing programs have the potential to not only improve the general amenity and functionality of areas where Council has land holdings but also enhance the profitability of rental properties.

- (2) Officers apply the findings of the Property Management Strategy in the day to day management of Council's property Portfolio including its Oxford Street shopfront premises;
  - (3) Officers liaise with Woollahra Council and the Chamber of Commerce to ascertain the viability of establishing a Strategic Marketing Strategy for the Oxford Street retail precinct;
  - (4) Officers investigate opportunities for strategic capital improvements in respect of the Oxford Street premises, Oxford Street in general and other areas;
  - (5) decline the requests for rental reduction in respect of premises located in Oxford Street.
- (B) That approval be given to the program and complete the works as outlined in the report by the Director of City Works dated 16 December 2002 and accompanying Appendix A. namely:-

## **DETAILED REPORT**

### **INTRODUCTION**

#### **Background**

The section of Oxford Street that is located within the South Sydney Council Local Government Area extends from Whitlam Square (east of Riley Street on the southern side of the road) through to Centennial Square. The northern side of the road east of Barcom Avenue lies within Woollahra Municipal Council. Woollahra Council has upgraded the Paddington shopping strip with unit paving in recent years. The remainder of the street is comprised of a mix of concrete and asphalt surfaces.

Influenced by factors such as the scale of the street and buildings, topography and types of activities, Oxford Street extends through a series of different characters from Darlinghurst to Paddington. At present there is a perceived degradation of the public domain along Oxford Street due to the miss match of paving and signage material, unsympathetic building facades and the age of the footpaths. This perception is also possibly fuelled by constant pedestrian activity and anti social behaviour.

#### **DCP and Consultants Brief**

Consultants "Architectus" have been commissioned jointly by the Strategic Planning Section and Woollahra Council to prepare a Development Control Plan for Oxford Street. Following this process a brief for the physical upgrade of Oxford Street for release in March 2003 will be prepared (presently in draft form). The brief defines the scope of work, the subject area encompasses the four pocket parks and road closures adjacent Oxford Street, spaces that will contribute to the public domain of the streetscape, including the Regent Street Road Closure, Newcombe Street Road Closure, Ulster Street and the Strong Memorial Reserve located on Elizabeth Street. These works will commence in 2003/2004 financial year, subject to Council approval.

## **Interim Measures to Improve the Perception of Oxford Street**

Following a request from Councillors' to investigate interim improvement measures, representatives from Waste Services, Parks Services, Parks Development, and the Maintenance Branch met to define what measures can be undertaken to embellish aspects of Oxford Street prior to the construction upgrade of the street. In addition, discussions were held with Councils Community Safety Officer Liam Saville to discuss the outcomes of a recent survey undertaken of members of Oxford Street.

The list of proposed actions are as follows, with a further breakdown of the succinct tasks outlined in Appendix A:

- New cleansing regime;
- Footpath pavement rectification works (ie removal of trip hazards);
- Graffiti removal;
- Cleaning and painting of rubbish bins and tree guards (paint black, presently green);
- Planting of 10 new trees;
- Installation of 24 planter boxes (painted black);
- Under-pruning of trees;
- Saw cut asphalt around base of tree pits to a neat square, of consistent shape;
- Top up decomposed granite to tree surrounds;
- Replacement of existing street seats and installation of new seats;
- Erection of decorative fences at two locations;
- Replacement of 30 street lighting poles with smart poles and banners;
- Review of footpath license allocations.

## **Waste Services**

The recently commenced cleansing regime is as follows:

### **Weekdays (Monday to Friday)**

#### **Steam Plant**

- Oxford Street steam cleaned every Tuesday, Saturday and Sunday from Whitlam Square to South Dowling Street. (This is more than the average 2 days per week as stated in Council's proposed Water Conservation Policy Statement because of the high pedestrian usage and public health issues)
- Oxford Square steam cleaned daily (except during water restrictions)
- Street litter bins emptied three times daily and bins removed and steam cleaned every 3 weeks.

#### **Manual Sweeper 6.00am – 12.00pm & 3.00pm – 8.00pm**

- Sweeps gutters and footpaths in Oxford St between Greens Rd and western boundary as well as removing posters on poles.
- Sweeps side streets off Oxford Street to Foley St on the northern side
- Oxford Square, Taylor Square, Bourke St to Short St, and Flinders Street to Taylor Street.

- Sweeps Oxford street East of Greens Road to Lang Road.

Mechanical Footpath Sweeper 8.30am-12.00pm

- Deployed in same area to maintain service.

**Weekends (Saturday & Sunday)**

Sweeping Truck and crew 6.00am – 10.00am

- Same as manual sweepers run Mon – Fri

Mechanical footway Sweeper 6.00am- 8.00am

- Oxford Street both sides from Whitlam Square to South Dowling Street
- Taylor Square
- Palmer Street
- Foley Street

Steam Plant 6.00am to 8.00am

- Oxford Street both sides from Whitlam Square to South Dowling Street
- Taylor Square

**Graffiti Removal**

**Under Councils new responsibility tagging will be actively removed.**

Council presently provides a graffiti removal service on private property which allows the removal of graffiti, posters etc from the shop fronts along Oxford Street, (the number to call to access the service is 9662 4402).

The Waste Services Branch is currently undergoing a restructure, which involves the procurement of more mechanical footway cleansing machinery and the formation of cleansing teams. It is envisaged that as the restructure is phased in over the next few months that the Waste section will be able to provide an increase on this level of service.

**Planter Boxes and New Trees to Embellish the Streetscape**

A total of twenty-four planter boxes have recently been placed along Oxford Street, extending from Victoria Street toward the City. These are repainted planter boxes originally purchased for the Olympics. Low maintenance textured and coloured foliage plant material has been used to highlight sections of the street and to ensure a clear pedestrian passage. The planters will remain in place until the commencement of construction works to Oxford Street, with a change of plant material as required to ensure attractive foliage and healthy growth.

Due to awning covering a large percentage of the footpaths along Oxford Street, only a limited number of sites are available for the planting of new trees. It is proposed that ten new trees will be planted along Oxford Street.

### **Replacement of existing street seats and installation of new seats**

There are few seats along the western section of Oxford Street. Previous efforts to install additional seats were unsuccessful because of the high pedestrian volumes on sections with narrow footpaths and business not wanting a seat located immediately outside of their property. It is proposed to replace or upgrade the existing seats and to install some additional seats outside of public buildings where appropriate.

### **Erection of decorative fences at two locations**

It is proposed to trial the installation of small lengths of decorative fencing at mid-block at two locations along Oxford Street to help lift the overall appearance of the commercial strip.

### **Installation of Smart Poles and Banners**

Staff are currently investigating the costs and installation schedule which could see the 23 concrete light poles along Oxford street between Whitlam Square and Taylor Square replaced by new smart poles. The smart poles would be similar to those already installed in the Sydney City Council's area of Oxford Street, and will cater for the hanging of banners and traffic signals/signs in the future. The current estimated cost per pole is \$30,000 based the Taylor Square tendered prices and expected congestion/conflicts with existing underground services.

### **Review of Footpath License Allocations**

There is a perception developing that the location of footpath dining adjacent to shop frontages keep pedestrians on the outside half of the footpath and does not enhance fully the exposure of businesses other than restaurants.

The Leases and Licensing Surveyor will prepare a discussion paper for the February 2003 meeting of Council explaining the possibility of moving footpath licences in Oxford Street to kerbside locations.

### **FUNDING**

The interim improvement strategies will be funded from existing 2002/2003 Works Program budgets for Oxford Street (Oxford Street 23023, Budget ref 45-209) as follows:

#### ***Waste Services***

Graffiti removal, cleansing	Part of new Waste Services Program
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#### ***Maintenance***

Footpath pavement works	\$ 20,000
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#### ***Parks Development***

Trees, planter boxes and decorative fences

\$ 17,000

***Parks Services***

**Tree works**

**\$ 8,000**

***Construction***

**Smart Pole installation**

**Balance of Budget Allocation**

## Appendix A.

## Oxford Streetscape Improvements:

Location	Problem	Department	Action Required	Timing (Completion)
Oxford / Riley St North side of Oxford St (Oxford Square)	Graffiti / posters	Waste Services	Remove graffiti on sandstone columns in streetscape.	December 2002/ Ongoing
Oxford Street cnr Lang Rd Paddington to Riley Street (Sth side) & Oxford St from Victoria St – Liverpool St (North side)	Posters, stickers, sticky tape.	Waste Services	Removal from traffic lights, electrical poles, signal boxes, garbage bins, tree guards etc.	December 2002/ Ongoing
Oxford St cnr Flinders to Riley St south side. Oxford St cnr Bourke St to Liverpool St Nth.	Garbage Bins total 8 Bins locations forwarded.	Trades	Paint garbage bins black gloss colour List.	December 2002
361-379 Oxford Street (Outside Telecom building) Paddington.	Tree Surrounds	Tree Maintenance	Top up / make level with footpath. Crushed Granite	December 2002
Cnr Regent / Oxford Streets Paddington. Front / Coffee shop.	<b>Tree Surrounds</b>	Tree Maintenance	Top up / make level with footpath. Crushed Granite	December 2002
Front of Courthouse Oxford St.	Tree Surrounds	Tree Maintenance	Top up / make level with footpath. Crushed Granite	December 2002
In Oxford St Between Darlinghurst Rd & Victoria St	Tree Surrounds	Tree Maintenance	Top up / make level with footpath. Crushed Granite	December 2002
Paddington Town Hall Oxford St	Missing Tree	Tree Maintenance	Advanced Platanus tree replacement. One only	December 2002

