

314TH Meeting

Erskineville Town Hall
Erskineville
475566

Wednesday, 26 February 2003

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.31 pm on Wednesday, 26 February 2003.

PRESENT

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

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

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Confirmation of Minutes

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

That the minutes of the Ordinary Meeting of Council of 12 of February 2003, be taken as read and confirmed.

Carried.

Apology

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

Moved by Councillor Furness, seconded by Councillor Fowler:-

That the apology be received and accepted and leave of absence from the Council meeting of 26 February 2003 be granted.

Carried.

MINUTE BY THE MAYOR

21 February 2003

PUBLIC RELATIONS - ARTISTS FOR PEACE - ANTI WAR POSTER (2019355)

Council has been offered a poster design (attached) by a group called Artists for Peace. It is an anti war poster called, "War Be Alarmed". "Artists for Peace aim to create awareness and to bring about political change on the issue of Iraq". The group do not want any payment but rather would like Council to reproduce the poster image and to display it in the JC Decaux bus-shelters in the South Sydney area.

Council received an e-mail (attached), from the group, Artists For Peace, represented by group member, Jackie Randles on 13 February 2003, congratulating Council on it's decision to oppose the impending war on Iraq and advising that members of their group had designed an anti war poster which they hoped that Council would accept, reproduce and display.

Artists for Peace feel that the poster image , "War Be Alarmed" is perfect as a community education tool. It has been designed by artists, Peter Woodford Smith and Glen Stace, who have agreed that the poster may be used in the Decaux street booths but that they would retain copyright for the image. The artists suggest that Council should add some text to the design such as "Proudly Sponsored by South Sydney City Council".

Artists for Peace hope “that this simple graphic will come to represent a crucial moment in Sydney’s history, when community momentum took off to stop the war.”

Council’s Policy for the Community Use of JC Decaux Bus Shelter Promotional Panels provides that:

- South Sydney community groups who comply with Council Policy and Guidelines be given access to the small poster panels providing the booking does not clash with a Council booking. Priority will be given to groups, events and activities that provide for people of South Sydney Council;
- the General Manager has delegated authority to approve/refuse such requests;
- community groups must pay for production of their posters; and
- community groups must pay the installation fee of \$13.65 and the dismantlement fee of \$13.65 per small panel.

This proposal falls outside of the guidelines of Council’s Policy for the Community Use of JC Decaux Bus Shelter Promotional Panels as the group is not applying for permission to put their own posters into the bus shelters. Rather, they wish for Council to accept their poster design as a gift, and then as a Council project, cover costs of reproducing and displaying the posters, in line with Council’s position against the impending war in Iraq.

Council will incur the costs of reproducing the A1 size posters to be displayed in 132 available bus shelters and the cost of installing and removing the posters.

Council has received quotes:

Printing:	150 x Size A1 posters	\$2,841.00
Installation:	@ \$13.65 and removal @ \$13.65 per shelter x 132	\$3,603.60
	Total	\$6,444.60

Funding to cover this expenditure would need to be added to the Donations Budget Code 1.24.6815.16410.

Recommendation:

It is recommended that Council:

1. Accepts the donation from Artists for Peace of their anti war poster design.
2. Approves the printing of up to 150 posters at a cost of \$2841 (for 150).
3. Approves the installation of the printed posters in up to 132 available South Sydney bus shelters at a cost of \$3603.60.(for 132) Timing to be determined by other promotional requirements.

4. Approves the wording "Proudly sponsored by SSCC".

Funds to cover the costs of this (of up to \$6444.60) to be added to Donations Budget Code : 1.24.6815.16410, and recouped from operational savings.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minute by the Mayor, be approved and adopted, subject to:-

- (1) the deletion of the words "up to 150 posters at a cost of \$2841", where appearing in Clause (2) of the recommendation, and the insertion in lieu thereof, of the words "25 posters" at a cost to be determined by the appropriate Council Officer as per the formula detailed in the Minute by the Mayor;
- (2) the deletion of the words "up to 132 available South Sydney Bus shelters at a cost of \$3603.60 for 132", where appearing in Clause (3) of the recommendation and the insertion of the words "25 available South Sydney bus shelters, at a cost to be determined by the appropriate Council Officer as per the formula detailed in the Minute by the Mayor;
- (3) the deletion of the words "Proudly sponsored by South Sydney City Council" where appearing in clause (4) of the recommendation and the insertion in lieu thereof of the words "South Sydney City Council says no to war";
- (4) the total project cost of \$6444.60 being reduced as determined by the appropriate Council Officer, as per the formula detailed in the Minute by the Mayor.

Carried.

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

MINUTE BY THE GENERAL MANAGER

25 February 2003

**BOUNDARY ALTERATION – PROCLAMATION BY THE MINISTER
FOR LOCAL GOVERNMENT PURSUANT TO SECTIONS 218B AND 218C
OF THE LOCAL GOVERNMENT ACT, 1993 (2023447)**

COUNCIL

Executive Summary

The State Government proclaimed a new Local Government Boundary between South Sydney and Sydney City Councils in Government Gazette Number 47 dated 19 February 2003.

In addition to providing a detailed specification in respect of the new boundary the proclamation also establishes a number of procedures for finalising the implementation of the new boundary by 8th May 2003.

The proclamation requires that Council finalise its position in relation to the implementation of the new boundary by 17th April 2003. To achieve this deadline it is proposed to retain the services of Mr Adam Seton who has assisted Council with a variety of other legal matters in relation to the boundary issue. Mr Seton may have to engage other specialist advisers to assist him from time to time.

In addition to any other reports and briefings, it is anticipated that a report will be submitted to a special meeting of Council during the course of the week commencing Monday 14th April 2003.

Recommendation

That:-

1. the report be noted;
2. Council reaffirm its earlier position to retain the services of Adam Seton and any other specialist assistance he may require from time to time, pursuant to Section 55(3) of the Local Government Act 1993, as a satisfactory result would not be achieved by inviting tenders.

GENERAL MANAGER
Michael Whittaker (SGD)

REPORT

Background

The State Government proclaimed a new Local Government Boundary between South Sydney and Sydney City Councils in Government Gazette Number 47 dated 19 February 2003. The new boundary is to be effective from the 8th May 2003 – Refer Attachment No.1

In addition to providing a detailed specification in respect of the new boundary the proclamation also incorporates a number of provisions in relation to the actual implementation of the new boundary. These provisions relate to matters such as the:

- Transfer of Staff
- Transfer of Assets
- Transfer of Liabilities
- Transfer of Data and Information
- Provision of Services and Facilities during the Transition Period
- Settlement of Disputes

The proclamation requires that Council finalise its position in relation to the implementation of the new boundary by 17th April 2003.

To achieve this deadline it may be necessary to engage some specialist assistance/advice.

In addition to any other reports and briefings, it is anticipated that a report will be submitted to a special meeting of Council during the course of the week commencing Monday 14th April 2003.

Strategic Outcomes

Not Applicable

Community Consultation

Not Applicable

Councillor/Officer Consultation

Not Applicable

Environmental Issues

Not Applicable

Employment Outcome

The proclamation specifically addresses this point - Refer Clause 10, Page 16. There are to be no loss of employment opportunities for staff as a result of the proclamation.

Council Policy Compliance

Not Applicable

Legislative Compliance

In relation to the issue of the boundary alteration, the State Government has the legislative Authority to make this proclamation.

In relation to the engagement of legal/specialist advisers, it would be appropriate for Council to retain the services of Mr. Adam Seton pursuant to Section 55(3) of the Local Government Act 1993, as a satisfactory result would not be achieved by inviting tenders. Mr Seton and his colleagues have assisted Council extensively throughout the "boundary" matter and as such it is appropriate to maintain continuity in legal advice at this point in time. As with earlier aspects of this matter, Mr Seton may have to engage other specialist advisers to assist him from time to time.

