

295th Meeting

Erskineville Town Hall
Erskineville
384438

Wednesday, 10 April 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30 p.m on Wednesday, 10 April 2002.

PRESENT

His Worship, The Mayor, Councillor John Fowler (Chairperson)

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

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	376
Minutes by the Mayor	377
Minutes by the General Manager	380
Questions Without Notice	388
Report of Finance Committee	398
Report of Community Services Committee	407
Report of Planning and Development Committee	408

Confirmation of Minutes

Moved by Councillor Pooley seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 13 March 2002, and 27 March 2002 be taken as read and confirmed.

At the request of Councillor Furness, and by consent, the minutes of the ordinary meeting of 27 March 2002, be amended by the deletion of the last paragraph on page 312 in relation to Councillors Furness and Lennon's recording against the motion.

Carried.

Moved by Councillor Furness, seconded by Councillor Lennon, that the minutes of the Ordinary meeting of 13 March 2002, be amended on Page 227 in relation to Item No. 8 on the Planning and Development Committee Agenda, regarding Pymont Bridge Road Nos. 2-50 by the addition of the following between the 4th and 5th paragraphs namely:-

Councillor Furness called for a division on the matter.

The Mayor then called for show of hands.

Ayes – The Mayor and Councillors Bush, Harcourt, Lay, Mallard, Pooley and Shaw.

Noes – Councillors Furness and Lennon.

Amendment negatived.

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

Moved by Councillor Lennon, seconded by Councillor Bush:-

That the minutes of 13 March 2002, be amended on page 229 in relation to Item No. 25 on the Planning and Development Committee Agenda regarding Empire Hotel, Nos. 32-32A, Darlington Road, Potts Point by:-

- (1) the deletion of the word "Carried" where appearing after Clause (B) of the recommendation and the subsequent insertion of the words "Motion was then carried" at the end of the Item.
- (2) the deletion of all of the paragraph beginning with the words "At this stage Councillor Lennon rose and stated etc" and the insertion in lieu thereof, of the following new paragraph, namely:-

At this stage, Councillor Lennon rose and stated “is the only reason the Labor Party Councillors are voting in favour of this application is because the former Minister for Police has some sort of ownership or interest in this hotel”.

Amendment regarding clause (2), deletion of paragraph, negatived.

Amendment regarding the word “Carried” in clause (1) carried.

The Minutes as amended, were then taken as read and confirmed.

MINUTE BY THE MAYOR

3 April 2002

CELEBRATIONS – HERITAGE WEEK - 20 to 28 April 2002 **(2020573)**

In the past two years during Heritage Week Council together with the South Sydney Heritage Society, Australian Technology Park and the Powerhouse Museum has conducted very successful displays, walks and talks. This year, it is proposed to celebrate the week with the following program:

Sat 20 April – 2pm to 4pm - REDFERN PARK – Devonshire Tea

- ? Heritage talk on the fountain, war memorial and gates in Redfern Park with South Sydney Heritage Society followed by afternoon tea

Mon 22 April – 6pm to 8pm - REDFERN TOWN HALL – Civic Function

- ? Launch of Video Vol.2 “ Surry Hills to Newtown” - CHANGES 1901-2001 - A Retrospective by Sharon Hickey
- ? Launch of Council’s Planning Section “Heritage and Conservation Awards” for 2003

Sun 28 April - 2pm to 4pm - CENTENNIAL PARKLANDS – High Tea

- ? Installation of Council’s photographic exhibition, “CHANGES 1901 – 2001 South Sydney – A Retrospective”

Council is delighted to have received a request from the Centennial Parklands Trust for the loan of a selection of images from the “**CHANGES 1901-2001- South Sydney - A Retrospective**”, photographic exhibition.

The images will be installed in the recently restored Caretaker’s Cottage at the Oxford Street Entrance of Centennial Park. It is intended that the photographic images will be on display for public viewing for a period of 6 months. It is proposed to hold a civic function to acknowledge the occasion, which has been included in the above program.

Council's Heritage Reference Group recently resolved to establish the South Sydney Heritage and Conservation Awards. The inaugural presentation of these awards will commence in 2003 during Heritage Week. An outline of this project will be presented at the launch of the Awards on 22 April 2002.

Finally, as part of Heritage Week 2002 it was also intended to launch the book, "Pictorial History of South Sydney" by Kingsclear Books. Unfortunately, due to the sudden illness of author, Mr Alan Sharpe, the book will now be launched in July, during Local Government Week 2002.

RECOMMENDATION

That Council approve the above program of events for Heritage Week 2002, involving an approximate expenditure of \$7,000 and that such funds be added to the Revenue Estimates (cost code 1.55.3315.16125.0).

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

10 April 2002

PUBLIC RELATIONS - HER MAJESTY QUEEN ELIZABETH, THE QUEEN MOTHER – CONDOLENCES (2004380)

TO COUNCIL

As Council is aware Her Majesty Queen Elizabeth, The Queen Mother, passed away on 30 March 2002.

She visited Australia on many occasions and became the most loved monarch in the British Empire.

Many fine tributes have been paid to The Queen Mother and her death will mark the end of a remarkable era.

GENERAL MANAGER

RECOMMENDATION:

That a Letter of Condolence be forwarded to the Queen's representative, The Governor-General of the Commonwealth of Australia, the Right Rev. Peter Hollingworth, to pass on to the Royal Family.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Mallard:-

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

Carried.

At the request of Councillor Mallard, all those present in the Council Chamber were requested to stand and observe 1 minute silence, in memory of the Queen Mother 's death.

The Mayor asked that all present in the Chamber stand and observe 1 minute silence.

Motion carried.

MINUTE BY THE MAYOR

10 April 2002

FINANCE - RATES - NOTICE 2001/2002 – COUNCIL MESSAGE (2002142)

In view of the grossly negligent report, submitted by the Boundaries Commission to the Minister for Local Government and the biased nature and devastating impact of the reports recommendations on the remaining areas of South Sydney, it would be appropriate to review and change the wording on Council's Rates Notice.

Currently the wording is as follows:

“South Sydney City Council calls for a complete halt to the expansion of Sydney Kingsford Smith Airport.”

This revised wording could be:

GENERAL MANAGER

**“SOUTH SYDNEY CITY COUNCIL DEMANDS CITIZEN BASED REFERENDUM
FOR ANY BOUNDARY CHANGE”**

NOTE:

The rates notices for the final quarter of 2001/2002 are due to go out by the end of this month and therefore the change can be incorporated in that mailout.

RECOMMENDATION

That Council changes the wordings on the Rate Notices as described above to:

**“SOUTH SYDNEY CITY COUNCIL DEMANDS CITIZEN BASED REFERENDUM
FOR ANY BOUNDARY CHANGE”**

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Mallard and by consent, the motion be amended by the deletion of the words “citizens based referendum” where appearing in the recommendation and the insertion in lieu thereof, of the word “ a plebiscite”.

It was further moved by Councillor Bush, seconded by Councillor Mallard that a report come back to Council on the affect of the proposed boundary changes may have on Council’s rates.

Motions as amended by Councillors Mallard and Bush, carried,

MINUTE BY THE GENERAL MANAGER

10 April 2002

PROFESSIONAL SERVICES - AUDITORS – APPOINTMENT (P55-00132)

COUNCIL

Council resolved on 27 March 2002 to withdraw the matter of “Auditors – Appointment for 6 Years Period” until a decision on the boundary proposal was received from the Minister.

GENERAL MANAGER

Given the current circumstances it would be prudent to make an appointment for the current year in order to facilitate the interim and final audit of the 2001/2002 financial year. However the Local Government Act, section 424 states:

“Auditor’s term of office – (1) A council's auditor holds office for 6 years and, if otherwise qualified, is eligible for re-appointment subject to this section”.

Advice received from the Department of Local Government indicates the Departments view that Council cannot appoint Auditors for a period other than exactly six years and that concerns re the size of fees following a downsizing should be dealt with in the contract.

Spencer Steer (our current auditors) was previously recommended on the basis of price and quality of service following the recent tender for Audit Services.

note: fee increases would be based (as in previous years) on CPI.

It is now recommended, they be appointed for a six year period (2001/2007) at a commencing annual fee of \$65,000 (+gst) subject to the addition of a special condition that in the event of a boundary change that the Appointment cease and that Council immediately re-advertise and call tenders for a new six year period.

Recommendation:

That approval be given to the appointment of Spencer Steer, Chartered Accountants as Council’s Auditors for a six year period from 1 July 2001 to 30 June 2007 at an annual fess of \$65,000 (+gst) in accordance with Section 422 and 424(1) of the Local Government Act 1993, subject to a special condition as follows:

“that in the event of a boundary change that the Appointment cease at the expiration of that financial year and that Council immediately re-advertise and call tenders for a new six year period”.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Mallard seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

5 April 2002

**PUBLIC RELATIONS - YOUNG ACHIEVEMENT AUSTRALIA –
REQUEST FOR COUNCIL TO BECOME A SPONSOR (2019355)****Background**

In February 2002, Ms Victoria Giannikouros from Young Achievement Australia (YAA) met with the Mayor, Council's Youth Services Coordinator and the (then) Director of Organisational Development, to brief them on YAA and the benefits that it can offer to the youth of South Sydney.