Front of Anzac Memorial down from Paddington Town Hall.	Missing Tree	Tree Maintenance	Advanced Platanus tree replacement. One only	December 2002
Oxford St Lang Rd to Oatley Rd	Wooden Tree Guards	Trades	Paint tree guards black gloss colour.	December 2002
Oxford St Lang Rd to Oatley Rd	Wooden Tree Guards	Trades	Paint tree guards black gloss colour.	December 2002
Oxford Square Riley Street.	Sign post in garden	Trades	Repaint post black gloss & remove stickers.	December 2002
Oxford Square Riley Street.	Weeds & palm fronds	North Division	Remove / Spray weeds & cut off dead palm fronds	Completed 28.11.02
Centennial Sq to Oatley Rd South Side	Pavement works, And tree pits	Maintenance Branch	<ul style="list-style-type: none"> <li>• Provide tree holes at trees and repair paving full length.</li> <li>• Repair brick pavers at Elizabeth Street.</li> <li>• No 465, repair path around Telstra Pit.</li> <li>• Asphalt in tree hole at No 449.</li> <li>• Repair concrete path at No 259.</li> <li>• Remove formwork on drive at No 257.</li> <li>• Repair trip point at bus shelter (concrete)outside Nos 251-255.</li> </ul> Repair gutter conc. at kerb ramp on SW corner of Oatley Rd.	Completion by End January 2003

Oatley Rd to Greens Rd (south side)	Pavement works, And tree surrounds	Maintenance Branch	<ul style="list-style-type: none"> <li>• Repair depressed concrete path about 50m south of Greens Rd.</li> <li>• Repair uplifted cover path at tree 20 metres north of Paddington Town Hall.</li> </ul>	End January 2003
Greens Rd to Flinders St (south side)	Pavement works, And tree surrounds	Maintenance Branch	<ul style="list-style-type: none"> <li>• No 187, repair collapsed paving tiles.</li> <li>• No 181, repair asphalt restoration.</li> <li>• No 173, square up tree hole and repair path.</li> </ul>	January 2003  January 2003 January 2003  December 2002  December 2002
Flinders St to Crown St (south side)	Pavement works, And tree surrounds	Maintenance branch	<ul style="list-style-type: none"> <li>• No 147, repair bitumen around tree hole.</li> <li>• No 131, repair asphalt.</li> <li>• No 125, repair around Telstra pit and hydrant/water cock .</li> <li>• Near Cnr Crown St, repair around stop cock.</li> </ul>	December 2002 January 2003 January 2003
Flinders St to Crown St (south side)	Pavement works, And tree surrounds	Maintenance Branch	<ul style="list-style-type: none"> <li>• Repair asphalt floor of bus shelter o/s Court house.</li> </ul>	January 2003 January 2003 January 2003  December 2002
Forbes St to Victoria St (south side)	Pavement works,	Maintenance branch	<ul style="list-style-type: none"> <li>• Patch old tree hole at No 34-36.</li> <li>• No 44, repair asphalt around Telstra pit.</li> </ul>	January 2003

Liverpool St to Riley St (north side)	Pavement works, And tree surrounds	Maintenance branch		January 2003 January 2003
Decorative planters to Oxford Street		Trades	Paint 24no. planters – from cyan blue to black	December 2002
Decorative planter to Oxford Street		Parks	Supply and install box hedge and silver lace to each planter, site in positions nominated on plan prepared by Parks Dev. section.	December 2002
New Trees		Parks	1 outside No 449 Oxford Street Paddington ( <i>Platanus x hybrida</i> ) 2 outside Paddington Town Hall ( <i>Platanus x hybrida</i> ) 4 outside the Victoria barracks (Eastern end of barracks) ( <i>Platanus x hybrida</i> ) 4 in the grass strip at the western end of Victoria Barricks near Greens Road ( <i>Jacaranda mimosifolia</i> )	January 2003
Erection of decorative fences at two locations		Parks Development	Design and installation of short lengths of decorative fencing at 2 locations	January/ February 2003
Installation of up to 23 smart poles		Civil Works	Investigations of costs and timing to confirm scope of works. May require external negotiations	May 2003 Estimate
Review of Footpath License Allocation		City Environment / City Works	Discussion Paper	February 2003
Cleaning up of Parking Meters		Maintenance	Clean up 4 Parking Meters	January 2003

It was moved by Councillor Mallard, that Clause (5) of the recommendation in the report by the Director of Corporate Services dated 29 November 2002, be deleted and the following new Clause (5) be inserted in lieu thereof namely:-

- (5) That Council reduce all rents for Council owned retail shops on Oxford Street currently above \$850 per Sq.m to \$850 per Sq.m and freezes these and all other rents at their current levels for three years until public work improvements to Oxford Street are completed (subject to concurrence from City of Sydney Council)

Motion lapsed through want of a seconder.

Substantive motions carried

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

4.

**LICENSING– FOOTWAY RESTAURANT LICENCES – AMENDMENT – REGENT STREET AND REDFERN STREET, REDFERN - AREAS POLICY (L56-00352)**

That arising from consideration of a report by the Director of City Environment dated 22 November 2002, approval be given to the continuation of the amendment to the existing Footway Restaurant Licence Policy as adopted by Council on 11 December 1996 and with further amendment on 22 May 2002 for a further 12 months from the 13 December 2002 which allows for:-

- (1) waiving of legal fees and licence fee bonds for footway restaurant licences in the interests of street revitalisation in the area shown on Plan No S5- 587/314 accompanying the before mentioned report;
- (2) the Policy being reviewed in 12 months time.

Carried.

5.

**DONATIONS – GARDENERS ROAD PUBLIC SCHOOL - SECURITY FENCE – REQUEST FOR WAIVING OF DEVELOPMENT APPLICATION FEE (2020307)**

That for the reasons set out in the report by the Director of Community Development dated 2 December 2002, Council refuse the request to waive the Development Application fee for Gardeners Rd Public School, for the erection

of a Security fence on the basis that this cost is to cover the actual cost of employing Council staff to assess the Development Application.

Carried.

(Councillors Bush, Fowler and Mallard request that their names be recorded as voting against the foregoing motion).

6.

**COMMUNITY FACILITIES – SYDNEY PARK COMMUNITY CENTRE (CC)  
DESIGN – ADDITIONAL EXPENDITURE FOR CONSULTANCY WORK -  
APPROVAL (2025031)**

That for the reasons set out in the report by the Director of City Works dated 3 December 2002, confirmatory approval be given for the GST exclusive expenditure of \$140,054 for consultant works being carried out by Woodhouse and Danks Architects at the Sydney Park Community Centre.

Carried.

7.

**PARKS – FRED MILLER RESERVE – BOURKE STREET, SURRY HILLS –  
ADOPTION OF MASTERPLAN - CALLING FOR TENDERS FOR WORKS–  
REQUEST FOR FUNDS (2008554)**

That for the reasons set out in the report by the Director of City Works dated 4 December 2002, approval be given to:-

- (1) adopt the Masterplan for Fred Miller Reserve;
- (2) call tenders for the upgrade of Fred Miller Reserve at an estimated cost of \$120,000 from additional funding using the following sources.

	<u>Budget</u>	<u>Source</u>
•	\$36,000	Section 94 Fund
•	\$84,000	Floor Space Bonus Fund

Carried.

8.

**DONATIONS – DROUGHT ASSISTANCE – PARKES AND MOREE SHIRES  
(2025737)**

That Council approve a donation of \$1,000 to the Moree Neighbourhood Centre, towards the re-establishment of the foodbank, with funds to cover this

expenditure to be added to the 2002/2003 Donations budget 1.24.6815.16410, but be recouped from operational savings.

(DCD Report 6.12.02)

Carried.

9.

**DONATIONS – WALLA MULLA FAMILY AND COMMUNITY SUPPORT – REQUEST FOR FINANCIAL ASSISTANCE TOWARDS A CHRISTMAS PARTY (2024209)**

That Council approve a one off donation of \$2,000 to Walla Mulla Family and Community Support towards the cost of the Woolloomooloo Christmas Party to be held in Tom Uren Square on 18 December 2002, with additional funds to be added to the 2002/2003 Donations budget (1.24.6815.16410) to cover this expenditure, but the recouped from operational savings.

(DCD Report 2.12.02)

Carried.

10.

**DONATIONS – SALVATION ARMY STREET LEVEL – CHRISTMAS DAY LUNCH – REDFERN PUBLIC SCHOOL (2012703)**

That Council approves a donation of \$2,000 to the Salvation Army for the annual Christmas Day luncheon to be held in Redfern Primary School, with additional funds to be added to the 2002/2003 Donations budget 1.24.6810.16410 to cover this expenditure, but be recouped from operational savings.

(DCD Report 6.12.02)

Carried.

11.

**PLANNING – HOUSEKEEPING REVIEW - SECTION 94 CONTRIBUTIONS PLAN AND PUBLIC EXHIBITION OF A REVISED DRAFT SECTION 94 PLAN 2001/2002 (2026862)**

(Also listed as item No. 13, Planning and Development Committee)

That arising from consideration of a report by the Director of City Environment dated 5 December 2002, Council resolve to place on public exhibition the

revised new draft Section 94 Contributions Plan 2001/2002 at Attachment B accompanying the before mentioned report, for a period of six weeks.

**12.**

**PROPERTIES – RELOCATION OF COUNCIL’S ADMINISTRATIVE CENTRE TO LAWSON STREET, REDFERN – PROGRESS REPORT (2027431)**

That the report by the Director of Corporate Services dated 4 December 2002, on the relocation of its Administrative Centre to Redfern, be received and noted.

Prior to the Council Meeting commencing a report by the Director of Corporate Services dated 18 December 2002, was circulated to Councillors. It was moved by the Mayor, seconded by Councillor Lay that Council:-

- (a) receive and endorse the report;
- (b) note that the total budget for the refurbishment project has been estimated at \$3.8 million, of which Council will contribute a maximum of \$1.25 million, with the balance to be funded by Kimberley Securities;
- (c) note that council will be funding the:-
  - (i) relocation of any existing furniture
  - (ii) acquisition of new office furniture
  - (iii) installation of signage

in association with the proposed relocation to Redfern, the specific details of which will be confirmed in association with the 2003/2004 budget process;
- (d) approve the “scope of works” as generally outlined in the plans (drawing Nos. DA1 – DA14 inclusive, dated 17.12.02 and the PTW return brief dated 17.12.02);
- (e) in respect of the proposed elevated pedestrian link between the office and the car park subject to receiving the owners consent from the adjoining RSL, Council agrees to provide its owners consent;
- (f) note that an independent Town Planner has been engaged to process the relevant Development Applications.