Delegation of Authority

Not Applicable

Relevant Precedents

Not Applicable

Possible Options

Not Applicable

Financial Implications

Capital Budget - Not Applicable

Operational Budget: The engagement of Mr Seton plus any additional expert assistance will be funded from the operational budget for the 2002-03 Budget Year

Future Budgets: Not Applicable

Executive Recommendation

That:-

1. the report be noted;
2. Council reaffirm its earlier position to retain the services of Adam Seton and any other specialist assistance he may require from time to time, pursuant to Section 55(3) of the Local Government Act 1993, as a satisfactory result would not be achieved by inviting tenders.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

URGENCY MOTION – AMALGAMATION WITH CITY OF SYDNEY AND SOUTH SYDNEY COUNCIL

At this stage it was moved by Councillor Fowler, seconded by Councillor Bush, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, that that this Council approach the Minister for Local Government to request a complete amalgamation of the City of South Sydney with the new boundaries as gazetted for the City of Sydney as proclaimed on February 19th

Carried.

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

It is moved that considering the gross illogical and unsustainable nature of the new boundaries; with their lack of a community of interest for good governance for any communities, whether they be of a residential, business or governmental nature; and the huge loss to the public good of assets staffing and intellectual property that would be lost in any transitional arrangements, that this Council approach the Minister for Local Government to request a complete amalgamation of the City of South Sydney with the new boundaries as gazetted for the City of Sydney as proclaimed on February 19th.

Negatived.

Councillor Furness requested a show of hands on the motion.

Motion lost 5 votes to 3.

QUESTIONS WITHOUT NOTICE

1.

QWN – 26 FEB 2003

REHAME BUILDING ON MYRTLE STREET, CHIPPENDALE – BREACHES OF CONSENT CONDITIONS - INVESTIGATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS

Question:

Could I be advised in writing of investigations into any breaches of consent conditions relating to the Rehame Building in Myrtle Street, Chippendale currently being conducted by the City Environment Department and those which were conducted several months ago, particularly regarding light spill onto Levey Street?

Answer by the Mayor:

Happy to organise that Deputy Mayor

2.

QWN – 26FEB 2003

NO RIGHT HAND TURN FROM MACLEAY STREET SOUTH INTO CHALLIS AVENUE, POTTS POINT – INCONVENIENCE TO RESIDENTS- QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD

Question:

Council installed via Traffic Committee approval of a no right hand turn from Macleay Street heading south into Challis Avenue, Potts Point. This is to allow for a temporary construction zone, but is causing great inconvenience to residents. Can this temporary no right hand turn be altered to apply only during construction hours rather than 24 hours a day?

Answer by the Mayor:

I am happy to refer that to the Director of City Works and subsequently to the Traffic committee. I have to tell you there was extraordinary long discussions at Traffic Committee about that particular issue but given your concern, I am happy to refer it to Mr. Donley and see whether some appropriate modification as per your suggestion.

3.

**QWN – 26FEB 2003
NO LEFT HAND TURN OFF CLEVELAND STREET INTO BAPTIST
STREET, REDFERN – INSTALLATION OF SIGN - QUESTION WITHOUT
NOTICE BY COUNCILLOR HARCOURT**

Question:

Policing of the no left hand turn off Cleveland Street into Baptist Street, Redfern. There is a no left hand turn sign there, that is constantly ignored by motorists to the very considerable danger to pedestrians who don't expect rightly that cars will be turning. If the sign is there, it should be policed. I have seen the accidents there on many occasions almost been a victim myself.

Answer by the Mayor:

Certainly happy to pursue that matter and will get back in touch with you.

4.

**QWN – 26 FEB 03
RESERVOIR AT PADDINGTON – ADJACENT OPEN SPACE – STATUS OF
WORK - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER**

Question:

The Reservoir at Paddington is an eyesore. There had been considerable consultation on this and the adjacent open space. What is the status of Works on this site? Can a report be prepared for Committee outlining Council's intentions for this land?

Answer by the Mayor:

I will refer that to the relevant Director and will have a report prepared for Committee.

5.

**QWN – 26 FEB 2003
LIST TO BE SUBMITTED - NON COMPLYING PREMISES - QUESTION
WITHOUT NOTICE BY COUNCILLOR BUSH**

Question:

Council's Officers prepared a list of 80 non-complying premises which include brothels, night clubs strip houses and sex on premises venues. That list has been available to all Councillors and staff for in excess of 8 months. Can the General Manager notify those non-complying premises to cease operation or comply by lodging a Development Application?

Answer by the Mayor:

I will refer that to the General Manager for consideration.

6.

QWN – 26 FEB 2003**TRAFFIC MATTERS – KINGS CROSS/PADDINGTON/WOOLLOOMOOLOO AREAS - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW****Question:**

- (1) As a result of the PACT meeting at Kings Cross last night, Springfield Mall, it was brought to the attention that the no standing emergency vehicles only signs are not being adhered to. Could the area be policed following numerous complaints from local residents and businesses at that meeting regarding parked cars always parking that area out?
- (2) Rosebud Lane, which is between Napier Street and Oxford Street, Paddington, is in need of a new one way sign. The present sign is covered with stickers and because of that, traffic is travelling illegally.
- (3) There are two lanes between Forbes Street and Bourke Street, Woolloomooloo, where every morning traffic travels illegally and is a pedestrian risk. Do the Police or Council police the traffic movement by Council rather than paying the Police as Council could make a considerable amount of money by doing it itself?

Answer by the Mayor:

Councillor Shaw, I will refer all those to the appropriate Directors for reports by the relevant Officers.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

19 February 2003

PRESENT**Councillor Jill Lay (Chairperson)****Councillors – John Fowler, Peter Furness, Amanda Lennon, Greg Shaw**

At the commencement of business at 6.36 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw

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

That the Report of the Planning and Development Committee of its meeting of 19 February 2003, be received and the recommendations set out below for Items 1, 3, 5 to 7, inclusive and 10 to 15, inclusive, be adopted. The recommendations for Items 2, 4, 8 and 9 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

DRAFT SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN - SACRED HEART CHURCH AND HALL 160 OXFORD STREET, DARLINGHURST (AMENDMENT NO. 15) (2026597)

- (1) That Council resolve to adopt the Draft LEP and In accordance with the provisions of s.69 of the Environmental Planning and Assessment Act 1979, forward draft LEP to the Minister of Planning to be made.
- (2) That Council notify those persons who lodged submissions in relation to the draft Local Environmental Plan.

Carried.

2.

KING STREET, NO. 145, NEWTOWN - INTERNAL ALTERATIONS AND ADDITIONS TO AN EXISTING HOTEL, INCLUDING NEW STAIRS, DEMOLITION OF TWO INTERNAL WALLS FOR NEW POOL ROOM ON THE FIRST FLOOR, NEW KITCHEN AND BAR AREA AT SECOND (ROOF) FLOOR LEVEL (U02-00097)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to Development Application U02-00097 submitted by J & J O'Brien Pty Ltd to undertake alterations and additions and to create additional bar areas at first floor and roof levels at the Marlborough Hotel, 145 King Street, Newtown, for the following reasons, namely:-
 - (1) That the proposal does not comply with the aims and objectives of LEP 1998.
 - (2) That the proposal does not comply with the requirements of Part E, Section 3 of DCP 1997 in respect to Heritage and Conservation.

- (3) That the proposal does not comply with the requirements of Part E, Section 4 of DCP 1997 in respect to acoustic privacy.
 - (4) That the proposal fails to satisfy the requirements of Clause 13(1)(c) of LEP 1998 in relation to impacts on the amenity of the commercial strip.
 - (5) Approval of the proposal would not be in the public interest in light of the circumstances of the case.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

3.

TAYLOR STREET, NOS. 8-10, DARLINGHURST - BODYLINE SPA AND SAUNA - SECTION 96 APPLICATION. INCREASE THE OPERATING HOURS TO TWENTY-FOUR HOURS, SEVEN DAYS PER WEEK (U96-00792)

That Council:-

- (A) advise the Land and Environment Court that no objection is raised to the increase in operating hours subject to:
- (1) replacing condition (4) of the consent with the following:
 - (4) "That the hours of operation shall be restricted to 12 (midday) to 7.00am Mondays to Fridays and 7.00am to 7.00am (24 Hours) on Saturdays and Sundays."
 - (2) That the applicant be required to submit to Council a Plan of Management within (30) days from the endorsed date of the modified consent. The Plan of Management shall outline the manner in which the operation will be controlled and managed in respect to the following matters:
 - (a) Implementation of all requirements of Council's Sex Industry Policy and Equitable Access Design policy;
 - (b) Complaints handling including the process for resident communications and responding to issues of concern raised by surrounding residents;
 - (c) Safety and security.
- (B) That Council advises the Surry Hills Local Police command of its decision.