YAA Business Skills programs operate throughout Australian high schools in regional, rural and urban locations. Business Skills is a VETAB accredited cross-disciplinary program, aligned with the Small Business Management Competence Standards to ensure that students cover skills and knowledge that underpin real world commercial success.

The program brings together senior secondary and tertiary students with advisers from business and industry. With guidance, the students experience all stages of a concentrated business cycle, taking responsibility for all essential business processes. The attachment provides full details of the program.

Currently the following schools within South Sydney Council area take part in the program:

St Vincent's College
SCEGGS Darlinghurst
Sydney Girls High
Sydney Boys High
Sydney International Grammar School

Those currently not participating include:

Newtown School of the Performing Arts
Cleveland Street High School
East Sydney High School

Request by YAA for 2002 Council sponsorship

That benefits of Council becoming a sponsor are fully listed on page 7 of the attachment, but in summary the options for Council to consider are:

GENERAL MANAGER

1. Sponsorship funding to the amount of \$3,630.00 inclusive of GST for 1 Business Skills program – can be shared by more than one school.
2. Staff participation and support. Council will provide a staff member as a liaison person for the project. There may also be an opportunity for Council staff to become specialist advisers in such areas as Human Resources, Information Technology and Finance. However this would need to be discussed further should the schools decide to take part and depending on the selection of the project, and staff availability.
3. Providing a venue so as to allow the team to meet each week. This could perhaps be one of the meeting rooms at Mary Street to assist staff in supporting this project.
4. Support the process with assistance in the distribution and sale of products at Council events and functions. A further report would be submitted to Council on this issue.
5. or all the above.

Proposal

It is proposed that Council provide in principle support for the program, but refer the proposal for sponsorship to the Council's Youth Advisory Committee (YACC) for and endorsement. Council's involvement in the program would then be monitored and directed through the Youth Advisory Committee process.

If the YAC is supportive of the sponsorship proposal funds are available in the 2001/2 donations budget (6815.16410) to cover the sponsorship amount of \$3,630.

In the meantime Council's Youth Services Coordinator will arrange a meeting with YAA and the school counsellor from each of the three schools currently not involved in the program. The purpose of this meeting is to ascertain the degree of interest by the schools and to what degree Council could assist them. A representative from Sydney Girls High will also be present to outline the benefits of the program.

RECOMMENDATION

It is recommended that Council:

- 1) Provide in principle support for the Young Achiever Australia (YAA) Program;
- 2) Refer the proposal for becoming a sponsor of the YAA Program to the Council's Youth Advisory Committee;
- 3) Approve sponsorship funding of \$3,630 (subject to the endorsement of sponsorship by the Council's Youth Advisory Committee), with funds available in the current donations budget (6815.16410) to cover this expenditure;

- 4) Facilitate a meeting with schools not involved in YAA to encourage their participation, and
- 5) Nominate Youth Services Coordinator to be Council's liaison for the Program.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Mallard:-

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

It was moved by Councillor Shaw, seconded by Councillor Lennon, that the matter be deferred and a report be prepared for submission to the Finance Committee, detailing more information about the Young Achievement Australia Organisation.

Amendment negatived.

It was moved by Councillor Bush, seconded by Councillor Mallard that the motion be put carried that the motion be put.

Carried that the motion be put.

Motion carried.

MINUTE BY THE GENERAL MANAGER

5 April 2002

PUBLIC RELATIONS - THE IRIS GROUP -PROPOSAL FOR ANNUAL EVENT AT FLEET STEPS, DOMAIN (2019355)

Background

The Harbour Party is an annual Gay and Lesbian dance party held at Fleet Steps. The event has run for six years by First Fleet Productions. The Harbour Party is held during the Sydney Gay and Lesbian Mardi Gras Festival as a community event. First Fleet Productions have donated monies raised annually to gay and lesbian community groups. Currently, the Harbour Party provides approximately 70% of the Rights Lobby's budget.

As of 2003, First Fleet Productions are no longer running the Harbour Party dance parties. Organisation of the Harbour Party has now been put out for tender. The Iris Group is one of the applicants for this tender.

GENERAL MANAGER

The Iris Group

The Iris Group has been formed by the Gay and Lesbian Rights Lobby, Gay and Lesbian Counselling Service, Twenty 10 and Mogenic.com for the sole purpose of submitting a proposal to the Royal Botanic Gardens and Domain Trust, whereby they would take over the running of the events at Fleet Steps.

The agreements under with the Iris Group have been formed will ensure that the same organisations will continue to receive funding out of the net proceeds of the parties.

The format proposed by the Iris Group is closely modelled on the previous Harbour Parties. They have put together a small management team who they hope will ensure the event's continued financial success.

The Iris Group is made up of the following groups:

- ? Gay and Lesbian Rights Lobby, (a coalitionist rights based, lobbying organisation formed 10 years ago);
- ? Gay and Lesbian Counselling Service of NSW, (Australia's oldest gay and lesbian organisation);
- ? The Twenty-ten Association Incorporated (a non-profit organisation aimed at providing accommodation and support services for young gay, lesbian, bisexual and transgender (GLBT) people across NSW); and
- ? Mogenic.com (Founded three years ago in regional NSW. Its founder has been voted Community Personality and Young Achiever at the 2001 Sydney Gay and Lesbian Community Awards. The site has won many awards and is operated by volunteers).

The Iris Group Team consists of:

- ? Katrina Marton, Director, Marton Events Pty Ltd., Operations Manager and Producer – Ceremonies of the Sydney 2002 Gay Games.
- ? Gillian Minervini, Director, Presenter, Writer and Producer. Festival Director of Sydney Gay and Lesbian Mardi Gras, 1989-1992. Now directs large scale events for the City of Sydney, including the City Live Sites for the 2000 Olympic Games.
- ? Glenn Phillips, Principal of Bruner Phillips, IT Lawyers and Advisers. Community activities include: Director and Company Secretary of Queer Screen Ltd., Presenter of the Mardi Gras Film Festival and the Queer DOC Documentary Film Festival.
- ? Jan Myers, leading corporate lawyer specialising in corporate finance, telecommunication and energy. He has been a Director of Sydney Gay and Lesbian Mardi Gras Ltd., and Twenty-10 Gay and Lesbian Services, drafted NSW Young Lawyers submission of same sex relationship legislation reform

and played a leading role in OUTFM's application to the ABC for a permanent broadcasting licence.

Benefits

The Iris Group aims ensure that the Harbour Party donation recipients will continue to receive funding out of the net proceeds of the party.

The Iris Group aims to work towards the continued success of this popular annual event, and to provide an increase in funding to gay and lesbian community organisations.

Challenges

The Iris Group is one of several community and corporate applicants for the Harbour Party tender. Council endorsement of one applicant over another may create tensions between Council and non-endorsed applicants.

Whilst Council should demonstrate commitment to an event that provides vital financial support to community groups, Council must also exercise caution in favouring one applicant over another.

To ensure that the benefits of the Harbour Party continue, Council may stipulate that endorsement of other applicants is dependent on continued community donations at current levels.

Recommendation:

That:-

- (a) Council supports the Iris Group in its bid to organise the Harbour Party;
- (b) Council offers no financial support to the Iris Group, or any other applicant;
- (c) Council reserves the right to endorse other applicants for the Harbour Party tender.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Mallard, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE GENERAL MANAGER**(Press and Public Excluded)**

10 April 2002

BOUNDARIES - PROPOSED BOUNDARY CHANGES RESPONSE – (2005300)

A Minute by the General Manager dated 10 April 2002, was circulated to all Councillors prior to the Council meeting commencing.

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

Michael Whittaker (SGD)
General Manager

At this stage and at 7.04 p.m , it was moved by Councillor Mallard, seconded by Councillor Bush:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, is in accordance with Section 10A(2)(g) "advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal, professional privilege " of the Local Government Act 1993 as it dealt with Council's property.

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

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

At 7.24 pm the Council Meeting resumed.

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

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

That the recommendation as contained in the minute by the General Manager dated 10 April 2002, in respect of Council's response to the proposed Boundary changes, be approved and adopted.

GENERAL MANAGER

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

Following the resumption of the Council meeting, each Councillor was given the opportunity to express their views on the proposed boundary changes proposals.

It was moved by Councillor Pooley, seconded by Councillor Harcourt, that a show of hands in respect of voting on the matter be called.

The motion was carried 5 votes to 4.

QUESTIONS WITHOUT NOTICE

1.

TRAFFIC - KINGS CROSS AREA – COMPLAINTS – EASTERN SIDE OF MACLEAY STREET PART OF FITZROY GARDENS – ERECTION OF FENCE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (T52-00176)

Question:

My question is to Mr. Wilcoxon. I note in the CIS dated 28 March notification of taxi safety fence in Kings Cross. Specifically a fence along the eastern side of Macleay Street part Fitzroy Gardens and extending west part the Burbon and Beef Steak.