Carried.

13.

**DONATIONS – ROYAL BLIND SOCIETY – PROVISION OF SERVICE – SOUTH SYDNEY AREA (2025737)**

That Council support the request from the Royal Blind Society for a donation of \$2,000 with additional funds to be added to the 2002/2003 Donation budget 1.24.6815.16410 to cover this expenditure, but be recouped from operational savings.

(DCD Report 6.12.02)

Carried.

The Finance Committee Meeting terminated at 8.06 p.m.

**COMMITTEE OF THE WHOLE MEETING**

At this stage and at 7.49 pm, it was moved by Councillor Shaw, seconded by Councillor Harcourt"-

That the Council resolve to meet a Committee of the Whole with Press and Public excluded to discuss the below listed matters as they dealt with confidential matters.

**FINANCE COMMITTEE**

**(CONFIDENTIAL MATTERS)**

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 Matters) during consideration of the undermentioned items, and further, access to correspondence and reports being withheld in respect of such Items because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason that Items 1 to 5, inclusive, 7 and 8 are Press and Public excluded is in accordance with Section 10A(2)(c) of the Local Government Act, 1993, which states "information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business".

The reason that Item 6 is Press and Public excluded is in accordance with Section 10A(2)(d)(ii) "commercial information of a confidential nature that would, if disclosed Confer a commercial advantage on a competitor of the Council".

1. **PLANNING – GREEN SQUARE PUBLIC DOMAIN PLANS TENDER – APPOINTMENT OF CONSULTANT (2027902)**
  
2. **PARKS – SUPPLEMENTARY REPORT – FITZROY GARDENS AND LAWRENCE HARGREAVES RESERVE FOR THE DESIGN DEVELOPMENT AND CONSTRUCTION - ACCEPTANCE OF TENDER (2027852)**
  
3. **STREETS – WORKS PROGRAM – FOOTWAY RECONSTRUCTION PROGRAM - ACCEPTANCE OF TENDERS (2015562)**
  
4. **GOODS AND EQUIPMENT – MECHANICAL PLANT HIRE FOR 2003/2004 – ACCEPTANCE OF TENDERS (2019130)**
  
5. **PARKS – EDDIE WARD PARK, SURRY HILLS – APPROVAL OF TENDER AND BUDGET INCREASE (2009360)**
  
6. **PROPERTIES – MANAGEMENT - WESTPAC BANKING CORPORATION – SEEKING REGISTRATIONS OF INTEREST TO PROVIDE COMMERCIAL OFFICE SPACE ON CITY FRINGE WITHIN THE NEXT FIVE YEARS (2027431)**
  
7. **COMMUNITY FACILITIES – WOOLLOOMOOLOO LEISURE CENTRE – JUANITA NEILSON – UPGRADING – ACCEPTANCE OF TENDER (2014508)**
  
8. **PLANNING – GREEN SQUARE TOWN CENTRE – INFRASTRUCTURE - IMPLEMENTATION OF PHYSICAL WORKS (2022972)**

**COMMUNITY SERVICES COMMITTEE  
(CONFIDENTIAL MATTER)**

1.

**COMMUNITY SERVICES – AUSTRALIA DAY COMMUNITY AWARDS 2003  
(2028004)**

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 8.07 pm the Council Meeting resumed

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

The Supervising Committee Clerk then read out the following  
recommendations namely:-

**FINANCE COMMITTEE  
(CONFIDENTIAL MATTERS)**

1.

**PLANNING – GREEN SQUARE PUBLIC DOMAIN PLANS TENDER –  
APPOINTMENT OF CONSULTANT (2027902)**

That the recommendation as contained in the report by the Director of City  
Environment dated 5 December 2002, be approved and adopted.

2.

**PARKS – SUPPLEMENTARY REPORT – FITZROY GARDENS AND  
LAWRENCE HARGREAVES RESERVE FOR THE DESIGN DEVELOPMENT  
AND CONSTRUCTION - ACCEPTANCE OF TENDER (2027852)**

That the recommendation as contained in the report by the Director of City  
Works dated 6 December 2002, be approved and adopted, subject to the

(1) the deletion of clause (4) of the recommendation and the insertion in  
lieu thereof of a new clause (4), namely:-

(4) Include the design and location of a pedestrian barrier  
fence along Macleay Street as part of the tender, subject  
to negotiation of an acceptable price variation with the  
Consultant;

(2) the addition of a clause (7) to the recommendation, namely:-

- (7) That Council approach adjoining property owners with a view to their financial contribution to the fence referred to in clause (4) of the recommendation.

3.

**STREETS – WORKS PROGRAM – FOOTWAY RECONSTRUCTION PROGRAM - ACCEPTANCE OF TENDERS (2015562)**

(At the Committee of the Whole meeting Councillor Shaw declared an interest in the matter and left the Committee of the Whole meeting whilst the matter was being discussed and voted on).

That the recommendation as contained in Clause (A) of the report by the Director of City Works dated 6 December 2002, be approved and adopted.

4.

**GOODS AND EQUIPMENT – MECHANICAL PLANT HIRE FOR 2003/2004 – ACCEPTANCE OF TENDERS (2019130)**

That the recommendation as contained in Clause (A) of the report by the Director of City Works dated 4 December 2002, be approved and adopted.

5.

**PARKS – EDDIE WARD PARK, SURRY HILLS – APPROVAL OF TENDER AND BUDGET INCREASE (2009360)**

That the recommendation as contained in Clause (A) of the report by the Director of City Works dated 4 December 2002, be approved and adopted, subject to the deletion of sub-clause (2) and the insertion in lieu thereof of a new sub-clause (2) namely:-

- (2) Approve the transfer of \$75,000 from the Parks Design Works Program Management Budget (Budget Ref 45-108) and the addition of \$25,000 from Section 94 funds to the Ward Park Budget (Bug 45-217).

6.

**PROPERTIES - WESTPAC BANKING CORPORATION – SEEKING REGISTRATIONS OF INTEREST TO PROVIDE COMMERCIAL OFFICE SPACE ON CITY FRINGE WITHIN THE NEXT FIVE YEARS (2027431)**

That the recommendation as contained in the report by the Director of Corporate Services dated 4 December 2002, be approved and adopted.

7.  
**COMMUNITY FACILITIES – WOOLLOOMOOLOO LEISURE CENTRE –  
JUANITA NEILSON – UPGRADING – ACCEPTANCE OF TENDER  
(2014508)**

That the recommendation as contained in Clause (A) of the report by the Director of City Works dated 4 December 2002, be approved and adopted.

8.  
**PLANNING – GREEN SQUARE TOWN CENTRE – INFRASTRUCTURE -  
IMPLEMENTATION OF PHYSICAL WORKS – JOINT VENTURE (2022972)**

That the recommendation as contained in the report by the General Manager dated 6 December 2002, be approved and adopted.

**COMMUNITY SERVICES COMMITTEE**

**(CONFIDENTIAL MATTER)**

1.  
**COMMUNITY SERVICES – AUSTRALIA DAY COMMUNITY AWARDS 2003  
(2028004)**

That the recommendation as contained in the report by the Director of Community Development, dated 28 November 2002, be approved and adopted, subject to the amendment that was approved and adopted in the Committee of the Whole meeting BEING THAT “Save Erskineville Public School Campaign” be included in the awards.

The recommendations of the Committee of the Whole were then put and carried.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

**WEDNESDAY 11 DECEMBER 2002 AT 8.06 PM**

**PRESENT**

**The Mayor, Councillor Tony Pooley (Chairperson)**

**Councillors – John Bush, Christine Harcourt and Shayne Mallard**

At the commencement of business at 8.06 pm, those present were:

The Mayor and Councillors – Bush, Harcourt and Mallard

The Committee **recommended** the following:-

1.

**PLANNING – GREEN SQUARE PUBLIC DOMAIN PLANS TENDER – APPOINTMENT OF CONSULTANT (2027902)**

Approved as recommended by the Director of City Environment in the report dated 5 December 2002.

2.

**PARKS – SUPPLEMENTARY REPORT – FITZROY GARDENS AND LAWRENCE HARGREAVES RESERVE FOR THE DESIGN DEVELOPMENT AND CONSTRUCTION - ACCEPTANCE OF TENDER (2027852)**

Approved as recommended by the Director of City Works in the report dated 6 December 2002, subject to:-

- (1) the deletion of clause (4) of the recommendation and the insertion in lieu thereof of a new clause (4), namely:-
  - (4) Include the design and location of a pedestrian barrier fence along Macleay Street as part of the tender, subject to negotiation of an acceptable price variation with the Consultant;
- (2) the addition of a clause (7) to the recommendation, namely:-
  - (7) That Council approach adjoining property owners with a view to their financial contribution to the fence referred to in clause (4) of the recommendation.

3.

**STREETS – WORKS PROGRAM – FOOTWAY RECONSTRUCTION PROGRAM - ACCEPTANCE OF TENDERS (2015562)**

Approved as recommended in clause (A) in the recommendation of the report by the Director of City Works dated 4 December 2002.

4.

**GOODS AND EQUIPMENT – MECHANICAL PLANT HIRE FOR 2003/2004 – ACCEPTANCE OF TENDERS (2019130)**

Approved as recommended in clause (A) in the recommendation of the report by the Director of City Works dated 4 December 2002.

5.

