

**325<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
508720

**Wednesday, 30 July 2003**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30pm on Wednesday, 30 July 2003.

**PRESENT**

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

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

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**Confirmation of Minutes**

Moved by Councillor Lay, seconded by Councillor Furness:-

That the minutes of the Ordinary Meeting of Council of 25 June 2003, be taken as read and confirmed.

At the request of the Mayor, and by consent, the minutes be amended on Page 548 by the:-

- (1) addition of the words "I have" to the answer by the Mayor in relation to Question 12 – Tusculum Street, No. 5, Potts Point prior to the words "had discussions";
- (2) Deletion of the first answer by the Mayor in relation to Question 13 - applications advertising procedure and the insertion in lieu thereof of the new answer, namely:-

The advertising of Development Applications will occur fortnightly through the Inner City News which now goes to 45% more residents than the previous approach by the Couriers. For any Development Applications that fail to make it in a timely manner to the Inner City News they are to be published in the Daily Telegraph.

Minutes, as amended by consent, were then read as confirmed.

**MINUTE BY THE MAYOR**

30 July 2003

**BOUNARIES - LETTER FROM THE MINISTER FOR LOCAL GOVERNMENT,  
DATED JULY 3, REGARDING REFORM OF LOCAL  
GOVERNMENT (B55-00002)**

The Minister for Local Government, the Hon Tony Kelly MLC, has written to all Councils in NSW expressing concern about expenditure of Councils on asset maintenance and in other areas.

The principle option that the Minister for Local Government presents as a remedy is structural reform, including both minor and major boundary changes or other alterations including amalgamations.

The Minister has requested a response, in the form of a formal proposal for all Councils considering reforms by August 31, 2003.

The Minister has expressed his belief that Regional Reviews, as a part of any formal proposal to examine the options for groups of Councils considering structural reform, may help the process.

**RECOMMENDATION:**

- (1) That Council receive and note the letter.
- (2) That the Mayor and General Manager contact adjacent Councils seeking their views on possible boundary adjustments or amalgamations.
- (3) The General Manager prepare a report for Council on advantages and disadvantages of amalgamations.
- (4) The report and any subsequent proposal return to Council for consideration.

Councillor Tony Pooley (SGD)

**Mayor**

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

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

It was moved by Councillor Harcourt, seconded by Councillor Furness, that the motion be amended by the addition of the following words to clause (2) and amending clause (3):

- (a) Clause (2) – by the addition of the words “restructure and reform including resource sharing to deliver greater efficiency”
- (b) Clause (3) – the General Manager prepare a report reflecting the issues as detailed in Clause (2) above.

Amendment carried.

Councillor Lennon, seconded by Councillor Fowler, moved that a Clause (5) be added to the recommendation, namely:

- (5) That no forced amalgamation take place without the conduct of a plebiscite.

The Mayor ruled Councillor Lennon’s amendment out of order referring to the Minister’s letter which indicated that Council’s response was expected by 31 August 2003, allowing no time for the conduct of a plebiscite.

Motion, as amended by Councillor Harcourt, carried.

**MINUTE BY THE MAYOR**

30 July 2003

**COMMITTEES - STANDING COMMITTEES OF COUNCIL –  
CHANGE OF MEMBERSHIP (2002586)**

Section 33 of the Local Government Regulations, 1999, states:-

- (1) That Council may by resolution establish such committees as it considers necessary;
- (2) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

**RECOMMENDATION:**

That Council:

1. Amend the current Standing Committees, namely:-
  - a) Planning and Development Committee, comprising of:-  
The Mayor, Councillor Tony Pooley (Chairperson)  
Councillor John Bush  
Councillor Christine Harcourt  
Councillor Jill Lay  
Councillor Shayne Mallard
  - b) Finance Committee, comprising of:-  
Councillor Peter Furness (Chairperson)  
Councillor John Fowler  
Councillor Amanda Lennon  
Councillor Greg Shaw
  - c) Community Services Committee, comprising of:-  
Councillor Greg Shaw (Chairperson)  
Councillor Peter Furness  
Councillor John Fowler  
Councillor Amanda Lennon
2. That the quorum for the above Standing Committees be the majority of Councillors;

3. That these changes be implemented from 6 August 2003 and only be in place until the new Committee and Council structure is implemented after adoption of Council's Draft Code of Meeting Practice.

Councillor Tony Pooley (SGD)

**Mayor**

Moved by the Mayor, seconded by Councillor Lay:-

That the Minute by the Mayor be approved and adopted.

At this stage, Councillor Lennon made the following comment:

“Why am I being replaced from the Planning and Development Committee when I have been on the Planning and Development Committee for the last three years and a North Ward Councillor replacing me has accepted money from developers, and I have not accepted any money as he has.”

At this stage, Councillor Mallard rose and requested that Councillor Lennon withdraw and apologise unreservedly for her remark regarding acceptance of money.

The Mayor then asked Councillor Lennon on three occasions to withdraw and apologise unreservedly otherwise he would move a resolution that Councillor Lennon be expelled from the Council Meeting.

Councillor Lennon did not apologise as requested by the Mayor.

The Mayor then moved the following resolution:-

That Councillor Lennon be expelled from the remainder of the Council Meeting and further Council Meetings until she has withdrawn her remark and apologised unreservedly.

Seconded by Councillor Harcourt.

Carried.

The Mayor then asked Councillor Lennon to leave the Chamber. Councillor Lennon then left the Council Meeting.

Councillor Fowler requested that his name be recorded as voting against the foregoing motion to expel Councillor Lennon.

At this stage, the Mayor continued with the business of Council and moved the original motion for the approval and adoption of his Minute dated 30 July 2003.

Motion carried.

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

### **MINUTE BY THE MAYOR**

29 July 2003

#### **PUBLIC RELATIONS – RUGBY WORLD CUP 2003 – BANNER POLES – WAIVING OF FEES (2004473)**

On 11 June Council resolved to offer Premier's Department of New South Wales a 50 percent reduction in fees for the use of 95 banner poles during the Rugby World Cup.

In correspondence to Council's General Manager dated 17 July, the Premier's Department asked Council to reconsider its decision and proposed a modified request for 'free use of 16 banner poles only for a five week period ending 23 November 2003.'

In support of this request the Premier's Department advised that there are no sponsors in the banner program at this point in time. They have also advised that the banners are part of a campaign to involve local communities in the spirit of the event and to promote the cultural and community events as part of the City Festivities Program.

#### **Proposed fee to be waived:**

16 banner poles between Moore Park Road and Cleveland Street for a period of five weeks @ 60 per week commencing 19 October to 23 November: \$4 800

One off establishment fee: \$200

Total fees to be waived \$5 000

#### **RECOMMENDATION**

That Council:

1. Waive the banner fee's and one off establishment fee to the value of \$5 000 for 16 banner poles between Cleveland Street and Moore Park Road for a period of five weeks commencing 19 October to 23 November 2003.
2. Approves this request on the basis that NSW Premier's Department cover the cost of installation/dismantlement at \$40.00 per banner and production of banners.
3. Should the circumstances of this request change and sponsors are secured for the Rugby World Cup banner program, then Council's contribution, in the form of a waiver of banner fees will be withdrawn and a new arrangement will need to be negotiated.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by the Mayor:-

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

Carried.

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

### **PETITION**

1.

The Mayor tabled a petition with approximately 121 signatures appended from residents and users of the Surry Hills Library concerned about the proposed new St. Margaret's site for the Surry Hills community facilities which fails to meet the needs of residents.

Received.

### **QUESTIONS ON NOTICE**

1.

#### **PARKS – MARY O'BRIEN RESERVE, ZETLAND – CHANGE OF REGULATIONS REGARDING LEASHES FOR DOGS – QUESTION ON NOTICE BY COUNCILLOR MALLARD**

##### **Question:**

The residents of Zetland are requesting that South Sydney City Council change the regulations governing the need for dogs to be on leashes in Mary O'Brien Reserve.

Over at least the past eight (8) years the residents of Zetland have run their dogs off leashes in Mary O'Brien Reserve (contrary to the signage in the park). No major incidents have been reported in the park, as most people involved are responsible owners.

Now the Council's animal protection officer is patrolling the park and the residents have lost the joy and use of the park because of enforcement of the regulation.

Can Council Officers report on changing the regulation of dogs in this park so that residents can run our dogs off leashes at certain times with responsible supervision by owners?

**Answer by the Mayor:**

The current regulations at Mary O'Brien Reserve require dogs to be on leash at all times.

The rationale behind this regulation is that the reserve contains a playground and BBQ/picnic area which under State Government legislation requires councils to restrict dogs within 10 m radius from these facilities. The small size of the reserve (2700m<sup>2</sup>) results in little space available for dog exercising once these restriction zones are mapped.

It is recognised that the increased popularity of the park for dog owners and non dog owners alike has resulted in increased use pressures on the park.

In recognition of this issue the Draft Plan of Management has recommended a review of the Companion Animal Plan to allow a full reassessment of the dog management provisions for all of Council's parks, including the on/ off leash areas and times. This review will be commenced in the next three weeks but may not necessarily enable dogs off leash in Mary O'Brien Reserve.

**At this stage**, Councillor Mallard asked the Mayor if he could further give an answer in relation to the expansion of Mary O'Brien Reserve and the potential for off leash areas.

The Mayor responded to Councillor Mallard.

**Answer by the Mayor**

I am happy to refer that to appropriate officers and can indicate that with the expansion of Mary O'Brien Reserve as part of the Email development some greater potential for off leash areas exists.

2.

**MEETINGS – COMMUNITY CONSULTATION MEETING, 21 JULY 2003 – QUESTIONS BY RESIDENTS – QUESTION ON NOTICE BY COUNCILLOR MALLARD****Question:**

- (1) Can Council rescind or amend DCP 6 on the former St John's Church site in South Paddington?
- (2) Will changing DCP6 assist in scaling back the developments proposed for the site?
- (3) Can Council monitor the movement of trucks on Regent and Renny Streets, South Paddington?
- (4) Is there a weight restriction on Regent Street and Renny Street, South Paddington and if so is it adequately sign posted?