I am not happy about this fence or the consultation that took place prior to its erection. The fence is a blight on the streetscape. It is made of the cheapest steel pipe reminiscent of a cattle yard, not for Kings Cross any stylish culturally interpretative fencing like you find in Erskineville.

One resident has written to me and I quote “The fence is uglier than some of the 40 years old hookers to be seen further down Darlinghurst Road in the daylight!” and indeed on a more serious observation. “The fence spoils what is supposed to be an open vista from Darlinghurst Road to the El Almein Fountain” This Council spend a lot of money, resources and time conducting consultations about the urban design for the Springfield Mall and Fitzroy Gardens area. The hasty installation of this eye sore does nothing to reassure residents that Council is prepared to consult and listen. I’m asking for a commitment to review this poor decision and give Council evidence (and not just the word of the Police) that any fence is need at all.

Answer by the Mayor:

Mr. Wilcoxon, I would have thought that such a issue would have gone through the Traffic Committee.

Answer by Mr. Wilcoxon:

The fence went up at the request of both the Taxi Council and the Police command, as a temporary measure to see if it had an affect. The idea is that the fence serve as a control mechanism for drunken pedestrians that frequent the licensed premises and it be trialed for a period of three months.

Answer by the Mayor:

I will have the matter come to the next Traffic Committee in order for a further report.

2.**STREETS - ROADWORKS – MAINTENANCE – PALMER STREET
OPPOSITE HEFFRON HALL - QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (S56-00781)****Question:**

My question is to Mr. Wilcoxon. About 2 months ago I asked when will we rebuild the road surface on Palmer Street opposite Heffron Hall and outside the new Republic apartment complex? The road is still unsafe and a particular danger to motorcycles and bicycle riders. When are we rebuilding this badly damaged road?

Answer by the Mayor:

I will have Mr. Wilcoxon respond through the CIS or e-mail.

3.**PROPERTIES - CONTESTABLE ELECTRICITY SUPPLY - TENDERS -
QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2015326)****Question:**

Following Council resolving on 7 February 2002, to advise Energy Australia of its intention to acquire all of its electricity for the administration building through their "greenpower" scheme and to have prepared an additional report to Committee on options for purchasing electricity for other purposes, particularly street lighting, through this scheme. Could you request the appropriate officer submit this report to the next round of Committees or prepare a report for the CIS explaining the delay?

Answer by the Mayor:

I will have the matter responded to you through the CIS.

4.

TRAFFIC - CHIPPENDALE PRECINCT LOCAL AREA TRAFFIC MANAGEMENT – INTERSECTION BARTLEY STREET AND ABERCROMBIE STREET, CHIPPENDALE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2023574)**Question:**

Could a status report be prepared for the works about to be commenced on the intersection of Bartley Street and Abercrombie Street, Chippendale?

Answer by the Mr. Wilcoxon:

The Works are to be re-advertised, the four options will be put back to the community as a result of the petition received by Council.

Comment by Councillor Lay:

Could I have a breakdown of where the petitioners came from in that particular petition and whether the business in question were actually established at the time that we undertook the consultation.

Answer by the Mayor:

I will have Mr. Wilcoxon respond through the CIS.

5.

STREETS - DRIVEWAYS - REGENT STREET, PADDINGTON –QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2005029)**Question:**

I received a call from Dr. Carney, who resides at No. 23 Regent Street, Paddington. She claims that she not been consulted in relation to the resolution of Council concerning her driveway?

Answer by the Mayor:

Mr. Wilcoxon has been in contact with the resident.

Answer by Mr. Wilcoxon:

The decision taken by Council on 13 March was that after taking legal advice, Council resolved to construct the driveway she has paid for with the pit to be put in by NKI, and if she was not comfortable with that situation then we would refund the money. She became aware of that decision only today. She now has 4 full copies of the report and I am expected to be in conference with her tomorrow.

6.

**STREETS – RELOCATION OF BUS SHELTERS – SOUTH SYDNEY AREA
– NO. 389 BUS ROUTE FROM PALMER STREET AND BOURKE STREET -
QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2002400)****Question:**

In relation to the relocation of No. 389 Bus route from Palmer Street to Bourke Street, can I have an urgent report in relation to the relocation of the affected street bus shelters?

Answer by the Mayor:

I will have the Traffic Management Section provide a report through the CIS, that details those changes to the bus shelter location in relation to the No. 389 bus route.

7.

**ADMINISTRATION – COUNCIL'S DEPARTMENTS ORGANISATION
STRUCTURE – REVIEW OF NUMBER OF COUNCIL COMMITTEES -
QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2009377)****Question:**

Could Council Officers from each department review the list of Council Committees in order to rationalise and reduce their number. This view should consider all Committees apart from the major Standing Committees which should be separately addressed in relation to the reorganisation of Council?

Answer by the Mayor:

The General Manager tells me that, it is part of the Management Review, maybe it would be most appropriate for the report to be prepared by the General Manager as soon as possible.

Answer by the General Manager:

As part of that review, I mentioned earlier in the evening it will be coming up for discussion before Council in about 4 weeks.

8.**LANDMARKS - HISTORICAL MARKERS – STREET HERITAGE MARKER PROGRAMME – SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (L51-00014)****Question:**

Would the Director of Community Development investigate and report to the Committee on the processes whereby the Street Heritage Marker Programme, initiated by Kings Cross residents has now resulted in the first markers being placed in the Redfern and Waterloo areas. Could a letter be sent to the Arts Guild, Kings Cross explaining the decision?

Answer by the Director of Community Development:

The Cultural Committee did suggest that the whole project did need further research and a working party was formed. The recommendation was that it should explore alternative options for various reasons, one being the uncertainty of the area. As such the report was then changed.

Having had it changed then Council saying they wanted to have the report re-written again and because the focus in the report had changed yet again, it was recommended to go to the Cultural Committee on the 23 of this month. There is an alternative option in that report that the project proceed in Kings Cross on the full term and over a 12 month period or there is a shorter option in option 2, which the Council or the Cultural Committee can consider.

Answer by the Mayor:

The matter is on the agenda for that Cultural Committee on 23 April. I will ask Mr, Chaffe to communicate with the Kings Cross Arts Guild what you have outlined to Council

9.

PLANNING - CONTROLS – DEVELOPMENT CONTROL PLAN 1996-1997 - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2013557)**Question:**

Could Council amend the DCP for overshadowing in public open space. Could this be done as soon as possible?

Answer by the Mayor:

I will have Ms. Harris or Ms. Treharne respond to you through the CIS.

10.

LEASING - KINGS CROSS PARKING STATION – ENQUIRES FOR ALTERNATIVE USE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2002399)**Question:**

With the pressure of overdevelopment in the area, could we look at Kings Cross car park being for residents of older buildings?

Answer by the Mayor:

Councillor, that is a leased building and the lease I think it runs until 2008.

11.

PARKING - RESTRICTIONS – MACLEAY STREET, POTTS POINT – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P51-00316)**Question:**

Would the Directors of City Works and Acting Director of Corporate Services investigate and report to Committee whether there is a policy for Council Parking Inspectors to ignore the practice of contractors working on large development sites leaving their vehicles in zones clearly marked “No Standing”?

One of my Potts Point constituents, yesterday observed several such vehicles illegally parked near the Landmark site in Macleay Street, which were ignored by the Inspectors, who nevertheless booked non-commercial vehicles in the same situation.

Answer by the Mayor:

No Standing parking controls are a Police matter, it is not a Council Ordinance matter. Until the government changes the regulations in relation to car parking control nothing can be done. If something like that is happening in "No Standing and No Parking Zones" you should contact Kings Cross Police.

Comment by Lennon

Could the Mayor contact Kings Cross Police in regards to that situation?

Answer by the Mayor:

Yes I will.

12.

PROPERTIES – PAINTS LANE PARK. CHIPPENDALE – SALE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025695)**Question:**

I wish to table a fax from Mr. Tim Walsh regarding the sale of Paints Lane Park, Chippendale, which has been a community garden and habitat.

Answer by the Mayor:

That matter will come back to Committee.

13.

PROPERTIES – REGISTER OF STATE GOVERNMENT LAND SOLD IN THE SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2015967)**Question:**

Can a report come to Council detailing the financial outcome of the sale of State Government land in the South Sydney Council area, within the last 7 years. Can addresses and value be given to the identified properties?

Answer by the Mayor:

I will ask the General Manager to liaise with the Properties Section to prepare that report through the CIS.

14.

PERSONNEL – BOUNDARY COMMISSION - PROCEDURES MONITORING SICK LEAVE ENTITLEMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2000897)

Question:

The Boundaries Commission's report detailed Employment Sick leave entitlement and was critical of South Sydney Council's sick leave entitlements.

Can Council be informed as to who was the chief adviser on sick leave policy and who were the major beneficiaries?

Answer by the Mayor:

I will ask the General Manager to prepare a report for Finance Committee.

15.