- (C) That the report by the Executive Management Assessments regarding the hours of operation dated 25 February 2003, be received and noted.

Carried.

4.

TELOPEA STREET, NOS. 92-94, REDFERN - ALTERATIONS AND ADDITIONS TO RESIDENTIAL TERRACE INCLUDING PARTIAL DEMOLITION AND REAR GROUND AND FIRST FLOOR EXTENSION – DEVELOPMENT APPLICATION (U02-00953)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Fowler:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Kirsten Brown, with the authority of Roger & Sarah van den Hoek to demolish the existing rear ground floor of two residential cottages, and carry out alterations and additions amalgamating and extending both the rear ground and first floor for use as a single dwelling, for the following reasons, namely:-
- (1) That the proposal does not comply with *Residential 2B* zone objective 12(1)(c) of *LEP 1998*, as the proposal would result in an excessive built form detracting from the existing quality of the environment;
 - (2) That the proposal does not comply with *Clause 22* of *LEP 1998* as the development is not sympathetic to the heritage nature of the Conservation Area and the size and design of new works is not compatible with the existing dwelling or the conservation area;
 - (3) That the proposal is inappropriate subject to design elements requiring Council's consideration subject to *Clause 23A* of *LEP 1998*, particularly having regard to loss in interpretation of the roof form due to the rear first floor extension, and the visual impact of the extensions within the conservation area;
 - (4) That the proposal is inconsistent with *Clause 28* of *LEP 1998* as the works do not reinforce or enhance the streetscape and character of the locality, and are incompatible with the scale and design of neighbouring development;
 - (5) That the proposal is non-compliant with *Part F, Section 1.1.1* of *DCP 1997* in regard to site coverage which results in an

excessive built form as viewed from Young Lane and Telopea Street;

- (6) That the proposal is non-compliant with *Part E, Section 2.3 of DCP 1997* in regard to the 6m height control, with the additional height contributing to the proposal's excessive height and bulk as visible from the public way;
 - (7) That the proposal is non-compliant with *Part E, Section 2.2 of DCP 1997* in regard to exceeding the floor space ratio control of 1:1, with the additional floor space contributing to the excessive bulk and scale as viewed from the public way;
 - (8) That the proposal is non-compliant with *Clause 4.1.1 General Principles of DCP 1998 (Heritage Conservation)* as the design fronting Young Lane is inappropriate in consideration of its visibility from the public way and removal of original fabric such as the rear ground floor chimney;
 - (9) That the proposal is non-compliant with *Clause 4.1.3 Scale, Massing, Form and Height of DCP 1998 (Heritage Conservation)* as the size of the rear addition would overwhelm the existing pair and disrupt interpretation of the consistent rear form of the terrace pair;
 - (10) That the proposal is non-compliant with *Clause 4.1.5 Roofs and Chimneys of DCP 1998 (Heritage Conservation)*, due to removal of the rear skillion roof chimney;
 - (11) That approval of the application is not in the public interest.
- (B) That the persons who made a submission be advised of Council's decision.

At this stage, Councillor Fowler made a derogative remark towards Councillor Lay.

The Mayor asked that Councillor Fowler to withdraw and apologise for his remark.

Councillor Fowler withdrew his remark and apologised unreservedly.

Moved by Councillor Fowler, seconded by Councillor Bush, that the matter be deferred to the next Planning and Development Committee Meeting.

Negatived.

Motion, carried.

5.

**GREENKNOWE AVENUE, NO. 8, ELIZABETH BAY - FORMER
MANHATTAN HOTEL, - SECTION 96 APPLICATIONS – MODIFICATIONS
(U00-01393)**

(At the Council meeting, Councillor Mallard declared an interest in the matter in that an associate of his has an interest in the matter, and left the Council Chambers whilst the matter was being discussed and voted on.)

That Part (A) and (B) of the report dated 4 February 2003, be deleted and that (C) and (D) be adopted namely:-

(C) That Council, as the consent authority, grant approval under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. U00-01393, dated 9 May, 2001 to “erect a new apartment building” by:

(1) Deleting Condition 17 and replacing it with the following:

(17) No less than 68 on-site car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council’s Development Control Plan No.11.

(2) Deleting Condition 18 and replacing it with the following:

(18) That the parking spaces shall be allocated on the basis of 60 for residents, 1 for commercial/cafe, 6 for visitors and 1 car wash bay.

(D) That Council advises objectors of its decision.

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

(A) That Council, as the consent authority, refuses to grant its approval under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. U00-01393, dated 9 May, 2001 to erect a new apartment building in relation to the proposed shade screens at Levels 6 and 7 for the following reasons, namely:-

(1) The proposal does not comply with the aims and objectives of the South Sydney City LEP 1998;

- (2) The proposal does not comply with the objectives and requirements of the South Sydney DCP 1997, particularly Parts B, E and F;
 - (3) The proposal contravenes the objectives and requirements of the development consent dated 9 May, 2001;
 - (4) The proposal is inappropriate for the site as the louvred screens will result in unreasonable view losses to surrounding residential properties;
 - (5) The proposal is unsuitable for the site as it will result in unacceptable bulk and scale;
 - (6) Approval of the application is not in the public interest.
- (B) That Council, as the consent authority, refuses to grant its approval under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. U00-01393, dated 9 May, 2001 to erect a new apartment building in relation to the proposed reconfiguration of six units for the following reasons, namely:-
- (1) The proposal does not comply with the aims and objectives of the South Sydney City LEP 1998;
 - (2) The proposal does not comply with the objectives and requirements of the South Sydney DCP 1997, particularly Parts B, E and F;
 - (3) The proposal contravenes the objectives and requirements of the development consent dated 9 May, 2001;
 - (4) The proposal is unsuitable for the site as it will result in unacceptable bulk and scale;
 - (5) Approval of the application is not in the public interest.
- (C) That Council, as the consent authority, grant approval under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. U00-01393, dated 9 May, 2001 to “erect a new apartment building” in relation to the relocated bicycle parking and the provision of one additional parking space, in the following manner:-
- Deleting Condition 17 and replacing it with the following:
- (17) *No less than 68 on-site car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.5m and the layout of the parking area and ramps*

shall comply with the relevant Australian Standards and Council's Development Control Plan No. 11.

(2) Deleting Condition 18 and replacing it with the following:

(18) *That the parking spaces shall be allocated on the basis of 60 for residents, 1 for commercial/cafe, 6 for visitors and 1 car wash bay and that the revised layout of parking levels B1 and B2 shall be in accordance with works as shown in highlighted on plans 7-S96.101A, 103A and 104A, dated 19 February, 2003 and drawn by Richard Huxley & Associates Pty Ltd.*

(D) That Council advises objectors of its decision.

Carried.

6.

PLANNING - APPROVAL TO APPOINT CONSULTANTS TO CARRY OUT STUDIES AND PUBLIC CONSULTATION LEADING TO THE PREPARATION OF A MASTER PLAN FOR THE ASHMORE STREET INDUSTRIAL ESTATE, ERSKINEVILLE (2028449)

That:-

- (1) Council resolves to prepare a brief in order to engage a multi disciplinary team of consultants to carry out a study of the Ashmore Street Industrial Estate with a view to prepare a preferred master plan and review the planning controls for the precinct if necessary;
- (2) Council allocates a budget up to \$100,000 to cover consultancy and community consultation fees and that this be included in the ongoing Strategic Planning budget for 2003-04;
- (3) a further report be submitted on the establishment of a Steering Committee for the project and a wider Master Plan for Erskineville.

At the request of Councillor Bush, and by consent, the motion be amended by the addition after "Steering Committee" where appearing in Clause (3) of the recommendation of the words, "comprising appropriate Councillors community representatives, Officers of Council and the appropriate stakeholders and landowners".

Motion, as amended by consent, carried.

7.

BOTANY ROAD, NOS. 741-745, QUEEN STREET, NO.5 & DUNNING AVENUE, NOS. 94-100, ROSEBERY - TO DEMOLISH EXISTING BUILDINGS FRONTING QUEEN STREET AND ERECT A BUILDING CONTAINING A TOTAL OF 60 DWELLINGS WITHIN STAGE 3 AND PROVIDE A 700SQM MINI-SUPERMARKET WITHIN STAGE 2 (U02-00714)

- (A1) That Council, as the consent authority, grants its deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979 to Development Application U02-00714 submitted by Arc Architects with the authority of to demolish existing buildings fronting Queen Street and erect a building containing a total of 60 dwellings within Stage 3 and provide a 700sqm mini-supermarket within Stage 2 at 741-745 Botany Road, 5 Queen Street and 94-100 Dunning Avenue, Rosebery, subject to the completion of the following, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Executive Manager – Assessments, prior to lodging an application for a construction certificate:
- (a) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials colours and finishes in respect to the following:
- (i) external finishes to walls;
 - (ii) roofing;
 - (iii) balcony treatment;
 - (iv) proposed fences;
 - (v) windows and doors; and
- such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (b) That the Deed of Agreement outlining public domain works to be achieved arising from bonus floor space proposed in the application (as outlined in Condition 2) shall be signed by Council and the applicant;
- (A2) That the applicant must satisfy to the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within 3 months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (B) That upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered A100(A), A101(A) dated 3 October 2002, A102,

A103, A104, A105, A120 and A131 dated 7 May, 2002 subject to compliance with the conditions below;

- (2) That in order to qualify for a floor space bonus in accordance with the South Sydney Development Control Plan 1997 – Urban Design, the owner shall design, construct and meet all costs associated with public domain works associated with the development, as outlined in the Deed of Agreement signed and effective from the date of the letter notifying that the consent is operative. The applicant / developer shall bear the cost of design and construction of public domain improvements to the value of \$840,320. This amount shall be indexed in a similar fashion to Section 94 Contributions. The works shall generally be as detailed in the Deed of Agreement signed by Council;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$29,700 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (4) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$14,000 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) As a consequence of this development for ‘Stage 3’, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$26,536
Open Space/Townscape/Public Domain	\$119,485
Accessibility And Transport	\$793
Management	\$1,912
Total	\$148,726

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the December Quarter 2002/03

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.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

- (6) As a consequence of this development for 'Stage 3', 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	\$39,645

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 December Quarter 2002/03.

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;

- (7) As a consequence of this development for amendments to 'Stage 2', Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan, 1997, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space Land Acquisition	\$36,005
Open Space/Townscape/Public Domain	\$163,803
Accessibility And Transport Management	\$1,085
	\$2,467
Total	\$203,360

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

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

where:

- C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the December Quarter 2002/03

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.

Notes: Endorsed DA plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site. No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. To support a case for carrying out works, Council requires the submission, for formal approval, of complete construction documentation and detailed cost estimates of the works based on established industry standards. Works carried out without written approval by Council will not be off-set against any Section 94 Contribution and, if carried out on public land, may expose the responsible party to prosecution in addition to the cost of reinstatement. Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal for works-in-kind. Applicants should note that Council may have specific requirements concerning future management and will require security in the form of a bank guarantee for all approved works.

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

- (8) As a consequence of this development for amendments to 'Stage 2', 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	\$57,372

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 December Quarter 2002/03.

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;

- (9) 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;
- (10) That a separate Development Application shall be required for the use and fitout of the proposed mini-supermarket;
- (11) 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 450mm. 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;

- (12) That the number of car parking spaces associated with 'Stage 2' of this development application shall not exceed 100. The parking spaces shall be allocated on the basis of 64 for residents, 17 for visitors, 5 spaces for commercial/retail strip fronting Botany Road and 14 spaces for the mini-supermarket. The 14 spaces for the mini-supermarket shall be provided in Stage 3 off-street car park area. All spaces shall be appropriately line-marked and labelled prior to issuing an Occupation Certificate;
- (13) That the number of car parking spaces associated with 'Stage 3' of this development application shall not exceed 55 (excluding the 14 spaces associated with the mini-supermarket in 'Stage 2'). The additional 7 spaces shown on the submitted plans shall be deleted with amended details being submitted to Council's satisfaction before the issue of a Construction Certificate. The parking spaces shall be allocated on the basis of 45 for residents and 10 for visitors. All spaces shall be appropriately line-marked and labelled prior to issuing an Occupation Certificate;
- (14) 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;
- (15) 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;
- (16) 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. In this regard it should be noted that under no circumstances shall trucks and oversize vehicles be used for any construction/demolition activities associated with the development shall park in Princess Avenue;
- (17) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's City Environment Department for approval. The EMP shall provide a comprehensive and complete action and implementation plan to

ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site,
 - (b) Measures to suppress odours and dust emissions,
 - (c) Selection of traffic routes to minimise residential noise intrusions,
 - (d) Soil and sediment control measures,
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
 - (f) Community consultation;
- (18) 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;
- (19) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a Construction Certificate. The Landscape Plan shall nominate:
- (i) Materials and Finishes -Plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in

accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.

- (ii) Levels and Drainage- Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.
- (iii) Planting Plan- Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/ tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting to be as follows:

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

- (20) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on the Landscape Concept Plan, Dwg No: 355.DA.1, June 2002, prepared by Kristin Martin Landscape Architects. Installations of specimens are to be in keeping with the species, size and quantities listed on the Drawing;
- (21) That the precise location and number of the street trees within the footway of Queen Street, shall be approved by Council, through liaison with Council's Landscape Architect, to ensure satisfactory integration with the design of the entire public domain works proposed for all Stages of the 741-753 Botany Road and 5 Queen Street development site, prior to issue of Construction Certificate;
- (22) 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;
- (23) That detailed information is required regarding the landscaping and materials proposed for the footpath upgrade to Queen Street

and Dunning Avenue. The detailed treatment of the Public Domain shall adhere to the principles as outlined in the Streetscape Masterplan Technical Manual. Kristin Martin Landscape Architects should liaise with Council's Landscape Architect to ensure that a suitable design and a quality finish is achieved for the footway, contact Katherine Hipwell on 9288 5460; prior to issue of Construction Certificate;

- (24) That the street trees shall be specified and planted in accordance with Council's Street Tree Master Plan Report are:

Street	Species - Alternate	Common Name	No.	Size	Spacing	Tree Guard
Queen Street	<i>Angophora Costata</i>	Sydney Red Gum	refer to above clause	100 L	refer to above clause	High Risk

- (25) That street trees shall be positioned on footways to accommodate the clearance requirements, as specified in South Sydney Council Street Tree Master Plan Report (2001), from street intersections, telegraph poles, storm water inlets, major underground service junction, bus stops and traffic lights;

- (26) That the following trees shall be retained:

- (a) The two *Melaleuca quinquenervia* (Broad-leaved Paperbark) street trees located within Dunning Avenue footway;
- (b) The three *Eucalyptus microcorys* (Tallow-wood) trees located within the site, adjacent to the southern boundary, marked as F, G & H in the Tree Schedule on the Landscape Concept Plan, Dwg No: 355.DA.1, dated June 2002, prepared by Kristin Martin Landscape Architects, and the landscape proposals as shown on the Landscape Concept Plan, Dwg No: 355.DA.1, June 2002, prepared by Kristin Martin Landscape Architects shall be amended to accommodate the retention of the above 3 No. specimens.