- (5) Can Council make a commitment to an independent traffic plan for South Paddington, Centennial and Moore Park areas?
- (6) Will Council approach large land holdings in this area to assist with funding the study (eg Fox Studios, SCG, Aussie Stadium etc)?
- (7) Can Council investigate the provision of median strip and round about plantings on Oatley Road to assist in slowing through traffic?
- (8) Can Council officers investigate the safety concerns for horses, riders, pedestrians and turning vehicles at the intersection of Lang Road and Cook Road, Centennial Park?
- (9) What are the proposals to achieve funding for the restoration of the old Paddington Reservoir site?
- (10) Will Council make an immediate application for funds from the Heritage Council or Federal government funds?
- (11) Is the restoration of the old Paddington reservoir identified in the S94 plan? If not can it be included as an amendment?
- (12) Can Council establish a regular program to remove dumped rubbish and remove feral cats from the old Paddington Reservoir?
- (13) Can Council officers investigate and replace any missing parking signs from the South Paddington and Centennial Park areas?
- (14) Can Council officers enforce evening residential parking restrictions around the Jehovah's Witness Church in South Paddington?
- (15) Can Council Planning staff negotiate with the College of Fine Arts to create a Masterplan for the college precinct?
- (16) Can such a COFA Masterplan consider traffic and pedestrian activity as well as involve the input of local residents?
- (17) Can the COFA proposal be stringently assessed for meeting disability and access standards including access to all areas of the college and adequate parking provisions?

**Answer by the Mayor:**

In response to the above questions, it is acknowledged that these questions were asked at the Community Consultation Meeting held at Paddington Town Hall on 21 July 2003. The questions will be undertaken by the relevant Departments and information sent out to Councillors through the Councillors Information Service.

**QUESTIONS WITHOUT NOTICE**

**1.**

**QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER**

**Question:**

I refer to a the removal of native trees in Batman Lane, Surry Hills. They are according to the Tree Preservation Officer to be replaced, however, this cannot be done at the moment as a development backing on to Batman Lane, which must have an address in Albion Street, has to erect its air conditioning yet this has no DA for the encroachment on Council's open space for air conditioning ducts.

Can this matter have a report from the Manager of Assessments and the Tree Preservation Officer in order to explain the current situation and policy of Council to residents?

**Answer by the Mayor:**

I will refer that to the relevant Directors for an answer to be provided in the Councillors Information Service.

2.

**QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER**

**Question:**

There have been a number of development applications that have been approved outside the intention of the planning documents that sit with the current city-wide LEP. This has resulted in near complete demolitions within the South Paddington precinct. This appears to be the case again at No. 52 Regent Street (DA 378/2003), where Council insisted on the retention of the front of the building for a renovation in 2001. What has changed to allow the full demolition of the whole building. Is it property prices? Can I have a report that will explain this backflip in policy in two years in what is the first Heritage Conservation Zone initiated in this city area in 1977 in the IDO in Paddington?

**Answer by the Mayor**

I will refer that question to the Director of City Environment for a response.

3.

**QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD**

**Question:**

In relation to Mary O'Brien Reserve at Zetland in respect of the answer to the question on notice, which I appreciate, I visited the park today and paced it out and not being an expert in these matters, but I would think that the eastern half at least could be designated off leash, and indeed, when I was there today there were plenty of dogs on and off leashes. So when staff review the Policy perhaps they could be flexible in regards to Mary O'Brien Reserve.

**Answer by the Mayor**

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

4.

**QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD****Question:**

I table a letter from the Reserve Forces Day Council requesting the free use of Paddington Town Hall for their organisation on 14 November 2003. They wish to use the Hall for a state wide meeting of their Reserve Forces membership. I ask that with respect to the debt we all owe our fellow citizens who have served or are currently in the Reserve Forces that this request be assessed sympathetically?

**Answer by the Mayor:**

I will refer that request to the Director of Community Living for a report to come to Committee.

5.

**QUESTION WITHOUT NOTICE COUNCILLOR FURNESS****Question:**

I have received representations from residents seeking a bus shelter at the corner of Dalmeny Avenue and Kimberley Grove, Rosebery. Could this matter be investigated?

**Answer by the Mayor:**

I will refer the question to the appropriate Director for a response.

6.

**QUESTION WITHOUT NOTICE COUNCILLOR FURNESS****Question:**

Arising from the site inspection at Crown and Little Bloomfield Streets on Saturday, could the question of creating "No Standing" zones on both sides of Little Bloomfield Street be investigated?

**Answer by the Mayor:**

I will refer that to the Director of City Works for a report to come to the Traffic Committee.

7.

**QUESTION WITHOUT NOTICE COUNCILLOR FURNESS****Question:**

Could Councillors be advised of action being taken in relation to No. 1 Pleasant Avenue, Erskineville?

**Answer by the Mayor**

I will ask that a report be prepared in relation to that matter and published in the Councillors Information Service.

**8.****QUESTION WITHOUT NOTICE COUNCILLOR HARCOURT****Question:**

Could the Traffic Committee please reconsider the right turn ban from Elizabeth Street to Raglan Street in Waterloo? The ban is frequently ignored posing a real danger to pedestrian and other traffic in Raglan Street.

**Answer by the Mayor:**

I will refer that to the Director of City Works for the preparation of a report and if appropriate it will go to the Traffic Committee.

**9.****QUESTION WITHOUT NOTICE COUNCILLOR BUSH****Question:**

Councillors did for many years receive a hard copy of DA applications registered. Could Councillors receive an e-mail list of registered DAs?

**Answer by the Mayor:**

I will refer that question to the Director of City Environment for a response.

**10.****QUESTION WITHOUT NOTICE COUNCILLOR BUSH****Question:**

Before letters of approval or refusal are sent to applicants, could Councillors be informed of any delegated authorities?

**Answer by the Mayor:**

I will seek the advice of the Director of City Environment on that matter and provide a response to you.

11.

**QUESTION WITHOUT NOTICE COUNCILLOR BUSH****Question:**

I address my question to Councillor Harcourt who asked me for an unreserved apology many years ago which I had to put in print. Councillor Harcourt was informed by some objectors relevant to the Crown Hotel application that there was little point seeking my views on the DA because I was a prostitute to publicans and hoteliers in the South Sydney area. If that comment was true, then through you Mr Mayor can Councillor Harcourt unreservedly apologise both here and in the print media?

**Answer by Councillor Harcourt:**

There is no way I would slur a prostitute.

**Comment by Councillor Bush**

I would ask for an apology, through you Mr Mayor, and a withdrawal for the second comment let alone the first one which is, firstly that I was a prostitute to hoteliers and publicans in the South Sydney area. The second comment which is here for all of us to insult a prostitute by even inferring that, not only do I seek an unreserved apology for the first comment but the second comment as well. If I don't get that in this venue and in writing then you should apply the same rules that you applied to Councillor Lennon and have Councillor Harcourt removed from the chamber.

**Answer by the Mayor:**

I will allow Councillor Harcourt to respond to that.

**Answer by Councillor Harcourt:**

I don't mind withdrawing my second comment but I must say I am completely mystified about the first one. I have never said such a thing in my life. I can't even think when I would have been speaking to anyone from the Crown Hotel or about the Crown?

**Comment by Councillor Bush:**

Objectors. They rang me.

**Comment by Councillor Harcourt:**

I absolutely have not said anything of that sort to anybody. I absolutely deny it. I am not going to withdraw it. I will withdraw the comment about prostitutes and Councillors.

12.

**QUESTION WITHOUT NOTICE COUNCILLOR FOWLER****Question:**

Can I ask you, if it were the opinion of the Chair, that after the removal of a Councillor from the Chamber, should she reconsider and then withdraw, would you allow that Councillor to return to the meeting?

**Answer by the Mayor:**

That will be resolved at the next Council meeting.

**Comment by Councillor Fowler**

Might I ask Mr Mayor in what way will we resolve that issue at the next Council meeting?

**Answer by the Mayor:**

We will provide the Councillor with the opportunity to withdraw and unreservedly apologise at the next Council meeting. If she does that she will be able to remain in the meeting. If she doesn't she will be excluded again.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

23 July 2003

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

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

Councillors – Fowler, Furness, Lay, Lennon and Shaw

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

That the Report of the Planning and Development Committee of its meeting of 23 July 2003, be received and the recommendations set out below for Items 1, 2, 5, 6 and 8, be adopted. The recommendations for Items 3, 4, 7, 9 and 10, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**PROSPECT STREET, NOS. 3 – 7, ERSKINEVILLE – DEMOLISH PARTS OF EXISTING BUILDINGS AND ADDITIONS FOR MIXED RESIDENTIAL AND COMMERCIAL DEVELOPMENT (U00-00403)**

That Council:-

- (A1) Defer determination of the development application so that the applicant may submit a Detailed Site Contamination Investigation and Site Audit Statement in accordance with Council's Contaminated Land Development Control Plan.
- (A2) That the applicant shall provide the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within one (1) month of the date of Council's resolution or such further period as Council may determine is appropriate upon application in writing being made to the Director of City Environment. Should the matter described in Part A1 not be resolved within the agreed time period, the Council grants the Director of City Environment delegated authority to refuse the development application.
- (B) Delegate authority to the Director of City Environment, that upon compliance with the requirements of Part A1, a consent will be issued to the application submitted by Mr J Muscat (owner) for permission to refurbish and extend the existing buildings for a mixed business and residential purposes, subject to the following conditions and any subsequent conditions resulting from resolution of Part (A1):-
  - (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$13,200 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$1,600, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with plans numbered and dated as in the following table, subject to compliance with conditions of consent;

Plan Numbered	Issue	Plan Dated
DA-01	E	19 April 2002
DA-02	D	9 October 2002
DA-03	C	19 April 2002
DA-04	D	23 October 2002
DA-05	C	19 April 2002
DA-06	E	10 April 2003

## (4) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$ 787
Open Space: New Parks	\$ 3,276
Accessibility And Transport Management	\$ 24
	\$ 72
<b>Total</b>	<b>\$ 4,159</b>

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being the March Quarter 2002/2003.

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

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

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

#### Part B

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

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

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

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

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

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

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

- (5) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to

Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$2,819

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 March Quarter 2002/2003.