ELECTIONS – CONTRIBUTIONS/DONATIONS TO REGISTERED POLITICAL PARTIES. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2006350)

Question:

The Electoral Commission's statement of donations declaration indicated the donation of \$18,000 from South Sydney Council to the Labor party. I brought this matter to the attention of Council in an earlier question without notice, and was told that the matter was the result of clerical error, associated with phone polling.

May I ask the General Manager to re-visit the matter and substantiate exactly what phone polling took place, and how such a clerical error was allowed to proceed into the pages of the electoral commission statement?

Answer by the Mayor:

I will ask the General Manager to prepare a report for you in relation to that matter.

16.

BOUNDARIES – BOUNDARY DEFINITIONS SUBMITTED IN THE BOUNDARIES COMMISSION REPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (B52-00002)

Question:

Can the General Manager refer for investigation to ICAC the proposed red line boundary put forward by the Boundaries Commission report?

The basis of the complaint should be to investigate and question the undemocratic nature of the proposed boundary that specifically targets individual owners and properties, whilst at the same time ignoring natural geographical boundaries and community references.

Answer by the Mayor:

I am happy for the details of the changes on those boundaries to be made reference on as you have outlined and have that report prepared in order to submit it to the ICAC.

17.

ROYAL SOUTH SYDNEY HOSPITAL SITE – EXPRESSIONS OF INTEREST IN MASTERPLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022242)

Question:

Can the General Manager collate the terms of reference in preparation to call for an expression of interest for the Masterplan for the Joynton Avenue Council site and the South Sydney Hospital Site?

Answer by the Mayor:

I will have that matter to go to the Finance Committee in order for the tender documents to be prepared.

18.

GRANTS - YOUTH ACTIVITIES SERVICES - FUNDING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (G52-00053)

Question:

Can the budget for Youth Programmes, Sports and Recreation be placed on the agenda for Plan of Management weekend?

Answer by the Mayor:

I will have that matter put as an agenda item.

19.

**BOUNDARIES – SYDNEY CITY COUNCIL AND SOUTH SYDNEY COUNCIL
– SUSPENSION OF UPPER HOUSE INQUIRY - QUESTION WITHOUT
NOTICE BY COUNCILLOR BUSH (B52-00002)****Question:**

The Upper House inquiry into the boundary change is to be suspended.

Can the Mayor write to the relevant Ministers and MP's to ascertain the motive for the suspension of that sitting inquiry and request that they continue to support the inquiry?

Answer by the Mayor:

I will write to the members of that Committee.

20.

**ADMINISTRATION – SPROATS INQUIRY - INVITATION TO PROFESSOR
SPROATS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH
(2025300.)****Question:**

Can the General Manager invite Professor Sproats to give Council a briefing on his submission to the State Government?

Answer by the Mayor:

We have been in contact with the Professor in relation to issues and I do not believe he is available. If he were to brief us I am not quite sure whether we would learn much more than we already know.

Answer by the General Manager:

I had discussions with Professor Sproats and he is not comfortable with being involved any further. He was funded to produce a report. He produced that report and he no longer wishes to be involved in any further discussions on that particular matter.

REPORT OF THE FINANCE COMMITTEE

3 April 2002

PRESENT**Councillor Shayne Mallard (Chairperson)****The Mayor, Councillor John Fowler and Councillor Gregory Shaw**

At the commencement of business at 6.32 pm, those present were -

The Mayor and Councillors – Mallard and Shaw

Apology:

An apology for non-attendance at the meeting was received from Councillor Jill Lay who had Leave of Absence granted by Council of 27 March, 2002.

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

That the Report of the Finance Committee of its meeting of 3 April 2002, be received and the recommendations set out below for Items 1-7 inclusive and 10 to 13.6 inclusive, be adopted. The recommendations for Items 8 and 9 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 28 FEBRUARY 2002 (2025602)

That the report by the Chief Financial Officer dated 21 March 2002, certifying completion of the Bank Reconciliation for the period ending 28 February 2002, be received and noted.

Carried.

2.

LICENSING – FOOTWAY LICENCE, NOS 191-195 OXFORD STREET, DARLINGHURST – CRANBROOK INTERNATIONAL PTY LIMITED – SUNDRY ACCOUNT OUTSTANDING - WRITING OFF (L56-00716)

(1) That arising from consideration of a report by the Chief Financial Officer dated 11 March 2002, approval be given for an amount of \$13,923.67

GENERAL MANAGER

due by Cranbrook International Pty Limited for rental of Council's footway being written off as an irrecoverable bad debt.

- (2) The Internal Audit Report "Accounts Receivable Functions and Procedures" be finalised and presented to the next Audit Committee meeting.

Carried.

3.

FINANCE – SUNDRY ACCOUNT OUTSTANDING – BRICE CIVIL ENGINEERING PTY LIMITED – WRITING OFF (2026499)

That arising from consideration of a report by the Chief Financial Officer dated 11 March 2002, approval be given for an amount of \$58,581.52 due by Brice Civil Engineering Pty Limited for recoverable works, being written off as an irrecoverable bad debt.

Carried.

4.

LEASING – KING STREET NO. 222, NEWTOWN – SVI PTY LIMITED - SUNDRY ACCOUNT OUTSTANDING – WRITING OFF (2019359)

That arising from consideration of a report by the Chief Financial Officer dated 11 March 2002, approval be given for an amount of \$22,890.59 due by SVI Pty Limited for rental of Council's property at No.222 King Street, Newtown being written off as an irrecoverable bad debt.

Carried.

5.

FINANCE – SUNDRY ACCOUNTS OUTSTANDING – MULTISTRUCT PTY LTD – WRITING OFF (2026295)

That arising from consideration of a report by the Chief Financial Officer dated 11 March 2002 approval be granted for an amount of \$3,260 due by Multistruct Pty Ltd for recoverable works, being written off as an irrecoverable bad debt.

Carried.

6.

PARK – GOWRIE STREET RESERVE, NEWTOWN – UPGRADE – ACCEPTANCE OF TENDER (2024881)

That approval be given to:-

- (1) the acceptance of the tender submission of Glascott Landscapes for the Upgrade of Gowrie Street Reserve, Newtown at a cost of \$211,607.84 (plus GST - \$21,160), total amount \$232,767.84;
- (2) include a contingency sum for additional supervision requirements during the project and for latent conditions during the construction process of \$50,000 (plus GST - \$5,000) total amount \$55,000;
 - for which funds of \$300,000 are available in the 2001/2002 Works Program Gowrie Street Reserve (Project No. 22005) (Budget Ref 45-102).

The GST component of \$26,160 is available in separate Finance Department Budgets.

Carried.

7.

COMMITTEES – GAY AND LESBIAN COMMUNITY SAFETY CAMPAIGN – FINANCIAL ASSISTANT (2024229)

That arising from consideration of a report by the Acting Director of Community Development dated 21 March 2002, a donation of \$2,500 is provided from section 356 of the Local Government Act, 1993, for the “Violence and Homophobic Hostilities” research project.

Carried.

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

8.

RATES – LEVIES – DOMESTIC WASTE CHARGES – PARKRIDGE APARTMENTS, NO'S 6-14 OXFORD STREET, DARLINGHURST (2002770)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the matter be deferred to the next Finance Committee meeting to be held on 1 May 2002.

Carried.

9.

DONATIONS – PUBLIC LIABILITY INSURANCE FOR SURRY HILLS FESTIVAL AND MONTHLY MARKETS (D53-00386)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That the matter be deferred to a future meeting of the Finance Committee and it be resolved that:-

- (1) the Acting Director of Corporate Services prepare a report which addresses the extension of the powers of Section 377 of the Local Government Act, 1993, committee in order to include them under our public liability cover through the Statewide Mutual;
- (2) design a template of community activities (eg. Markets, etc.) which could be included under Council public liability policy;
- (3) Council examine grants/donations to these type of organisations in respect of public liability;
- (4) Council write to sporting clubs in the South Sydney Local Government Area on the long term financial impacts of the public liability issue.

Carried.

10.

CONFERENCES – LOCAL GOVERNMENT MANAGERS AUSTRALIA NATIONAL CONGRESS AND EXPO–SYDNEY – 12 TO 15 MAY 2002 – ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2016186)

That arising from consideration of a report by the Civic Affairs Manager / Public Officer dated 27 March 2002, approval be given to the Mayor, interested Councillors and the General Manager or his nominee, attending the Local Government Managers Australia National Congress and Expo to be held in Sydney from 12 to 15 May 2002, and that registration fees, and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2001/2002 Budget.

Carried.

11.

CONFERENCES – LOCAL GOVERNMENT MANAGERS AUSTRALIA 2002 FORUM – SYDNEY – 3 JUNE 2002 – ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2016186)

That arising from consideration of a report by the Civic Affairs Manager / Public Officer dated 27 March 2002, approval be given to the Mayor, interested Councillors and the General Manager or his nominee, attending the Local Government Australia Manager 2002 Forum to be held in Sydney on 3 June 2002, and that registration fees and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2001/2002 Budget.

Carried.

12.