- (27) That a report prepared by a suitably qualified arborist shall be submitted to Council for approval and implemented prior to the release of Construction Certificate. The report shall assess the impact of the proposed development on the 2 existing Broad-leaved Paperbark street trees on Dunning Avenue and the 3 Tallow-wood trees proposed to be retained on site. The report shall provide appropriate details on the protection and mitigation measures. Should these measures not be adhered to, the developer shall be liable for fines in accordance with the Tree Preservation Order (2000);

- (28) That the following trees, marked as A, B, C, D, E, I, J, K in the Tree Schedule on the Landscape Concept Plan, Dwg No: 355.DA.1, dated June 2002, prepared by Kristin Martin Landscape Architects are permitted to be removed:
- (a) 1 No. *Bauhinia variegata* (Chinese Orchid Tree)
 - (b) 4 No. *Eucalyptus scoparia* (Willow Gum)
 - (c) 1 No. *Agonis flexuosa* (Willow Myrtle)
 - (d) 1 No. *Acacia elata* (Cedar Wattle)
 - (e) 1 No. *Olea sp* (Olive);
- (29) That details on the containing method shall be provided to Council, illustrating the method to eliminate the potential for invasion of the proposed running bamboo species: *Phyllostachys nigra* (Black Bamboo);
- (30) 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 80m² of landscaped area;
- (31) That the owner /applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;
- (32) 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;
- (33) 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;
- (34) 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;
- (35) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see

Customer Service, Urban Development at
www.sydneywater.com.au or telephone 13 20 92.

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

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

- (36) That each dwelling shall have a gas storage hot water heating system with a minimum energy star rating of 3.5 stars;
- (37) That any external glazing shall have a reflectivity not exceeding 20%;
- (38) That only one common television aerial (for each building where relevant) shall be provided;
- (39) 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;
- (40) That the current-parking restrictions around the site shall not be altered for any proposed vehicles servicing the site;
- (41) That the applicant shall ensure that all designated parking spaces for people with disabilities complies with the relevant access legislation and DCP11;
- (42) That the applicant shall ensure that all stormwater collected from the site must be discharged to the Sydney Water stormwater system via the approved OSD system;
- (43) That the applicant shall ensure that the domestic garbage storage area is of sufficient size to accommodate 3 x 1,000-litre bins for domestic refuse and 10 x 240-litre sulo recycling bins;
- (44) That the applicant shall ensure that a roller-door with a Council compatible locking GAR device shall be installed and pram-ramp in footway to the driveway for access and collection from Dunning Avenue. No steps are permitted in the garbage room or in the travel path for collection;

- (45) That the applicant shall meet with Councils Waste Services Operations Manager prior to issuing a Construction Certificate to discuss suitability of the storage area, general requirements regarding collection services and waste management responsibilities;
- (46) That the applicant shall ensure that a suitable separate garbage storage area shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by commercial tenants;
- (47) That the applicant shall ensure that the commercial tenants must engage services of a private waste contractor for removal of waste and recycling;
- (48) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (49) 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);
- (50) 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;
- (51) 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;
- (52) 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;

- (53) 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;
- (54) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (55) 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;
- (56) 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;
- (57) 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;
- (58) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (59) 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;
- (60) 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;

- (61) 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;
- (62) 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;
- (63) 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;
- (64) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (65) That the applicant shall provide a system of on-site detention of stormwater in accordance with Council's Standard Requirements for the Discharge of Stormwater from Private Property. Details shall include the provision and maintenance of overland flow-paths and shall be approved together with the Construction Certificate. Such approval may, wholly or in part, rely on a certificate issued by a Council-registered stormwater certifier. If it is to be connected into Council's Stormwater System the maintenance procedures for the entire system shall be documented on the Certificate of Title for the property in the form of a "positive covenant";
- (66) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (67) 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);
- (68) 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 Public Works and Services Department for the use of a mobile crane:
 - (i) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (ii) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (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 new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (n) 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;
- (o) That the demolition work shall comply with Australian Standard 2601-1991;
- (p) That if the soil conditions require it:
 - (i) 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

- (ii) adequate provision must be made for drainage;
- (q) 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:
 - (i) must preserve and protect the building from damage, and
 - (ii) if necessary, must underpin and support the building in an approved manner, and
 - (iii) 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;

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

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

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

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

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

- (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:

- (i) stating that unauthorised entry to the work site is prohibited; and
- (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (i) building work carried out inside an existing building, or
- (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;

- (69) That prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to a remediation process, a Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997, is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required;
- (70) 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);
- (71) That the retail premises shall not be used as a food premises unless the construction, fitout and finishes of the premises comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (72) That the retail 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;
- (73) That the retail premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
- (74) That an additional garbage room shall be provided to Block F on the western end of the Block for residential use;

- (75) That the residential and commercial garbage/recycling storage facilities shall be located in a position approved by Council's Waste Services Manager. 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;
- (76) That the business proprietor of the retail premises shall enter into a contract for the removal of trade waste from the premises;
- (77) That the proposed car wash bay shall be graded and drained to the sewer in accordance with the requirements of the Sydney Water Corporation;
- (78) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:
- (a) Protection of the Environment Operations Act, 1997
 - (b) Protection of the Environment Operations (Waste) Regulation 1996
 - (c) Waste Avoidance and Recovery Act 2001
 - (d) New South Wales Occupational Health & Safety Act, 2000
 - (e) New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction
 - (f) Work Involving Asbestos or Asbestos Cement 1983)
 - (g) The Occupational Health & Safety Regulation 2001
 - (h) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (79) 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 Council's 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;
- (80) 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;

- (81) 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 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;
- (82) 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;

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

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

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

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

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 and prevent smoking within defined smoke-free areas. (Some exemptions do apply).

Note 4: Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan - Contaminated Land;

Note 5: That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW, EPA 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act, 1997 provides for the commission of an offence for both the waste owner and transporter if waste is taken to a place that cannot lawfully be

used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

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 those residents who lodged a submission be advised of Council's decision in writing.

Carried.

8.

CROWN STREET, SURRY HILLS, NOS. 587-591, ALTERATIONS AND ADDITIONS TO UPPER LEVELS OF CROWN HOTEL, CHANGE OF USE TO MOTEL AND PROVISION OF ADDITIONAL BAR FACILITIES (U01-01054)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A1) That the Council, as the consent authority, grants its deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979 to Development Application U01-01054 submitted by Huge Savage with the authority of Padrava Pty Ltd, for alterations and additions to the upper levels of the hotel (infill development) and the change of use from backpackers accommodation to 3 star motel at 587-591 Crown Street, Surry Hills, subject to the completion of the following, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Executive Manager – Assessments, prior to lodging an application for a construction certificate:-
- (a) An operational management plan outlining the management procedures for the hotel and accommodation, outlining such details as waste disposal, acoustic assessment, security, intoxicated persons, staffing levels, access to the building and the like.
- (b) A construction management plan that outlines the manner in which construction phase of development will be

controlled and managed including risks, safeguards and contingencies.

- (c) To qualify for a bonus floor space of 0.25:1 in accordance with South Sydney Development Control Plan 1997 – Urban Design, the owner shall design, construct and meet all costs associated with public domain works in the vicinity of the site to a value of \$47,000 as outlined in the Deed of Agreement signed and effective from the date of the consent to DA U01-01054. The nature of the public domain works are to be approved by the Director of City Environment prior to approval of an application for a construction certificate.
 - (d) Details of the proposed mechanical ventilation system, including external outlets and ducting, shall be submitted prior to approval of an application for a construction certificate.
 - (e) The first floor is to be setback 2 metres in width by 8.5 metres in length to the north western corner of the site adjoining No.585 Crown Street, Surry Hills. Detailed drawings are to be submitted showing the required amendments including floor plans and elevations.
 - (f) The second floor is to be setback 5 metres in width by 8.5 metres in length to the north western corner of the site adjoining No. 585 Crown Street, Surry Hills. Detailed drawings are to be submitted showing the required amendments including floor plans and elevations.
 - (g) A schedule of finishes is to be submitted indicating colours, textures and materials proposed to be used for the development.
- (A2) That the applicant must satisfy to the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within (12) months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (B) That upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered CH01-CH10, inclusive, dated August 2001 and drawn by Ted Nobbs Architect and endorsed by Council with stamp 01054/01, 15 October, 2001;
 - (2) That the approved roof terrace shall not be used prior to 8.00am nor after 8.00pm daily;