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

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

- (6) That a separate development application shall be lodged for the specific use of all ground floor commercial premises, including the cafe;
- (6a) That the existing window shown at ground floor level for the café be made a doorway and the proposed doors be made into windows along the eastern side of the building. The plans are to be amended to show such details at Construction Certificate stage;
- (7) That a separate development application shall be lodged for use of the communal courtyard for commercial purposes;
- (8) That the ground floor commercial tenancies shall not be used for any residential purpose unless specific development consent has been granted;
- (9) That the above ground units shall be used for residential purposes only unless specific development consent for a commercial use has been granted;

- (10) That the parking spaces shall be for the use of residents and commercial tenants of the building only and, in any strata subdivision shall be so allocated that no lot has more than one car space, and so that the shop has one car space;
- (11) That all southern elevation double-hung windows on the existing south-western corner building shall have their lower panes fixed and of translucent glass;
- (12) That the second floor balconies of the new Prospect Street building shall be set back 2 metres from the northern boundary of the site to permit light access to the balconies below in the event of redevelopment of the adjoining property. This will involve reduction in the floor area of the flats on that level;
- (13) That the colours and finishes shall be in accordance with the schedule dated 22 January 2002;
- (14) That the aluminium louvres on the southern elevation of the proposed building shall be permanently fixed tilted upward at a 45-degree angle, with the intent of reducing potential privacy impacts on No. 9 Prospect Street. Details shall be submitted with the Construction Certificate,
- (15) That a maximum of 6 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;
- (16) That the applicant shall submit details of the Prospect Street vehicular roller door including acoustic levels and a maintenance schedule with any application for a Construction Certificate;
- (17) That the applicant shall install:
  - (a) speed humps within the development to slow the speed of vehicles exiting the site, and
  - (b) external flashing lights, activated by vehicle detectors so as to warn pedestrians of exiting vehicles;
- (18) 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;
- (19) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668, Parts 1 & 2;

(20) 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  $L_{A10}$  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  $L_{A10}$  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;

- (21) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (22) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (23) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (24) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act, 1997*;
- (25) 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;
- (26) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:

No.	Health Aspect	Standard or Requirement
(i)	all proposed mechanical ventilation systems	Building Code of Australia and AS1668.1 & 2
(ii)	all required mechanical ventilation systems	Building Code of Australia and AS1668.1 & 2
(iii)	the garbage room	SSCC Waste Management/Minimisation Fact Sheets
(iv)	the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes of commercial food premises	National Code for the Construction and Fitout of Food Premises & the Food (General) Regulation, 1997

- (27) 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;
- (28) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (b) 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;
- (c) 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;
- (d) 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;

- (e) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of -/90/90 or protected in accordance with C3.15 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 all glazing materials shall comply with Part 3.6 of the BCA;
- (h) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (i) That sanitary facilities for people with disabilities shall be provided in accordance with the requirements of F2.4 of the BCA;
- (j) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (k) 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;
- (l) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (m) 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;
- (n) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (o) 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;

- (p) 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;
  - (q) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50 and shall be constructed in accordance with the requirements of F5.5 of the BCA;
  - (r) 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;
  - (s) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
  - (t) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
  - (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 portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (w) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
  - (x) 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;
  - (y) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
  - (z) That access for people with disabilities shall be provided for public areas to comply with part D1 of BCA;
- (29) That all relevant sections of the BCA shall be complied with;
- (30) That the requirements of the Work Cover Authority shall be complied with;
- (31) That all residential building shall comply with the Home Building Act 1989 in relation to contract of insurance;

- (32) 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;
- (33) 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;
- (34) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (35) 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;
- (36) 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:
  - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
  - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (37) 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;
- (38) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";

- (39) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (40) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (41) That all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards;
- (42) 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;
- (43) That the demolition work shall comply with Australian Standard 2601-1991;

and the following adopted standard conditions:

- (44) Alignment levels<sup>32</sup>
- (45) Off-street car parking for construction workers<sup>3109</sup>
- (46) Display street number<sup>1110</sup>
- (47) Refuse skips<sup>6102</sup>
- (48) Storage/Garbage<sup>6009</sup>
- (49) Commercial garbage storage area<sup>6104</sup>
- (50) Delivery of construction materials<sup>3104</sup>
- (51) Construction traffic management<sup>3107</sup>
- (52) Stormwater (general)<sup>4101</sup>
- (53) Clean water discharge<sup>4102</sup>
- (54) Overland flowpaths<sup>4105</sup>
- (55) Connection to council's stormwater system<sup>4104</sup>
- (56) Landscape plan<sup>5101</sup>
- (57) Tree protection<sup>5107</sup>
- (58) Final inspection<sup>5115</sup>
- (59) Work on Public Way<sup>99154</sup>

- (60) Drainage Details with Construction Certificate<sup>99013</sup>
- (61) Stormwater Design Certificate<sup>99014</sup>
- (62) Stormwater Certificate at Completion<sup>99016</sup>
- (63) Drainage Design Certificate<sup>99011</sup>
- (64) Vehicular footway crossing<sup>3103</sup>
- (65) Obstruction of Public Way<sup>93029</sup>

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

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

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

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

Carried.

## 2.

### **BUCKINGHAM STREET, NO. 30A, SURRY HILLS – CHANGE OF USE FROM A SINGLE DWELLING TO A COMMERCIAL BROTHEL (U03-00443)**

#### **NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 23 July 2003.

Carried.

## 3.

**PARKING RESTRICTIONS – VICTORIA PARK, ZETLAND (2029433)**

(Also listed as Item No. 19, Finance Committee.)

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Furness:-

That Council resolve to:-

- (A) allocate 25% of the available kerb side parking spaces on the following streets as “unrestricted”:
- Wolseley Grove, south side, from Joynton Avenue to Gadigal Avenue,
  - Austin Grove, both sides, from Joynton Avenue to Grandstand Parade,
  - Morris Grove, north side, from Joynton Avenue to Victoria Park Parade,
  - Morris Grove, south side, from Joynton Avenue to Grandstand Parade,
  - Leyland Grove, both sides, from dead end to Grandstand Parade,
  - Gadigal Avenue, north/western side, from Joynton Avenue to Wolseley Grove,
  - Grandstand Parade, west side, from Gadigal Avenue to Wolseley Grove,
  - Grandstand Parade, east side, from Morris Grove to Wolseley Grove,
  - Victoria Park Parade, west side, from Morris Grove to Wolseley Grove,  
and
  - Victoria Park Parade, east side, from Gadigal Avenue to Wolseley Grove;
- (B) allocate the remainder of the available kerb side parking spaces on the sections of streets indicated in (A) above as “4 Hour Parking 8:00am-8:00pm Mon-Sat” to cater for the Court imposed Visitor Parking which has been displaced to the roadway;
- (C) that a review of the parking on the sections of streets indicated in (A) above, be undertaken with the intention, over a 10 year period, to “roll back” the percentage of “unrestricted” parking to a maximum of 10% to accord with the conditions that exist in other areas of South Sydney, with the first review taking place in 18 months time;
- (D) for the developments on lots 2, 3, 9 and 301 only allocate 10% of the available kerb side parking on the respective street frontages as “unrestricted” with the remaining spaces allocated as “4 Hour Parking 8:00am-8:00pm Mon-Sat”;
- (E) immediately install the necessary parking signs required at (D) above, including any “Works Zones” that the developers might take up, and enforce the parking restrictions accordingly;
- (F) not approve any further concessions to the developers of the remaining lots in Victoria Park to accommodate Visitor Parking spaces on-street;

- (G) negotiate with Landcom to ensure that Council's restrictions on access to on-street parking in Victoria Park are prominently advertised on its web site, on billboards, within the Tote Building and any other advertising avenues that are available, so that prospective purchasers and tenants of the residential developments are adequately informed;
- (H) allow 10% of the kerb side parking spaces at Meriton Apartment's development at the former ACI site to be retained as "unrestricted".

Carried.

4.

**HANSARD STREET, NO. 44, ZETLAND – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR X TWO BEDROOM AND TWO X THREE BEDROOM RESIDENTIAL UNITS AND THREE RETAIL/ COMMERCIAL UNITS AND SIX CAR PARKING SPACES (U03-00155)**

This matter was submitted to Council without recommendation:-

Moved by Councillor Lay, seconded by Councillor Furness:-

That Council defer the matter to allow the applicant to amend the proposal to incorporate home office spaces at ground level and advise those persons who made representations of Council's decision.

Carried.

5.

**RILEY STREET, NOS. 332 – 338, SURRY HILLS (FORRESTERS HOTEL) – SECTION 82A REVIEW OF REFUSAL OF CONSENT FOR EXTENDING SUNDAY TRADING HOURS FROM 10.00 PM UNTIL 12.00 MIDNIGHT TO A HOTEL (U02-00833)**

That Council:-

- (A) as the consent authority, advise the applicant, Mumbilla Pty Ltd that in respect of the application, pursuant to Section 82A of the Environmental Planning and Assessment Act, for review of the Council's determination dated 26 March 2003, that the grounds for review set out in the application do not justify a change to the determination for the following previous reasons, namely:-
  - (1) The proposal will impact on the amenity of surrounding residents and in doing so will be contrary to the Mixed Uses 10 Zone objective (h), which seeks to ensure that the amenity of residents is not adversely affected by the operating hours of commercial uses;

- (2) That the proposal will increase noise in the area on a Sunday evening to the detriment of nearby neighbours;
  - (3) That the proposal will set an undesirable precedent in the area, which will have adverse cumulative impacts on nearby residents;
  - (4) That the proposal is unsuitable and inappropriate for the site and its surrounding context;
  - (5) That approval of the proposal is not in the public interest;
- (B) That the persons who made representation regarding the application be notified of Council's decision.

Carried.

**6.**

**KING STREET, NOS. 320 – 322, NEWTOWN – USE OF PREMISES AS A SEX ON PREMISES VENUE AND PRIVATE VIDEO BOOTHS IN CONJUNCTION WITH AN EXISTING RESTRICTED PREMISES (U02-00977)**

- (A) That Council, under the authority granted by Section 80(1) of the Environmental Planning and Assessment Act, 1979, refuse to grant development consent to development application U02-00977 for the formalisation of use of premises for private video booths and sex on premises venue at Nos. 320-322 King Street, Newtown, for the following reasons, namely:-
- (1) That the proposal does not comply with the zone objectives of Clause 13 (1)(c) of Local Environmental Plan 1998 as there will be a reduction in the amenity of the area due to the intensification of an existing sex industry premises;
  - (2) That the proposal does not comply with section 2.1 of the Sex Industry Policy 2000 and will result in an intensification of a sex industry precinct;
  - (3) That the proposal does not provide access for persons with a disability in accordance with the Building Code of Australia and Disability Discrimination Act;
  - (4) That the proposal is not in the public interest.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council refers the unauthorised use to Compliance Section to take necessary action to cease the use.

- (D) That the issues of colour and additional signage are referred to Compliance for further investigation.

Carried.

7.