CONFERENCES – DINNER ABOUT “LEARNING FROM JUSTICE MICHAEL KIRBY'S ORDEAL” – ATTENDANCE BY COUNCILLORS (2016186)

That confirmatory approval be given for the Mayor and interested Councillors attending the dinner to be hosted by the Sydney Gay and Lesbian Business Association on 16 April 2002, about “Learning from Justice Michael Kirby's Ordeal”, involving a cost of \$1045 for a table of eleven for which funds are available in the 2001/2002 Estimates (1.51.3210.12105).

Carried.

13.

REPORT OF THE PROPERTIES SUB-COMMITTEE – WEDNESDAY, 3 APRIL 2002 COMMENCING AT 6.10 PM

At the commencement of business those present were the Mayor, Councillor John Fowler (Chairperson) and Councillors Mallard and Shaw.

An apology for non-attendance at the meeting was received from Councillor Jill Lay, who had leave of absence granted by Council of 27 March 2002.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 3 April 2002, be approved and adopted.

Carried.

13.1.**LICENSING – LIVERPOOL STREET, NO. 176, DARLINGHURST – PROPOSED FOOTWAY LICENCE (CHANGEVER) (2018682)**

That approval be given to:-

- (1) the granting of a licence to Paul John Anderson and Graham Francis Parnell over an area of 6 square metres of the footway of Yurong Street adjacent to Café Delicious at No 176 Liverpool Street, Darlinghurst, as shown stippled on Plan No S4-130/710B and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Directors report, or failed to execute the licence agreement.
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DCW report 26.3.02)

Carried.

13.2.**LICENSING – WILLIAM STREET, NOS. 135 – 137, DARLINGHURST (AKA NO. 150 BOURKE STREET) – PROPOSED FOOTWAY LICENCE (2020759)**

That the application by Erhan Karacete to occupy 1.8 square metres of the footway of Bourke Street adjacent to Lezzett at No's 135-137 William Street, Darlinghurst, (AKA No 150 Bourke Street), as shown on Plan No S4-130/737, be refused.

(DCW report 25.3.02)

Carried.

13.3.

LICENSING – UNDERGROUND CONDUITS BENEATH LITTLE QUEEN STREET AND CAMPBELL STREET NEWTOWN–MOORE THEOLOGICAL COLLEGE (2026631)

That approval be given to:-

- (1) Moore Theological College under Part 9 Division 3 of the Roads Act 1993, to install a communication conduit beneath Little Queen Street and Campbell Street, Newtown, as shown on Plan No S4-130/849 and subject to the conditions in the schedule accompanying the Directors report;
- (2) Council entering into a Licence Agreement with the Moore Theological College for a period of 20 years at an annual charge determined by Council in accordance with Section 611 of the Local Government Act 1993, set by the Annual Scale of Fees and Charges adopted by Council;
- (3) the signing of all relevant documents and plans by Council's Attorney;
- (4) the licensee paying Council's legal costs and disbursements incidental to the preparation, signing and stamping of the licence agreement.

(DCW report 27.3.02)

Carried.

13.4.

LICENSING – CLEVELAND STREET, NOS. 272 – 276, SURRY HILLS (AKA NO. 272 CLEVELAND STREET) – PROPOSED FOOTWAY LICENCE (NEW) (2026021)

That approval be given to:-

- (1) the granting of a licence to Kamal Eid over an area of 7 square metres of the footway of Cleveland Street adjacent to Harissa Mediterranean at No's 272-276 Cleveland Street, Surry Hills (AKA No 272 Cleveland Street), as shown stippled on Plan No S4-130/845 and subject to the conditions in the schedule accompanying the Directors report;
- (2) that the total number of seats for the premises, including inside and outside, not exceed fifty (50);

- (3) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (4) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (5) the execution of all relevant documents and plans by Council's Attorney;
- (6) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (7) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Directors report, or failed to execute the licence agreement.
- (8) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DCW report 25.3.02)

Carried.

13.5.

LICENSING – BAYSWATER ROAD, NOS. 86 – 88, RUSHCUTTERS BAY – PROPOSED FOOTWAY LICENCE (CHANGEOVER) (2005577)

That approval be given to:-

- (1) the granting of a licence to Vourakis Pty Ltd over an area of 16 square metres of the footway of Waratah Street and Bayswater Road adjacent to Ashs Bay Café at No's 86-88 Bayswater Road, Rushcutters Bay as shown stippled on Plan No. S4-130/574B and subject to the conditions in the schedule accompanying the Directors report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Directors report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;

- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8 in the schedule accompanying the Directors report, or failed to execute the licence agreement.
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DCW Report dated 25/3/02).

Carried.

13.6.

LEASING UNIT 4, NOS. 4 – 10 HUNTLEY STREET, ALEXANDRIA – PROPOSED LEASE TO WRAP WITH LOVE INC OF PART OF PREMISES (2023498)

That arising from consideration of a report by the Acting Director of Corporate Services dated 3 April, 2002, Option 2 as set out in the beforementioned report in connection with Wrap With Love Inc's application for use of Council premises Unit 4, Nos. 4 – 10 Huntley Street, Alexandria, be approved and the following conditions apply to such lease:-

- (1) An additional grant of \$3,000 be applicable for the period 1 May 2002 till 30 June 2002 under Council's Subsidised Accommodation Program 2001/2002. Funds for this are available from a subsidy of \$37,900 granted to D.A.R.T. for lease of Council premises, No.120 Oxford Street, Darlinghurst. This Organisation vacated the above premises on the 21 November 2001.
- (2) The Organisation forward an application under Council's Subsidised Accommodation Program 2002/2003 for consideration.
- (3) The lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease.
- (4) Any proposed alterations or Development Applications for the leased premises including refurbishment's, fit-outs etc. by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc to Council's City Environment Department for Statutory approvals.

GENERAL MANAGER

- (5) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee.
- (6) All relevant documents are to be executed by Council's Attorney, if required.

At the request of Councillor Lay, and by consent, the motion be amended by the addition of a clause (7) to the recommendation, namely:-

- (7) Council staff work with the organisation to seek corporate or Government sponsorship for their activities.

It was further moved by Councillor Bush, seconded by Councillor Mallard, that a clause (8) be added to the recommendation, namely:-

- (8) That the occupation of the subject premises be conditional and that if any premises become available after the proposed boundary changes, Council advise Wrap With Love Inc.

Amendments, as moved by Councillors Lay and Bush, carried.

The Properties Sub-Committee Meeting terminated at 6.24 p.m.

The Finance Committee Meeting terminated at 7.21 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

3 April 2002

PRESENT

The Mayor Councillor John Fowler (Chairperson)

Councillors – Shayne Mallard, Gregory Shaw

At the commencement of business at 7.22 p.m. those present were –

The Mayor and Councillors:- Mallard and Shaw

Apology:

An apology for non-attendance at the meeting was received from Councillor Jill Lay who had leave of absence granted by Council of 27 March 2002.

GENERAL MANAGER

Moved by the Chairperson (the Mayor, Councillor John Fowler), seconded by Councillor Mallard:-

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

Carried.

The Committee **recommended** the following:-

1.

DONATIONS – LANDSCAPE MATERIALS – SCHOOLS DONATIONS POLICY (2002408)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

- (1) That the current \$200 limit of assistance in the Parks Branch Community Assistance Procedure be retained;
- (2) That the Parks Branch Community Assistance Procedure not be directly marketed to schools or organisations as a funding source;
- (3) That the information on the donation of landscape materials and the application forms be forwarded to all schools in the South Sydney Local Government Area.

(DCW Report 26.03.02)

Carried.

The Community Services Committee Meeting terminated at 7.23 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

3 April 2002

PRESENT

Councillor John Bush (Chairperson)

Councillors – Peter Furness, Christine Harcourt, Amanda Lennon, and Tony Pooley

At the commencement of business at 6.30 pm, those present were –

GENERAL MANAGER

Councillors – Bush, Furness, Harcourt, Lennon and Pooley.

Moved by the Chairperson (Councillor Bush), seconded by the Mayor Councillor Fowler.

That the Report of the Planning and Development Committee of its meeting of 3 April 2002, be received and the recommendations set out below for Items 2 to 6 including 11, inclusive, be adopted. The recommendations for Items 1, 7 to 10 including 12 and 13 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LITTLE SELWYN STREET, NO. 4A, PADDINGTON – DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO STOREY RESIDENTIAL DWELLING – DEVELOPMENT APPLICATION (U01-01123)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the application be deferred pending the receipt of legal advice from Pike, Pike and Fenwick, and upon receipt of the advice the application be reported to the next Planning and Development Committee.

Carried.

2.