**PARKS – EDDIE WARD PARK, SURRY HILLS – APPROVAL OF TENDER AND BUDGET INCREASE (2009360)**

Approved as recommended in clause (A) in the recommendation of the report by the Director of City Works dated 4 December 2002, subject to the deletion of sub-clause (2) and the insertion in lieu thereof of a new sub-clause (2), namely:-

- (2) Approve the transfer of \$75,000 from the Parks Design Works Program Management Budget (Budget Ref 45-108) and the addition of \$25,000 from Section 94 funds to the Ward Park Budget (Bug 45-217).

6.

**WESTPAC BANKING CORPORATION – SEEKING REGISTRATIONS OF INTEREST TO PROVIDE COMMERCIAL OFFICE SPACE ON CITY FRINGE WITHIN THE NEXT FIVE YEARS (2027431)**

Approved as recommended by the Director of Corporate Services in the report dated 4 December 2002.

7.

**COMMUNITY FACILITIES – WOOLLOOMOOLOO LC – JUANITA NEILSON – UPGRADING – ACCEPTANCE OF TENDER (2014508)**

Approved as recommended in clause (A) in the recommendation of the joint report by the Director of Community Development and the Director of City Works dated 4 December 2002.

8.

**PLANNING – GREEN SQUARE TOWN CENTRE – INFRASTRUCTURE -  
IMPLEMENTATION OF PHYSICAL WORKS (2022972)**

Approved as recommended by the General Manager in the report dated  
6 December 2002.

The Finance Committee (Confidential Matters) Meeting terminated at 8.21 pm.

The before mentioned matters were dealt with in the Committee of the Whole  
Meeting. See page Numbers 1501-1503 for decisions.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

11 December 2002

**PRESENT**

**Councillor Christine Harcourt (Chairperson)**

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

At the commencement of business at 7.05 pm those present were -

The Mayor and Councillors - Bush, Harcourt and Mallard

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

That the Report of the Community Services Committee of its meeting of  
11 December 2002, be received and the recommendation set out below for  
Items 1, 2 and 4 to 7 inclusive be adopted. The recommendations set out  
below for Item 3 having been dealt with as shown immediately following such  
Item.

Carried.

The Committee **recommended** the following:-

This meeting was reconvened at 8.24 pm after being temporarily adjourned to  
accommodate speakers in respect of Item No. 3.

1.

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

That the design finalisation and the construction of a safety fence in Macleay Street be included as part of the Design Development and Construction Documentation for Fitzroy Gardens.

(DCW Report 20.11.02 and 6.12.02)

Carried.

2.

**LIBRARIES – METROPOLITAN PUBLIC LIBRARIES ASSOCIATION - COUNCIL'S SUPPORT TO LOBBY STATE GOVERNMENT FOR ADDITIONAL FUNDING (2003201)**

That for the reasons set out in the report by the Director of the Community Development dated 6 December 2002, it be resolved that Council:-

- (1) endorses the position of the MPLA on the shortfall of 2002/2003 Public Library funding in NSW;
- (2) that a letter of support be prepared by the Mayor.

Carried.

The Community Services Committee was opened at 7.05 pm to allow for speakers on item No.3 and was temporarily adjourned at 7.41pm.

3.

**LEASING – SUBSIDISED ACCOMMODATION PROGRAM - REVIEW (L52-00010)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That Council:-

- Extends all current Subsidised Accommodation Grants leases and subsidies for a six-month period to 30 June 2003. Organisations must reapply for future subsidies under the 2003/2004 Community Grants Program.
- Requires all organisations receiving subsidised accommodation (including childcare centres), but not listed as part of the SAG, to apply for future subsidies under the 2003/2004 SAG.

- Considers the inclusion of the Caretaker's Flat at Waterloo Town Hall as part of the Annual Community Grants, Special Grants Residential.
- Approves that all future SAG leases and subsidies will apply for a one-year period. Leases and subsidies will be reviewed annually to ensure organisations are continuing to meet community needs and agreed performance outcomes.
- Endorses the new Subsidised Accommodation Grants Policy, Guidelines, and Application Form.
- Allocates future subsidised accommodation grants to an equitable cross section of target groups and services.
- Approves that all SAG leases will include agreed performance outcomes.
- Approves the development of a further report to Council identifying which facilities in South Sydney will be used for subsidised accommodation in the future. This report will be completed in the first quarter 2003 and will identify:
  - (1) whether properties currently being used should be identified in the future as investment/business or community use;
  - (2) options for replacing subsidised accommodation properties currently in prime "commercial" locations;
  - (3) options to provide subsidised accommodation for the Inner City Outreach Homelessness Team; and
  - (4) options for co-location of services within facilities.

This report will recommend facilities that are equitably located across the LGA.

- That the Tom Bass Sculpture School be given a 50% subsidy back dated for one year from 1 July 2002.

(DCD Report 6.12.02)

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

Carried.

#### 4.

#### **COMMITTEES - NEW MULTICULTURAL ADVISORY COMMITTEE (MAC) – ENDORSEMENT – TERMS OF REFERENCE (2026036)**

That arising from consideration of a report by the Director of Community Development dated 6 December 2002, it be resolved that Council:-

- (1) adopt The New Terms Of Reference Of The Multicultural Advisory Committee accompanying the before mentioned report,
- (2) approves the use of Erskineville Town Hall for bi-monthly Committee meetings, in 2003.

Carried.

5.

**PLANNING – GREEN SQUARE - COUNCIL INVOLVEMENT IN THE SOUTH SYDNEY DEVELOPMENT CORPORATION COMMUNITY DEVELOPMENT PROJECT (2027066)**

That arising from consideration of a report by the Director of Community Living dated 6 December 2002, Council resolve to be involved in the South Sydney Development Corporation Community Development Project through Councillor and/or officer representation on the Project Control Group and the three proposed project taskforces.

Carried.

6.

**COMMUNITY SERVICES - WAIVER FEES TO THE VICTORIA PARK POOL – SUPPORT FOR LOCAL COMMUNITY GROUPS IN REDFERN AND WATERLOO AREAS – JANUARY SCHOOL HOLIDAY PERIOD 2003 (2023623)**

That arising from consideration of a report by the Director of Community Development dated 4 December 2002, Council waiver the Victoria Park Pool entry fees for the following Council and Community Groups over the 2003 January School Holiday period.

**Community Agencies**

Fact Tree Youth Service	Youth
South Sydney Youth Service	Youth
Waterloo Girls Centre	Youth
Redfern PCYC	Youth and Children
Surry Hills Boys Brigade	Youth and Children
The Settlement	Children

**Council Services**

Surry Hills Children's' Program	Children (in conjunction with Boys Brigade above)
Woolloomooloo Children's' Program	Children
Erskineville Children's' Program	Children
Woolloomooloo Youth Service	Youth
Erskineville Youth Service	Youth

- 1 (a) That each of these agencies are provided access in negotiation with the Manager of the Victoria Park Pool for up to 20 children or young people and up to two supervisor staff per agency can attend twice per week for swimming for up to 2 hours per session.

Carried.

7.

**PUBLIC RELATIONS – WATER CONSERVATION POLICY STATEMENT – COUNCIL OPERATIONS (2005822)**

That arising from consideration of a report by the Principal Project Officer dated 5 December 2002, it be resolved that Council:-

- (1) endorse the Water Conservation Policy Statement – Council Operations accompanying the before mentioned report;
- (2) investigate the feasibility of introducing longer term water conservation measures into its operations;
- (3) encourage local residents and businesses to implement similar water efficiency improvements.
- (4) investigations take place regarding the use of “grey water” and push button taps in Council’s dressing room facilities.

Carried.

The Community Services Committee Meeting terminated at 8.39 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

**(CONFIDENTIAL MATTER)**

**WEDNESDAY 11 DECEMBER 2002 AT 8.21 PM**

**PRESENT**

**Councillor Christine Harcourt (Chairperson)**

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

At the commencement of business at 8.21 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 Community Services 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 Committee **recommends** the following:-

1.

**COMMUNITY SERVICES – AUSTRALIA DAY COMMUNITY AWARDS 2003  
(2028004)**

Approved as recommended in the report by the Director of Community Development dated 28 November 2002.

The Community Services Committee (Confidential Matter) Meeting terminated at 8.24 pm.

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

See page No. 1503 for decision.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

11 December 2002

It was moved by the Mayor, seconded by Councillor Shaw, that Councillor Furness be Acting Chairperson of the Committee.

Carried.

**PRESENT**

**Councillor Peter Furness (Acting Chairperson)**

**The Mayor, Councillor Tony Pooley and Councillors - John Fowler, Amanda Lennon and Greg Shaw.**

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

The Mayor, Councillor Tony Pooley and Councillors – Fowler, Furness, Lennon and Shaw

**Apology:**

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

The Mayor left the Planning and Development Committee at 6.32 p.m.

Moved by the Acting Chairperson (Councillor Furness), seconded by Councillor Lay.

That the Report of the Planning and Development Committee of its meeting of 11 December 2002, be received and the recommendations set out below for Items 2 to 7, inclusive 10 and 11, be adopted. The recommendations for Items 1,8,9 and 12 to 15 inclusive having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**CLARA STREET, NO. 30, ERSKINEVILLE – CHANGE OF CONDITION REGARDING GARAGE OPENING – SECTION 96 (U00-00227)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Harcourt:-

(A) That the Council as responsible authority grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Jason Sambrook, with the authority of Gladys Hammond, for permission to vary a consent granted to modify the condition regarding garage roller-door opening and height by:-

- (4) (a) That the proposed width of the garage door opening shall be reduced to a maximum of 3.5m and shall be moved to the western side of the garage so as to be no closer than 1.8m from the boundary of 1A Ada Lane;
- (b) That the height of the garage parapet wall facing Ada Lane shall have a maximum height of 2.6 m above the footpath level;

deleting conditions (4) (a) and (b) and replacing them with the following conditions:

- (4) (a) That the proposed width of the garage door opening shall be reduced to a maximum of 4.5m and shall be moved to the western side of the garage so as to be no closer than

0.75m from the boundary of 1A Ada Lane and details of which submitted with the Construction Certificate;

- (b) That the height of the garage parapet wall facing Ada Lane shall have a maximum height of 3.0 m above the footpath level and details of which submitted with Construction Certificate;

(31) That the garage shall accommodate one car only.