**CROWN STREET, NOS. 346 – 350 AND LITTLE BLOOMFIELD STREET, NOS. 19 – 25, SURRY HILLS – PARTIAL DEMOLITION AND ERECTION OF MIXED USE DEVELOPMENT COMPRISING THREE SHOPS, SIX UNITS, FIVE TOWNHOUSES AND BASEMENT CAR PARKING (U02-00232)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

That Council:-

- (A1) as the consent authority, grants its deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979 to Development Application U02-00232 submitted by Joshua International Architects Pty Ltd with the authority of Mr M., Mr C. and Mrs S. Zufferey to mixed use development comprising 6 residential units, 5 residential townhouses, 3 retail shops and car parking at Nos. 346-350 Crown Street and Nos. 19-25 Little Bloomfield 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) That plans be submitted amending the development application plans in line with sketch details received 1 July 2003;
    - (b) That balconies to Units 4 and 5 be a minimum of 8sqm in area and 2m in depth in accordance with South Sydney Development Control Plan 1997 – Urban Design;
    - (c) That 4 class one bicycle racks be provided within the basement car park and two inverted (or one double sided) U stand bicycle rack be provided in Crown Street near the entry to the residential lobby, in accordance with South Sydney Development Control Plan No.11 – Transport Guidelines for Development;
    - (d) That a 1m wide by 1m high planter box be provided to the northern side of the roof terrace of Terrace 1 and the southern side of the roof terrace to Terrace 5 with planting to reach a minimum mature height of 1m, with details of the planter and

the species to be provided to retain privacy to the neighbouring properties;

- (e) 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 owner;
  - (f) That the terraces facing Little Bloomfield Street be amended so that a 900mm setback can be provided to the adjacent property at No. 352 Crown Street;
  - (g) That proposed car spaces 1 and 12 be deleted;
  - (h) That the master bedroom and ensuite of the southern most terrace facing Little Bloomfield Street be deleted.
- (A2) 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.
- (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 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 \$63,607.50. 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;
  - (3) That the development shall be generally in accordance with plans numbered DA 001, DA 002 Issue A, DA 003 Issue A, DA 004 Issue A, DA 005, DA 006 Issue A and DA 007 Issue A, dated July 2001 subject to compliance with the conditions below and as amended by the Deferred Commencement conditions;
  - (4) That the development shall be provided with access and facilities for people with disabilities in accordance with AS1428.2-1992 Design for Access and Mobility Part 2: Enhanced and Additional Requirements with the plans detailed prior to the issue of the Construction Certificate;
  - (5) That a Dilapidation Report is to be prepared in respect of the adjoining properties and properties opposite the Little Bloomfield Street frontage of the property and Council property, with a copy of the report to be provided to all parties prior to the commencement of any demolition or construction work on the site;

- (6) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$14,520 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;
- (7) 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 to ensure that the plans are suitably endorsed. The levy, to the value of \$4,800 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;
- (8) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

(9)	Contribution Category	Amount
	Multi-Function Administration Centre	\$1,858

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 March Quarter 2002/2003.

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

the Construction Certificate / before the use is commenced or the release of the Occupation Certificate whichever occurs first.

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

(10) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$1,243
Open Space: New Parks	\$5,540
Accessibility And Transport	\$38
Management	\$90
Total	\$6,911

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

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

where:

C is the original contribution amount as shown above;

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

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

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

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of

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

#### Part B

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

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

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

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

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

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

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

- (11) 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 City Works;

- (12) 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);
- (13) 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;
- (14) 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;
- (15) That a separate development application shall be lodged for the specific use of the retail shops;
- (16) 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;
- (17) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (18) That the existing lots shall be consolidated into one single lot prior to the issuing of an Occupation Certificate;
- (19) 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;
- (20) That the forward-most point of the awning(s) shall be set back a minimum distance of 600mm from the front of the kerb;
- (21) That a separate development application shall be submitted at the appropriate time for any proposed signs;

- (22) That the parking spaces shall be allocated on the basis of 10 for residents based on 3 spaces at 0.5 per unit for 5 x 1 bedroom units; 7 spaces at 1.2 per unit for 6 x3 bedroom units and 2 for visitors/service (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (23) That of the required car parking spaces, at least 1 shall be 3m x 5.5m minimum (with a minimum headroom of 2.5m) and shall be clearly marked and appropriately located for disabled driver's parking;
- (24) That a sign, legible from the street, shall be permanently displayed to indicate the availability of visitor parking, and visitor parking shall be clearly marked as such prior to occupation;
- (25) That the visitor spaces shall be conveniently located and accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 7m clear of the kerb line, wired to all units (prior to issuing an Occupation Certificate);
- (26) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (27) 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;
- (28) 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;
- (29) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works 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 City Works;
- (30) 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;

- (31) 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;
- (32) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. The Plan shall provide information regarding parking restrictions, emergency access, pedestrian protection, traffic impacts, traffic routes etc;
- (33) 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;
- (34) 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;
- (35) 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 City Works;
- (36) 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;
- (37) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (38) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a Construction Certificate. The Landscape Plan shall nominate:

(i) Materials and Finishes -Plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.

(ii) Levels and Drainage- Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.

(iii) Planting Plan- Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers of each species. Details of ground preparation, soil mix and staking/ tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting to be as follows:

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

- (39) 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;
- (40) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m<sup>2</sup>of landscaped area.

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

- (41) 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;
- (42) 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;

- (43) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (44) 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);
- (45) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (46) "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](http://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.";

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

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

This clause does not apply to:

- (a) building work carried out inside an existing building, or

- (b) 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;
- (48) That toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected:-
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this condition:

accredited sewage management facility means a sewage management facility to which Part 3 Division 4A of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993;

- (49) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;

- (50) That approval for the connection of the stormwater shall be obtained from Council's City Works Department prior to the work being carried out;
- (51) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans;
- (52) That a certificate shall be submitted from a registered certifier confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (53) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (54) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (55) That a traffic management system for the driveway be installed to regulate the traffic flow to allow only one vehicle access to the ramp at a time, with the details of the system to be submitted with the Construction Certificate;
- (56) That two spaces be allocated on a shared basis for visitor parking and service spaces for the retail shops, with the spaces notated on the plans prior to the issue of the Construction Certificate;
- (57) 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;
- (58) 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);
- (59) That the car park shall be ventilated in accordance with the Building Code of Australia (if using deemed to satisfy provisions AS1668, Parts 1 & 2);

- (60) That adequate provision be made for sanitary connections to proposed future commercial occupancies to ensure compliance with the Building Code of Australia;
- (61) That all business proprietor/s shall enter into a contract for the removal of trade waste from the premises;
- (62) That both garbage storage rooms are to have lockable doors and the commercial occupants are not to have access to the residential garbage area;
- (63) That a separate garbage /recycling storage facility for commercial use shall be located within the site at street level in a position approved by Council's Health Services Manager that can be accessed by a commercial contractor. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (64) That the mechanical exhaust ventilation system to the residential laundries shall extract at least 20 l/s per laundry;
- (65) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Health and Community Services 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 dust emissions,
  - (c) Soil and sediment control measures,
  - (d) Measures to identify hazardous and industrial wastes and the procedures, for removal and disposal including asbestos,
  - (e) Community consultation
- (66) That certificates of design compliance for the below nominated components/aspects of the mechanical ventilation system shall be provided to the certifying authority at the time of lodgement of plans.

Upon commissioning of the mechanical ventilation system/s certificates of performance shall be submitted to the certifying authority prior to the issue of an occupation certificate.

The certificate/s of performance shall be in a form acceptable to the certifying authority and be accompanied by details of the test carried out in respect of:

- (a) Ventilation, and

(b) Acoustics

- (67) That no “offensive noise” as defined under the Protection of the Environment Operations Act, 1997 shall be created from demolition, excavation and construction activities”.
- (68) That all associated mechanical plant, equipment and the like used on site during the demolition, excavation and construction phases of the proposed development shall implement all practicable and available noise attenuating devices and measures to minimise noise being transmitted from the boundary.
- (69) That adequate environmental management training shall be provided to all staff and contractors on site, and be made aware and adhere to all environmental conditions placed on this Development Application.
- (70) That the process of ongoing community consultation continue by the notification of neighbouring properties, Crown Street Public School (and their representatives, e.g. DPW & S), businesses and other stakeholders within the area which may be potentially affected during the redevelopment of the site. This community consultation of proposed works shall occur two weeks prior to the commencement of works and fortnightly thereafter by the staging of neighbours’ group meetings convened by a member of the project team (the applicant). An invitation to these meetings shall be extended to Council staff, and any neighbour likely to be affected by the development or their representative.
- (71) That a 24-HOUR COMPLAINTS HOTLINE shall be provided and displayed on site and complaints be directed to a Public Affairs Officer to receive and act upon any complaints or concerns in respect to construction noise and matters associated with the site;
- (72) That the applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Councils stormwater drainage system during construction/demolition. Measures must include:
- (a) Siltation fencing
  - (b) Protection of the public stormwater system; and,
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place;
- (73) 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;
- (74) 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) car park ventilation systems: STANDARD REQUIREMENT - Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (c) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (d) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (75) The applicant shall advise if any archaeological relics are uncovered during demolition or building works, such works are to immediately cease in the area and the NSW Heritage Office contacted. Depending on the possible significance of the relics an archaeological assessment and an excavation permit under the NSW Heritage Act 1977, may be required before further works can be considered in that area;
- (76) That to ensure that the Crown Street facade does not collapse during construction works, prior to the commencement of any works on the site, an Engineers Report is to be submitted to Council, prepared by a suitably qualified engineer experienced in dealing with heritage buildings. The report is to indicate how the façade is to be retained, supported and not undermined by the proposed development and give details of any intervention such works will have on the façade fabric. Details of all temporary supports and hoarding are also to be provided;

- (77) That all repair work to the Crown Street facade building fabric is to match as closely as possible the original details;
- (78) That the face brickwork is not to be painted, rendered or coated;
- (79) That the second floor Crown Street windows are to be timber framed double hung sash windows and not steel framed windows with the plans amended prior to the issue of the Construction Certificate;
- (80) That the original timber framed horizontal windows above the shop front are to be retained or if they are in need of replacement, are to be timber framed matching the original detailing;
- (81) That the Crown St awning is to be flat or near flat in shape in keeping with the context with an opaque roof to provide shade, shelter and consistency with the architectural style of the building;
- (82) That the roof of the new terraces shall be constructed with metal sheetings of a corrugated profile and not terracotta tiles with the plans amended prior to the issue of the Construction Certificate;
- (83) The solid balustrading proposed for the two terraces adjoining No. 353 Crown Street is uncharacteristic of the street and is to be replaced by semi transparent balustrading similar to that proposed for the other new terraces;
- (84) That no glazing is to be provided in the gable of the dormers;
- (85) That the dormers shall be vertically proportioned to the ratio of 1.5:1;
- (86) That the external colour scheme is to be predominantly earthy tones to be in keeping with the character of the conservation area. A schedule of colours is to be submitted to Council's satisfaction prior to the release of the Construction Certificate.
- (87) That all relevant sections of the BCA shall be complied with;
- (88) 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. Where staged development is being undertaken, no building or excavation work shall be commenced or carried out other than that approved under the relevant staged construction certificate until a construction certificate application has been approved for each stage;
- (89) 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;

- (90) 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;
- (91) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (92) 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;
- (93) 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;
- (94) That the requirements of the Work Cover Authority shall be complied with;
- (95) 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;
- (96) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (97) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (98) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (99) 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;
- (100) That the demolition work shall comply with Australian Standard 2601-1991;
- (101) That if the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and

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

(Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;

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

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

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

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

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

- (104) That the applicant shall note that this application has not been assessed for compliance with the Building Code of Australia;
- (105) 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;

- (106) 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.
- (107) That the applicant shall ensure that the development satisfies the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996.
- (108) That the applicant shall ensure that all drainage lines will be perpendicular to the kerb lines in Crown Street and Little Bloomfield Street;
- (109) That the applicant shall ensure that the planter box water is not permitted to be pumped out, but must be gravity drained through an approved filter system, in accordance with Council's Stormwater Code;
- (110) That the applicant shall ensure that all sub-soil pumping is to be in accordance with Council's Stormwater Code;
- (111) That the three trees are approved for removal and landscaped as per the submitted Landscape Plan (Drawing no. LD-02), being 1 x Gum tree (*Eucalyptus ficifolia*), 1 x Bottlebrush tree (*Callistemon viminalis*) and 1 x Loquat tree (*Eriobotrya japonica*);
- (112) That the three street trees are retained and protected during construction activities;
- (113) That the applicant shall ensure that a central garbage room shall be provided for all residential waste. The garbage storage area is to be of sufficient size to accommodate a minimum of 3 x 240-litre sulo bins for domestic refuse and 2 x 240-litre sulo recycling bins;
- (114) That the applicant shall ensure that all refuse bins shall be presented kerbside in Little Bloomfield Street for collection;
- (115) A solar hot water heating system shall be provided on the site and shall serve the hot water requirements of all residential units. Details of which shall be submitted with the application for a Construction certificate. Where a solar hot water system can not be provided for all units due to the orientation and/or size of the roof, a 3.5 star rating hot water heating system (gas or heat pump) or equivalent shall be provided for all remaining units;

Note: A statement from an appropriately qualified energy adviser shall be submitted with the application for a Construction certificate to detail why a solar hot water heating system can not be provided for all

residential units. The cost of installing the system is not deemed as adequate exemption criteria.

- (116) A Statement shall be submitted with the application for a Construction Certificate by an appropriately qualified energy adviser indicating the type of hot water system available to each of the residential units and its capability of meeting all hot water needs of the units.

NOTE: 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: 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.

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

Carried.

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

8.

**EPSOM ROAD, NO. 87, ROSEBERY - AMENDMENT TO APPROVED STORAGE FACILITY WHICH SEEKS TO EXTEND THE HOURS OF OPERATION FROM APPROVED HOURS 8.00 AM TO 6.00 PM MONDAY TO SATURDAY, 10.00 AM TO 4.00 PM SUNDAYS TO 7.00 AM TO 7.00 PM MONDAY TO FRIDAY, 7.00 AM TO 5.00 PM SATURDAYS AND OPERATE UNDER EXISTING APPROVED HOURS ON SUNDAYS (U00-00114)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under

delegation, subject to the conditions in the report by the Director of City Environment dated 14 July 2003.

Carried.

9.

**ADELAIDE STREET, NOS. 1 – 25, SURRY HILLS – AMENDED PLANS – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A SIX STOREY MIXED USE DEVELOPMENT CONTAINING 29 UNITS, 185SQM OF COMMERCIAL SPACE, A GYMNASIUM AND BASEMENT PARKING FOR 20 CARS (U02-01107)**

To Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

That the report by the Director of City Environment dated 29 July 2003, be approved and adopted subject to:-

- (1) the removal of the fifth level of the application;
- (2) the application be delegated to the Director of City Environment after submission of amended plans;
- (3) those who made a submission with respect to the proposal be notified of Council's decision.

Carried.

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

10.

**BAPTIST STREET, NOS. 2 – 38, REDFERN – ALTERATIONS AND ADDITIONS TO CAR PARK TO FACILITATE PAY PARKING INCLUDING CLOSURE OF DRIVEWAY AND INSTALLATION OF AUTOMATIC GATES – DEVELOPMENT APPLICATION (U02-01283)**

(A) That the Council grants its consent pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Australian National Carparks Pty Ltd, with the authority of Ogen Nominees Pty Ltd, to facilitate pay parking, including closure of a driveway and installation of automatic gates, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plan numbered SK1 stamp dated 16 July 2003, subject to compliance with conditions of consent;

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$1500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That the Cooper Street access point shall be retained in its current configuration with the intent of retaining existing trees, to be reflected in amended plans submitted with the application for a Construction Certificate;
- (4) That any new kerbing on Marriott Street shall be a minimum height of 300mm and located within the site boundary with the intent of preventing unauthorised egress from the car park. Kerbing detail shall be included with the application for a Construction Certificate;
- (5) That the eleven (11) car spaces shown between the existing service area and the east/west internal circulation route shall be designated as staff parking as marked in red on the endorsed plan;
- (6) That vehicle queuing lengths into the car park shall be in accordance with Australian Standard 2890.1;
- (7) That the applicant shall give suitable consideration for emergency vehicles to have 24-hour access;
- (8) That a minimum of two hours free parking shall be available during operating hours of the pay-parking system with the intent of reducing pressure on surrounding on-street parking;
- (9) That the Cooper Street vehicular access points shall be locked between 10.00pm and 8.00am, daily;
- (10a) That delivery of goods and servicing to Marriott Street shall be restricted to vehicles over 3 tonnes between 8.00 a.m. to 8.00 p.m. Mondays to Saturdays and between 10.00 a.m. to 3.00 p.m. on Sundays;
- (10b) That delivery of goods and servicing to Baptist Street shall be restricted for all vehicles up to 3 tonnes between 6.30 a.m. to 8.00 p.m. Mondays to Saturdays and between 7.30 a.m. to 3.00 p.m. Sundays;
- (11) That no delivery vehicles associated with the site shall use the southern residential section of Baptist Street;

- (12) That use of Young or Walker Streets by any delivery/service vehicles over 3-tonne is prohibited at any time;
- (13) That signs shall be erected and permanently displayed in prominent positions at each of the vehicle entrances advising vehicle drivers of the time and use restrictions on entrances and loading, and the shopping centre management shall advise truck drivers not to arrive at the site outside of those hours and park or stand on the surrounding streets awaiting entry to the site;
- (14) That the applicant shall ensure that the driveway for delivery/service and staff vehicles in Marriott Street is adequately signposted for that use only and not for use by the general public for ingress or egress of the car park;
- (15) That a pedestrian crossing shall be provided between the shopping centre entrance to parking bays adjacent to that entry area. Pedestrian crossing signage alerting drivers to this crossing shall also be installed in conjunction with speed humps on either side of the crossing.
- (16) That 5kph speed limit signage shall be installed throughout the car park with the intent of reducing potential safety conflict between vehicles and pedestrians;
- (17) That 'No Pedestrian' signage shall be installed at each vehicle entry point to the car park with the intent of reducing potential safety conflict between vehicles and pedestrians;
- (18) That a detailed landscape plan and specification for the car park, prepared by a qualified Landscape Architect or designer shall be submitted prior to issue of a Construction Certificate. The plan shall nominate any proposed tree removal and proposed hardworks and softworks, including decorative paving types, retaining walls, garden bed edging, furniture, fencing, existing proposal levels, drainage, planting types and species, plant numbers and sizes, a maintenance schedule and irrigation. Please refer to Section 4.9 of DCP 11 - Transport Guidelines for Development 1996 for specific landscape guidelines relevant to car parks.
- (19) That the applicant shall ensure that the same tree species shall be used where the redundant driveway in Marriott Street is replaced by a fence in order to screen the car park;
- (20) That no existing tree on the site covered by Council's Tree Preservation Order, shall be removed or lopped without prior consent from the Director of City Works;
- (21) That all vehicles shall enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access, load,

unload and manoeuvre wholly within the site and not encroach upon public roads;

- (22) That the applicant shall ensure that there shall be no encroachments over the public way;
- (23) That the development must satisfy the requirements in Council's DCP No.11, Transport Guidelines for Development 1996;
- (24) 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;
- (25) 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;
- (26) That all loading and unloading operations shall be carried out within the confines of the site, at all times (and shall not obstruct other properties/units);
- (27) 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;
- (28) 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;
- (29) 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;
- (30) 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;
- (31) 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;
- (32) 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;

- (33) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
  - (34) 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).
- (B) Advise those people who made a submission of Council's decision in this matter.
  - (C) That should the development application be approved by Council, Council's Maintenance Department shall be requested to prepare a dilapidation report of the median strip and footpaths along Marriott and Cooper Street prior to issue of the Construction Certificate.
  - (D) That should the development application be approved by Council, the Traffic Committee shall be requested to consider altering signage along the western side of Marriott Street from No Parking to No Standing at the current stipulated times.
  - (E) That should the development application be approved by Council, the Traffic Committee shall be requested to reconsider resident parking zone arrangements in the vicinity to alleviate additional on-street parking pressure resulting from the proposal.
  - (F) That further discussions be held with the applicant and Council Officers in relation to the access to Baptist Street with the view of redesigning ingress and egress into the car park.
  - (G) That Council Officers liaise with residents in relation to the details of the landscape plan.

At the request of Councillor Lay and by consent the motion be amended by the deletion of Clauses (9), (10a), (10b), F and G and the insertion in lieu thereof of the following new conditions and Clauses, namely:-

- (9) That the Cooper Street vehicular access points shall be locked between 10.00pm and 8.00am daily;
- (10a) That delivery of goods and servicing to Marriott Street shall be restricted to vehicles over 3 tonnes. The dock shall be open between 8am and 8pm Mondays to Saturdays and between 10am to 3pm on Sundays;
- (10b) That delivery of goods and servicing to Baptist Street shall be restricted to vehicles up to 3 tonnes. The Baptist Street entrance shall be open

between 6.30am to 8pm Mondays to Saturdays and between 7.30am to 3pm on Sundays;

- (10c) No delivery vehicles are to queue in Cooper and Marriott Streets prior to 8am.

and the following conditions (F) and (G) be added to the recommendation:

- (F) That further discussions be held with the applicant by Council Officers in relation to the access from Baptist Street with the view of redesigning ingress to and egress from the car park.
- (G) That Council officers liaise with residents in relation to the details of the landscape plan.

Motion as amended by consent, carried.

At the request of Councillor Lay, the Mayor asked that enforcement of the traffic weight restrictions and to the queuing of vehicles is in accordance with Council's abovementioned resolution.

The Planning and Development Committee Meeting terminated at 8.52 p.m.

At this stage and at 7.27 p.m., Councillor Fowler left the Council Meeting and did not return.

## **REPORT OF THE COMMUNITY SERVICES COMMITTEE**

23 July 2003

### **PRESENT**

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

**Councillors – John Bush and Shayne Mallard**

At the commencement of business at 7.57 pm those present were -

The Mayor and Councillors – Bush and Mallard

**Apology** – An apology for non-attendance at the meeting was received from Councillor Harcourt.

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

That the Report of the Community Services Committee of its meeting of 23 July 2003, be received and the recommendations set out below for Items 1 to 6, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

**1.**

**(1) COMMITTEES – ERSKINEVILLE CHILDREN’S PROGRAM - FUTURE DIRECTIONS (2022580) (2) RESCISSION OF RESOLUTION OF COUNCIL DATED 28 MAY 2003**

That:-

- (1) Council receive and note the report;
- (2) Council rescind its previous resolution of 28 May 2003 to introduce fees for the Erskineville Children’s Program from 1 July 2003, and approve that fees be introduced for this program once the new provider is appointed;
- (3) the selection panel to assess a suitable provider include Council Officers and a representative from the Network of Community Activities;
- (4) Council approve Council staff to undertake community consultation on the results of this selection process and the transition process thereafter.

(DCL Report 8.7.03)

Carried.

**2.**

**COMMUNITY SERVICES - SPORT AND RECREATION SERVICES – ENDORSEMENT OF THE KIDS SPEAK MEMORANDUM OF UNDERSTANDING (2021972)**

That Council endorse the Kids Speak Memorandum of Understanding, with delegated authority to the General Manager.

Carried.

**3.**

**COMMUNITY FACILITIES – REDFERN OCCASIONAL CARE (NO. 55 PITT STREET, REDFERN) – NEW INDIGENOUS SUPPORT PROJECT - ACCEPTANCE OF FUNDING (2028843)**

That Council:-

- (1) accept the funding provided by the NSW Department of Community Services and undertake the Indigenous Support Project at Redfern Occasional Care for a 3 year period;
- (2) approve the employment of a temporary (3 year) worker to conduct the program;
- (3) approve the exhibition of a reduced fee of \$24.50/day for ROCC Indigenous Support Program participants;
- (4) accept funding of \$13,761 from the Elsa Dixon Employment Program and allocate these funds to the untrained child care worker position at ROCC;
- (5) accept funding of \$88,543 from Redfern Occasional Child Care Inc. and allocate this funding towards the Indigenous Support Project (\$33,629) and \$54,914 to the Capital Works Program for Redfern Occasional Care.

(DCL Report 10.7.03)

Carried.

#### 4.

##### **COMMUNITY FACILITIES – SOUTH SYDNEY FAMILY DAY CARE - PROPOSED TRANSFER OF THE SERVICE TO ANOTHER PROVIDER (2028486)**

That Council:-

- (1) give in principle approval to the transfer of the funding, recruiting area, existing carers and families to a neighbouring Council Family Day Care Scheme, with South Sydney Council continuing to provide support in the form of advertising the service for prospective carers and families in our LGA;
- (2) note that the transfer of the service to a larger provider in a larger catchment area only increases the opportunity to match a family with a carer;
- (3) approve for staff to negotiate with adjoining councils and report back to Council on the outcome of negotiations.

(DCL Report 10.7.03)

Carried.

#### 5.

##### **PARKS – SYDNEY PARK - DRAFT PLAN OF MANAGEMENT – APPROVAL TO PLACE DRAFT ON PUBLIC EXHIBITION (2029041)**

That Council:-

- (1) approve public exhibition of Sydney Park draft Plan of Management for a period of 28 days with a further 14 days for which submissions may be received;
- (2) display the exhibition at Council's One Stop Shop, 280 Elizabeth Street, Surry Hills, Newtown Library, Surry Hills Library, advertise the exhibition in the Inner City News and local press and erect on site park display boards to promote public awareness of the exhibition;
- (3) Conduct a Public Hearing on the Plan of Management in accordance with Sections 40A & 47G of the Local Government ( Community Land Management ) Act 1998.

(DCW Report 15.7.03)

Carried.

**6.**

**PLANNING – SURRY HILLS LIBRARY AND COMMUNITY FACILITIES - MASTERPLAN (2027405)**

That Council:-

- (1) receive and note the 146 submissions and petition with 154 signatures;
- (2) in light of the submissions received and recent discussions with the developers of St Margaret's East, that a decision on the Surry Hills Library and Community Facilities be deferred until a new Masterplan for St Margaret's East is submitted and assessed.

(DCL Report 15.7.03)

Carried.

The Community Services Committee Meeting terminated at 8.15 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE  
(CONFIDENTIAL MATTER)**

**WEDNESDAY 23 JULY 2003 AT 8.16 PM**

**PRESENT**

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

**Councillors – John Bush and Shayne Mallard**

At the commencement of business at 8.16 pm, those present were -

The Mayor and Councillors – Bush and Mallard.

**Apology** – An apology for non-attendance at the meeting was received from Councillor Harcourt.

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

1.

**COMMUNITY LIVING – 2003 COMMUNITY ACHIEVEMENT AWARDS  
(P58-00592)**

Approved as recommended by the Director of Community Living in the report dated 10 July 2003, subject to the deletion of the name “Alice King” from the list of recipients to receive an award as she had won an award last year.

Carried.

The Community Services Committee (Confidential Matter) Meeting terminated at 8.18 pm.

**REPORT OF THE FINANCE COMMITTEE**

23 July 2003

**PRESENT**

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

**Councillors – John Bush and Shayne Mallard**

At the commencement of business at 6.37 pm, those present were –

The Mayor and Councillors – Bush and Mallard.

**Apology** – An apology for non-attendance at the meeting was received from Councillor Harcourt.

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

That the Report of the Finance Committee of its meeting of 23 July 2003, be received and the recommendations set out below for Items 1 to 8, inclusive, 10 to 14, inclusive, 16 to 18, inclusive, 20 and 21, be adopted. The recommendations for Items 9, 15 and 19, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**(1) LEASING – OXFORD STREET, NO. 92, DARLINGHURST – REQUEST FOR NEW LEASE (2) INSERTION OF REDEVELOPMENT CLAUSE (L52-00173)**

That arising from consideration of a report by the Director of Corporate Services dated 16 July 2003, Council:-

- (A) endorses the inclusion of a “Redevelopment Clause” in all relevant future lease agreements;
- (B) approves the application by Mr Don Stewart of a new lease for the purpose of operating a hairdressing salon for a term of three years with a three-year option in respect of shopfront 92 Oxford Street, Darlinghurst (Lot 1 DP 815188). This lease is for a rental of \$85,000 per annum (\$732.75 per square metre), commencing from a date to be determined, subject to the following conditions, namely:-
  - (1) That the lessee is to provide a Bank Guarantee of equivalent to three-month’s rental;
  - (2) That the lessee is to provide unconditional personal guarantees for the term of the lease;
  - (3) That the lessee to provide Council with a copy of its Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
  - (4) That 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 Lessee;
  - (5) That all relevant documents are to be executed by Council’s Attorney;
  - (6) That the lessee is responsible for all outgoings, not particular to the operation of the lessee’s business;
  - (7) That the lessee is responsible for the payment of Goods and Services Tax;

- (8) That this rent shall be reviewed annually by CPI;
- (9) That if the option is exercised in 2006, market will review the lease at this time;
- (10) That any proposed alterations or Development Applications for the leased premises including refurbishment, fit-outs etc by the lessee during the term of the lease period, must be submitted to and approved by the Property Branch Manager prior to the submission of plans etc to Council for statutory approvals;
- (11) That a rent-free period of three months while the property is being refurbished;
- (12) That a 12-month Redevelopment Clause commencing on 30 June 2006 is to apply for this lease.

At the request of the Mayor, and by consent, 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 for the reasons set out in the report by the Director of Corporate Services dated 30 July 2003 that was circulated to Councillors prior to the commencement of the Council Meeting, it be resolved that Council:-

- (A) endorses the inclusion of a "Redevelopment Clause" in all relevant future lease agreements.
- (B) approves the application by Austsale Pty Ltd of a new lease for the purpose of operating a homewares business for a term of one year with a five-year option in respect of shopfront No. 92 Oxford Street, Darlinghurst (Lot 1 DP 815188). This lease is for a rental of \$85,000 per annum (\$732.75 per square metre) commencing from a date to be determined subject to the following conditions, namely:-
  - (1) The lessee is to provide a Bank Guarantee of equivalent to three-month's rental.
  - (2) The lessee is to provide unconditional personal guarantees for the term of the lease.
  - (3) The lessee to provide Council with a copy of its Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee against any claims that may arise during the term of the lease.
  - (4) 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 Lessee.

- (5) All relevant documents are to be executed by Council's Attorney.
- (6) The lessee is responsible for all outgoings, not particular to the operation of the lessee's business.
- (7) The lessee is responsible for the payment of Goods and Services Tax.
- (8) This rent shall be reviewed annually by CPI.
- (9) If the option is exercised in **2004**, market will review the lease at this time.
- (10) Any proposed alterations or Development Applications for the leased premises including refurbishment, fit-outs etc by the lessee during the term of the lease period, must be submitted to and approved by the Property Branch Manager prior to the submission of plans etc to Council for statutory approvals.
- (11) A rent-free period of **one** months while the property is being refurbished.
- (12) A twelve-month Redevelopment Clause commencing on 30 June 2006 is to apply for this lease.

Motion, as amended by consent, carried.

**2.**

**CLEANING - 120 LITRE MOBILE GARBAGE BINS - MANUFACTURE, ASSEMBLY, SUPPLY, DISTRIBUTION AND FINANCE AGREEMENT – ACCEPTANCE OF TENDER (2000996)**

That Council resolves to:-

- (1) accept the quotation from SULO MGB AUSTRALIA for the manufacture, supply, assembly, distribution and finance agreement (finance supplied through Capital Finance Australia Ltd) of 120 litre Mobile Garbage Bins (MGB) at a total cost of \$5599.90 per month over a seven (7) year period (GST exclusive) in accordance with Council's Specification.

Carried.

3.

**CLEANING – TRAFFIC SIGNAL BOXES PROJECT - KING STREET,  
NEWTOWN – FUNDING RECEIVED (\$15,000) — PUBLIC ART (2024096)**

It was moved by Councillor Bush, seconded by Councillor Mallard, that the recommendation in the report dated 3 July 2003, be deleted and be replaced with the following new recommendation, namely:-

That the grant is not accepted in that it encourages further graffiti in these locations.

(The Mayor, Councillor Pooley, requested that his name be recorded as voting against the recommendation of the Committee.)

At the Council Meeting, it was moved by the Mayor, seconded by Councillor Lay, that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof, namely:-

That Council resolves to accept the grant and to allocate the funds for the 2003/2004 Cultural Services Program.

Motion, as amended, carried.

4.

**PUBLIC RELATIONS – RATE NOTICES – MESSAGE (2002142)**

It was moved by the Chairperson (the Mayor), seconded by Councillor Mallard, that the current message on Council's rate notices, namely, "South Sydney City Council demands a plebiscite for any boundary change", be deleted.

Carried.

5.

**STREETS – HARBER STREET, ALEXANDRIA – PERMANENT CLOSURE –  
ADVERTISING (S06-00973)**

That arising from consideration of a report by the Director of City Works dated 26 June 2003, approval be given to the advertising and action to be taken for the proposed closure of Harber Street, Alexandria, as shown stippled on plan S6-280/241 accompanying the beforementioned report in accordance with the Policy for Closure of Roads adopted by Council on 27 August 1997 and that a further report be submitted to Council at the end of the advertising period.

Carried.

**6.****LICENSING – BOURKE STREET, NO. 688, REDFERN – FOOTWAY LICENCE (AMENDMENT) (2022598)**

That approval be given to:-

- (a) the granting of a licence to John Stavropoulos over the footway of Bourke Street adjacent to Café Zoe at No. 688 Bourke Street, Redfern as shown on Plan No S4-130/763D accompanying the Director's report:
- Licence area: 7.8 square metres 5 Tables 14 stools.
  - Hours of operation: 7.00am – 10.00pm, 7 days per 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 and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - lapse in three months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
  - require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
  - terminate if entertainment is provided on the premises.
- (c) the execution of all relevant documents and plans by Council's Attorney.

(DCE Report 10/4/03)

Carried.

**7.****ADMINISTRATION – CITY WORKS DEPARTMENT - WORKS PROGRAM 2003/2004 – ACCEPTANCE OF RTA BLOCK GRANT (2015562)**

- (1) That arising from consideration of a report by the Director of City Works dated 15 July 2003, Council acknowledge and accept the RTA's Block Grant 2003/2004 of:-

	<b>Proposed Works</b>	<b>2003/04 Budget</b>	<b>Budget Ref.</b>
Roads Component (Inc.Ex 3x3 Component)	\$155,000	\$142,500	220-327
Traffic Facilities Component	\$280,000	\$231,000	1.41.2440

(2) That Council adopts the proposed works as detailed in each of the following Programs:

1. Footway Reconstruction	\$ 1,000,000	\$1,000,000	220-306
2. Mill and Resheet Works	\$ 934,000	\$1,000,000	220-310
3. Local Roads Program	\$ 225,000	\$ 225,000	220-315
4. Regional Roads Repair Program	\$ 282,000	\$ 150,000	220-326
5. Block Grant (Roads/Ex 3x3)	\$ 155,000	\$ 142,500	220-327

Funds are available from the relevant sections of the 2003/2004 Works Program/Operational Budgets, subject to the following amendments/re-allocations:

The RTA Block Grants (Roads, Ex 3 x 3 and Traffic Facilities Components) are fully funded. The relevant 2003/04 Income and Expenditure Budgets would need to be increased to the new funding levels.

The Regional Roads Repair Program (220-326) would need to be increased from \$150,000 to \$282,000 (Council's contribution would need to be increased from \$75,000 to \$141,000 [\$66,000].) This additional funding could be re-allocated from the Mill and Resheet Program (220-310).

Carried.

## 8.

### **LICENSING – FOVEAUX STREET, NO. 64, SURRY HILLS – PROPOSED FOOTWAY LICENCE (EXTENSION) (L06-00076)**

That approval be given to:-

- (a) the granting of a licence to Corum Investments over the footway of Foveaux Street and Bellevue Street adjacent to the Excelsior Hotel at No. 64 Foveaux Street, Surry Hills as shown on Plan S4-130/911:
- Licence area: 65.9 square metres

- Hours of operation: 7.00am to 10.00pm Monday to Saturday and 12 noon to 10.00 pm and Sunday.
- Period of 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 conditions attached.

- (b) the licence in (a) above will:
- (1) not commence until the licence fee bond and public risk insurance is provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
  - (2) lapse in three (3) 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;
  - (3) require the Licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
  - (4) require that any rent that fails due as a result of commencing the footway licence is paid by the due date;
  - (5) terminate if entertainment is provided in the footway licence area
- (c) the new licensee be informed that both Council and Police have received complaints from local residents about parking problems and noise levels emanating from the operation of the previous licence and from inside the Hotel during live entertainment venues;
- (d) the licensee asked to display signage in the footway licence area to remind patrons that excessive noise can be offensive to surrounding residents;
- (e) the licensee asked to display signage inside the Hotel reminding patrons that during;
- (f) the approved hours of operation of the footway licence be reviewed after a six (6) month trial, during which time Council will monitor the footway licence area closely throughout the period;
- (g) the execution of all-relevant documents and plans by Council's Attorney.

(DCW Report 15.07.03)

It was moved by the Mayor, seconded by Councillor Furness, that the motion be amended by the deletion of the figure and words "65.9 square metres" where appearing in the first dot point of the recommendation and the insertion in lieu thereof of the figure and words "40 square metres" as indicated on the plan that was circulated to Councillors at the meeting.

Motion, as amended, carried.

9.

**ADMINISTRATION - CLEANING – CITY WORKS DEPARTMENT - WASTE BRANCH RESTRUCTURE AND CORPORATISATION (2003078)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Furness:-

That this item be deferred until the resolution of Council's financial position is resolved.

Carried.

10.

**PLANT AND ASSETS - CLEANSING – CANCELLATION OF TWO 0.5M3 COMPACT SUCTION SWEEPERS – TENDERS (2020971)**

That for the reasons set out in the report by the Director of City Works dated 20 June 2003, it be resolved that:-

- (1) approval be given to rescind the tender for the supply and delivery of two (2) 0.5m3 compact suction sweepers;
- (2) the two (2) tenderers Mac Donald Johnston Engineering and Sweep Ex Australia be notified of Council's decision to rescind the tender.

Carried.

11.

**CONFERENCES - ANNUAL CONFERENCE OF LOCAL GOVERNMENT ASSOCIATION NSW TO BE HELD IN ALBURY, NSW, FROM 9 TO 12 NOVEMBER 2003 - QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVES AND APPOINTMENT OF DELEGATES (2010599)**

That Council:-

- (a) approve of Councillors Bush, Lay, Mallard and Pooley being nominated as Council's delegates at the Conference;

- (b) give approval to the Mayor, interested Councillors and the General Manager or his nominee attending the 2003 Annual Conference of the Local Government Association of NSW to be held in Albury, NSW, from 9-12 November 2003, and that any registration fees, accommodation, out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2003-2004 Budget.

(DCS Report 15.7.03)

(The Mayor, Councillor Tony Pooley, requested that his name be recorded as voting against the decision of the Committee.)

At the Council Meeting it was moved by the Mayor, seconded by Councillor Shaw, that clause (a) of the recommendation be deleted and the following new clause (a) be inserted in lieu thereof, namely:-

- (a) approve of Councillors Furness, Harcourt, Lay, and Shaw being nominated as Council's delegates at the Conference.

Motion, as amended, Carried.

## 12.

### **CONFERENCES – NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT TO BE HELD IN CANBERRA FROM 23 TO 26 NOVEMBER 2003 – QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVES AND SUBMISSION OF MOTIONS (C61-00207)**

That Council:-

- (a) give approval to the Mayor and interested Councillors and the General Manager or his nominee attending the 2003 National General Assembly of Local Government to be held in Canberra from 23-26 November 2003 and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling, be borne by the Council, for which funds will be made available in the 2003/2004 Revenue Estimates;
- (b) approve that the Mayor or his nominee be the Council's voting delegate at the Assembly.
- (c) the question of submitting motions to the Assembly is submitted for consideration.

(DCS Report 15.7.03)

Carried.

13.

**RATES – NON-RATEABLE PROPERTIES – DOMESTIC WASTE MANAGEMENT CHARGE - POLICY (2029077)**

That arising from consideration of a report by the Chief Financial Officer dated 24 June 2003, Council implement a policy to charge a Domestic Waste Management Charge for non-rateable properties where such a service is provided.

Carried.

14.

**FINANCE – RATES – NON-RATEABILITY OF LAND (R01-00314)**

Deferred as recommended by the Director of Corporate Services in the report that was circulated to all Councillors prior to the Committee Meeting commencing.

Carried.

15.

**MEMBERSHIP – SOUTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (SSROC) – RENEWAL OF MEMBERSHIP FOR 2003/2004 (M53-00046)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay:-

That arising from consideration of a minute by the General Manager dated 16 July 2003, approval be given to Council renewing its membership of the Southern Sydney Regional Organisation of Councils and the payment of the annual membership fee in the sum of \$24,202.83, for which funds are available in account code 1.51.3220.16655.

Carried.

16.

**(1) LEASING – WILLIAM STREET, NOS. 101 - 111 (GROUND, 1<sup>ST</sup>, 2<sup>ND</sup> AND 3<sup>RD</sup> FLOORS) AND PALMER STREET, NOS. 137 – 155 (1<sup>ST</sup> FLOOR), EAST SYDNEY – REQUEST FOR NEW LEASES (2) INSERTION OF REDEVELOPMENT CLAUSE (L02-00118)**

That:-

- (A) Council endorses the inclusion of a “Redevelopment Clause” in all relevant future lease agreements.
- (B) Council approves the applications by each of the following tenants for a new lease of:

**101-111 William Street, East Sydney (Lot 1 DP 186567)****Ground Floor**

Application by York Motors for the purpose of operating a car-sales showroom for a term of five years with a five-year option. This lease is for a rental of \$145,800 per annum (\$300 per square metre)

**First Floor**

Application by Grand Circle for the purpose of operating a tourist administration office for a term of two years with a two-year option. This lease is for a rental of \$66750 per annum (\$250 per square metre).

Application by Visy Closed Loop for the purpose of operating an office for paper recycling for a term of one year with two, one-year options. This lease is for a rental of \$53,000 per annum (\$200 per square metre).

**Second Floor**

Application by Marketing Elements for the purpose of operating a market relations for a term of one year with two, one-year options. This lease is for a rental of \$60,500 per annum (\$250 per square metre).

**Third Floor**

Application by Studio Magazines for the purpose of operating magazine publishing for a term of one year with two, one-year options. This lease is for a rental of \$109,000 per annum (\$200 per square metre).

**137-155 Palmer Street, East Sydney (Lot 1 DP 949097)****First Floor**

Application by York Motors for the purpose of operating a car sales showroom for a term of five years with a five-year option. This lease is for a rental of \$112,200 per annum (\$275 per car space).

Commencing 1<sup>st</sup> July 2003, subject the following conditions:

- (1)
  - (a) York Motors Pty Ltd is to provide a Bank Guarantee of equivalent to three-months' rental on each lease.
  - (b) All other lessees to provide a Bank Guarantee equivalent to two-months' rental.
- (2) All lessees are to provide unconditional personal guarantees for the term of their lease.
- (3) All lessees are to provide Council with a copy of their Public Liability Insurance Policy in an amount of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the tenant against any claims that may arise during the term of the lease.

- (4) 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 lessee.
  - (5) All relevant documents are to be executed by Council's Attorney.
  - (6) The rent is inclusive of all outgoings, not particular to the operation of the lessee's business.
  - (7) The lessee is responsible for the payment of Goods and Services Tax.
  - (8) This rent shall be reviewed annually by the greater of CPI or 3%.
  - (9) Notwithstanding 8) above, if the option is exercised the lease will review to market at this time.
  - (10) Any proposed alterations or Development Applications for the leased premises including refurbishment, fit-outs etc by the lessee during the term of the lease period, must be submitted to and approved by the Property Branch Manager prior to the submission of plans etc to Council for statutory approvals.
  - (11) All leases are subject to a twelve-month Redevelopment Clause commencing from 30 June 2006.
  - (12) York Motors Pty Ltd to be granted a rent-free period of three months on each lease.
  - (13) The lessees of the office suites at 101-111 William Street, East Sydney are to be allocated thirty two car spaces at 137-155 Palmer Street, East Sydney, to be included in the rent for the space in William Street.
- (C) subject to the removal of attachments 2 and 3 that were circulated with the report dated 17 July 2003 and the insertion in lieu thereof of the new attachments 2 and 3 that were circulated with the report dated 22 July 2003 by the Director of Corporate Services.

Carried.

**17.**

**LEASING – OXFORD STREET, NO. 88 (SHOPFRONT) AND NOS. 88, 90 AND 92 (BASEMENTS), DARLINGHURST – REQUEST FOR NEW LEASE (2028033)**

That arising from consideration of a report by the Director of Corporate Services dated 17 July 2003, Council approves the application by Mr John Kazzi and Mr Nija Kazzi of a new lease for the purpose of operating a nightclub for a term of three years with a three-year option in respect of shopfront No. 88 and basements Nos. 88, 90 and 92 Oxford Street, Darlinghurst (Lot 1 DP815188). This lease is for a rental of \$135,000

per annum (\$731.30 per square metre) ground floor and (\$150 per square metre) basement, commencing from a date to be determined, subject to the following conditions, namely:-

- (1) That the lessee is to provide a Bank Guarantee of equivalent to three-month's rental;
- (2) That the lessee is to provide unconditional personal guarantees for the term of the lease;
- (3) That the lessee to provide Council with a copy of its Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
- (4) That 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 lessee;
- (5) That all relevant documents are to be executed by Council's Attorney;
- (6) That the rent is inclusive of all outgoings, not particular to the operation of the lessee's business;
- (7) That the lessee is responsible for the payment of Goods and Services Tax;
- (8) That this rent shall be reviewed annually by CPI;
- (9) That if the option is exercised in 2006, market will review the lease at this time;
- (10) That any proposed alterations or Development Applications for the leased premises including refurbishment, fit-outs etc by the lessee during the term of the lease period, must be submitted to and approved by the Property Branch Manager prior to the submission of plans etc to Council for statutory approvals;
- (11) That the lessee is to provide Council with a copy of its Trade Waste Contract for a period of not less than three months. Renewed Trade Waste Contracts shall be submitted to Council in not less than six-monthly intervals;
- (12) That a rent-free period of two months while the property is being refurbished;
- (13) That a 12-month Redevelopment Clause is to be included in the lease after 30 June 2006.

It was moved by the Mayor, seconded by Councillor Harcourt, 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 for the reasons set out in the report by the Director of Corporate Services dated 30 July 2003 that was circulated to Councillors prior to the commencement of the Council Meeting, it be resolved that Council approves the application by Mr Don Stewart of a new lease for the purpose of operating a hairdressing salon for a term of three years with a three-year option in respect of shopfront and basement No. 88 Oxford Street, Darlinghurst (Lot 1 DP 815188). This lease is for a rental of \$90,000 per annum gross (\$739.13 per square metre) ground floor and (\$42.73 per square metre) basement, commencing from a date to be determined, subject to the following conditions, namely:-

- (1) That the lessee is to provide a Bank Guarantee of equivalent to three-month's rental
- (2) That the lessee is to provide unconditional personal guarantees for the term of the lease;
- (3) That the lessee to provide Council with a copy of its Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
- (4) That 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 Lessee;
- (5) That all relevant documents are to be executed by Council's Attorney;
- (6) That the lessee is responsible for all outgoings, not particular to the operation of the lessee's business;
- (7) That the lessee is responsible for the payment of Goods and Services Tax;
- (8) That this rent shall be reviewed annually by CPI;
- (9) That if the option is exercised in 2006, market will review the lease at this time;
- (10) That any proposed alterations or Development Applications for the leased premises including refurbishment, fit-outs etc by the lessee during the term of the lease period, must be submitted to and approved by the Property Branch Manager prior to the submission of plans etc to Council for statutory approvals;
- (11) That a rent-free period of **three** months while the property is being refurbished.

- (12) That a 12-month Redevelopment Clause commencing on 30 June 2006 is to apply for this lease.

Motion, as amended, carried.

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

**18.**

**DONATIONS – COWRA SHIRE COUNCIL AND WILLOUGHBY CITY COUNCIL – REQUEST FOR ASSISTANCE WITH LEGAL COSTS – LOCAL GOVERNMENT ASSOCIATION OF NSW (2002879)**

That Council advise the LGA of NSW that South Sydney City Council is unable to:-

- (a) contribute the amount of \$230 towards the legal costs incurred by Cowra Shire Council;
- (b) contribute the amount of \$2,209 towards the legal costs incurred by Willoughby City Council.

(DCS Report 15.7.03)

Carried.

**19.**

**PARKING - RESTRICTIONS – VICTORIA PARK, ZETLAND (2029433)**

(Also listed as Item No. 3, Planning and Development Committee.)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lay:-

This matter was dealt with in the Planning and Development Committee. See Page No. (to be included) for decision.

**20.**

**BOUNDARIES - WARD - ALTERATIONS – POST BOUNDARY CHANGES (2021700)**

That arising from consideration of a report by the General Manager dated 18 July 2003, Council endorses the proposed Ward boundaries as indicated on the plan accompanying the beforementioned report also dated 18 July 2003, for public exhibition for a period of not less than 28 days and invites submissions regarding the

Ward boundary plan for a period of not less than 42 days from the public exhibition date.

Carried.

21.

**PARKS - PEMULWUY PARK, REDFERN, CORNER EVELEIGH STREET AND LAWSON STREET - PROGRESS DESIGN WORK TO TRIAL INSTALLATION OF AUTOMATIC PUBLIC TOILET AND CARRY OUT REPAIR/RECONSTRUCTION WORKS TO EVELEIGH STREET SHARED TRAFFIC ZONE & PEMULWUY PARK - APPROVAL IN PRINCIPLE (2009956)**

That Council:-

- (1) approve in principle to progress with design , planning and community consultation for:
  - (a) the trial installation of an automatic Public Toilet for a six month period at Eveleigh Street shared zone/Pemulwuy Park, Redfern
  - (b) repair and reconstruction work to resecure loose pavers to minimise public risk and allow for more effective police patrolling in Eveleigh Street shared traffic zone and Pemulwuy Park;
- (2) receive a further report detailing outcomes of community/stakeholder consultation, and approval for final adoption of scope of works and confirmation of funding.

(DCW Report 21.7.03)

Carried.

At this stage and at 7.56 p.m., the Finance Committee Meeting was temporarily adjourned to allow for the opening of the Community Services Committee to accommodate a speaker in respect of an item listed for consideration. Also, Item No. 2 in the Finance Committee had not been dealt with at this stage as it contained a confidential matter and would be dealt with at the conclusion of the Community Services Committee following the Community Services Committee (Confidential Matter).

The Finance Committee Meeting was reconvened at 8.19 p.m. and Item No. 2 was dealt with.

The Finance Committee Meeting terminated at 8.21 p.m.

## NOTICES OF MOTION

1.

### **TREES – NATIVE TREES IN SOUTH SYDNEY COUNCIL LOCAL GOVERNMENT AREA – REMOVAL AND DESTRUCTION**

#### **By Councillor Lennon:-**

That the removal/destruction of native trees in the South Sydney Local Government area that are five years or older, come to full Council for determination.

The Mayor ruled that due to Councillor Lennon being excluded from the meeting that her notice of motion be deferred to the next Council Meeting for determination.

2.

### **PLANNING – COUNCIL SEX INDUSTRY DCP – OPPOSITION TO CREATION OF RED LIGHT DISTRICT IN NEWTOWN OR SUBURBS**

#### **Moved by Councillor Mallard, seconded by Councillor Bush:-**

That South Sydney City Council opposes any attempts to create a ‘sex industry red light district’ in Newtown or any other suburb of South Sydney and will rigorously enforce the Council’s Sex Industry DCP including the anti-clustering provisions.

At the request of the Mayor, and by consent, the motion be amended by the addition of the words “and that Council supports the position of the Mayor as detailed in his press release dated 3 June 2003 in relation to this matter”.

Amendment carried.

Substantive motion carried.

At the request of Councillor Furness the Mayor asked that any reference to DCP where appearing in the heading and motion by Councillor Mallard be deleted and replaced with the word “Policy”.

Councillor Mallard accepted this change.

The Council Meeting terminated at 7.50 p.m.

Confirmed at a meeting of South Sydney City Council

held on ..... 2003

**CHAIRPERSON**

**GENERAL MANAGER**