BAYSWATER ROAD, NO. 40, KINGS CROSS – CHANGE OF USE TO A FRUIT AND GENERAL STORE – DEVELOPMENT APPLICATION (U01-00960)

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mahamed El Madbouly, with the authority of Cynfield Pty Ltd, to establish a 24 hour fruit and general store, at the above premises subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered A1.01 and dated August 2001 as stamped and endorsed by Council, subject to compliance with the following conditions;

- (2) That the convenience store shall operate between the hours of 7.00am and 11pm Sunday to Thursday and 7.00am to 12 midnight Friday and Saturday;
- (3) That at no time is outdoor seating to be provided for patrons of the store;
- (4) That all servicing and delivering of goods to the site is to take place during 7am and 6pm, Mondays to Fridays;
- (5) That all garbage is to be stored on site in accordance with Council's garbage policy;
- (6) That any proposed external signage for the store shall be the subject of a separate development application or complying development application;
- (7) That any lighting on the site shall be designed to ensure no adverse impact on amenity of the surrounding area by light overspill. Lighting shall comply with AS 4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting;
- (8) That the intensity, colour, period of intermittency and / or hours of illumination of the premises and / or associated signage shall be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the area.
- (9) That at no time shall any signs, amplification equipment, goods or the like be placed on the public way;
- (10) That no stickers, signs or advertising materials may be applied to the external surfaces of the building nor the internal surfaces of the windows or doors of the premises;
- (11) That the applicant shall comply with the following conditions or otherwise provide an alternative solution submitted as a report to the certifying authority illustrating how the relevant performance requirements can be satisfied:
 - (a) That all relevant sections of the BCA shall be complied with;
 - (b) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (c) That the proposed shop shall comply with the requirements of C2.8 of the BCA;

- (d) That any tenancy door giving access to an exit shall be capable of being opened without a key from inside the tenancy;
 - (e) That access for people with disabilities shall be provided in accordance with Part D3 of the BCA;
 - (f) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (g) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (h) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (i) 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;
- (12) 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 required mechanical ventilation systems: STANDARD REQUIREMENT – Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) the garbage room or garbage receptacle storage area: STANDARD REQUIREMENT – SSCC Waste Management / Minimisation Facts Sheets;

and the following standard conditions:

- (13) Construction hours⁹¹⁵¹
- (14) Building/demolition noise control⁹¹⁵⁶
- (15) Maintaining unobstructed access to exits⁹⁴²⁶
- (16) Ventilation⁷⁰²⁵
- (17) Air handling – food⁷⁰²²
- (18) Noise and vibration⁷⁰²⁸

- (19) Fitout of food premises⁷⁰²⁰
- (20) Food construction⁷⁰²³
- (21) Commercial garbage storage area⁶¹⁰⁴
- (22) Trade waste⁷⁰⁸²

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

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

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

Carried.

3.

CALDER ROAD, NO. 29, DARLINGTON – BUILD OVER PART OF SIDE LIGHT WELL ON EASTERN BOUNDARY WITH HEBEL BLOCKS AND CLEAR POLYCARBONATE ROOFING – DEVELOPMENT APPLICATION – SECTION 96 MODIFICATION (U00-00607)

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 25 March 2002.

Carried.

4.

KING STREET, NOS. 58-72, NEWTOWN – TO USE PREMISES AS A RESTAURANT WITH OUTDOOR SEATING – DEVELOPMENT APPLICATION (U01-01337)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously allowed by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 25 March 2002.

Carried.

5.

**BOTANY ROAD, NO. 130, ALEXANDRIA – USE PREMISES AS A
COMMERCIAL BROTHEL – DEVELOPMENT APPLICATION
(U01-00698)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Vasilios Pariaros, with the authority of George Sotos for permission to use part of the ground floor and the first floor of the existing premises for the purpose of a brothel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered 628-1, dated 4 July 2001 subject to compliance with the conditions below;
 - (2) That the hours of operation shall be restricted to between 10.00am to midnight, Mondays to Fridays and 3.00pm to midnight Saturdays and Sundays;
 - (3) That the backyard of the premises shall not be used in the operation of the brothel except for access to the laundry;
 - (4) That the external laundry shall be enclosed and the laundry doors closed when the washing and drying machines are operating;
 - (5) That the operation of the premises must comply with the Plan of Management at all times. Council shall be advised in writing, and shall give its consent to any modification of the Plan of Management including changes to the Management of the premises;
 - (6) That a maximum of five sex workers shall be employed at any one time on the premises;
 - (7) That no sex worker under the age of 18 shall work on the premises;
 - (8) That a manager and a receptionist shall be on the premises at all times that the premises are operating;
 - (9) That a copy of the Security Contract shall be sent to Council as an addition to the Plan of Management within one month of the issue of development consent;
 - (10) That the Class 1C (Security) Licence number of the Security Guard, as identified in the Security Industry Act 1997 shall be sent to Council as an addition to the Plan of Management within one month of development consent;

GENERAL MANAGER

- (11) That the signage shall comply with Council's Sex Industry Policy;
- (12) That the premises shall provide regular access to, and facilities for sexual health services to deliver outreach and health educational workshops;
- (13) That a safe and accessible staff room in a non-working area be provided with appropriate facilities (fully equipped bathroom, food and beverage preparation areas) for staff on breaks which is separate to the client lounge/viewing area;
- (14) That a staff noticeboard be clearly displayed in the staff room and that the noticeboard should be used solely for the display of health educational material and a list of the contact details of relevant health and sexual health services for sex work staff;
- (15) That the premises shall maintain and display in the Staff Room a Workers Compensation Insurance Policy for the premises;
- (16) That the workplace shall provide workers who do not have adequate English skills and/or who have low literacy skills with health resources in appropriate format and languages;
- (17) That the premises shall comply with NSW WorkCover and NSW Health's Health and Safety Guidelines for Brothels;
- (18) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, be allowed at any entrance, first floor verandahs or any area outside the premises at any time;
- (19) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
 - (b) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (c) That a system of emergency lighting shall be installed throughout the building in accordance with the

requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;

- (d) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (e) That any storage cupboards under required non-fire isolated stairs (including external stairs) shall have their walls and ceilings constructed from materials having a fire resistance level of not less than 60/60/60 and any access doorway to the cupboard shall be fitted with a self-closing - /60/30 fire door in accordance with D2.8(b) of the BCA;
 - (f) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
 - (g) That 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;
 - (h) Doorways to all bedrooms, staff and waiting rooms shall be protected by self closing solid core doors not less than 35mm thick;
 - (i) A suitable fire/smoke detection alarm system shall be installed throughout the premises;
- (20) That approved systems of mechanical exhaust ventilation shall be provided to the showers in rooms numbered 2 and 3;
- (21) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT – Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

-and the following standard conditions:

- (22) Compliance with BCA⁹¹⁰⁴
- (23) Construction Certificate required⁹¹⁵⁵

- (24) Comply with the WorkCover Authority⁹¹⁰⁵
- (25) Construction hours⁹¹⁵¹
- (26) Maintain existing building in a stable condition⁹¹⁵⁷
- (27) Ventilation⁷⁰²⁵
- (28) No entertainment on premises⁹¹⁰⁶
- (29) Clinical waste⁶¹⁰⁹
- (30) Sex industry policy compliance⁷⁰⁴⁵
- (31) Sex industry clean premises⁷⁰⁴⁶
- (32) Sex industry clean linen⁷⁰⁴⁷
- (33) Sex industry linen storage⁷⁰⁴⁸
- (34) Sex industry STD information⁷⁰⁵⁴
- (35) Sex industry STD training/examination⁷⁰⁵⁵
- (36) Sex industry artificial lighting⁷⁰⁵⁶
- (37) Sex industry health check up⁷⁰⁵⁷
- (38) Sex industry sex workers with STDs⁷⁰⁵⁸
- (39) Sex industry disposal of condoms etc⁷⁰⁶⁵
- (40) Noise⁷⁰³⁰

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

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

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

Carried.

6.

STANLEY STREET, NO. 111, DARLINGHURST – CHANGE OF USE FROM RESIDENTIAL TO CREATE A GROUND FLOOR OFFICE AND ALTERATIONS AND ADDITIONS TO RESIDENTIAL DWELLING ABOVE – DEVELOPMENT APPLICATION (U01-01255)

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 25 March 2002.

Carried.

7.