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

Carried.

## 2.

### **TRAFFIC – EAST SYDNEY NEIGHBOURHOOD – PERMANENT STREET CLOSURES TO OVERCOME KERB CRAWLING (2026840)**

That it be resolved that:-

- (a) the road closures be made permanent at the four locations:
  - (1) Forbes Street at St Peters Street;
  - (2) St Peters Street at Bourke Street;
  - (3) St Peters Street at Forbes Street;
  - (4) Yurong Lane at Yurong Street,
- (b) the opening and closing arrangements for the St Peters Street closure continue as at present.

(DCW Report 3/12/02)

It was moved as an amendment by Councillor Shaw, seconded by Councillor Harcourt that the recommendation be amended by the

- (1) deletion of the words "continue as at present" in Clause (b) and the insertion of the words "and that the closure be the responsibility of an officer of South Sydney City Council";
- (2) addition of a Clause (c) namely:-
  - (c) That a report detailing the Streetscape and Lighting improvements plan for the area be submitted to Council.

Motion, as amended, carried.

3.

**DEVELOPMENT APPLICATION - MASTERPLAN TO DEMOLISH EXISTING BUILDINGS AND ERECT A MIXED USE DEVELOPMENT WITH NEW LANE AND NEW PARK, NO. 13, JOYNTON AVENUE, ZETLAND (U02-00854)**

That the matter be deferred for the following reasons:-

- (1) An arborist report be submitted;
- (2) An indication when the traffic study will be completed;
- (3) Further Council consultation be implemented on the Masterplan proposed.

Carried.

4.

**MUNNI STREET, NO. 3, ERSKINEVILLE – ALTERATIONS AND ADDITIONS INCLUDING REAR GROUND AND FIRST FLOOR EXTENSIONS – DEVELOPMENT APPLICATION (U02-00698)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Birgitte Randall, with the authority of David Meek, to carry out alterations and additions to the existing terrace including rear ground and first floor extensions, subject to the following conditions, namely:-
- (1) 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;
  - (2) 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 \$90, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with Council endorsed plans numbered 201A to 206A dated November 2002 subject to compliance with the conditions below;

- (4) That the western wall of the dwelling house shall be soften with mid to dark earthy colours, material and finishes together with a public art feature such as a mural or the like. Details shall be submitted prior to occupation of the additional floor space areas.
- (5) That any new hot water heating system shall have a minimum 3.5 star rating;
- (6) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (7) That evidence of cross easement of support for the new party wall/extension of party wall shall be submitted with the application for construction certificate or alternatively the new work including footing shall be constructed within the boundaries of the allotment;
- (8) 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;
- (9) 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;
- (10) That existing and proposed stormwater details and certificate shall be submitted and approved by the Principal Certifying Authority prior to the commencement of any building work;
- (11) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted to the Principal Certifying Authority prior to commencement of work;
- (12) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (13) That the building work must not be commenced until the person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority and
  - (ii) has notified the Council of the appointment;
- (14) 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;

- (15) 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;
- (16) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (17) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (18) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (19) That the demolition work shall comply with Australian Standard 2601-1991;
- (20) 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

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

- (21) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;

- (22) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (23) 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;
- (24) That should the applicant wish to utilise the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (25) 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;
- (26) 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;
- (27) 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;
- (28) 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);
- (29) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (30) 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 and that the completed drainage system complies with the approved certified plan;

- (31) 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;
- (32) That the first floor storage room shall not be used for the purposes of a bedroom without the prior development consent of Council.
- (33) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (a) That all relevant sections of the BCA shall be complied with;
  - (b) That the requirements of the Work Cover Authority shall be complied with;
  - (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 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;
  - (e) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.9 of the BCA;
  - (f) 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;
  - (g) That all glazing materials shall comply with Part 3.6 of the BCA;
  - (h) 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;
  - (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 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 Part 3.3.4 of the BCA;
- (l) That all balustrades or barriers shall comply with the requirements of Part 3.9.2 of the BCA;

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

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

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

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

Carried.

**5.**

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

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Terrob Investments Pty Ltd, with the authority of Rob Clarke and Terry O'Donnell, to carry out alterations and additions to a two (2) storey attached terrace house, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with drawings numbered 212-01 to 212-06 dated 28 August 2002 and drawn by Lamadesign Architects and Designers Works, 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 \$120 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 \$600, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (4) That there shall be no structure on the rear night soil lane and access shall not be denied on that laneway to any person who has legal rights on the laneway;
  - (5) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
    - (i) external finishes to walls;
    - (ii) balcony treatments;
    - (iii) roofing;
- and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (6) That the proposed garden bed in the front elevation shall be deleted and the pedestrian access along the front of the terrace row shall not be impeded;
  - (7) 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;

- (8) 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;
- (9) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (10) 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);
- (11) 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);
- (12) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:
  - (i) Construction periods of 4 weeks and under:  
The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.
  - (ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

**NOTE:** the above noise levels are applicable for construction hours of:  
Monday to Friday, 7.00am to 5.00pm  
Saturday, 7.00am to 3.00pm  
No construction work outside of the above hours is permissible without the prior approval of council;

- (13) 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;

- (14) 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;
- (15) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (16) 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;
- (17) That structural certification justifying the capacity of the existing structure to carry the proposed new loads shall be submitted to Council from a structural engineer registered with Council prior to the commencement of work;
- (18) That all relevant sections of the BCA shall be complied with;
- (19) That the requirements of the Work Cover Authority shall be complied with;
- (20) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless the written consent of the adjoining owner is submitted to Council;
- (21) That evidence of cross easement of support for the new party wall/extension of party wall shall be submitted with the application for construction certificate or alternatively the new work including footing shall be constructed within the boundaries of the allotment;
- (22) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (23) That the building work must not be commenced until the person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority and
  - (ii) has notified the Council of the appointment;
- (24) 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;

- (25) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (26) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (27) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (28) That the applicant shall comply with the following conditions 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 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;
  - (b) 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;
  - (c) That all glazing materials shall comply with Part 3.6 of the BCA;
  - (d) 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;
  - (e) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
  - (f) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;

- (g) 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;
- (h) 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;
- (i) That the separating walls between class one dwellings shall be constructed of materials having weighted sound reduction index and impact sound resistance in accordance with Part 3.8.6 of the BCA;
- (j) 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 Part 3.3.4 of the BCA;
- (k) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;

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

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

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

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

Carried.

6.

**ELIZABETH STREET, NO. 878, ZETLAND – TO ALTER AND EXTEND THE EXISTING TERRACE HOUSE AND TO ERECT A NEW 2 STOREY TERRACE HOUSE AT THE REAR OF THE SITE (U02-00527)**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Executive Manager - Assessments dated 3 December 2002.

Carried.

7.

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

That the application be deferred to the next meeting of the Planning and Development Committee to be held on 5 February 2003.

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

That Council, as the consent authority advise the applicant that deletion of draft conditions (2) and (3), is acceptable, subject to further consultation at the subsequent DA stage(s) and grant delegation to the General Manager to determine the application as agreed to by the applicant.

Motion, as amended carried.

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

8.

**CLEVELAND STREET, NO. 288, SURRY HILLS – REGULARISE THE USE OF SITE AS A BROTHEL, 24 HOURS PER DAY, SEVEN DAYS PER WEEK – DEVELOPMENT APPLICATION (U01-01249)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Fowler:-

- (A) That Council refuses the application for the following reasons, namely:-
- (1) That the proposal does not comply with the aims and objectives of the South Sydney City Local Environment Plan 1998;
  - (2) That the proposal does not comply with the objectives and prescriptions of the South Sydney Sex Industry Policy;
  - (3) That the proposal does not comply with the Disability Discrimination Act in relation to providing disabled access;
  - (4) That the proposal is inappropriate, particularly in relation to the proximity of other Brothels within the surrounding context;
  - (5) That the proposal will unreasonably impact upon the residential amenity of surrounding residential properties;
  - (6) Approval of the application is not in the public interest.
- (B) That the persons who made representation in respect of the proposal be advised of Council's decision.

Carried.

At the request of Councillor Fowler, the Mayor asked that a report be submitted developing bonuses in the DCP for FSR in relation to change of use for applications of this nature.

9.

**RILEY STREET, NOS. 252 – 284, SURRY HILLS – MODIFICATION OF A MIXED-USE BUILDING CONTAINING 159 DWELLINGS, RETAIL/ COMMERCIAL SPACE, BASEMENT AND GROUND FLOOR CAR PARKING – SECTION 96 MODIFICATION (U97-01208)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Harcourt:-

That the Council resolve to:-

- (A) approve as the consent authority, and pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, modification of Development Consent No.U97 - 01208 dated 10 June 1998, in the following manner:-

-deleting the following conditions:-

- (A) That the Council as the responsible authority grants a Floor Space Bonus in accordance with Part E of Development Control Plan 1997 – Urban Design to allow a floor space ratio not exceeding 3.25:1 subject to the application providing land dedication and public domain improvements generally in accordance with the submitted application and the conditions of consent in Part (D) of this resolution. If these works do not proceed to Council's satisfaction and according to relevant conditions of consent, the Floor Space Ratio shall revert to 3:1 and an application to amend the consent shall be submitted.
- (1) That the development shall be generally in accordance with plans 1897, DA01-29 dated 19 December, 1997, landscape plans LD-DA-01-E dated 25 March, 1998 and F dated 6 April, 1998;
- (2) That levels 6 and 7 of the perimeter block building facing Albion Street be setback above level 5 to the satisfaction of the Director of Planning and Building so that a stepped parapet line is formed to better respect the scale of the streetscape;

(7) **(A) Section 94 Contributions**

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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space Land Acquisition	\$305,185	2E97001.BGYO
Open Space/Townscape/ Public Domain	\$90,973	2E97002.BGYO
Accessibility And Transport	\$1,136	2E97006.BGYO
Management	\$4,509	2E97007.BGYO
<b>Total</b>	<b>\$401,803</b>	

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.

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

where:

- C** is the original contribution amount as shown above;
- CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI<sub>1</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

Payment shall be made before the release of the approved building plans.

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

## **(B) Works in Kind**

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 offset against the same category of works.

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.

- (15) That the floor space ratio shall not exceed 3.25:1;
- (23) That the proposed balconies shall not overhang the street alignment to Riley and Albion Streets at any point and the development shall be set back accordingly to the satisfaction of the Director of Planning and Building;
- (50) That a maximum of 153 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (51) That of the total of 153 off-street car parking spaces required in condition 48 (sic), at least 2 spaces measuring 3.5m x 5.5m minimum shall be provided as a car wash bay for vehicles associated with the development and shall be provided with a water connection, drained and discharged, located and clearly marked, all to the satisfaction of the Director of Planning and Building;
- (52) That the required off-street car parking spaces shall be allocated on the basis of residents -110, visitors - 27; retail - 16;

and that approval be given to:-

- 1. Replacing the conditions referred to Part 1 of the recommendation with the following:-
  - (1) That the development shall be generally in accordance with plans DA01-04A, DA05C, DA06-09B, DA10-17A, DA18C and DA19-20A, dated May 2002 and drawn by Allan P. Corke Pty Limited;
  - (7) **(A) Section 94 Contributions**

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.

<b>Contribution Category</b>	<b>Amount</b>	<b>Account</b>
Open Space LGA Works Program	\$324,240	2E97009.BGYO
Open Space New Parks	\$71,547	2E97003.BGYO
Accessibility And Transport Management	\$2,144	2E97006.BGYO
	\$5,285	2E97007.BGYO
<b>Total</b>	<b>\$403,216</b>	

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.

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

where:

**C** is the original contribution amount as shown above;  
**CPI<sub>2</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
**CPI<sub>1</sub>** is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of calculation being June Quarter 2001/2002.

The above amount must be paid to the Council in cash or by unendorsed bank cheque and be accompanied by the attached Payment Sheet.

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

**(B) Works in Kind**

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 offset against the same category of works.

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.

- (15) That the floor space ratio shall not exceed 3.42:1;
- (50) That a maximum of 170 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, located, prepared and marked to the satisfaction of the Director of Planning and Building;
- (51) That of the total of off-street car parking spaces required in Condition 50, at least 2 spaces measuring 3.5m x 5.5m minimum shall be provided as a car wash bay for vehicles associated with

the development and shall be provided with a water connection, drained and discharged, located and clearly marked, all to the satisfaction of the Director of City Environment;

- (52) That the required off-street car parking spaces shall be allocated on the basis of residents -119, visitors - 30; retail - 19;

3. The addition of the following conditions:-

- (100) 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	\$9,132

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 > Quarter 2001/02 (Amend as applicable)

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made before the release of the Construction Certificate / before the use is commenced or the release of the Occupation Certificate whichever occurs first. (Delete as applicable)

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

- (101) That in order to qualify for additional floor space bonus in accordance with the South Sydney Development Control Plan 1997- Urban Design, the owner shall design, construct and meet all costs associated with public domain works to the additional

value of \$412,190 associated with the development, as outlined in a Deed of Agreement to be determined in consultation with Council's Public Works Approvals Manager and shall enhance and/or be in addition to the requirements of Conditions 10, 11, 12, 28, 29, 30 and 39 of this consent. Details are to be resolved to Council's satisfaction prior to the release of the construction certificate.

- (B) That Condition Nos. 18, 19 and 22 of the consent not be deleted, as the requirements of these conditions have not yet been satisfied to the satisfaction of Council.
- (C) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (D) That Resolutions B and C (relating to acceptance of the SEPP 1 objections) to the consent of the development application not be deleted, as the planning instrument to which these refer to were in force at the time of consent.

At the request of the Mayor, and by consent the motion be amended by the addition of a Clause (E) to the recommendation, namely:-

- (E) That the above application be subject to the top floor of the tower being deleted.

Carried.

A show of hands was requested.

Motion carried 5 votes to 4.

**10.**

**LITTLE SELWYN STREET, NO. 4A, PADDINGTON – MEDIATION – DELEGATE AUTHORITY TO COUNCIL OFFICERS (U01-01123)**

That Council resolve to:-

- (1) enter into formal mediation for consent orders by the Land & Environment Court of NSW;
- (2) delegate authority to Area Planning Manager – South (Amanda Treharne) to settle the matter within the bounds of the objectives of LEP 1998 and DCP 1997.

Carried.

(Executive Manager – Assessments Report 4.12.02)

11.

**BOTANY ROAD, NOS. 282 – 288, ALEXANDRIA – MASTERPLAN FOR A MIXED COMMERCIAL RESIDENTIAL DEVELOPMENT CONTAINING 380SQM OF COMMERCIAL FLOOR SPACE, 33 UNITS AND OFF-STREET PARKING FOR 36 CARS (U02-00042)**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Executive Manager – Assessments, dated 11 December 2002.

Carried.

12.

**LEVEY WALK, NO. 2, ZETLAND – ERECT A MIXED COMMERCIAL/ RESIDENTIAL DEVELOPMENT CONTAINING 221 DWELLINGS 450SQM OF RETAIL SPACE AND 2 LEVELS OF BASEMENT PARKING – DEVELOPMENT APPLICATION - CONTRIBUTION INCLUDED IN CONSENT (U02-00908)**

- (A) That Council as the responsible authority grants its consent to the application to erect a mixed commercial/residential development containing 221 dwellings 450sqm of retail space and 2 levels of basement parking, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA01(F), DA02(F), DA03(H), DA04(I)-DA16(I), DA17(G)-DA24(G) received by the Council on 20 August, 2002;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$198,000 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 instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$116,000 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (4) Part A

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

Contribution Category	Amount	Account
Open Space/LGA Works Programme	\$106,106	2E97001.BGY0
Open Space/Green Square	\$1,089,971	2E99002.BGY0
Accessibility And Transport	\$3,160	2E97006.BGY0
Road Infrastructure/Green Square	\$942,817	2E99006.BGY0
Community Facilities/Green Square	\$141,095	2E99004.BGY0
Management	\$ 7,736	2E97007.BGY0
	<b>Total</b>	
	\$2,290,885	

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

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

where:

- C is the original contribution amount as shown above;
- CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being September Quarter 02/03.

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

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

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

Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount	Account
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Multi-Function Administration  
Centre \$157,308 2E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;  
CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the September Quarter 02/03.

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) AFFORDABLE HOUSING CONTRIBUTION  
(contribution in cash)

- (i) In accordance with Clause 27Q of Local Environmental Plan 1998 (Amendment No.6) - Green Square, and before issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Urban Affairs and Planning, Central Corporate Services Unit Cashier (10 - 11.30am Level 15, Governor Macquarie Tower, 1 Farrer Place Sydney 2000), or a bank guarantee in favour of the Department of Urban Affairs and Planning to the value of the required contribution has been lodged. The contribution shall be \$1,653,642.90 based on the in lieu monetary contribution rate for residential development at \$81.90 per square metre of total floor area (20,041sqm) and for non-residential development at \$27.30 per square metre of total floor area (450sqm). Contributions may be indexed in accordance with the formula set out below.

- (ii) Before the issue of an Occupation Certificate under the Environmental Planning and Assessment Act, 1979, the applicant must provide evidence that the bank guarantee referred to in (i) above has been redeemed as payment of this contribution. If the contribution is paid after 1 March of the year in which the consent is granted, the amount of the contribution will be indexed in accordance with the formula set out below.

NOTES:

- If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.
- Form A - Bank Guarantees must be lodged with the Housing Market Team, Level 16, Governor Macquarie Tower, 1 Farrer Place Sydney 2000
- All Form's B & C – Bank Cheques to be lodged with cashier at :

10-11.30am	2-2.30pm
Level 15	Level 2
Governor Macquarie Tower	Bligh House
1 Farrer Place	4-6 Bligh Street
Sydney 2000	Sydney 2000

The contributions will be adjusted accordingly on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

Contributions at Time of Payment =  $C \times \text{HPI } 2 / \text{HPI } 1$ , where:

C is the original contribution amount as shown above;  
 HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and  
 HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of the consent being the 1 March 2001;

- (7) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (8) That the external finishes and materials shall be carried out substantially in accordance with the details indicated on the approved plans;
- (9) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 4.08:1, and calculations

demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;

- (10) That all proposed work shall be wholly within the boundaries of the site with the exception of the encroachment of balconies, sunhoods and attachments etc. that overhang the boundary by up to a maximum of 6800mm. The applicant shall place a positive covenant on the title of the land to control the maintenance and insurance of balconies etc. which encroach over the public way. The covenant shall be to the satisfaction of the Director of City Environment and proof of the creation of the covenant shall be provided to Council before the issue of an Occupation Certificate;
- (11) 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;
- (12) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (13) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. The Plan shall provide information regarding parking restrictions including details on the location of off-street parking for construction workers, emergency access, pedestrian protection, traffic impacts, traffic routes etc;
- (14) That the development shall be landscaped generally in accordance with drawing LDA01 dated 7 August 2002 prepared by Anton James Design. The landscape plan however shall be amended so that it includes specific plant species and their locations and size as per Council's standard Landscape Condition 5101 Landscape Plan. The Landscape Plan shall also nominate those areas where planting occurs on slab in planter boxes and the nominal soil depths as per Council's Standard condition 5102 Planting on Slab, the appropriate planter box construction sections and planting details and shall accompany the plan(s);
- (15) 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 <sup>2</sup>	10L
Shrubs	1.0-3.0m	1/2m <sup>2</sup>	5L
Groundcovers	<1.0m	6/ per m <sup>2</sup>	150mm pot

- (16) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (17) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m<sup>2</sup>of landscaped area.

The owner /applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;

- (18) That any lighting on the site shall be designed to ensure no adverse impact on the amenity of the surrounding area by light overspill. Lighting shall comply with the AS 4282-1997 - Control of the Obtrusive Effects of Outdoor Lighting.

Lighting shall also provide a safe and comfortable visual environment for pedestrian movement at night. Lighting shall comply with the AS/NZS 1158.3.1:1999 standard - Pedestrian area (category P) lighting, performance and installation design requirements;

- (19) 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;
- (20) 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;
- (21) That any construction works shall not damage any new or existing public domain or open space works adjacent to the site. Any works damaged shall be rectified at the applicant's expense;
- (22) That the applicant shall construct, at no cost to Council, public domain footpath works on all street frontages surrounding the site, in accordance with the approved development application plans and consent conditions for public domain works within Victoria Park (reference DA U00-00759), Council's Development Specifications for Civil Works, and Streetscape Masterplan (May 2001), prior to the release of the Occupation Certificate;
- (23) That pursuant to Part 9 Division 3 of the Roads Act 1993, all detail design and construction documentation for works on Council property shall be submitted to and approved by Council prior to the release of the Occupation Certificate, regardless of who is nominated as the certifier for on-site work;
- (24) That the construction of any public domain works shall not commence until the applicant has had construction plans and specifications approved by Council, and at least two days written notice of the intention to commence work has been provided to Council;
- (25) That the design boundary levels for the site, including all points of pedestrian and vehicular access, be coordinated with constructed top of kerb levels to ensure a minimum 1.5% and maximum 2.5% footpath crossfall along all street frontages.

Details to this effect shall be approved by an appropriately qualified professional prior to the release of the Construction Certificate;

- (26) That the minimum habitable floor level and basement car park entry level for the site shall be a minimum 300mm above the 1 in 100 year overland flow water level. Details to this effect shall be approved by a Council registered stormwater certifier prior to the release of the Construction Certificate;
- (27) That the applicant shall construct a vehicular crossing at the proposed interface of Defries Avenue and the basement car park entry ramp in accordance with Council standards. Detail design and construction documentation for the vehicular crossing shall be submitted to and approved by Council prior to the release of the Occupation Certificate;
- (28) 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 agreed to by Council. 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;
- (29) That stormwater discharged from the site shall not be connected to the sewerage system, but shall be disposed of in accordance with the approved Victoria Park Stage 1 stormwater management plan. All details relating to the disposal of stormwater from the site shall be approved by a Council registered stormwater certifier prior to the issue of the Construction Certificate;
- (30) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (31) That the applicant shall accept the responsibility for the cost of any alteration or adjustment to the existing public utility services affected by construction works associated with the development, including works within the public domain;
- (32) That the developer/registered proprietor shall advise any initial purchaser of a unit, or tenant where units are not to be sold, that it is Council's policy not to issue resident parking permits to new residential flat developments located in Resident Parking Scheme areas;

- (33) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees.  
(Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (34) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (35) 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;
- (36) 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;
- (37) 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;
- (38) That details of providing and maintaining an overland flowpath shall be approved by the Director of Public works and Services prior to the approval of the construction certificate;
- (39) That the applicant, through Landcom, prepare a plan, clearly indicating the location of each residential lot within the Victoria Park development, and the number and location of on-street spaces that may be effectively relied upon to serve as visitor parking for each lot to compensate for the proposed deficiency in on-site parking. This plan is to be submitted to Council for approval. Should Council not be satisfied that sufficient on-street

spaces exist, then the excess of spaces to 1 bed units on site shall be redistributed as on-site visitor parking, until the reliance on on-street parking is consistent with the availability of such parking;

- (40) That all residential delivery and removals be managed using loading zones, to be detailed on a revised on street parking plan and submitted to council for approval;
- (41) That a detailed management plan explaining application procedures to utilise the loading zones for residential delivery / removals, authorisation procedures and roles, and co-ordination with other delivery requirements shall be provided with the application for a construction certificate;
- (42) That a maximum of 257 off-street car parking spaces (not including car wash bays) shall be provided. Each space (except for disabled spaces) shall be a minimum of 2.5m x 5.5m, or 2.6m x 5.4m with a minimum headroom of 2.2m, unless stated otherwise within these conditions;
- (43) That, of the 257 off-street car parking spaces provided, the spaces shall be allocated on the basis of (appropriately line marked and labelled prior to issuing an Occupation Certificate):
- between 17 to 33 spaces allocated to tenants of 1 bed units (dependent upon availability of on-street visitor parking);
  - 151 spaces allocated to tenants of 2 bed units;
  - 45 spaces allocated to tenants of 3 bed units;
  - between 22 - 37 residential visitor spaces (dependent upon availability of on-street visitor parking);
  - 6 retail spaces.
- (44) That, stack parking will only be permitted where it is allocated to single residential or commercial tenant parking. At this site, only 7 of the 3 bedroom units are entitled to two spaces, and the provision of stacked residential parking shall be limited to these 7 units. If necessary, the 2 retail shops being allocated parking may have a maximum of 1 stacked space each;
- (45) That a minimum of 4 spaces shall be provided for the exclusive use by people with disabilities;
- (46) That each of the spaces provided for the use of people with disabilities be dimensioned and marked in accordance with AS 2890.1 Section 2.4.5 and AS 1428.1, with a minimum headroom of 2.5m;

- (47) That each of the disabled car spaces shall be located adjacent to lift wells;
- (48) That, in addition to off-street parking spaces required, 2 spaces measuring a minimum of 3.5m x 5.5m shall be provided for the exclusive use as car wash bays for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (49) That, with reference to DA drawing No. DA 03H, space 175 shall be deleted;
- (50) That, with reference to DA drawing No. DA 04I, spaces 52 and 111 shall be deleted;
- (51) That the car park shall meet the requirements of AS 2890 Parking Facilities – Part 1:Off-Street Car Parking and South Sydney DCP No.11 – Transport Guidelines for Development. That a minimum of 100 bicycle spaces shall be provided;
- (52) That of the 100 bicycle spaces provided, the spaces shall be allocated on the basis of:74 residential tenant bicycle parking spaces; 22 residential visitor bicycle parking spaces; and 4 retail bicycle parking spaces;
- (53) That, of the bicycle parking spaces provided, all residential bicycle parking should be Class 1 bicycle lockers as specified in AS 2890.3 Bicycle Parking Facilities. Other areas should be minimum Class 3 bicycle rails;
- (54) That the 22 residential visitor bicycle parking spaces shall be easily accessible, and a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor bicycle parking, and providing instructions on how to access this parking;
- (55) That, 2 of the retail bicycle parking spaces shall be located at grade on ground level within the site forecourt area to the north of the retail area near the corner of Gadigal Avenue and Defries Avenue;
- (56) That, 2 of the retail bicycle parking spaces shall be located at grade on ground level within the site along the western face of either retail area 1 or 2;
- (57) That the driveway shall be constructed with appropriate splays and setbacks such that the minimum sight distance requirements of AS 2890.1 are met;

- (58) That the maximum size vehicle permitted on the site is a B99 car with a maximum height of 2200mm;
- (59) That a low clearance sign be used in conjunction with an appropriate warning device such as a flexible striker bar for the basement car park entrance where vehicles first enter undercover or encounter an overhead obstruction;
- (60) That the intended path for pedestrians through the parking facility (after parking a vehicle through to the entry point of a development facility) be clearly identified. The minimum requirement for identification of pedestrian paths is appropriate signage (refer AS 2890.1 4.3.3(a)), and linemarking. Particular attention should be given to avoiding the need for pedestrians to walk across internal ramp entrances / exits. A detailed pedestrian management plan, including all linemarking and signage required, shall be provided with the application for a construction certificate;
- (61) That the applicant will produce a transport access guide, identifying how to travel to the site by public transport, walking and cycling, and include this guide with real estate advertising;
- (62) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (63) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (64) That at all times the loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
- (65) That at no time shall the premises be serviced by articulated vehicles or vehicles bearing containers;
- (66) That all vehicles shall always be driven onto and off the site in a forward direction;
- (67) That appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress, compelling vehicles to stop before proceeding onto the public way;
- (68) That at least one main entry without steps and useable by people in wheelchairs shall be provided from the public way to the lift

lobby in accordance with the design requirements of the relevant Australian Standards;

- (69) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads;
- (70) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (71) That the applicant shall ensure that the domestic garbage storage area is of sufficient size to accommodate 3 x 2,000-litre and 2 x 1,000-litre bins for domestic refuse, 5 x 660-litre bins for paper recycling and 24 x 240-litre sulo recycling bins. Also, that the applicant be advised that all bins are to be purchased from Council;
- (72) That the applicant shall ensure that a motorised roller-door with a Council compatible locking device shall be installed;
- (73) That the applicant shall ensure that the commercial tenants must engage services of a private waste contractor for removal of waste and recycling;
- (74) That the applicant shall ensure that a suitable garbage storage area accessible via Defries Avenue shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by commercial tenants;
- (75) That before erecting any hoarding, an application must be made to the Director of City Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works and Services;
- (76) That the applicant shall apply to the Director of City Works 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;
- (77) 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;
- (78) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if

such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;

- (79) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (80) 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;
- (81) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (82) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (83) 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;
- (84) 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;
- (85) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;

- (86) 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;
- (87) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (88) 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;

- (89) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (90) 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);
- (91) 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;
- (92) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (a) That all relevant sections of the BCA shall be complied with;

- (b) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (c) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (d) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (e) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (f) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (g) That 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;
- (h) That the requirements of the Work Cover Authority shall be complied with;
- (i) 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;
- (j) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays,

where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of City Works and for the use of a mobile crane:

- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
- (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of City Works Department;
- (k) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (l) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (m) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (n) That the demolition work shall comply with Australian Standard 2601-1991;
- (o) That if 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;
- (p) 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
- (q) (Note) 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 and in this condition, allotment of land includes a public road and any other public place;
- (r) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
  - (b) building involves the enclosure of a public place

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

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

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

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

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

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

This clause does not apply to:

- (c) building work carried out inside an existing building, or
- (d) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (t) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (u) That the applicant shall note that this application has not been assessed for compliance with the Building Code of Australia;
- (93) 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);
- (94) That a separate garbage/recycling storage facility for commercial use shall be located within the site at street level in a position that can be accessed by a commercial contractor. 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;
- (95) That the residential garbage/recycling storage facilities shall be located within each building 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;
- (96) That approved garbage chutes shall be installed in each building in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (97) That the construction, fitout and finishes of any proposed food premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (98) That any proposed food premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668;

- (99) That the car wash bays shall be graded and drained to the buildings' sewerage service in accordance with the requirements of the Sydney Water Authority;
- (100) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (101) That all cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 1991, and Public Health (Microbial Control) Regulation 2000;
- (102) The applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include:
  - (a) Siltation fencing
  - (b) Protection of the public stormwater system; and,
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (103) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system;
- (104) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
  - (a) Measures to control noise emissions from the site,
  - (b) Measures to suppress odours and dust emissions,
  - (c) Soil and sediment control measures;
- (105) 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 (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 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;
- (106) 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 recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (c) the garbage chute: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (d) the garbage room and garbage chute: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (e) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;

**NOTE 1:**

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

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

**NOTE 2:**

The owner's attention is drawn to the advisability of having periodic tests made of the pool water as to its suitability for bathing purposes.

**NOTE 3:**

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

- (B) Council resolve to advise the applicant that any future applications involving towers greater than 14 storeys high will require an amendment to the Refined Masterplan.
- (C) That negotiations be held with the applicant and Council regarding contributions to the Green Square/Zetland Traffic Study.

Carried.

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

13.

**PLANNING - HOUSEKEEPING REVIEW OF SECTION 94 CONTRIBUTIONS PLAN AND PUBLIC EXHIBITION OF A REVISED DRAFT SECTION 94 PLAN 2001/2002 (2026862)**

(ALSO LISTED AS ITEM NO. 11, FINANCE COMMITTEE)

That Council resolves to place on public exhibition the revised new draft Section 94 Contributions Plan 2001/2002 at Attachment B for a period of 6 weeks.

14.

**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)**

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Robert Creed with the authority of Bellstar Ventures, to demolish the rear of the existing semi detached dwellings and erect a part three/part four storey residential flat building, subject to the following conditions, namely:-

(1) That the proposal shall be generally in accordance with plans numbered DA01-DA15 inclusive, drawn by Robert Creed Architects, dated 30 October 2002 and stamped and endorsed by Council, subject to compliance with the following conditions of consent;

(2) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$1737
Open Space: New Parks	\$7859
Accessibility And Transport Management	\$52
	\$124
<b>Total</b>	<b>\$9772</b>

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

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

where:

C is the original contribution amount as shown above;

CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and

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

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

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

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

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

#### Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount
Multi-Function Administration Centre	\$2945

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;

- (4) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$11,550 in the form of

Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (5) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3000, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (6) That the north wall adjacent of the terrace areas located in the centre of the site and attached to of units 3 and 4 shall be completely solid;
- (7) That the adjoining neighbours at No. 149 and 157 Cook Road shall be notified of the proposed construction timetable 14 days prior to the commencement of work. This notification shall outline the expected duration of construction, working hours and times of scheduled breaks;
- (8) That a sign shall be located in a prominent position on the site advising surrounding owners/occupiers of the site managers name and contact number. The site manager shall respond to any queries or questions during construction on the site, including general construction timetable enquires;
- (9) That the proposed openings on upper level 2 facing the adjoining property at 149-151 Cook Road are to be redesigned so that they contain fixed louvres;
- (10) That the dormer window within unit 7 shall contain translucent glass and shall not be openable;
- (11) That a minimum of five suitable tress shall be planted in the landscaped areas as indicated in the submitted Landscape Plan (Drawing Nos. 001 & 002).
- (12) That the root system of the fig tree immediately adjacent to the southern boundary of the site in the rear yard of No. 157 Cook Road shall be protected from construction activities and protection measures put in place to assist in the protection of this tree. If pruning of the canopy is required, approval must be sought from the owner of the tree before Council will approve any tree work.

- (13) That a lockable gate consisting of metal grills shall be placed within the northern passageway area behind the main building line.
- (14) That all internal habitable rooms shall be provided with natural light and ventilation;
- (15) That the two existing chimneys at the front of the existing dwellings shall be retained;
- (16) That the face brickwork and stone on the facade of the existing buildings is not to be rendered, painted or coated;
- (17) That the paint on the side elevations of the existing buildings shall be removed using a method that does not damage the brickwork. Before external paint removal of the brickwork is considered, detailed tests are to be carried out under the supervision of a suitably experienced heritage practitioner to ensure the paint stripping process does not damage the existing brickwork. If the paintwork cannot be removed without causing damage, then the brickwork is to be painted in earthy tones in keeping with the architectural style and period of the building. Details and results of the tests are to be submitted to Council's satisfaction, together with the external colour scheme of the brickwork if the tests are not successful, prior to the issue of the Construction Certificate;
- (18) The proposed dormer windows shall be timber framed in keeping with the character and period of the building. No glazing in the side of the dormer windows is to be incorporated in the design. The roof of the dormers shall be terracotta tiles matching the existing roof the building;
- (19) That all new services to the existing building are to be placed as unobtrusively as possible with minimum intervention to the original fabric;
- (20) The external colour scheme of the development is to be predominantly in earthy tones to be in keeping with the character of the conservation area;
- (21) The sandstone base of the front fence shall be rebuilt in keeping with the overall detailing of the existing. The timber pickets are to match those at Nos 153-157 Cook Road;
- (22) That all stormwater connections shall be perpendicular from the building line to Council's kerb;

- (23) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

and the following standard conditions

- (24) Vehicular footway crossing<sup>3103</sup>
- (25) Compliance with BCA<sup>9104</sup>
- (26) Construction Certificate required<sup>9155</sup>
- (27) Survey certificate at set out stage<sup>9001</sup>
- (28) Survey certificate at completion<sup>9002</sup>
- (29) Stormwater details<sup>9003</sup>
- (30) Structural Design Certificate<sup>9006</sup>
- (31) Issue of occupation certificate<sup>9101</sup>
- (32) Comply with the WorkCover Authority<sup>9105</sup>
- (33) Construction hours<sup>9151</sup>
- (34) Hours of work and use of cranes<sup>9153</sup>
- (35) Building/demolition noise control<sup>9156</sup>
- (36) Maintain existing building in a stable condition<sup>9157</sup>
- (37) Works to be within allotment boundaries<sup>9158</sup>
- (38) Guarding of excavations<sup>9160</sup>
- (39) Demolition to comply with Australian standard<sup>9161</sup>
- (40) Retaining walls and drainage<sup>9162</sup>
- (41) Support for neighbouring buildings<sup>9163</sup>
- (42) Protection of public places<sup>9164</sup>

- (43) Signs erected on building and demolition sites<sup>9165</sup>
- (44) Builders hoarding permit<sup>30</sup>
- (45) Alignment levels<sup>32</sup>
- (46) Road opening permit<sup>34</sup>
- (47) Consolidate lots<sup>1109</sup>
- (48) Display street number<sup>1110</sup>
- (49) Obstruction of the public way<sup>3101</sup>
- (50) Work zones<sup>3102</sup>
- (51) Vehicular footway crossing<sup>3103</sup>
- (52) Delivery of construction materials<sup>3104</sup>
- (53) Pedestrian safety<sup>3110</sup>
- (54) Associated roadway costs<sup>3111</sup>
- (55) Stormwater (general)<sup>4101</sup>
- (56) Clean water discharge<sup>4102</sup>
- (57) Landscape plan<sup>5101</sup>
- (58) Planting on slab<sup>5102</sup>
- (59) Maintenance<sup>5114</sup>
- (60) Final inspection<sup>5115</sup>
- (61) Garbage on the public way<sup>6101</sup>
- (62) Refuse skips<sup>6102</sup>
- (63) Garbage storage area<sup>6103</sup>

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

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

NOTE 2: The application has not been assessed for compliance with the Building Code of Australia.  
The reason for Council granting consent, subject to the above conditions, is:-

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

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

Carried.

15.

**DARLINGHURST ROAD, NO. 138, DARLINGHURST – FITOUT FOR GROUND FLOOR CAFÉ OPERATING 7.00 AM TO 10.00 PM SIX DAYS, 8.00 A.M. TO 10.00 P.M. SUNDAYS (U02-00942)**

That the development application be refused for the following reasons, namely:-

- (A) (1) That the application does not comply with the aims and objectives of the South Sydney City Local Environmental Plan 1998.
- (2) That the application does not comply with the objectives of the South Sydney City Development Control Plan 1998.
- (3) That the proposal will generate excessive noise levels that when in combination with other noise sources in the immediate vicinity will unreasonably impact upon the amenity of surrounding residents.
- (4) That the proposal is not in keeping with character of the surrounding and predominantly residential land uses.
- (5) That the hours of operation and number of seats associated with the proposed development is unsuitable and inappropriate for the site.
- (6) That 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.

The Planning and Development Committee Meeting terminated at 8.39 p.m.

### **NOTICE OF MOTION**

1.

#### **STREETS – OVERHEAD CABLES – BURYING UNDERGROUND**

**By Councillor Furness, Seconded by the Mayor.**

Following the recent spate of sudden disfiguring of street trees in South Sydney by Energy Australia, that a letter be sent to the Premier, under the signature of the Mayor, calling upon him to urgently devise an achievable plan to methodically bury overhead cables.

Carried.

The Council Meeting terminated at 9.20 p.m.

Confirmed at a meeting of South Sydney City Council  
held on ..... 2003

**CHAIRPERSON**

**GENERAL MANAGER**