- (3) That a sound limiting device be installed and maintained on amplification equipment used for music in the pool room ensuring that the specified level of 85dB(A) is not exceeded;
- (4) That a certificate from an accredited acoustic consultant be submitted to Council prior to the issuing of an Occupation Certificate confirming that the proposal in its built form complies with Council's noise criteria;
- (5) That the first floor of the premises shall not be opened to the public before 10.00 am and beyond 10.00 pm Mondays to Wednesday and Sunday and 10.00 am to 12.00 midnight on Thursday to Saturday. These hours are limited to a twelve (12) month trial period. A fresh application will be required to be submitted for the continuation of the above hours at the end of the trial period.
- (6) That the management plan referred to in Condition 1(a) shall be signed by the licensee and shall be submitted to Council prior to commencement of operations with a further copy held on the premises and adhered to at all times;
- (7) That existing and proposed plant shall be located in accordance with the Building Code of Australia and shall not cause unreasonable disturbance to the amenity of adjoining residential properties;
- (8) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia AS1668 Parts 1 and 2;
- (9) 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 Operations Act, 1997;
- (10) The construction, fitout and finishes of the bar shall comply with the National Code for the Construction and Fitout of Food Premises;
- (11) That no live entertainment shall take place within the upper floors of the building;
- (12) That the northern planter and adjacent glazing on the northern facade shall be deleted from the plans;
- (13) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$9,335 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;

- (14) 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 \$1,800, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (15) That the applicant shall submit a plan to the Certifying Authority to indicate the 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 slabs shall be 1,000mm for trees, 600mm for shrubs and 300mm for grass;
- (16) That the applicant shall ensure that all terraced/landscaped areas have their own water supply and are adequately drained;
- (17) 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 vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;
 - (b) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (c) That the doorways that open to fire isolated stairways/fire isolated passageways/fire isolated ramps shall be protected by -/60/30 fire doors in accordance with the requirements of C3.8 of the BCA;
 - (d) That the windows in the external walls of the fire isolated stairways shall be protected by wetting sprinklers or -/60/- fire windows or fire shutters or by construction having an

FRL of not less than -/60/-, in accordance with the requirements of C3.8(b) of the BCA;

- (e) That the enclosing walls of the fire isolated exit shall not be penetrated by any services other than as permitted by C3.9 of the BCA;
- (f) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (g) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (h) That all glazing materials shall comply with Part 3.6 of the BCA;
- (i) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (j) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (k) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (l) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (m) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
- (n) That electricity and telecommunication services shall not be installed in a required non-fire-isolated exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;
- (o) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance

with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;

- (p) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (q) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
- (r) That notices outlining the "offences relating to Fire Exits" shall be displayed in a conspicuous position adjacent to each doorway providing access to the fire isolated stairway in accordance with clause 183 of the Environmental Planning and Assessment Regulation 2000;
- (s) That a refrigerated or cooling chamber which is of sufficient size to permit the entry of a person shall be provided with:-
 - (i) a door which can at all times be opened from inside without a key;
 - (ii) an approved alarm device located outside but controllable only from within the chamber;
 - (iii) The door referred to in paragraph (i) shall be set in an opening with a clear width of not less than 600mm and a clear height of not less than 1.5 metres in accordance with G1.3 of the BCA;
- (t) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (u) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (v) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;

- (w) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (x) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (y) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
- (z) The proposed window opening adjacent to the fire stair discharge shall be protected as required by Clause D.1.7 (c) of the Building Code of Australia;
- (aa) Smoke hazard management shall comply fully with the requirements of Part E.2.2 of the Building Code of Australia;
- (bb) Bounding construction shall comply fully with the requirements of Clause C.3.11 of the Building Code of Australia;
- (cc) The existing stairway shall be separated from the ground floor area by 60/60/60 construction;
- (dd) That the garbage area shall be separated from the fire stair and comply with the requirements of Type 'A' construction;
- (ee) Balustrades shall comply fully with the requirements of Clause D.2.16 of the Building Code of Australia;
- (ff) That ceilings beneath all timber floors of the premises shall be constructed of materials having resistance to the incipient spread of fire of one hour;
- (gg) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (hh) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;

- (ii) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (jj) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (kk) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (ll) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (mm) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (nn) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;

and the following standard conditions

- (18) Noise⁷⁰³⁰
- (19) Builders hoarding permit³⁰
- (20) Consolidate lots¹¹⁰⁹
- (21) Display street number¹¹¹⁰
- (22) Obstruction of the public way³¹⁰¹
- (23) Work zones³¹⁰²
- (24) Delivery of construction materials³¹⁰⁴
- (25) Construction traffic management³¹⁰⁷
- (26) Pedestrian safety³¹¹⁰
- (27) Associated roadway costs³¹¹¹
- (28) Stormwater (general)⁴¹⁰¹

- (29) Clean water discharge⁴¹⁰²
 - (30) Maintenance⁵¹¹⁴
 - (31) Final inspection⁵¹¹⁵
 - (32) Garbage on the public way⁶¹⁰¹
 - (33) Refuse skips⁶¹⁰²
 - (34) Compliance with BCA⁹¹⁰⁴
 - (35) Construction Certificate required(a) / Works not to be commenced(b)⁹¹⁵⁵
 - (36) Stormwater details⁹⁰⁰³
 - (37) Structural Design Certificate⁹⁰⁰⁶
 - (38) Comply with the WorkCover Authority⁹¹⁰⁵
 - (39) Construction hours⁹¹⁵¹
 - (40) Hours of work and use of cranes⁹¹⁵³
 - (41) Building/demolition noise control⁹¹⁵⁶
 - (42) Maintain existing building in a stable condition⁹¹⁵⁷
 - (43) Works to be within allotment boundaries⁹¹⁵⁸
 - (44) Demolition to comply with Australian standard⁹¹⁶¹
- (C) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

GREEN SQUARE RE-DEVELOPMENT AREA – BONUS FLOOR SPACE RATIO SYSTEM – REVISED MONETARY RATES (2024476)

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (1) endorse the following monetary rates to benchmark the minimum value of public domain works packages that should be sought in the Green Square Redevelopment Area (not including the Town Centre):

Green Square

Residential Land Use	\$475 per square metre, including GST
Non-Residential Land Use	\$200 per square metre, including GST

1.1. Adopt that a change in use in the Green Square Redevelopment Area from non-residential to residential will incur the differential rate of \$275 per square metre.

- (2) endorse the following minimum cash contributions from development sites within the Green Square Redevelopment Area, but outside the Green Square Town Centre Masterplan Area (which is separately funded), to be used to support infrastructure development at the Green Square Town Centre:

All Uses **\$100** per square metre, including GST*

*A component of the monetary rates mentioned in Recommendation Item 1.

- (3) endorse the annual re-adjustment of the above monetary rates based on movements in the Sydney median house price index, and major reviews undertaken once every three years;
- (4) endorse the date 1 July each year as the annual re-adjustment date;
- (5) endorse the adjustment of monetary rates applicable to other areas within the South Sydney Council area, commencing 1 July 2003, based on movements in the Sydney median house price index over the two previous years. The rates shall therefore be:

Area	Existing Bonus Rate (\$/m ²)	Proposed Bonus Rate (\$/m ²)
Green Square Redevelopment Area	\$320	See Recommendation Item 1.
Rosebery, Alexandria South (south and east of McEvoy Street), St. Peters	\$320	\$340
Darlington, Redfern, Eveleigh, Alexandria North (north and west of McEvoy Street), Chippendale, Ultimo, Camperdown, Erskineville, Newtown	\$385	\$405
Darlinghurst, Surry Hills, Woolloomooloo, Kings Cross	\$470	\$495
Paddington, Rushcutters Bay, Upper Potts Point (south of Hughes Street)	\$520	\$545
Elizabeth Bay, Lower Potts Point	\$770	\$810

- (6) Approve a further review of the monetary rates applicable to the balance of the South Sydney Council area, using the same consultant.

Carried.

Councillor Furness requested that his name be recorded as voting against the foregoing motion.

10.

ABERCROMBIE STREET, NO.134, CHIPPENDALE – TO REGULARISE THE USE OF THE FIRST FLOOR OF A COMMERCIAL BUILDING AS A “COMMERCIAL BROTHEL” (U01-00502)

Deferred to the next Planning and Development Committee Meeting to be held on 5 March 2003.

Carried.

11.

BAYSWATER ROAD NO.44B, RUSHCUTTERS BAY - DEMOLITION OF EXISTING BUILDING AND ERECTION OF NEW RESIDENTIAL BUILDING CONTAINING 2 LEVELS OF CAR PARKING CONTAINING 16 CAR SPACES, AND 20 RESIDENTIAL APARTMENTS ON GROUND AND SEVEN UPPER FLOORS

Deferred to the next Planning and Development Committee Meeting to be held on 5 March 2003.

Carried.

12.

AMELIA STREET, NOS. 18-22, WATERLOO – MIXED USE DEVELOPMENT COMPRISING 39 RESIDENTIAL UNITS AND 205 SQM OF NON-RESIDENTIAL SPACE (U01-00830)

Deferred to the next Planning and Development Committee Meeting to be held on 5 March 2003 as requested by the applicant in fax dated 18 February 2003.

Carried.

13.

ABERCROMBIE STREET, NO. 131, CHIPPENDALE - REGULARISATION OF EXISTING USE OF SITE AS A COMMERCIAL BROTHEL SPECIALISING IN BONDAGE AND DISCIPLINE, DOMINANCE AND SUBMISSION, SADISM AND MASOCHISM (BDSM) AND MINOR BUILDING WORKS (U02-01230)

Deferred to the next Planning and Development Committee Meeting to be held on 5 March 2003.

Carried.

14.

ADELAIDE STREET NOS. 1/25, SURRY HILLS - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A 6 STOREY RESIDENTIAL FLAT BUILDING CONTAINING 29 UNITS, ROOF TOP SWIMMING POOL AND GROUND LEVEL CAR PARKING FOR 20 CARS

Deferred to the next Planning and Development Committee Meeting to be held on 5 March 2003.

Carried.

15.

SOUTH SYDNEY CITY COUNCIL -V- MINISTER FOR LOCAL GOVERNMENT & LOCAL GOVERNMENT BOUNDARIES COMMISSION – HEARING OF APPLICATION FOR SPECIAL LEAVE TO APPEAL TO THE HIGH COURT ON 14 FEBRUARY 2003 (2023447)

That the report by the General Manager dated 19 February 2003, be received and noted.

The Planning and Development Committee Meeting terminated at 8.00 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

19 February 2003

PRESENT

Councillor Christine Harcourt (Chairperson)

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

At the commencement of business at 7.34 pm those present were -

The Mayor and Councillors - Bush, Harcourt and Mallard

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

That the Report of the Community Services Committee of its meeting of 19 February 2003, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY SERVICES – AMENDMENTS TO AEROSOL ART AND GRAFFITI POLICY (2023320)

That arising from consideration of a report by the Director of Community Living dated 11 February 2003, Council approve the addition of the following paragraph to the Aerosol Art and Graffiti Policy, namely:-

(14) Mural Approval Process:

For all building owners, particularly owners of Heritage Items and buildings in Heritage Conservation and Streetscape Areas considering creation of a mural in the public domain, it is necessary that consultation occur with Council Planners to determine Development Application requirements.

Carried.

2.

PARKS - VICTORIA PARK, CHIPPENDALE - APPROVAL TO USE VICTORIA PARK FOR PEACE POLE PLANTING CEREMONY, CITY ROAD, CHIPPENDALE – 1ST MARCH 2003 – SOUTH SYDNEY COUNCIL (5237246)

That arising from consideration of a report by the Director of City Works dated 11 February 2003, approval be given to:-

- (1) the use of Victoria Park by the Sydney University Peace Summit for a Peace Pole planting ceremony (approx. duration 20 minutes) on 1 March 2003;
- (2) use of the park be offered free of charge.

Carried.

The Community Services Committee Meeting terminated at 7.40 p.m.

REPORT OF THE FINANCE COMMITTEE

19 February 2003

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

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

The Mayor and Councillors – Bush, Harcourt and Mallard

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

That the Report of the Finance Committee of its meeting of 19 February 2003, be received and the recommendations set out below for Items 2 to 7, inclusive, 9 and 10, be adopted. The recommendations for Items 1 and 8 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LICENSING – CHALLIS AVENUE, SHOP 1, NO.31, POTTS POINT – PROPOSED FOOTWAY LICENCE (NEW) 2028005)

This matter was submitted to Council without recommendation.

Moved by the Mayor, Councillor Pooley, seconded by Councillor Furness:-

That approval be given to:-

- (a) the granting of a licence to AAW Holdings Pty Ltd over the footway of Challis Avenue adjacent to Base Restaurant at Shop 1, No 31 Challis Avenue, Potts Point, as shown on Plan No S4-130/883A, accompanying the Director's report:
- Licence area: 6.5 square metres, 4 Tables, 8 Chairs
 - Hours of operation: 7.00am – 9.00 pm, 7 days a week
 - Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993
 - Rental: Weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council
 - Subject to the conditions in the schedule accompanying the Director's report
- (b) The licence in (a) above will:
- not commence operation until the licence fee bond of \$845 and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
 - lapse in twelve months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
 - require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement before licence issued;
 - require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
 - terminate if entertainment is provided on the premises.
- (c) The execution of all relevant documents and plans by Council's Attorney.

(DCE report 7.02.03)

Carried.

2.

PROPERTIES - WILSON BROS SITE/ LOUIS, HUGO AND CAROLINE STREETS, REDFERN - PARK DEVELOPMENT AND BUILDING REFURBISHMENT - ACCEPTANCE OF TENDER (2027983)

At the Finance Committee meeting, Councillor Harcourt, seconded by the Mayor, moved that the Finance Committee meeting convene into a Committee of the Whole with those members.

Carried.

That arising from consideration of a report by the Director of City Works dated 11 February 2003, Option (B) of the recommendation be adopted and that the matter be determined at Council.

Following completion of this matter, the Committee resolved to re-convene as the Finance Committee.

Committee of the Whole – Council Meeting.

At this stage and at 7.36 p.m. it was moved by Councillor Harcourt, seconded by Councillor Lay:-

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

FINANCE COMMITTEE

PROPERTIES – WILSON BROS SITE/LOUIS, HUGO AND CAROLINE STREETS, REDFERN – PARK DEVELOPMENT AND BUILDING REFURBISHMENT – ACCEPTANCE OF TENDER (2027983)

(CONFIDENTIAL MATTERS)

1.

PROPERTIES - JOYNTON AVENUE, NOS. 132-144 – SOUTH SYDNEY HOSPITAL, NO. 3 JOYNTON AVENUE AND NOS. 94-104 EPSOM ROAD, ZETLAND – MASTERPLAN (2028469)

2.

LEASING - BROADWAY, NOS. 129 – 135, ULTIMO – LEASES AND SALE OF COUNCIL PROPERTY (2018100)

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

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

At 8.07 p.m. 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:-

PROPERTIES – WILSON BROS SITE/LOUIS, HUGO AND CAROLINE STREETS, REDFERN – PARK DEVELOPMENT AND BUILDING REFURBISHMENT – ACCEPTANCE OF TENDER (2027983)

That the matter be deferred and referred back to the Tender Assessment Committee for information and then a further report be submitted to the next Council Meeting.

PROPERTIES - JOYNTON AVENUE, NOS. 132-144 – SOUTH SYDNEY HOSPITAL, NO. 3 JOYNTON AVENUE AND NOS. 94-104 EPSOM ROAD, ZETLAND – MASTERPLAN (2028469)

That the recommendation as contained in the report by the Director of Corporate Services dated 19 February 2003, be approved and adopted subject to the addition of a clause (5) to the recommendation, namely:-

- (5) That before the agreement is executed, it be returned to Council for endorsement.

Councillor's Fowler and Mallard requested that their names be recorded as voting against the foregoing motion.

LEASING - BROADWAY, NOS. 129 – 135, ULTIMO – LEASES AND SALE OF COUNCIL PROPERTY (2018100)

That the report by the Director of Corporate Services dated 19 February 2003, in respect of Council's properties at Nos. 129 – 135 Broadway, Ultimo, be received and noted, and that a further report be submitted after 8 May 2003, following the settlement of the boundaries issues on income producing properties that Council has retained.

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

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

3.

STREETSCAPES - WATTLE STREET, BROADWAY - APPROVAL TO CONCEPT DESIGN, SEEK COMMUNITY COMMENT AND INVESTIGATE EXTERNAL FUNDING SOURCES (2028433)

That the report by the Director of City Works dated 11 February 2003, in respect of the public domain improvements to Wattle Street at its junction with Broadway, Ultimo, be received and noted.

It was moved by the Mayor, seconded by Councillor Shaw, that the motion be amended by the deletion of the whole of the above resolution and the insertion in lieu thereof of the following new resolution, namely:-

That arising from consideration of a report by the Director of City Works dated 11 February 2003, approval be given to:-

- (1) In principle to the attachment proposal for public domain improvements to Wattle Street (Attachment A – urban phenomena) accompanying the beforementioned Director's report, subject to community comment and final approval for the closure from the Department of Land and Water Conservation;
- (2) To advertise and exhibit the attachment proposal (Attachment A - urban phenomena) accompanying the beforementioned Director's report, for a three week period in Council's One Stop Shop, Libraries and on Council's web site and to letterbox drop the surrounding area to seek community comment;
- (3) To the General Manager to investigate possible external funding sources for the construction of the public domain improvement.

(DCW Report 11.02.03).

It was further moved by Councillor Lay, seconded by the Mayor, that clause (3) of the recommendation be deleted.

Amendments, as moved by the Mayor and Councillor Lay, carried.

4.

LICENSING – OXFORD STREET, DARLINGHURST – FOOTWAY RESTAURANT LICENCES AMENDMENT - POLICY (L56-00352)

That the joint report by the Director of City Environment and the Director of City Works dated 12 February 2003, regarding footway licences in respect of Oxford Street, Darlinghurst, be received and noted.

Carried.

5.

LEASING - OXFORD STREET, NO. 88, DARLINGHURST, GROUND FLOOR AND BASEMENT – ASSIGNMENT OF THE EXISTING LEASE FROM MR. A. MILLAR TO LAISSON HOLDINGS PTY LTD (L52-00166)

That arising from consideration of a report by the Director of Corporate Services dated 14 February 2003, Council:-

- (1) acknowledge receipt of the additional information:
- (2) approve the assignment of the existing lease in respect of Council-owned shopfront and basement premises, at No. 88 Oxford Street, Darlinghurst, from Allan Stewart Millar to Laisson Holdings Pty Ltd at a rental of \$136,599.75 per annum from a date to be determined, subject to the following conditions, namely:-
 - (a) The Assignee be requested to submit a Patron Management Strategy
 - (b) The Assignee is to provide a Bank Guarantee equivalent to three (3) months rental.
 - (c) The Assignee is to provide unconditional Personal Guarantees for the term of the lease.
 - (d) The Assignee is to provide Council with a copy of the Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars indemnifying both the Council and the Assignee against any claims that may arise during the term of the lease.
 - (e) All Council administration, legal and valuation costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the Assignor.
 - (f) All relevant documents are to be executed by Council's Attorney.
 - (g) This rent is inclusive of outgoings, not particular to the Assignee's business.
 - (h) The Assignees are responsible for the payment of the Goods and Services Tax, under the terms and conditions of the existing lease.
 - (i) Any proposed alterations or Development Application for the leased premises including refurbishment, fit-outs etc. by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plan etc. for any Statutory approvals.

- (j) The Assignee is to provide Council with a copy of the trade waste contract for the removal of all rubbish generated by the Night Club operation. A fresh copy of the Trade Waste Contract is to be provided every six months.
- (k) The Assignee is to demonstrate compliance with all current Council requirements and/or development approval conditions prior to the lease being assigned.

(At the Council Meeting, Councillor Fowler tabled a letter from an adjoining lessor at No. 84 Oxford Street, Darlinghurst, seeking a rent reduction of their premises.)

6.

PLANNING – BONUS FLOOR SPACE RATIO SYSTEM – REVISED MONETARY RATES – GREEN SQUARE REDEVELOPMENT AREA (2024476)

(This matter is also listed as Item No. 9 on the Planning and Development Committee.)

See Item No. 9 on the Planning and Development Committee for the decision.

7.

MEETINGS - JOINT CONSULTATIVE COMMITTEE (JCC) – ENDORSEMENT OF NEW CONSTITUTION (2023667)

That arising from consideration of reports by the General Manager and the Acting Director of Organisational Development dated 10 and 13 February 2003, respectively, it be resolved that:-

- (1) the Constitution of the Joint Consultative Committee (JCC) accompanying the before mentioned report of the General Manager (Attachment A) be endorsed by the Council;
- (2) the new format of employees representation and the Constitution generally be reviewed in 2004 by the JCC in accordance with Clause 1.4 to ensure compliance with Council's structure and strategic vision;
- (3) Councillor Harcourt be appointed Chair of the JCC for a 12 month term;
- (4) the Joint Consultative Committee Constitution, be reviewed after 8 May 2003.

Carried.

8.

**PROPERTIES - KINGS CROSS LIBRARY AND KINGS CROSS
COMMUNITY INFORMATION CENTRE - RELOCATION (P56-00258)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, Councillor Pooley, seconded by Councillor Shaw:-

That Option 2 in the report by the Director of Community Living dated 26 February 2003, that was circulated to all Councillors prior to the Council Meeting commencing, namely:-

Option 2

The establishment of a mini library of the Kings Cross Branch at the Reg Murphy Activity Centre from Monday 3 March to provide a limited service during construction of the Rex development, be approved and adopted.

Carried.

9.

**PUBLIC RELATIONS – CITY OF BOTANY BAY MAYORAL CHARITY GOLF
DAY 2003 – COUNCIL’S PARTICIPATION (2015942)**

That arising from consideration of a report by the Acting Civic Affairs Manager/Public Officer dated 17 February 2003, approval be given to Council sponsoring 4 teams in the 2003 City of Botany Bay Mayoral Charity Golf Day to be held on 3 April 2003, at a cost of \$2,400 and that such amount be added to the 2002/2003 Budget.

Carried.

10.

**SOUTH SYDNEY CITY COUNCIL -V- MINISTER FOR LOCAL
GOVERNMENT & LOCAL GOVERNMENT BOUNDARIES COMMISSION –
HEARING OF APPLICATION FOR SPECIAL LEAVE TO APPEAL TO THE
HIGH COURT ON 14 FEBRUARY 2003 (2023447)**

(This matter is also listed as Item No. 15 on the Planning and Development Committee.)

That the report by the General Manager dated 19 February 2003, on Council’s application for Special Leave to the High Court of Australia in respect of Council’s Boundaries Appeal, be received and noted.

The Finance Committee Meeting terminated at 7.10 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)

WEDNESDAY 19 FEBRUARY 2003 AT 7.11 PM

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

At the commencement of business at 7.11 pm, those present were:

The Mayor and Councillors – Bush, Harcourt and Mallard

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and public be excluded from the meeting of the Finance Committee (Confidential 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 the items 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".

These matters were dealt with in the Committee of the Whole. See page No.133 for decisions.

1.

**PROPERTIES - JOYNTON AVENUE, NOS. 132-158 – SOUTH SYDNEY
HOSPITAL NOS. 94-104 EPSOM ROAD, ZETLAND – MASTERPLAN
(2028469)**

That the report by the Director of Corporate Services dated 19 February 2003, in respect of preparing a Masterplan for the subject properties, be approved and adopted.

Carried.

This matter was dealt with in the Committee of the Whole on page No.133

2.

LEASING - BROADWAY, NOS. 129 – 135, ULTIMO – LEASES AND SALE OF COUNCIL PROPERTY (2018100)

That the report by the Director of Corporate Services dated 19 February 2003, in respect of the leases and sale of the subject properties, be received and noted.

This matter was dealt with in the Committee of the Whole on page No.133

The Finance Committee (Confidential Matters) Meeting terminated at 7.33 pm.

The Council Meeting terminated at 8.22 p.m.

Confirmed at a meeting of South Sydney City Council

held on 2003

CHAIRPERSON

GENERAL MANAGER