IRIS STREET, NO. 4, PADDINGTON – DEMOLITION OF INTERNAL AND REAR STRUCTURE OF TERRACE, REPLACE WITH NEW INFILL, REAR EXTENSION AND ROOF TERRACE – DEVELOPMENT APPLICATION (U01-01323)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jamie Durie to make alterations and additions at the above mentioned premises, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered DA101/102/103/104/201/202/203/301 inclusive, dated 19 December 2001, drawn by PMDL Architecture and marked in red ink, stamped and endorsed by Council, subject to compliance with the following conditions;
- (2) That landscaping to the roof area shall be generally in accordance with amended plans numbered DA-01 in red ink by council and drawn by PMDL Architecture;
- (3) That privacy screens shall be erected on the western, northern and southern sides of the roof deck to a height of 1500 to 1800mm as marked in red ink by Council on the stamped and endorsed plan;
- (4) That the privacy screen on the roof deck shall be constructed of a solid translucent material such as opaque glass or perspex
- (5) That the juliet balcony and glass awning on the front elevation shall be deleted from the plan;

GENERAL MANAGER

- (6) That the pediment above the parapet and window opening on the first floor and the double hung sash window shall be retained;
- (7) That the shutter on the ground floor window shall be a of a traditional French shutter design and constructed of timber;
- (8) That the facade shall be painted in earthy or recessive tones;
- (9) That an engineers report prepared by a suitably qualified structural engineer shall be submitted with the Construction Certificate demonstrating how the facade and remaining structure is to be protected supported during demolition and any intrusions;
- (10) 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 where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with Part 3.1.3 of the BCA;
 - (b) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
 - (c) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.9 of the BCA;
 - (d) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
 - (e) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
 - (f) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
 - (g) That the ladder to the roof garden shall be constructed in accordance with AS 1657;
 - (h) That the proposed skylight in the floor of the roof garden shall be non-trafficable unless a certificate is submitted from a structural engineer certifying the structural adequacy of the skylight covering;

- (i) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
- (j) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (k) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (l) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (m) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (n) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (o) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
- (p) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
- (q) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (r) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;

and the following standard conditions:

- (11) Fitout of food premises⁷⁰²⁰
- (12) Survey certificate at set out stage⁹⁰⁰¹
- (13) Survey certificate at completion⁹⁰⁰²
- (14) Stormwater details⁹⁰⁰³
- (15) Structural Design Certificate⁹⁰⁰⁶

- (16) Compliance with BCA⁹¹⁰⁴
- (17) Residential building work⁹¹⁰⁹
- (18) Principal Certifying Authority⁹¹¹¹
- (19) Construction hours⁹¹⁵¹
- (20) Construction Certificate required⁹¹⁵⁵
- (21) Building/demolition noise control⁹¹⁵⁶
- (22) Maintain existing building in a stable condition⁹¹⁵⁷
- (23) Works to be within allotment boundaries⁹¹⁵⁸
- (24) Excavations and backfilling⁹¹⁵⁹
- (25) Demolition to comply with Australian standard⁹¹⁶¹
- (26) Support for neighbouring buildings⁹¹⁶³
- (27) Display street number¹¹¹⁰
- (28) Obstruction of the public way³¹⁰¹
- (29) Work zones³¹⁰²
- (30) Delivery of construction materials³¹⁰⁴
- (31) Pedestrian safety³¹¹⁰
- (32) Associated roadway costs³¹¹¹
- (33) Stormwater (general)⁴¹⁰¹
- (34) Clean water discharge⁴¹⁰²
- (35) Planting on slab⁵¹⁰²
- (36) Refuse skips⁶¹⁰²

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

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

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

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

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

It was moved by Councillor Harcourt, seconded by Councillor Lay that the motion be amended by the addition of the words "permanently fixed" before the words "privacy screens" in the first line of Condition (3) and the insertion of the following new conditions namely:-

- (37) That the planter boxes shall be permanently fixed to the deck and not removed at any stage other than for the purposes of maintenance;
- (38) That the trafficable area of the deck shall be limited 15.5sqm;
- (39) That the roof deck shall only be accessible by ladder;

Motion, as amended, carried.

8.

ELIZABETH STREET, NO. 904, ZETLAND – TO ALTER/EXTEND A SINGLE STOREY TERRACE HOUSE TO CONVERT IT TO TWO STOREYS – DEVELOPMENT APPLICATION (U01-01169)

That the application submitted by Davis and Yee, with the authority of A Bovier to demolish the rear of the dwelling, erect an extension to the ground floor, erect a first storey with front and rear balconies and erect a roller shutter door on the rear boundary at 904 Elizabeth Street, Zetland be deferred to enable the applicant to prepare amended plans which modify the proposal to allow for a second storey built behind the existing ridge line with a single dormer window at the front.

Carried.

9.

EUSTON ROAD, NOS. 93 – 105, ALEXANDRIA – DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND CONSTRUCTION OF 4 STOREY RESIDENTIAL BUILDINGS – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00780)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Stanisic Associates with the authority of Newtown Developments Pty Ltd to demolish existing buildings and erect a 4 storey residential flat building containing 59 units, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to lodging an application for a Construction certificate:
 - (a) That until both the owner of the subject site and Council have signed the Deed Agreement covering proposed Public Domain Work;
 - (b) That detail of screen planting in the courtyard area facing Euston Lane with super-advanced vegetation shall be submitted for the approval of the Director of City Environment.
 - (c) That the face of all balconies and terraces closer than 8 metres to Euston Lane shall be screened to a height of 1.8m. Design details shall be submitted for the approval of the Director of City Environment.
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$23,100 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and

GENERAL MANAGER

Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$10,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

(4) That the development shall be generally in accordance with the following plans:

- ? Architectural Plans DA01-DA08 (30 October 2001) prepared by Stanisic Associates Architects;
- ? Landscape Plan 21021-DA1 (6 August 2001) prepared by Aspect Sydney Pty Ltd;
- ? Stormwater Detention and Drainage Plans H01/P3 and H02/P2 (27 June 2001) prepared by Whipps Wood Consulting Pty Ltd;
- ? Survey Plan (4 June 2001) prepared by Hill & Blume;

and with the Statement of Environmental Effects prepared by JBA Urban Planning Consultants, except where amended by the conditions outlined below;

(5) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$22,081	2E97003.BGY0
Open Space: New Parks	\$102,461	2E97009.BGY0
Accessibility And Transport Management	\$661	2E97006.BGY0
	\$1648	2E97007.BGY0
Total	\$125,851	

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 September Quarter 2001/02.

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

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

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

Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$32,9892	E97008.BGY0

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the September Quarter 2001/2002.

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

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

- (7) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (8) That 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 and manoeuvre wholly within the site and not encroach upon public roads;
- (9) That the applicant shall replace, free of charge to Council, the stormwater pipeline traversing the site with 2 x 300mm reinforced concrete pipes with rubber ring joints, capable of taking the 1 in 20 year storm;
- (10) That the applicant shall dedicate to Council, free of charge, a 1.0 metre easement for drainage over the stormwater pipeline traversing the site. The easement shall be in favour of Council and the developer shall create it prior to issuing an Occupation Certificate;
- (11) That the applicant shall where necessary, pier and beam the building over the new pipeline;
- (12) That the applicant shall set the floor level of habitable areas 300-mm above the 100-Year Flood Level at the lowest point of the site. The Developer shall determine this level using currently accepted methods for calculating the Flood Levels;
- (13) That the applicant shall retain the existing footway on Euston Road in its current position;
- (14) That the applicant shall plant the following street trees in accordance with the requirements contained in Council's Street Tree Master Plan (1996) and be responsible for liaison and coordinating with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate:

Street	Species	Common Name	Tree Guard	Min. No.
Euston Road	Lophostemon confertus	Brushbox	Medium	Every 8-10 metres in two rows as shown on revised landscape plan11

- (15) That the applicant shall lodge with Council and from a Bank approved by Council, a Guarantee for the estimated construction cost of all works on the adjacent roads, which we require

resulting from our development consent conditions for this development.

That the applicant at no cost to Council, shall have this estimate prepared by a practising Quantity Surveyor. The latter shall take account of, but not limited to, the requirements of Council, the RTA, the State Transit Authority, Public Utility Services and Sydney Water. The unit rates used in preparing the estimate must conform to the local rates as published in current estimating documents. the Bank Guarantee will be for this estimated cost, calculated as a future value, compounded at a rate of 7% for a period from the time of preparing the estimate to the agreed date to complete the project.

The applicant shall be able to request a decrease in the amount of the original bank Guarantee as sections of work are completed. Council shall consider these requests and approve any reductions that are fair and reasonable;

- (16) That 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;
- (17) That the carwash bay shall be graded and drained to the sewer in accordance with the requirement of Sydney Water;
- (18) That appropriate pedestrian kerb ramps shall be constructed for each driveway and around the corners to cater for the needs of pedestrians with mobility difficulties;
- (19) That any redundant driveways along the Euston Road frontage of the site are to be removed with gutter crossings to be replaced with standard barrier profile kerbing (Type SA) to RTA standards. Footway areas are to be reinstated to Council requirements;
- (20) That all signposting/roadworks is to be at no cost to the RTA;
- (21) That one fish-eye mirror is to be installed along the curve of the ramp so that drivers entering and exiting along the ramp can view oncoming traffic. A second fish-eye mirror is to be installed opposite the subject driveway along Euston Lane so that drivers can view traffic emerging from the adjoining driveway;
- (22) That the pre-cast concrete blocks and concrete planks proposed as part of the landscaping works along the Euston Road frontage should be installed in a manner that allows easy removal in the event that this area is required as part of the road widening.

- (23) That the recommendations in the Acoustic Report prepared by Vipac Engineers and Scientists Ltd regarding appropriate measures to mitigate noise shall be undertaken as part of the proposed development.
- (24) That the balconies and terraces of those apartments which project closest to the Euston Lane frontage at the south-west end of the apartments and at the centre, are to be appropriately screened to minimise direct overlooking of residences on the opposite side of Euston Lane. Details of screening are to be provided to the Director of Planning and Building prior to the issue of the construction certificate.
- (25) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (26) Implement Deed of Agreement;
- and the following standard conditions:
- (27) Builders hoarding permit³⁰
- (28) Alignment levels³²
- (29) Street number application³³
- (30) Road opening permit³⁴
- (31) Approved plans¹⁰¹
- (32) Glazing reflectivity less than 20%¹¹⁸
- (33) Shoring¹¹⁰⁶
- (34) Consolidate lots¹¹⁰⁹
- (35) Display street number¹¹¹⁰
- (36) Obstruction of the public way³¹⁰¹

- (37) Work zones³¹⁰²
- (38) Vehicular footway crossing³¹⁰³
- (39) Delivery of construction materials³¹⁰⁴
- (40) Resident parking restrictions for new residential flats³¹⁰⁵
- (41) Construction traffic management³¹⁰⁷
- (42) Off-street car parking for construction workers³¹⁰⁹
- (43) Pedestrian safety³¹¹⁰
- (44) Associated roadway costs³¹¹¹
- (45) Stormwater (general)⁴¹⁰¹
- (46) Clean water discharge⁴¹⁰²
- (47) On-site detention⁴¹⁰³
- (48) Connection to council's stormwater system⁴¹⁰⁴
- (49) Overland flowpaths⁴¹⁰⁵
- (50) Landscape plan⁵¹⁰¹
- (51) Planting on slab⁵¹⁰²
- (52) Irrigation⁵¹⁰⁵
- (53) Maintenance⁵¹¹⁴
- (54) Final inspection⁵¹¹⁵
- (55) Garbage on the public way⁶¹⁰¹
- (56) Refuse skips⁶¹⁰²
- (57) Garbage storage area⁶¹⁰³
- (58) Emissions⁷⁰⁰⁴
- (59) Construction noise⁷⁰⁰⁸
- (60) Ventilation⁷⁰²⁵
- (61) Noise⁷⁰³⁰

- (62) Hazardous and industrial waste⁷⁰⁸³
- (63) Soil and sediment: drains, gutters etc⁷⁰⁸⁷
- (64) Environmental management plan⁷⁰⁹¹
- (65) Remediation⁷⁰⁹²
- (66) Remediation⁷⁰⁹³
- (67) Waste classification - note⁷⁰⁹⁶
- (68) Survey certificate at set out stage⁹⁰⁰¹
- (69) Survey certificate at completion⁹⁰⁰²
- (70) Stormwater details⁹⁰⁰³
- (71) Structural Design Certificate⁹⁰⁰⁶
- (72) Issue of occupation certificate⁹¹⁰¹
- (73) Compliance with BCA⁹¹⁰⁴
- (74) Comply with the WorkCover Authority⁹¹⁰⁵
- (75) Construction hours⁹¹⁵¹
- (76) Hours of work and use of cranes⁹¹⁵³
- (77) Work on public way⁹¹⁵⁴
- (78) Construction Certificate required⁹¹⁵⁵
- (79) Building/demolition noise control⁹¹⁵⁶
- (80) Maintain existing building in a stable condition⁹¹⁵⁷
- (81) Works to be within allotment boundaries⁹¹⁵⁸
- (82) Excavations and backfilling⁹¹⁵⁹
- (83) Guarding of excavations⁹¹⁶⁰
- (84) Demolition to comply with Australian standard⁹¹⁶¹
- (85) Retaining walls and drainage⁹¹⁶²
- (86) Support for neighbouring buildings⁹¹⁶³

(87) Protection of public places⁹¹⁶⁴

(88) Signs erected on building and demolition sites⁹¹⁶⁵

NOTE 1: That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia.

NOTE 2: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning and Assessment Act, 1979, for a breach of a condition, or Protection of the Environment Operations Act, 1997, for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. the applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

NOTE 3: That all asbestos fibre demolition material and asbestos dust shall be handled and removed in accordance with the Occupational Health and Safety (Asbestos Dust) Regulation, 1984.

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

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

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

Carried.

10.

MADDOX STREET, NO. 53, ALEXANDRIA (PERRY PARK) – USE OF PREMISES FOR AN UNDER 18’S DANCE PARTY – DEVELOPMENT APPLICATION (U02-00029)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor.

(A) That the Council grants its deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Fact Tree Youth Service

Youth Committee, with the authority of Department of Land and Water Conservation, to use the premises for a one-off dance party event from 8pm till 3am, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided the Director of City Environment with written notice of the exact date of the dance party, with such notice being a minimum of 30 days prior to the event;
- (2) That the event shall fully comply with the supporting documentation submitted with the application titled "Dance Event Proposal" dated 15/1/02 by Council and held in Council's File Number U02-00029;
- (3) That the event shall be fully contained within the building and that security staff shall monitor the surrounding park to ensure that loitering/anti social behaviour by participants is appropriately restricted. Should any such situations arise, contact shall be made with the youth workers in the first instance, who are to approach any participants and to resolve the issues with or without security assistance;
- (4) That all food handling practices and controls are to be undertaken in compliance with Standard 3.2 "Food Safety Requirements" of the Food Standards Code;
- (5) That adequate facilities shall be provided for the storage of waste and recyclable materials and the applicant shall enter into a commercial contract for the collection of waste. These details shall be provided to Council 7 days prior to the event;
- (6) That a minimum number of 4 professional security guards are hired for at least one hour prior to the event (7pm) and one hour after the event (4am), incorporating a minimum of one aboriginal and one female security guard;
- (7) That a minimum number of toilet and hand wash basin facilities be provided in accordance with the following patron numbers (Class 9b for 400 patrons).

	<u>Male</u>		<u>Female</u>	
Urinal	WC	WHB	WC	WHB
4	2	3	6	3

- (8) That noise from patrons and amplified music emitted from the premises shall comply with the following criteria:
 - (a) The LA10 noise level emitted from the premises shall not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz)

inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises;

- (b) The LA10 noise level emitted from the premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises;

-notwithstanding compliance with the above clauses, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00 am;

- (9) That the applicant shall engage an accredited acoustic consultant to measure noise levels at the nearest residential premises during the Dance Party to ensure compliance with condition 8 (above) and with direct communication with the Stadium such that noise levels can be lowered.
- (10) That a report shall be prepared by the qualified person-in-charge of the noise monitoring in condition 8 above, showing compliance or otherwise and a copy of this report shall be submitted to Council no later than twenty-one (21) days after the event.
- (11) That the following transport services must be provide in association with the event by the organisers:
- ? 11.30pm - 12.30am. At least one 20- seater bus (or equivalent) to provide transport very half hour (11.30pm, 12 midnight, 12.30am)
 - ? 1am - 2.00am. At least two 20- seater buses (or equivalent) to provide transport every half-hour. (1am, 1.30am, 2am)
 - ? 2.15am- 3.30am. At least three 20 -seater buses (or equivalent) every 15 minutes.
- (12) That an event register shall be maintained by the security personnel and organisers shall record any security/health/emergency incidents that arise during the event. The register shall record basic information such as the nature of the emergency, the time and response to the incident. The register shall be submitted to Council no later than 21 days after the event;

- (13) That the applicant shall pay a cleaning bond of \$500 for Perry Park;
- (14) That the applicant and a representative of Council's Parks Department shall inspect Perry Park prior to the event and after to ascertain if any damage or excess refuse has been caused by patrons of the event;
- (15) That the applicant shall erect a security fence for the event around the perimeter of the site with adequate lighting and security measures in place;

and the following standard conditions:

- (16) Garbage on the public way⁶¹⁰¹
 - (17) Air handling - food⁷⁰²²
 - (18) Food construction⁷⁰²³
 - (19) Food business operation⁷⁰²⁴
 - (20) Number of toilets to be provided⁹⁶⁰⁸
 - (21) Exit doors in paths of travel⁹⁷¹⁴
 - (22) Access to exits⁹⁷¹³
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

11.

PLANNING – 'LAND USE AND TRANSPORT STUDY' – RESOLUTION TO TENDER BRIEF TO CONSULTANTS (2022930)

That arising from consideration of a report by the Director of City Environment dated 27 March 2002, Council resolve to tender the brief accompanying the report to consultants for a "Land Use and Transport Study".

Carried.

12.

OXFORD STREET, NOS. 27 – 33, PADDINGTON – ADDITIONAL FOURTH STOREY AND FRONT AND FIFTH STOREY AT REAR – DEVELOPMENT APPLICATION (U02-00087)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw.

That the matter be deferred to the next Planning and Development Committee meeting to be held on 1 May 2002, in order that the overshadowing issues are addressed.

Carried

13.

TILFORD STREET, NOS. 4 – 6, ZETLAND – PARTIAL DEMOLITION OF THE EXISTING BUILDING, ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING NINE UNITS AND CAR PARKING – DEVELOPMENT APPLICATION (U01-01027)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the application submitted by Jaeger Corp Pty Ltd, with the authority of Mr E.G Lewis, Mrs J.M Lewis and Mr R Parker for the partial demolition of the existing building and erection of a residential apartment building containing 9 units and car parking at 4-6 Tilford Street, be deferred pending notification and a further report to the Planning and Development Committee meeting of 1 May 2002.

Carried.

The Planning and Development Committee Minutes terminated at 8 23 .p.m.

The Council Meeting terminated at 8.40. p.m.

Confirmed at a meeting of South Sydney City Council
Held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER