

255TH Meeting

Erskineville Town Hall
Erskineville
 110020

Wednesday, 23 August 2000

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, Erskineville, at 6.34 pm on Wednesday, 23 August 2000.

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.

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Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 9 August 2000, be taken as read and confirmed.

At the request of Councillor Furness, and by consent, the minutes were amended on Page 702 by the addition of the words "to allow discrimination on the basis of marital status in the provision of IVF and other reproductive services" after the year "1984" where appearing in the Urgency Motion by Councillor Furness.

The minutes were further amended on Page 703 by the motion, as amended by Councillor Lay, to include the words "and that when the letter is sent the contents of the letter show the unanimous support from the Council and that the letter be also sent to all NSW Parliamentarians".

Minutes, as amended by consent, were then confirmed.

At this stage it was moved by Councillor Lay, seconded by Councillor Harcourt, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, Council's Broadway properties – occupation by squatters.

Carried.

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

PROPERTIES - COUNCIL'S BROADWAY PROPERTIES – OCCUPATION BY SQUATTERS – URGENCY MOTION

That Council implement a stay of eviction for a minimum of 24 hours to allow negotiations with squatters and their legal representatives for their orderly exit from the premises.

Carried.

At this stage it was moved by Councillor Lennon, seconded by Councillor Furness, that permission be hereby granted by Council to bring forward business of which due notice has been given, namely, Councillor Lennon's Notice of Motion regarding Victoria Park – Tent Embassy.

Carried.

GENERAL MANAGER

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

PARKS - VICTORIA PARK – TENT EMBASSY

That South Sydney City Council reaffirms its commitment to reconciliation and justice for Aboriginal people.

Council, the Mayor and the General Manager take no further steps to obtain a Court Order to remove the Aboriginal Tent Embassy from Victoria Park and refrain from enforcing any such Order, if already granted, unless directed by a full Council Meeting.

Council sends a letter to the Aboriginal Tent Embassy in Victoria Park, supporting the continuation of the Aboriginal Tent Embassy.

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of the whole of the above resolution and the insertion in lieu thereof of the following new resolution, namely:-

That South Sydney City Council re-affirms its commitment to reconciliation and justice for Aboriginal people.

Council accepts and approves the application by Ms Coe to establish a Tent Embassy ("the Embassy") and Ceremonial Fire at Victoria Park, subject to conditions of agreement on the area to be occupied by the embassy.

These conditions will include:-

- (1) That no vehicles in Victoria Park (including 'Tuk Tuk') except for delivery purposes;
- (2) That amenities (including portable toilets) to be provided by the Embassy;
- (3) That the 'Ceremonial Fire' to remain uncontained and attended 24 hours per day by members of the Embassy;
- (4) That the Embassy to manage and accept responsibility for all persons on-site or engaged in the Fire ceremony;
- (5) That noise shall be limited to the hours between dawn and dusk, but that occasional functions likely to occur outside these hours shall require notice from the Embassy to the Council prior to each function;
- (6) That the Victoria Park site for the Embassy shall be vacated after the Sydney Olympic Games no later than 22 October 2000;

(7) Delineation of the area that the Embassy occupies.

It was further moved by Councillor Harcourt, seconded by Councillor Lennon, that a condition (8) be added to the recommendation, namely:-

(8) That when negotiations have been successfully resolved, a letter of support be sent to the Tent Embassy.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

8 August 2000

CLEANING – STREET CLEANSING - PREPARATIONS FOR OLYMPICS FOR 24 HOUR SERVICE (2023250)

Cleansing is one of the key Council areas being addressed as well as hosting the Olympic Venue for soccer and segments of the marathon and road cycling courses, residents can expect traffic in the tourist areas such as Kings Cross, Darlinghurst, Woolloomooloo, Surry Hills, Elizabeth Bay, Rushcutters Bay and Newtown.

The following areas are most affected:

- Foveaux Street, Albion Street, Moore Park Road and Oxford Street. This encompasses the Olympic venue traffic route as well as likely areas of pedestrian access.
- The area enclosed by and including Devonshire Street, Chalmers Street, Cleveland Street and South Dowling Street. This encompasses the main pedestrian thoroughfare (Devonshire Street) and all likely alternative pedestrian access routes to the SFS.
- The area enclosed by and including Bayswater Road, Craigend Street, Ward Avenue, Surrey Street and Victoria Street. This area encompasses likely vehicular and pedestrian access routes to the sailing events.
- The Kings Cross area enclosed by and including Darlinghurst Road, Victoria Street, Macleay Street and Wylde Street. It is expected that pedestrian traffic in this area will increase dramatically due to Olympic tourists.
- The Woolloomooloo area enclosed by and including Victoria Street, William

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Street, Sir John Young Crescent and Cowper Wharf Roadway.

To ensure a high standard of coverage during the period, Council has initiated a 24 hour street cleansing operation for all the area north of Cleveland Street, King Street, Erskineville Road, Elizabeth Street, Bourke Street, Baptist, Street, O’Riordan Street, City Road, South Dowling Street and Botany Road. In addition the frequency of emptying street litter bins will be increased from three to five times daily over the period.

Consequently twenty-two staff have been redeployed from Maintenance and Construction areas and footpath cleansing machinery has been reallocated. In addition, weekend staffing levels have been increased significantly.

The coverage will operate from 16 September to 1 October inclusive with the scope for extending the provision if necessary. Although the full impact of the Olympic Games can’t be gauged, staff have assured me that the planned street cleansing operation during the period will meet community expectations and provide a clean environment for visitors to our city.

Recommendation:

That the above information be received and noted.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Mallard:-

That the minute by the Mayor, be received and noted.

Carried.

MINUTE BY THE MAYOR

9 August 2000

PUBLIC RELATIONS - COMMUNITY SERVICES CENTRE OPERATIONS – OLYMPIC PERIOD (2006760)

Council would be aware that our direct community services for children, youth, and arts have been requested to operate as usual during the Olympic period.

The services have also been planning and reviewing their operations with a view to making any changes necessary to cope with the impact of the Olympics.

One of Council's services, the Surry Hills Children's Program is operated in conjunction with the Boys Brigade Inc., from their premises in Riley Street, Surry Hills.

The services have surveyed Centre users regarding closing the Centre on Saturday 16, 23 and 30 September 2000 (during the school holiday/Olympics) period, due to the expected traffic conditions around the local area. The overwhelming majority of Saturday users indicated that they would have no problems with the proposed closure.

Under the Memorandum of Understanding between the organisations, the Boys Brigade has primary responsibility for the conduct of the Saturday Program at the Centre. Council provides one staff member on Saturday's to assist with the program. This staff member would be utilised to cover shift hours during the week for the Olympics period.

It is recommended that Council approves the closure of the Surry Hills Children's Program on Saturday 16, 23 and 30 September 2000.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Bush:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE MAYOR

9 August 2000

PERSONNEL – RETIREMENT OF DENNIS DAVIS AND COL MIDDLETON (P53-00034)

Last week saw the retirement of two longstanding employees of the Planning and Building Department. Dennis Davis after 44 years of service and Col Middleton after 37 years of service. Both had devoted their working careers to local government and serving the community of South Sydney.

Dennis commenced employment with the Council on the 3 January 1956 and had various clerical and support roles with Council. He was appointed Rolls Clerk in 1968, Supervising Clerk in 1972, Administrative Supervisor in 1987, Administrative Manager in 1988 and Executive Assistant to the Director in 1992.

A comparative newcomer, Col commenced on the 8 July 1963 and worked for much of his career alongside Dennis in clerical support and supervising roles. To recognise the dedication of these two staff members I propose to write to thank them for their contribution to the community of South Sydney.

RECOMMENDATION:

That the Mayor write to Dennis Davis (44 years service) and Col Middleton (37 years service) congratulating and thanking them for their dedicated service to the Council and community of South Sydney.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Pooley, seconded by Councillor Shaw:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

21 August 2000

**BURROWS ROAD, NO. 10, ALEXANDRIA - PROPOSED ACQUISITION -
FACTORY UNIT NO. 7 - MEALS ON WHEELS
DISTRIBUTION CENTRE (2023283)**

A minute by the General Manager dated 21 August 2000, was circulated to all Councillors prior to the Council Meeting.

The Council resolved that the press and the public be excluded during the consideration of this Item, and further, access to correspondence and reports be withheld in respect of such Item because in the opinion of the Council, publicity of the proceedings of the Council Meeting would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

23 August 2000

**ADMINISTRATION – PARKING/SYDNEY 2000 OLYMPIC GAMES,
SPECIAL EVENT PARKING SCHEME – ISSUE OF SPECIAL EVENT
PARKING PERMIT TO RESIDENTS (5264471)**

I refer to the attached circulars addressed to “Dear Resident” from the Olympic Roads & Traffic Authority (ORTA) advising that during the Olympic Games period, existing parking schemes surrounding the Sydney Football Stadium and Darling Harbour will be converted to Special Event Parking (SEP) Schemes. The SEP Scheme is being administered by the Roads & Traffic Authority (RTA) on behalf of ORTA and

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installation of some of the relevant signage has commenced. It is ORTA's attempt to provide relief for residents who will be seriously disadvantaged by imposition of "Olympic Transport Route" restrictions, especially along Moore Park Road.

The Special Event Parking Scheme will be in operation from 16 September to 1 October inclusive between 8.00 am and 10.00 pm with parking (in unrestricted and Resident Parking zones) limited to one hour (Permit Holders Exempted). The "Permit Holders Exempted" are in the main, Resident Parking Scheme Permit recipients and the Special Event Parking Permit holders – see photocopy of SEP Permit appended for information. The SEP Permit is only valid during the period quoted.

In the case of Resident Parking Permit holders, although they may be inconvenienced or suffer some problems caused by the expected large number of visitors to the stated venues, their Parking Permit will stand and they will be able to park as usual in permitted zones (subject naturally to parking availability).

Regarding the SEP Permit, it originally was the RTA's intention to issue two of these Permits by letter box drop to every residence in the Resident Parking zones adjoining the Sydney Football Stadium and Darling Harbour. The Permits would not be allocated to a particular person or vehicle and were transferable i.e. could be given away (or sold) to anyone, friend, relatives, visitors, tradespeople etc.

The Parking Precincts affected in South Sydney are:

- 13 South Paddington
- 14 Ultimo (Precinct No. 14 allocated but area not signposted)
- 15 Flinders Street
- 18 Surry Hills
- 24 Chippendale
- 31 Centennial Park
- 33 Baptist Street (part east of Baptist Street)

Although the RTA had good intentions, and those people that did not have a Resident Parking Permit (and who usually park on street) would be most grateful, it was pointed out to the RTA that this arrangement was unsatisfactory for the following reasons:

- Those with a Resident Parking Permit or those without a vehicle would have no real use for them (and as stated previously) could sell or give them to people wanting to park in the area i.e. relatives, friends, visitors, tradespeople, shop owners etc.,

- Those with the maximum permitted Permits (2) but with additional vehicle/s could choose to park the vehicle on street rather than finding or using their current parking arrangement i.e. out of the area, paid off street parking or elsewhere.
- On-street parking in the subject precincts is sparse at the best of times and the RTA's proposal coupled with the expected influx of many visitors to the area during the Olympics period (tourists, sightseers, games visitors and so on), would cause an additional impost on residents' parking which should be avoided.

Consequently, following discussion with RTA representatives on 17 August 2000 a consensus was reached that the best administrative method would be for Council itself to issue the Special Event Parking Permits to bonafide residents only with vehicles, using similar criteria to that applied to Resident Parking Scheme applicants but without any monetary charge. Existing residents holding one only Resident Parking Permit but eligible to receive two could also apply for a SEP.

Brochures distributed by ORTA giving details of their Olympic Transport Plan for Darling Harbour, Sydney Football Stadium and the Road Cycling Course all make mention of "Permits" and how they will advise residents and businesses about their availability closer to the Games. In each case South Sydney is listed on the back of the brochure to contact for further information (copies within file). Our Permits Section and One Stop Shop have already received substantial calls about the situation.

A limited number of the SEP Permits has been received from the RTA for issue to residents (and possibly our Health Care workers) as appropriate, and the following recommendation is made in this regard.

RECOMMENDATION:

- (1) That approval be given to issue (Olympics) Special Event Parking Permits to residents of Parking Precincts adjoining Olympic venues and Event Routes in the South Sydney area using the same eligibility criteria as that applied to Resident Parking Scheme Permit applicants, such Permits to be issued by Council's One Stop Shop and Permits groups, at no charge to the resident.
- (2) A letterbox drop be carried out of areas outlined in 1. above detailing availability of the Permits and how to make application.

J. W. Bourke (SGD)
General Manager

GENERAL MANAGER

Moved by Councillor Bush, seconded by Councillor Furness:-

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

Carried.

At the request of Councillor Mallard, the Mayor asked that the contribution by Mr Ian Thompson of Council's Public Works and Services Department, be acknowledged and be relayed to him by the Director of Public Works and Services.

Carried.

MINUTE BY THE GENERAL MANAGER

18 August 2000

PROPERTIES – ARNOLD PLACE, DARLINGHURST – PROPOSED SALE OF SURPLUS LAND (2021521)

We have received a request from Bell Developments Pty Ltd (ACN 067 874 846) to purchase part of Arnold Place, Darlinghurst.

Arnold Place, on the north side, is the subject of a 0.7m and variable road widening. However, adjoining the site between Arnold lane and Crown Street there is a heritage listed building (No 115, Oxford Street).

On 8 September 1999, "Council gave approval for advertising and action to be taken for the proposed closure and sale of part of Arnold Place, Darlinghurst . . ."

There have been four valuations by registered valuers, commissioned two by Council and two by Bell Developments Pty Ltd. The results are as follows:

	<i>Site Area (sqm)</i>	<i>Valuation (\$)</i>	<i>Rate per sqm</i>
State Valuation Office	8.53	86,000	10,000
Bishops	-	96,000	11,250
Paul McNeilly & Associates	8.5	21,250	2,570
KJ McCarney & Co	8.5	15,000	1,750

Bell Developments paid \$3.5M for the property at 107-111 Oxford Street, Darlinghurst, representing a rate of \$8,750 per m².

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Proposal

At meetings with Bell Developments Pty Ltd and due to the great divergence of valuations, a compromise is proposed where they will pay \$45,000 for the 8.5m² of land in Arnold Place. This represents a rate of \$5,294 which is higher than the mean value of the valuations, and represents a reasonable compromise.

This parcel of land is an encouragement for anti-social activity and would be to Council's advantage to see it incorporated in the development of 107-111 Oxford Street, Darlinghurst.

Recommendation:

Council grants approval to sell the parcel of land at the rear of 107-111 Oxford Street, Darlinghurst, to Bell Developments Pty Ltd for \$45,000.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Pooley, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

23 August 2000

**CLEANING – ABANDONED VEHICLES OPERATION – SUBMISSION
OF MOTIONS TO LOCAL GOVERNMENT CONFERENCE (2017302)****PURPOSE**

This report details the current system of Councils' Abandoned vehicle operation. It examines the legislation covering the removal of these vehicles, typical problems experienced with removal and the solutions being implemented by Council to overcome these difficulties.

REPORTING

Reports of abandoned vehicles are currently received from the following sources:

GENERAL MANAGER

- Regular patrols of known dumping sites by the Abandoned Vehicles Officer
- Council ordinance, parking inspectors and other outdoor staff.
- Council residents
- Police Department

All vehicles reported as abandoned are entered into a database maintained by the Waste Services Branch and forwarded onto the Abandoned Vehicles Officer for inspection. The abandoned vehicle officer inspects the vehicle within 24 hours of the complaint being received. If the report is received from a resident, contact details are requested for the purpose of reporting the outcome of the investigation to the complainant.

IDENTIFICATION

- Vehicles with no visible identification (Number plates, registration sticker, parking permit) are fixed with a notice stating the vehicle has been reported as abandoned and is being processed for removal.
- Vehicles displaying an expired registration sticker are similarly marked.
- Vehicles identified as being in current registration are noted as such and are not fixed with an abandoned vehicle notification. There is no legislation prohibiting the standing of a registered vehicle on a road with the exception of parking restrictions.
- Registered vehicles parked illegally are reported to police/council parking inspectors for further action.

REMOVAL

Before a vehicle may be impounded, Council is required to comply with the following requirements as set out in section 16 the Impounding Act 1993.

Special procedures for impounding of motor vehicles:

1. An impounding officer must make all reasonable inquiries in an effort to find out the name and address of the owner of a motor vehicle before the officer impounds the vehicle.
2. If the impounding officer's inquiries fail to reveal the name and address of the owner, the officer may proceed to impound the vehicle.
3. If the impounding officer's inquiries do reveal the name and address of the owner, the officer is not to impound the vehicle until notice of the proposed impounding has been given to the owner and the period specified in the notice has elapsed.

4. The notice to the owner must be in writing addressed to the owner and must indicate that the vehicle may be impounded unless it is removed within a specified period (not less than 3 days) and may be destroyed if its value is less than \$500.
5. A motor vehicle may be impounded immediately (without following the procedures in this section) if the vehicle is in a public place and the impounding officer is satisfied on reasonable grounds that its immediate removal is justified because it is causing an obstruction to traffic (vehicular or pedestrian) or is or is likely to be a danger to the public.

Note. Section 43 provides for police assistance in finding out who the owner of a motor vehicle is.

The following are some of the problems faced in removal of these vehicles and solutions being implemented to alleviate these obstructions:

Problem: When an unregistered vehicle has visible identification (number plates, registration sticker) we have had to rely on Police to supply the details of ownership. Although under section 43 of the Impounding Act, Police are required to supply that information within 3 working days of receiving the request from Council, it often takes up to 15 days to receive the information depending on the work load of the station.

Solution: Council has applied for on line access to RTA records for the purpose of identifying the last known owners of these vehicles. Once on line, the responsible officer will be able to access this information immediately.

Problem: If a vehicle reported as abandoned is claimed by its owner, it is no longer classified as abandoned even though it may be unregistered. Council has no right to remove this vehicle from the street once it has been claimed. It is, however, illegal to park an unregistered vehicle in the street and can attract fines of up to \$335 per day. Although Council reports unregistered vehicles that have been claimed, we are not authorised to issue the fines for this offence.

Solution: As a result of this report, a motion will be put to the Local Government and Shires Association to Lobby the State Government change the Road Transport Act 1997 to include Councils Parking Enforcement Officers as authorised officers for this purpose under the Act.

Problem: Pursuant to Section 18 of the Impounding Act, the impounding officer may have an abandoned vehicle destroyed if it is valued at less than \$500. This is the case with 80% of abandoned vehicles. The problem faced in this situation is with the removal of number plates from these vehicles. The abandoned vehicles officer must again rely on police to remove the number plates before the vehicle is

destroyed. This process relies on the availability of police officers to perform this duty.

Solution: under the Act.

RECENT STATISTICS

The following table shows the statistics of all abandoned vehicle investigations for the period 1 April 2000 to 31 July 2000.

TOTAL NUMBER OF VEHICLES REPORTED	478
REMOVED	262
NOT ABANDONED/CURRENT REGISTRATION	104
CLAIMED BY OWNER	28
AWAITING POLICE REPORT	19
OUTSTANDING	65

The average time for removal of an abandoned vehicle over this period has been 2.5 weeks from time of report to time of removal. This is the case only when the problems detailed in this report have not been experienced.

RECOMMENDATION:

That the following motions be put to the Conference of the Local Government and Shires Association:-

- (1) That the State Government be lobbied to amend the relevant legislation to include Councils Abandoned Vehicles Officer as an authorised officer under section 27C part 3 (offences and evidence) of the Road Transport (Vehicle Registrations) Act 1997.
- (2) That the State Government be lobbied to amend the relevant legislation to include Councils Parking Enforcement Officers as authorised officers to enforce offences relating to leaving an unregistered vehicle on the road as detailed under section 18 part 3 (offences and evidence) of the Road Transport (Vehicle Registrations) Act 1997.

J. W. Bourke (SGD)
General Manager

GENERAL MANAGER

Moved by Councillor Bush, seconded by Councillor Furness:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 69 signatures appended from residents of the Sydney Metropolitan area requesting that local residents, business proprietors and customers be allowed to continue parking in the vacant lot adjacent to No. 673 South Dowling Street, Surry Hills.

Received.

2.

The Mayor tabled a petition received by the General Manager with approximately 26 signatures appended from residents of Rose Street and City Road, Chippendale, objecting to the intolerable noise emanating from the siren which is linked to the burglar alarm system at No. 22 City Road, Chippendale.

Received.

3.

Councillor Lennon tabled a petition at the meeting with approximately 97 signatures appended from residents requesting the re-opening of Springfield Avenue, Potts Point.

Received.

QUESTIONS WITHOUT NOTICE

1.

LEGAL – LAND AND ENVIRONMENT COURT – REMOVAL OF PLANNING POWERS FROM LOCAL GOVERNMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (L53-00120)**Question:**

The Mayor would be aware of Media comment between Councillor Sartor and Former Prime Minister Paul Keating regarding Planning powers and the role of the Land and Environment Court. Do you agree that the Land and Environment court should be reformed? Do you support the removal of Planning Powers from Local Government with regard to foreshore planning?

Answer by the Mayor:

Yes, the Land and Environment Court does need reform. Council has already made a submission to the Southern Sydney Regional Organisation of Councils, however, I believe there are some other areas that can be pressed upon for reform which will become part of another Committee item at the next committee in relation to the Land and Environment Court. In terms of Minister Refshauge taking on the control of Developments in Sydney Harbour, there already exists a State Environmental Planning Protection Policy for certain parts of the Harbour such as Woolloomooloo Bay, Drummoyne Bay, and Rushcutters Bay, as well as Regional Environmental Planning Policy which covers other references for port development within the context of Planning for the Harbour. While it may be neater. There is not much difference in the reality of the law, no matter what Councillor Sartor or others say.

2.

STREETS – LIGHTING – KIMBERLEY ESTATE IN VICINITY OF EPSOM ROAD AND ROTHSCHILD AVENUE – INADEQUATE LIGHTING - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2019901)**Question:**

Resident of Kimberley Estate, Rosebery have complained of inadequate street lighting between the estate and the closest bus stops on Rothschild Avenue and Epsom Road, which they believe is a risk to public safety. Could the Director of Public Works and Services arrange to increase the level of street lighting in the relevant streets?

GENERAL MANAGER

Answer by the Mayor:

I will ask the Director of Public Works and Services to investigate that matter and have a report prepared for the Councillors Information Service.

3.**COMMITTEES – PRECINCT - FORMATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C57-00005)****Question:**

On 26 July 2000, I asked a Question Without Notice requesting a report to Council on options available for the introduction of a "Precinct Committee" system in South Sydney and the Mayor responded that as this information was already on file, he would have a relevant officer provide it. Could the Mayor indicate when this report might be forthcoming?

Answer by the Mayor:

No, I can't, however the question has been answered and the report will be forthcoming, but as to time, you may be aware that there has been a number of other pressing issues, not to mention the urgency motions that have come forward to Council and possibly taken away a bit of the concentration of Council Officers in relation to the normal business of Council. I will have the matter attended to and a report prepared for Committee.

4.**COUNCIL – BUSINESS PAPERS – PREPARATION AND DISTRIBUTION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C63-00006)****Question:**

I received my minutes for the meeting yesterday. Is it possible to have the minutes distributed a little closer to the meeting? I received them 13 days after the meeting. We are a little short on time to go through and check them.

Answer by the Mayor:

The General Manager is aware of this matter and its a matter of an internal arrangement with the printing. I believe there was a number of situations this week where the IT was down and that was the reason for the delay in the circulation of the minutes.

5.

**REDFERN POST OFFICE, NO. 119 REDFERN STREET, REDFERN –
QUESTION OF CLOSURE - QUESTION WITHOUT NOTICE BY
COUNCILLOR POOLEY (2016875)****Question:**

Rumours are circulating in the Redfern Community about an alleged proposal by Australia Post to close the Redfern Post Office. Can you shed any light on those rumours and given the fact that Australia Post cited the existence of Redfern Post Office as part of their justification for the closure of Waterloo and Erskineville Post Offices? Will you write to the CEO of Australia Post expressing Council's support for the continuation of this service in it's current location?

Answer by the Mayor:

Yes I will write to Australia Post.

6.

**CELEBRATIONS – INTERNATIONAL DAY OF PEOPLE WITH A DISABILITY
– INSERTION OF DATE IN COUNCILLORS INFORMATION SERVICE -
QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2016901)****Question:**

In view of the significant demands on all Councillors time, could we have the proposal, auspiced by Council's Disability Access Committee to celebrate the International Day for People with a Disability on 7 December this year included in the Calendar of events in the Councillors Information Service?

Answer by the Mayor:

Yes.

7.

MACLEAY STREET, NOS. 91 – 93C, POTTS POINT – DEVELOPMENT APPLICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U00-00675)

Question:

In relation to Nos. 91-93 Macleay Street, Potts Point, Development Application No. 675/2000.

I seek following report from Officers.

- How many complaints have been received from residents and what issue was the complaint related to?
- What action has been taken by Council?
- Has a variation to the original Development Application been lodged with Council, if so, has it been approved?
- Can Officers advise how long until the Project is completed?

Answer by the Mayor:

I will ask the Director of Planning and Building to have a report prepared for the Councillors Information Service.

8.

PUBLIC TRANSPORT – TOURIST BUSES – KINGS CROSS AREA – EXCESSIVE RUNNING OF ENGINES CAUSING POLLUTION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P59-00006)

Question:

I have received complaints that residents in Macleay Street, Greenknowe Avenue, Fitzroy Gardens and the surrounding area in Kings Cross have been suffering from massive amount of diesel fumes from large non-government buses which pull up and leave their engines running for sometimes more than half an hour.

They leave their engine running so that they do not get a parking ticket or alternatively, to fill in time, they drive round and round the area polluting and annoying residents.

Both of these actions are contrary to the Kings Cross Tourist Vehicle Code of Conduct.

GENERAL MANAGER

To prevent significant contribution to air pollution in Kings Cross, could Council Parking Officers be asked to take action to prevent non-government bus drivers from evading the no parking laws by leaving their engines on and can Council remind Coach operators of their responsibilities under the Kings Cross Tourist Vehicle Code of Conduct significantly contributing to air pollution in Kings Cross?

Answer by the Mayor:

I understand that most of those things come under the Motor Traffic Act, however will seek some guidance from the Director of Public Works and Services and take the issue up by letter to the Police Commander.

9.

COMMUNITY SERVICES – D4 DARLINGHURST FAMILY SUPPORT SERVICE – ALTERNATIVE PREMISES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2012748)

Question:

Can Council investigate finding alternative premises for D4 Woolloomooloo Community Centre whose current premises are being closed from 31 August 2000?

Answer by the Mayor:

A Council Officer attended the meeting that you speak of and I understand that a report in relation to this matter will be coming to the next committee.

10.

STREETS - LIGHTING – USE OF BLUE LIGHTS IN COUNCIL'S PUBLIC TOILETS INCLUDING BUILDINGS AND OUTDOOR AREAS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2014547)

Question:

Could a report be prepared by the Director of Public Works and Services and the Director of Health and Community Services on the use of Blue Lights in Council's Public Toilets including those in buildings and whether they might also be useful in some outdoor areas?

Answer by the Mayor:

I will have a report prepared for the Councillors Information Service.

GENERAL MANAGER

11.

MOTOR VEHICLES – COUNCIL’S BUSES – USE FOR HUMANITARIAN AID PURPOSES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (M56-00016)

Question:

Could Council please make available vehicles and drivers to transport humanitarian aid as a matter of course where requests are received?

Answer by the Mayor:

I think it is a very broad ask and it comes about through some previously existing delegations which I believe should be brought forward to Committee. If the things that you refer to has some supporting documentation, I am happy for it to go to committee for appropriate policy direction from the Councillors. Some of those organisations you refer to were recipients of donations and therefore part of the resolution of Council for specific attention to be given to it, but the thing that you refer to is something that come as a delegation of the use of Council's resources for something that I was unaware of and I therefore believe it was inappropriate for it to be done without some direction of Council, so I would say that this matter would come to you as a Committee report.

12.

HEALTH – WASTE TO FEAST FOOD RECOVERY PROGRAM – LETTERS OF CONGRATULATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2016319)

Question:

Please, would the Mayor send a letter of congratulation on behalf of Councillors, to Peter Schneider, Alex Kiss and other Council staff in the Health and Community Services Department who were instrumental in developing and formulating the Waste to Feast Program? This program received an Award for Innovations in Community Partnership from SSROC last week. It also received a glowing account in the Local Government Section of the Sydney Morning Herald (Tues 22.8.00).

Answer by the Mayor:

I will have that item brought to the next Council.

13.

MEETINGS – SSROC – MAYOR AND DEPUTY MAYOR UNABLE TO ATTEND – DELEGATION TO OTHER COUNCILLORS TO REPRESENT COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (M53-00042)

Question:

There was a SSROC meeting last week at which Council received an important award for its Waste to Feast Program. The Mayor and Deputy Mayor are delegates to SSROC and have recently expressed enthusiasm for joining another ROC. However, they were both absent from this recent meeting in spite of having indicated they would be present. Is the Mayor going to be able to attend any IMROC meetings. If unavoidably absent, could he not delegate representation to another Councillor with more interest in Council's achievements?

Answer by the Mayor:

Yes I will possibly do that.

14.

STREETS – LIGHTING – REDFERN PCYC – MALFUNCTIONING – REPRESENTATIONS TO ENERGY AUSTRALIA - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S56-02321)

Question:

Additional street lights at PCYC Redfern have not functioned for several weeks. Please could Council deal with this or make representation on PCYC's behalf to Energy Australia?

Answer by the Mayor:

Yes I will ask the Director of Public Works and Services to follow that matter up for you.

15.

**SIGNS – ADVERTISING – SHOP FRONT DISPLAYS – FOOTWAY LICENCE
- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S52-00030)****Question:**

Can the Director of Public Works and Services resurrect the previous Footway Licence Policy to address the issue of shop front displays on the footway with consideration of:-

- Reviewing the differential pricing policy
- Bonding and ability of small businesses to afford legal costs

Answer by the Mayor:

I will have that matter brought forward to Committee.

16.

**PUBLIC RELATIONS – PCYC SITES – PROPOSED SALE - QUESTION
WITHOUT NOTICE BY COUNCILLOR BUSH (2016558)****Question:**

Is it the intention of the State Government to sell Police Boys Club land throughout NSW? I would like this Council to write to the Minister and reaffirm Council's position to retain all those facilities for the Youth within the South Sydney Council area.

Answer by the Mayor:

Only one facility is being earmarked by the PCYC for sale which is a rather under utilised facility, so I will certainly have the response circulated in the Councillors Information Service.

17.

**STREETS – LIGHTING – FORBES STREET, WOOLLOOMOOLOO –
REQUEST FOR FAIRY LIGHTS IN PALM TREES - QUESTION WITHOUT
NOTICE BY COUNCILLOR BUSH (S56-01797)****Question:**

I have received correspondence from the Woolloomooloo Chamber of Commerce in regards to a request for fairy lights in the Palm trees in Forbes Street Mall.

GENERAL MANAGER

Answer by the Mayor:

It will go to the next Committee.

REPORT OF THE FINANCE COMMITTEE

16 August 2000

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Peter Furness, Tony Pooley, Gregory Shaw

At the commencement of business at 6.34 pm those present were:-

Councillors – Furness, Mallard, Pooley and Shaw

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

That the Report of the Finance Committee of its meeting of 16 August 2000, be received and the recommendations set out below for Items 1 to 5, inclusive, 7 to 13, inclusive, 15 to 17, inclusive, 19 to 24, inclusive, 27 and 28, be adopted. The recommendations set out below for Items 6, 14, 18, 25, 26 and 29 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

DONATIONS - REDFERN LEGAL CENTRE - REQUEST FOR FREE USE OF REDFERN TOWN HALL — 31 AUGUST 2000 (D52-00388)

Council grants approval to the Redfern Legal Centre for the free use of Redfern Town Hall on 31 August 2000, to conduct a community education workshop and the associated costs and loss of income be charged to Section 356 of the Local Government Act, 1993 – Donations.

(A/DCS Report 28/7/00)

Carried.

GENERAL MANAGER

2.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – JUNE 2000
(2022606)**

That arising from a report by the Director of Finance dated 31 July 2000, approval be given to the confirmation of the payment of the accounts totalling \$19,840,816.17 as detailed in the Summary of Warrants for the Month of June, accompanying the report.

Carried.

3.

**CLEANING – INTRODUCTION OF CONTAINER RECYCLING
THROUGHOUT SOUTH SYDNEY – QUESTION WITHOUT NOTICE BY
COUNCILLOR LAY – RESPONSE BACK TO COMMITTEE (C56-00053)**

That the report by the Director of Public Works and Services dated 28 July 2000, outlining the present position regarding monitoring of the contamination rate of recycling containers located in King Street, Newtown, and giving other related information and proposed initiatives, be received and noted.

Carried.

4.

**LEASING - COUNCIL'S RESIDENTIAL SUBSIDISED PROPERTIES –
ANNUAL RENT REVIEW (L52-00010)**

That approval be given to adopt the rental subsidies as outlined in the Schedule accompanying the Director's report which has been reviewed in accordance with Council's Housing Policy, subject to tenants being notified in writing of the increase 60 days in advance of the increase.

(A/DCS Report 1.8.00)

Carried.

5.

DONATIONS – SOUTH SYDNEY ART AND CRAFTS EXHIBITION COMMITTEE - REQUEST FOR FREE USE OF REDFERN TOWN FOR EXHIBITION – 26 TO 28 OCTOBER 2000 (2020171)

That Council grants approval to the Arts and Crafts Exhibition Committee for the free use of Redfern Town Hall from 26 October to 28 October 2000 and the associated costs and loss of income of \$1,689 be charged to Section 356 of the Local Government Act, 1993 - Donations.

(A/DCS Report 2.8.00)

Carried.

6.

LOCAL GOVERNMENT ASSOCIATION OF NSW – QUESTION OF NOMINATION OF REPRESENTATIVE TO EXECUTIVE COMMITTEE (5262801)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Mallard:-

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 1 August 2000, Councillors Bush and Lay be nominated as Council's representatives for the Executive Committee for the Local Government Association of N.S.W.

Carried.

7.

INSURANCES – TRIBUNALS AND JUDICIAL HEARINGS – LEGAL REPRESENTATION FOR COUNCIL OFFICERS AND COUNCILLORS (2014198)

Council receives and notes the report by the Acting Director of Corporate Services dated 3 August 2000, on Council's insurance for legal representation costs, for Councillors and Officers' attendances at tribunals and judicial hearings.

Carried.

8.

**DONATIONS - NAIDOC WEEK COMMITTEE – CONFIRMATORY
APPROVAL FOR FREE USE OF ALEXANDRIA TOWN HALL –12 JULY 2000
(P56-00410)**

Council grants confirmatory approval to the NAIDOC Week Committee for the free use of Alexandria Town Hall on 12 July 2000, to conduct an Aboriginal Elders Function and the associated costs and loss of income of \$550 be charged to Section 356 of the Local Government Act, 1993 - Donations.

(A/DCS Report 3.8.00)

Carried.

9.

**CONFERENCES – THE AUSTRALIAN INSTITUTE OF ENVIRONMENTAL
HEALTH – NATIONAL CONFERENCE – CAIRNS, QUEENSLAND, 15 TO 19
OCTOBER 2000 – ATTENDANCE BY COUNCIL REPRESENTATIVES
(C61-00263)**

That approval be given to the Director of Health and Community Services, Health Services Manager and any interested Councillor, to attend the Australian Institute of Environmental Health's National Conference, 15-19 October 2000, in Cairns, and that the registration fees, accommodation and out-of-pocket expenses for conveyance and substance in travelling be borne by Council, for which funds are available in Account Code 1.12.6905.12105.0, 1.51.3210.12105.0 and 1.51.3210.12205.0.

(DHCS Report 7.8.00)

Carried.

10.

PROPERTIES – COUNCIL HALLS – HIRINGS - FREE USE (P56–00416)

That the report by the Acting Director of Corporate Services dated 28 July 2000, setting out details on the free use of Council's Halls, be received and noted.

Carried.

11.

MEMBERSHIP – SYDNEY COASTAL COUNCILS – CONTRIBUTION FOR FINANCIAL YEAR 2000/2001 (M54-00018)

That Council maintains its membership of the Sydney Coastal Councils Group and approves payment of the annual membership contribution, including GST, for 2000/2001 in the amount of \$8,525, for which non-specific funds are available in the 2000/2001 Budget Estimates (account No. 1.51.3220.16655.0).

(DPWS Report 4.8.00)

Carried.

12.

FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENT FOR PERIOD ENDED 30 JUNE 2000 (A52-00240)

That the report by the Director of Finance dated 4 August 2000, certifying to the Bank Reconciliation of Council's Various Cash Books, be received and noted.

Carried.

13.

CONFERENCES – PARKS & LEISURE AUSTRALIA – NATIONAL CONFERENCE – GOLD COAST, QUEENSLAND – 30 OCTOBER TO 1 NOVEMBER 2000 - ATTENDANCE OF COUNCIL REPRESENTATIVES (C61-00225)

That arising from a joint report by the Director of Public Works and Services and the Director of Health and Community Services dated 10 August 2000, approval be given to the attendance of the Assistant Director of Public Works and Services, Parks Branch Manager, Community Resources Coordinator, Health and Community Services Department, and any interested Councillors at the Parks and Leisure Australia National Conference, 30 October – 1 November 2000 at the Gold Coast, Queensland, and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling to be borne by Council, for which funds are available in the 2000/2001 Budget.

GENERAL MANAGER

(Assistant Director PW&S – 1.44.2670.12105.0), (Parks Manager – 1.45.2742.12105.0), (Community Resources Coordinator – 1.12.6905.12105.0)

Carried.

14.

PROPERTIES – COUNCIL CHAMBER, ERSKINEVILLE TOWN HALL – CHANGES TO SEATING ARRANGEMENTS FOR COUNCILLORS AND STAFF (2021980)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Furness:-

- (1) That no action be taken to change the seating arrangements for staff and Councillors in respect of the Council Chambers, Erskineville Town Hall during Council Meetings;
- (2) That a new sound system be installed in Erskineville Town Hall so as debate can be heard throughout the Hall.

It was moved by Councillor Mallard, seconded by Councillor Lennon, that the seating arrangements for Councillors and staff be changed during Council Meetings as proposed by the Acting Civic Affairs Manager/Public Officer in the report dated 9 August 2000, and as detailed in diagram B accompanying the beforementioned report.

Amendment negatived.

Motion carried.

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

15.

RATES – ARREARS – AS AT 20 JUNE 2000 (2004815)

That the report by the Director of Finance dated 9 August 2000, concerning arrears of rates and interest charges at 20 June 2000, be received and noted.

Carried.

16.

PROPERTIES –DIBBS STREET, NO. 9, ALEXANDRIA - PROPOSED SALE – RESCISSION OF RESOLUTION OF COUNCIL, 20 OCTOBER 1999 (P56-00174)

That approval be given to the following in connection with No. 9 Dibbs Street, Alexandria:-

- (1) The Resolution of Council dated 20 October, 1999, be rescinded;
- (2) The proposed sale of the above land be postponed indefinitely;
- (3) Mr and Mrs Wade remain on a month to month lease.

(A/DCS Report 9.8.00)

Carried.

17.

LEASING – OXFORD STREET, NOS. 247-249, PADDINGTON – PART PADDINGTON TOWN HALL – CINEMAS 1 & 2 - RENEWAL OF LEASE TO THE AUSTRALIAN FILM INSTITUTE (L02-00394)

That approval be given to the Australian Film Institute exercising their option for a further five year lease of Cinemas 1 and 2 and Offices at Part Paddington Town Hall, Nos. 247-249 Oxford Street, Paddington, at a rental of \$85,008 gross, commencing on 1 July 2000, under the same terms and conditions as the existing lease and subject to the following conditions, namely:-

- (1) That rental for the remaining terms of the lease.

2 nd Year	\$93,509
3 rd Year	\$98,184
4 th Year	\$103,093
5 th Year	\$108,248

- (2) That the existing Bank Guarantee be increased to \$21,252;
- (3) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of Indemnity of not less than Ten Million Dollars indemnifying both Council and the lessee against any claims that may arise during the term of the Lease;
- (4) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs, etc, by the lessee

GENERAL MANAGER

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 Planning and Building Department for Statutory approvals;

- (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) That all relevant documents are to be executed by Council's Attorney;
- (7) That this lease is subject to the Goods and Services Tax;
- (8) That this approval lapses in three months from the date of Council's approval to the granting of the lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance as required, or has failed to execute the lease documents.

(A/DCS Report 9.8.00)

Carried.

18.

**ADMINISTRATION – WORKS PROGRAMME – FOOTPATH
RECONSTRUCTION PROGRAMME – SUPPLEMENTARY REPORT
(2015562)**

That:-

- (1) Council vote an additional \$2 million from available funds to undertake additional Footpath Reconstruction Works in accordance with Stage II Schedule attached to the Director's report, and that these funds be added to the 2000/2001 Budget Estimates;
- (2) approval be given to redeploy three staff from either the Construction or Maintenance Branches as Civil Administrators to support the Programme and that three labourers be employed as replacement staff for the duration of the Programme;
- (3) approval be given to engage an additional Cadet Engineer to support the Programme;
- (4) approval be given to the supply of appropriate resources as outlined in this report;
- (5) the cost of implementing (2) and (3) and (4) be funded from the overall \$4million Footpath Reconstruction Programme;

GENERAL MANAGER

- (6) Council commit to a Rolling 3-Year Footpath Reconstruction Programme to allow continuity of work at the higher resourcing levels beyond the 2000/2001 Budget Year.

(DPWS Report 10.8.00)

It was moved by Councillor Furness, seconded by Councillor Lennon, that clause (6) of the recommendation be deleted and a new clause (6) be inserted in lieu thereof, namely:-

- (6) That Council increase its day labour workforce to accommodate the footpath reconstruction works at the higher resource levels for the 2000/2001 financial year.

Amendment negatived.

It was moved by Councillor Harcourt, seconded by Councillor Shaw that the Director of Public Works and Services prepare a brief report to be submitted to the next Finance Committee Meeting to be held on 6 September 2000, on:-

- (1) A sustainable way of improving footpaths and how it can be scheduled over the next three years.

At the request of Councillor Lay, and by consent, the motion was further amended by the addition of a further clause to the recommendation, namely:-

- (2) The report to explore the sustainability of the Maintenance Programme being ongoing and the further justification for employing extra day labour force personnel having regard to the purchase of additional depots to house them, the purchase of additional plant and machinery and the recruitment of supervisory staff to manage the increased labour force personnel;

Motions, as amended by Councillors Harcourt and Lay, carried.

19.

**LICENSING – WARD AVENUE, SHOP 2, NO. 9, POTTS POINT –
PROPOSED FOOTWAY LICENCE (2022617)**

That the application for a footway restaurant licence adjacent to Bliss House Café, be refused.

(DPWS Report 8/8/00)

Carried.

20.

**PROPERTIES – OXFORD STREET, NOS. 56-66, DARLINGHURST –
PROVISION OF ADDITIONAL ELECTRICITY SUPPLY – FINANCIAL
CONTRIBUTION BY COUNCIL (2013909)**

That approval be given for Energy Australia to provide additional power to Council's building at Nos. 56-66 Oxford Street, Darlinghurst, at a cost of \$56,472, subject to the following conditions, namely:-

- (1) That Council contributes an amount of \$47,577 towards the cost of this project;
- (2) That Council carries out restoration work to footpaths and roads affected by the work, if necessary, at a cost of \$7,000;
- (3) That funds for this work be made available from the Maintenance – Building Account No. 1-46-7160-14405.0.

(A/DCS Report 9.8.00)

Carried.

21.

**VEHICLES – PURCHASE REQUIREMENTS – MEALS ON WHEELS –
DISTRIBUTION CENTRE (5265605)**

That arising from a report by the Director of Health and Community Services dated 10 August 2000, Council grant its approval to the establishment of five motor vehicles for the new meals on wheels distribution centre, as outlined in the above report, with funds of up to \$23,000 being voted for the purchase of an additional four cylinder sedan.

Carried.

GENERAL MANAGER

22.

LIBRARIES – KINGS CROSS LIBRARY - FEES AND CHARGES - COLOUR PHOTOCOPIER (20003201)

That arising from a report by the Director of Health and Community Services dated 9 August 2000, the photocopier fees of \$1.50 for A4 colour copies and \$2.50 for A3 colour copies – both including the GST – be advertised for 28 days, and then a further report be submitted to Council for consideration of those fees.

Carried.

23.

FINANCE – OUTSTANDING DEBTS – HEALTH AND COMMUNITY SERVICES DEPARTMENT - WRITING OFF (2006402)

That for the reasons set out in the report by the Director of Health and Community Services dated 10 August 2000, the outstanding debts totalling \$153,430, as detailed in the schedule accompanying the beforementioned report, be written off and provision be made for this amount as Bad and Doubtful Debts in the 1999/2000 Final Accounts.

Carried.

24.

STREETS – KING STREET FOOTPATH IMPROVEMENTS, NEWTOWN – ACCEPTANCE OF TENDER (2022928)

That approval be given to:-

- (a) accepting the tender from Civil Systems Engineering Pty Ltd in the amount of \$407,000 for constructing decorative footpath paving on King Street, Newtown from Brown Street to Erskineville Road;
- (b) providing a contingency sum of \$40,700 (10% of the contract sum), and funds are available in the 2000/2001 Works Programme.

(DPWS Report 11/8/00)

Carried.

GENERAL MANAGER

25.

VICTORIA STREET, NOS. 101 – 115, POTTS POINT – CLAIM FOR STABILISATION COSTS OF ROCK FACE (2020013)

(At the Committee and Council Meetings, Councillor Mallard declared an interest and did not take part in discussions or voting on the Item.)

- (1) That Council approves an ex gratia payment of \$22,732 to the owners of Nos. 101-115 Victoria Street, Potts Point as a 50% without prejudice contribution towards the stabilisation works carried out to the rock face, subject to a written undertaking by the Owners Corporation to a 50% share of the cost of future inspection and maintenance works;
- (2) That Council, to ensure a consistent approach, endorses the principal of a shared cost arrangement being formally established between Council and the Owners Corporation of No. 73 Victoria Street, Potts Point, for the immediate proposed work and future inspection and maintenance works.

At the request of Councillor Furness, and by consent, the motion was amended by the deletion of the whole of the above resolution and the insertion in lieu thereof of the following new resolution, namely:-

That as a consequence of further representations by the Body Corporate, this matter be deferred for further legal advice.

Motion, as amended by consent, carried.

26.

COMMITTEES – NEW ADMINISTRATION BUILDING – ADMINISTRATION CENTRE TASK FORCE – ESTABLISHMENT (2008384)

That Council approves the following:-

- (1) The establishment of a new Task Force to examine possible sites for South Sydney City Council's permanent Administration Centre;
- (2) The Task Force to consist of Councillors, Directors, Property Branch Manager and a representative from each Department;

- (3) The Chairperson to be elected at the first meeting of the Task Force.

(A/DCS Report 11.8.00)

At the request of Councillor Mallard, and by consent, the motion was amended by the deletion of clause (3) of the recommendation and the insertion in lieu thereof of a new clause (3), namely:-

- (3) The Chairperson to be the Mayor or his nominee of the Task Force.

Motion, as amended by consent, carried.

27.

FINANCE - ESTIMATES – REVOTE OF 1999/2000 TO 2000/2001 (2020958)

That arising from a report by the Director of Finance dated 10 August 2000, a total amount of \$5,877,160 be revoted adding an amount of \$1,719,012 to the 2000/2001 Budget deficit.

Carried.

28.

CLEANING - DOMESTIC REFUSE AND RECYCLING COLLECTION – OLYMPIC GAMES PERIOD – ALTERATION OF COLLECTION TIMES (2019159)

That Council approve the following:-

- (1) That Council's domestic refuse collection services for the period 17 September to 1 October 2000, be altered to operate between the hours of 11.00 p.m. and 7.00 a.m.;
- (2) That Council's domestic recycling operation for the period be altered to operate between the hours of 12.00 a.m. and 7.00 a.m.;
- (3) That a comprehensive education campaign be initiated to translate the changes for the information of all residents.

(A/DPWS Report 11.8.00)

It was moved by Councillor Lennon, seconded by Councillor Furness, that the collection of garbage in the North Ward not be between 12.00 midnight and 5.00 a.m. during the Olympic Games period.

Amendment negatived.

Motion carried.

29.

**STREETS – FOOTPATHS – TAYLOR SQUARE - EPHEMERAL ARTWORK
PROPOSAL AND INSTALLATION OF FLAG POLES – OLYMPIC GAMES
PERIOD (2010147)**

That approval be given to:-

- (1) the installation of an ephemeral pavement art work representing the stylized Masterplan of Taylor Square to be installed at an estimated cost of \$20,000, for which funds are available in the 2000/2001 Works Program – Unspecified Works (Budget Ref. 45022);
- (2) the Media Manager arranging appropriate publicity for this Council initiative within the LGA.

(DPWS Reports 10.8.00 & 22.8.00)

It was moved by the Mayor, seconded by Councillor Mallard, that a clause (3) be added to the recommendation as detailed in the report by the Director of Public Works and Services dated 22 August 2000, namely:-

- (3) approval be given to the installation of 16 flag poles and banners in Taylor Square as part of the temporary embellishment works at a cost of \$18,006 and for this amount to be added to the 2000/2001 Budget.

Motion, as amended by consent, carried.

The Finance Committee Meeting terminated at 7.57 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)**WEDNESDAY, 16 AUGUST 2000 AT 7.58 PM**

The Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matter) during consideration of the undermentioned Item, and further, access to correspondence and reports being withheld in respect of such Item because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason for the press and public being excluded from the abovementioned Item is as follows, namely:-

Item 1 - Property Matter

Moved by the Chairperson (Councillor Mallard), seconded by Councillor Furness.

That the Report of the Finance Committee (Confidential Matter) of its meeting of 16 August 2000, be received and the recommendations set out below for Item 1 be adopted. The recommendations set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**PROPERTIES – PROPOSED PURCHASE – INDUSTRIAL UNITS – NO. 4
HUNTLEY ROAD, ALEXANDRIA (2019389)**

That the recommendation as contained in the report by the Acting Director of Corporate Services dated 9 August 2000, in respect of the above, be approved and adopted.

At this stage and at 7.41p.m. it was moved by the Mayor, seconded by Councillor Mallard:-

GENERAL MANAGER

That the Council resolve to meet as a committee of the whole with Press and Public excluded to discuss the foregoing matter, as it dealt with a Property Matter.

Carried.

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 7.46 p.m. 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 report by the Acting Director of Corporate Services dated 9 August, 2000, and as agreed to in the Committee of the Whole meeting, be approved and adopted.

Carried.

The Finance Committee (Confidential Matter) Meeting terminated at 8.07 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

16 August 2000

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw

At the commencement of business at 8.09 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw

GENERAL MANAGER

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

That the Report of the Community Services Committee of its meeting of 16 August 2000, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

LEGAL - CHILD PROTECTION – COUNCIL’S ACCOUNTABILITY REQUIREMENTS AND CHILD PROTECTION POLICY (2021126)

That arising from a joint report by the Director of Health and Community Services and the Director of Organisational Development dated 9 August 2000, confirmatory approval be given to Council’s Child Protection Policy and it’s inclusion in the Personnel Policy and Procedure Manual.

Carried.

2.

COMMUNITY SERVICES – ‘MIGRANT WOMEN’S QUILTWORK PROJECT’ - EXHIBITION OF IN COUNCIL’S ONE STOP SHOP FOYER, 280 ELIZABETH STREET, SURRY HILLS (2022619)

That arising from a report by the Director of Health and Community Services dated 4 August 2000, approval be given to display the outcomes of the Migrant Women’s Quiltwork Project in Council’s Mary Street Foyer of its Main Administration Building at No. 280 Elizabeth Street, Surry Hills, in November 2000, and that a launch function take place in early November 2000, with funds available for this purpose in Account Code 1.22.6310.16630.0.

Carried.

The Community Services Committee Meeting terminated at 8.12 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

16 August 2000

PRESENT**The Mayor, Councillor John Fowler (Chairperson)****Councillors – John Bush, Christine Harcourt, Jill Lay and Amanda Lennon**

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

The Mayor and Councillors – Bush, Harcourt, Lay and Lennon

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

That the Report of the Planning and Development Committee of its meeting of 16 August 2000, be received and the recommendations set out below for Items 3, 5 to 8, inclusive, and 12 to 15, inclusive, be adopted. The recommendations for Items 1, 2, 4 and 9 to 11, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

RAGLAN STREET NO. 56A, WATERLOO – USE HALL ON WEDNESDAY EVENINGS AS OVERNIGHT SHELTER FOR HOMELESS MEN (U99-01341)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by the Uniting Church Property Trust (NSW) (owner) for permission to use the community hall at the rear of the existing church as a shelter, subject to the following conditions, namely:-
- (1) That the use of the premises as a homeless men's shelter shall cease no later than 6 months from the date of this consent;

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- (2) That the operator of the facility shall submit to Council within one month of the date of this consent a detailed Plan of Management showing how the facility will be operated to comply with the conditions of consent and to otherwise limit the impact of the use on surrounding properties and to ensure the delivery of the appropriate level of care to the users of the facility. The Plan of Management should include specific details about such matters as follows:
- Methods and volunteer staff training for dealing with emergencies, major crises management and first aid;
 - Methods and volunteer staff training for dealing with unruly and/or violent behaviour;
- (3) That a copy of the abovementioned Plan of Management shall be kept on the premises, all volunteer staff shall be instructed on the requirements contained therein, and a clear set of rules, consistent with the Plan of Management, applying to the users of the facility, including appropriate behaviour expected within the facility, within the grounds of the facility and on the surrounding streets, shall be prominently displayed at both the street entrance to the site and on the building, to the satisfaction of Council;
- (4) That the maximum number of homeless men accommodated on the premises shall not exceed 18 persons;
- (5) That the minimum number of volunteer staff shall be two persons and at least one responsible staff member shall be on the premises at all times that the facility is operating;
- (6) That the hours of operation of the facility shall be restricted to between 8.00 p.m. Wednesdays and 8.00 a.m. Thursdays;
- (7) That the community garden shall not be used in conjunction with the facility after 11.00 p.m. and before 6.30 a.m. the following morning;
- (8) That no alcohol or narcotic substances shall be consumed on the premises;
- (9) That a movement activated light shall be installed along the side passageway to the community hall, positioned so that it illuminates the area inside the gate but not in a manner which could cause inconvenience to neighbouring properties;

- (10) That a telephone "hot line" number shall be provided to surrounding residents by way of a letter box circular and displayed on a sign at the entrance to the premises giving contact for making complaint about the operation of the facility;
- (11) That periodic inspections shall be carried out of the church grounds and the adjacent street by a member of the volunteer staff throughout the evening and immediately following the curfew time of 11.30 p.m. to check on whether any anti-social activity is being carried on outside of the premises and action shall be undertaken which is appropriate to restrict the activity so as to protect the amenity of surrounding properties;
- (12) That all required exit doors shall have single-handed action levers with no internal locking mechanism.
- (13) That a suitable garbage storage area be provided for the anticipated number of container bins required for refuse and recycling generated by the proposed use;
- (14) That the developer shall engage the services of private waste contractors for removal of waste and recycling.

NOTE: An application may be made in writing to the Director of Health and Community Services to have Council collect garbage from the premises, on charitable grounds.

- (15) That no bins or garbage containers shall be stored on the public way at any time.

and the following adopted standard conditions:

- (16) Storage/Garbage⁶⁰⁰⁹
- (17) Intruder Alarm⁷⁰⁰⁶
- (18) Ventilation⁷⁰²³
- (19) Noise⁷⁰²⁸
- (20) Compliance with Building Code of Australia⁸⁵⁰¹
- (21) Issue of Occupation Certificate⁹¹⁰¹
- (22) Portable Fire Extinguishers be Installed⁹⁵⁰¹

- (23) Fire Blanket be Installed⁹⁵⁰³
- (24) Emergency lighting⁹⁵¹⁸
- (25) Exit signs⁹⁵¹⁹
- (26) Fire detection and alarm system⁹⁵²²

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

(DPB Report 23.8.00)

AND:-

That Council convene a meeting with the Cana Community to further explore some of the concerns raised by the Community Services Section, the non-government organisations and government departments. Council could also offer to convene a follow up meeting with interested government and non-government organisations to investigate opportunities for:

- joint ventures and relocation to more suitable premises
- assisting with additional training and support of volunteers
- linking the Cana Community into the Inner City Homelessness Forum
- assisting with referral and case management
- using the need for the shelter as an opportunity to lobby Federal and State Governments in relation to improved funding for homeless support services

(DHCS Report 22.8.00)

Carried.

2.

MITCHELL ROAD, NOS. 178-180, ALEXANDRIA – ALTERATIONS AND ADDITIONS TO HOTEL INCLUDING FIRST FLOOR KITCHEN AND DINING ROOM – DEVELOPMENT APPLICATION (U00-00433)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent under the NSW Environmental Planning and Assessment Act to the

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development application submitted by Greg Crease, with the authority of Ripon Pty Ltd, for permission to make alterations including the addition of a first floor dining area subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$500 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3750, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the hours of operation for the premises shall be restricted to between 10:30am -10:00pm Monday to Tuesday, 10:30am - 11:00pm Wednesday to Thursday, 10:30am - 12:00 midnight Friday-Saturday and 11:00am - 10:00pm Sunday;
- (4) That the proposed verandah and door openings be deleted as indicated on the approved plans;
- (5) That the premises shall not be used for public entertainment;
- (6) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (7) That the cost of signposting for alteration of any kerbside parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by the

Council, unless other arrangements are approved in writing by the Director of Public Works and Services;

- (8) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (9) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (10) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (11) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (12) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (13) That all proposed work shall be wholly within the boundaries of the site;
- (14) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;
- (15) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of

stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;

- (16) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668, Parts 1 and 2;
- (17) That the construction of the ground floor bar and first floor kitchen shall comply with Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (18) That the first floor kitchen shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668, Parts 1 and 2;
- (19) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious, dangerous or prejudicial to health;
- (20) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's "Waste Management/Minimisation Fact Sheets";
- (21) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (22) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the issue of a Construction or Occupation Certificate:

(i)	All proposed mechanical ventilation systems.	Building Code of Australia and AS1668. 1 & 2.
(ii)	All required mechanical ventilation systems.	Building Code of Australia and AS1668. 1 & 2.

(iii)	The layout, disposition and method of installation of fixtures and fittings, together with wall, floor and ceiling finishes to all food preparation and storage areas.	National Code for the Construction and Fitout of Food Premises and the Food (General) Regulation, 1997.
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- (23) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to “offensive noise” as defined under the *Protection of the Environment Operations Act, 1997*;
- (24) Noise emissions from patrons and amplified music associated with the development shall comply with the following criteria:

The L_{10} noise level emitted from the licensed premises shall not exceed 5dB above the background (L_{90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background (L_{A90}) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 2.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises.

NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court the more stringent condition shall prevail.

- (26) That the applicant shall comply with the following deemed-to-satisfy provisions of the BCA or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That the proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
 - (b) That the metal pipes penetrating a wall, floor or ceiling shall be constructed in accordance with Specification C3.15-3 of the BCA and the gaps must be fire-stopped in accordance with Specification C3.15-7 of the BCA;
 - (c) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
 - (d) That electricity and telecommunication services shall not be installed in a required exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;
 - (e) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
 - (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 portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (h) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;
- (i) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;
- (j) 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;
- (k) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (l) That directional signs where necessary shall be provided in accordance with the requirements of NSW E4.6, E4.8 of the BCA and AS2293.1;
- (m) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (n) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7
- (o) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (p) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (q) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (r) That the layout of first floor shall be redesigned in accordance with D1.2(g) of the BCA in relation to access to exits. Consideration shall also be given to Clauses C2.8 and C2.9 of the BCA in relation to separation of different classifications;

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- (s) That hydrants and hose reels shall be installed in accordance with E1.3 and E1.4 of the BCA respectively. Alternatively, a certificate shall be submitted from an authorised person that the external hydrants (if any) comply with the requirements under relevant Australian Standards. A pressure inquiry from Sydney Water shall also be submitted;

and the following adopted standard conditions:

- (27) Comply With BCA⁹¹⁰⁴
- (28) Construction Hours⁹¹⁵¹
- (29) Works Within Boundary⁹¹⁵²
- (30) Construction Certificate Required⁹¹⁵⁵
- (31) Building/Demolition Noise Control⁹¹⁵⁶
- (32) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (33) Demolition to Comply With Aust Standard⁹¹⁶³
- (34) Glazing Provisions⁹³³⁰
- (35) Coverage of Fire Fighting Equipment⁹⁴²⁸
- (36) Fire Blanket be Installed⁹⁵⁰³

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.

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for breach of a condition, or *Protection of the Environment Operations Act, 1997* 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. The applicant shall ensure that its employees, agents or subcontractors provide and maintain

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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.

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

Carried.

3.

PRINCESS AVENUE, NO. 22, ROSEBERY – DEMOLISH EXISTING COTTAGE AND ERECT 2 X 2 STOREY TERRACE HOUSES – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-00425)

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 Planning and Building dated 10 August 2000.

Carried.

4.

BOURKE STREET, NO. 144, WOOLLOOMOOLOO – PROPOSAL TO USE PREMISES AS SAFE HOUSE BROTHEL – DEVELOPMENT APPLICATION (U00-00068)

This matter was submitted to Council without recommendation.

It was moved by Councillor Furness that the application be approved subject to the conditions in the recommendation of the Director of Planning and Building dated 23 August 2000, subject to the addition of a clause (31) of the recommendation, namely:-

- (31) That the applicant be requested to provide a sign:-
- (a) in the foyer of the premises in the dimensions 1 metre by 0.8 metres detailing the prices to be charged in the establishment;

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- (b) detailing Council's Sex Industry Liaison Officer's contact details regarding any complaints by customers.

The motion lapsed through want of a seconder.

At the request of Councillor Harcourt, and by consent, the motion was amended by the deletion of the whole of the above resolution and the insertion in lieu thereof of the following new resolution, namely:-

That the matter be deferred for further notification and the submission of amended plans and a Plan of Management be submitted to the Kirketon Road Centre in line with original proposals of Kings Cross Place Management Committee.

After discussion on the matter, Councillor Furness requested that the motion be put, seconded by Councillor Shaw.

The motion was then put.

Motion, as amended by consent, carried.

5.

EUSTON ROAD, NO. 171A, ALEXANDRIA – EXTEND HOURS OF CONCRETE BATCHING PLANT – DEVELOPMENT APPLICATION (U99-00798)

That the application submitted by Metromix Pty Ltd for permission to extend the hours of operation of the existing concrete batching plant to 24 hours per day 7 days per week (55 days per 6 month period), be deferred to the meeting of the Planning and Development Committee to be held on 4 October 2000, as requested by the applicant in fax dated 14 August 2000.

Carried.

6.

ENERGY EFFICIENCY – SEDA POLICY REQUIREMENTS (P55-00014)

That Council resolution of 23 February 2000, be rescinded and that Council resolves:-

- (1) That a NatHERS assessment certificate prepared by an accredited energy assessor shall be submitted with all development applications for new residential dwellings, and that new dwellings are to achieve a

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minimum 3.5 star rating under the NatHERS system, unless the proposal is consistent with the 'exemptions from compliance' contained in Development Control Plan 1997 – Urban Design;

- (2) That wall insulation (R1.5) and ceiling insulation (R 3.0) shall be mandatory for alterations and/or additions with a gross floor area (as defined by Development Control Plan 1997 – Urban Design) of 50 square metres and over;
- (3) That any clothes dryers installed in new medium/high density residential development shall conform with a minimum Greenhouse score of 3.5 stars;
- (4) to accept SEDA's offer and arrange to engage at no cost to Council the services of a Council Support Manager to aid in the implementation of the *Energy Smart Homes Program* within Council;
- (5) to suspend application of the existing Energy Efficiency Performance Report requirements for residential development under DCP 1997: Urban Design and apply as Council Policy the interim energy efficiency provisions contained in the attachment;
- (6) to undertake a comprehensive review and refinement of the energy efficiency provisions contained in Development Control Plan 1997: Urban Design as part of the approved Stage One Comprehensive Review of Development Control Plan 1997: Urban Design, in accordance with Section 51A of the Environmental Planning and Assessment Act, 1979 and Part 3 of the Environmental Planning and Assessment Regulation 1994.

(DPB Report 26.7.00)

Carried.

7.

KING STREET, NO. 145, NEWTOWN – SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION – (U00-00429)

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 Planning and Building dated 10 August 2000.

Carried.

8.

**OXFORD STREET, NOS. 56-60, DARLINGHURST – SECTION 96
APPLICATION TO AMEND CONDITION OF CONSENT TO PERMIT
EXTENDED RESTAURANT TRADING HOURS (U97-01135)**

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 Planning and Building dated 11 August 2000.

Carried.

9.

**DARLINGHURST ROAD, NOS. 213-219, DARLINGHURST – ERECT 5
STOREY MEDICAL CENTRE (24 HOURS) – DEVELOPMENT APPLICATION
(U00-00427)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Tim Shellshear (applicant), for permission to erect a building for use as a medical clinic and 24 hour Medical Centre, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$27000 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first

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instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$9000 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

(3) 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	\$1,181	2E97003.BGY0
Open Space: New Parks	\$4,906	2E97009.BGY0
Accessibility And Transport Management	\$ 34	2E97006.BGY0
	\$ 160	2E97007.BGY0
Total	\$6,281	

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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 approved building plans / before the release of the construction certificate / before the use is commenced or the premises occupied whichever occurs first.) (Delete as applicable)

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.

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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.

- (4) That the development shall be generally in accordance with plans numbered 1-7 stamped 00427/00, except where amended by the conditions of consent;
- (5) That the hours of operation for the proposed Medical Clinic shall be restricted between 8.00 am and 8.00pm;
- (6) That the management of the 24 hour general practice clinic shall be in accordance with the Part C of the addendum report prepared by Tim Shellshear and Associates (attached) provided to Council on the 28 June 2000;
- (7) That the plant room and the building services core on the roof level shall be re-aligned to be parallel with Darlinghurst Road. Amended plans shall be submitted for approval with the construction certificate;
- (8) That 12 car parking spaces shall be allocated to visitors' parking, 1 car parking lot to the chemist tenancy and the remaining 13 car parking spaces to the medical centre use;
- (9) That car spaces numbered 3,4,5,25,26 and 27 shall be marked as small car spaces;
- (10) That car space numbered 6 and 7 shall be re-aligned, including the column to assist vehicles to turn out into the aisle. Details shall be submitted with the construction certificate;
- (11) That fish-eye mirrors be installed at the top of the car park ramp an on the northern wall adjacent to the footpath at Kirketon Road;
- (12) That 3 bicycle lockers and 2 U-stands shall be provided and suitably located in accordance with AS 2890.3. Details shall be submitted with the construction certificate;

- (13) That equitable access into the proposed development shall be provided in accordance with South Sydney City Council's Equitable Access Design Policy. Details shall be submitted with the construction certificate;
- (14) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia or Local Government (approvals) Regulations;
- (15) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668 Parts 1 & 2;
- (16) That the car park shall be ventilated in accordance with AS1668.1, 1998 and AS1668.2-1991, Section 4;
- (17) That the building shall be provided with a system designed to control smoke or remove smoke in accordance with E2.2 of the Building Code of Australia;
- (18) The storage and handling of garbage and recyclable materials shall comply with the requirements of Councils Waste Management/Minimisation Facts Sheets. Details shall be submitted with the construction certificate;
- (19) The garbage/ recyclable materials room shall be constructed in accordance with the requirements of Councils Waste Management/Minimisation Facts Sheets. Details shall be submitted with the construction certificate;
- (20) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the *Protection of the Environment Act 1997*;
- (21) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council **or a certifying authority** for approval prior to the issue of a Construction or Occupation Certificate;

No	Health Aspect	Standard or Requirement
(i)	All proposed mechanical ventilation systems.	Building Code of Australia and AS1668.1 & 2.
(ii)	Smoke hazard management system.	Building Code of Australia and AS1668.1 & 2.
(iii)	car park ventilation systems	Building Code of Australia and AS1668.1 & 2, 1991
(iv)	the garbage room	SSCC Waste Management / Minimisation Facts Sheets

and the following adopted standard conditions:

- (22) Separate Application for Signs²⁰⁰¹
- (23) Comply With BCA⁹¹⁰⁴
- (24) Construction Certificate Required⁹¹⁵⁵
- (25) Comply With the WorkCover Authority⁹¹⁰⁵
- (26) Construction Hours⁹¹⁵¹
- (27) Works Within Boundary⁹¹⁵²
- (28) Work on Public Way⁹¹⁵⁴
- (29) Building/Demolition Noise Control⁹¹⁵⁶
- (30) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (31) Works to be Within Allotment Boundaries⁹¹⁵⁹
- (32) Excavations and Backfilling⁹¹⁶⁰
- (33) Excavations and Backfilling Safely⁹¹⁶¹
- (34) Guarding of Excavations⁹¹⁶²
- (35) Demolition to Comply With Aust Standard⁹¹⁶³
- (36) Works on Public Way Cost¹⁰⁰²
- (37) Builders Hoarding Permit¹⁰⁰⁸

- (38) Alignment Levels¹⁰¹⁶
- (39) Cost of Signposting³⁰²⁶
- (40) Footway Crossing³⁰²⁸
- (41) Obstruction of Public Way³⁰²⁹
- (42) Delivery of Construction Materials³⁰³²
- (43) Stormwater Standard⁴⁰⁰¹
- (44) Tree Preservation Order⁵⁰⁰⁵
- (45) Garbage on Public Way⁶⁰⁰¹
- (46) Refuse Skips⁶⁰⁰²
- (47) Commercial Garbage Contract⁶⁰⁰³
- (48) Contaminated Waste⁶⁰¹²
- (49) Disposal of Clinical Waste⁶⁰¹³
- (50) Street Trees⁵⁰⁰⁸
- (51) Trade Waste (Daily Removal)⁷⁰⁶⁴
- (52) Noise⁷⁰²⁸
- (53) Noise and Vibration⁷⁰²⁶

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated material, building materials or other materials 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. The applicant shall ensure that its employees, agents, or sub-contractors 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;

GENERAL MANAGER

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

Carried.

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

10.

LEINSTER STREET, NO. 34, PADDINGTON – ALTERATIONS AND ADDITIONS TO A SINGLE DWELLING – DEVELOPMENT APPLICATION (U99-01841)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

- (A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Louise Arnott (owner) for permission to make "Alterations and additions to the rear of a terrace dwelling, involving the reconstruction of the 2 storey extension at the rear with first floor balcony, new internal stair, reconstructed kitchen, side skylights, new side window, new bedroom, and new laundry", subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$600 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$200 or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

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- (3) That the development shall be in accordance with the plans labelled "DR 2895-1" and "DR 2895-2", dated "December 1999", except as amended by plans labelled by Council "DR 2895-1A" and "DR2895-2A" dated 14 June 2000, marked in red by Council, and stamped approved by Council, except as conditioned elsewhere;
- (4) That the handrails and balustrades shall comply fully with the requirements of Part 3.9.2 of the Building Code of Australia;
- (5) That the tree at the rear of the property shall be retained;
- (6) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of the BCA;
- (7) That an alternative solution to Condition 9 and the conditions under the title "BCA Conditions" would be acceptable if it addresses all of the relevant performance requirements of the Building Code of Australia;

and the following standard conditions:

- (8) Obstruction of Public Way³⁰²⁹
- (9) Delivery of Construction Materials³⁰³²
- (10) Stormwater Standard⁴⁰⁰¹
- (11) Clean Water Discharge⁴⁰⁰²
- (12) Refuse Skips⁶⁰⁰²
- (13) Construction Hours⁹¹⁵¹
- (14) Works Within Boundary⁹¹⁵²
- (15) Natural light and ventilation⁹⁶¹³
- (16) Soil and Sediment Prosecution Note⁷⁰⁶⁹
- (17) Ventilation⁷⁰²³
- (18) Comply With BCA⁹¹⁰⁴
- (19) Construction Certificate Required⁹¹⁵⁵

- (20) Survey Certificate at Set Out Stage⁹⁰⁰¹
- (21) Survey Certificate at Completion⁹⁰⁰²
- (22) Works Within Boundary⁹¹⁵²
- (23) Structural Design Certificate⁹⁰⁰⁶
- (24) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
- (25) Building/Demolition Noise Control⁹¹⁵⁶
- (26) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
- (27) Commencement of Structural Works⁹²⁰²
- (28) Protection from Termites⁹²⁰³
- (29) Protection of External Walls⁹³²³
- (30) Glazing Provisions⁹³³⁰
- (31) Stairs and Balustrades⁹⁴¹⁹
- (32) Smoke alarms⁹⁵²³
- (33) Protection of walls and floors in wet areas⁹⁶⁰²
- (34) Clothes washing, drying and cooking facilities⁹⁶⁰⁴
- (35) Damp and weather proofing⁹⁶⁰⁵
- (36) Ceiling heights of rooms⁹⁶¹¹
- (37) Natural light and ventilation⁹⁶¹³
- (38) Construction of External Walls for Dampness⁹⁶²⁴

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.

GENERAL MANAGER

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

Carried.

11.

TELOPEA STREET, NO. 56, REDFERN – ALTERATIONS AND ADDITIONS TO GROUND AND FIRST FLOOR AT REAR OF DWELLING INCLUDING FIRST FLOOR BALCONY – DEVELOPMENT APPLICATION (U00-00432)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Paul Moore on behalf of Mr P and Mrs S Moore (owners), for permission to carry out alterations and additions to ground and first floor at rear of dwelling including first floor balcony at 56 Telopea Street, Redfern, subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2250 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (2) That prior to issuing a construction certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$300, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment.
 - (3) That the development be generally in accordance with the plans numbered 99001/1 dated February 2000, except where amended by conditions of consent;

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- (4) That the roof of the addition shall be a skillion roof sloping from east to west with a similar pitch to the surrounding terraces;
- (5) That the first floor terrace deck shall be reduced 1.5 m to the north so that it does not overhang the courtyard;
- (6) That the terrace deck shall have a maximum depth of 1m from the wall of bedroom 1 and have a maximum area of 4m²;
- (7) That the eastern boundary wall of the deck shall have louvres;
- (8) That the skylight on the front elevation shall be deleted;
- (9) That the ground floor window on the western boundary closest to the roller door shall be deleted;
- (10) That the pergola is not to be covered;
- (11) That the eastern boundary brick fence is built entirely within the boundaries of 56 Telopea Street;
- (12) That the finish of the proposed external wall exposed to the adjoining property to the east shall be agreed upon by the relevant owner/s. Details in this regard shall be submitted with the Construction Certificate;
- (13) That a water heating system with a minimum 3.5 star rating shall be provided if a new water heating system is required;
- (14) That an application shall be submitted to the Director of Public Works and Services and approved before any existing tree on the site, covered by Council's Tree Preservation Order, is removed or lopped;
- (15) That all existing trees on the site shall be protected from construction activities by the erection of a safety fence or barricade around the drip line (canopy edge) around each tree. No materials or equipment shall be stored or placed within the fenced area;
- (16) That an alternative solution to the below mentioned conditions would be acceptable if it addresses all of the relative performance requirements of the BCA:

GENERAL MANAGER

- (a) That balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;
- (b) That all relevant sections of the BCA shall be complied with;
- (c) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (d) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (e) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (f) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (g) That the requirements of the Work Cover Authority shall be complied with;
- (h) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (i) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (j) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;

GENERAL MANAGER

- (k) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (l) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (m) That where a structural member is subject to attack by subterranean termites provision shall be made for:-
 - (i) Physical barriers in accordance with AS 1694
 - (ii) Soil treatment in accordance with B1.3 of the BCA and AS 2057
- (n) 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;
- (o) 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;
- (p) 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;
- (q) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
- (r) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (s) 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;

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- (t) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (u) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (v) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (w) That skylights providing required natural light and ventilation to habitable rooms shall be demonstrated to comply with the provisions of Parts 3.8.4 and 3.8.5 of the Building Code of Australia prior to the issue of a construction certificate;
 - (x) 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;
- (17) 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;
- (18) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (19) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;
- (20) Before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under the Roads Act 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (21) That the developer shall make an application to the Public Works and Services Department for the issuing of new alignment levels to be adopted for the design of the building and other on-site works, prior to work commencing (Warning – To ensure that

future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

- (22) That prior to the release of the construction certificate, the developer/owner shall make an application to the Director of Public Works and Services for the provision of the necessary footway crossing and also bear the cost of the crossing and reinstatement of the footpath where any existing crossings adjacent to the site are no longer required (such approval is required under the Roads Act 1993). The work shall be done by the Council, unless other arrangements are approved in writing by the Director of Public Works and Services;
- (23) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. Stormwater shall not be connected to the sewerage system. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the approval of the construction certificate;
- (24) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (25) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
- (26) That all proposed work shall be wholly within the boundaries of the site;
- (27) Despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken on the public way without a separate application to, and approval by, the Director of Public Works and Services;

- (28) That a minimum 75 litre native tree be planted to replace the existing trees to be removed, details to be shown on the construction certificate.

NOTE: That the applicant may be liable to prosecution under the Local Government Act, 1993, for a breach of an approved condition, or under the Clean Waters Act, 1970, if sediment, including soil, excavated material, building materials or other materials 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. The applicant shall ensure that its employees, agents, or sub-contractors 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 persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

STANLEY STREET, NOS. 82-84, DARLINGHURST – USE GROUND FLOOR SHOP AS RESTAURANT WITH LOUNGE BAR ON BASEMENT – DEVELOPMENT APPLICATION (U00-00589)

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 Planning and Building dated 11 August 2000, subject to a trial period of 12 months upon commencement of operation.

Carried.

GENERAL MANAGER

13.

ALLEN STREET, NOS. 25-33, WATERLOO, 4-5 STOREY MIXED USE DEVELOPMENT OF 113 RESIDENTIAL UNITS AND 23 COMMERCIAL UNITS PLUS BASEMENT PARKING – DEVELOPMENT APPLICATION (U99-00636)

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 Planning and Building dated 11 August 2000.

Carried.

14.

PLANNING – 1999 “HOUSEKEEPING” REVIEW OF LEP 1998 – ADOPTION OF COUNCIL – SECTION 68 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (2022309)

That Council resolves to:-

- (1) adopt South Sydney Draft Local Environmental Plan 1998 (Amendment No 9) as amended (including the deferral of those provisions relating to Paddington Town Hall) and refer the matter to the Secretary of the Department of Urban Affairs and Planning pursuant to 68(4) of the Environmental Planning & Assessment Act, 1979, requesting the plan be made;
- (2) approve related amendments to South Sydney Development Control Plan 1997; Urban Design – Mixed Use Map;
- (3) that upon gazettal of South Sydney Draft Local Environmental Plan 1998 (Amendment No. 9) public notice is given of Council’s decision and the commencement date of amendment to South Sydney Development Control Plan 1997: Urban Design – Mixed Use Map;
- (4) that persons who made submissions with respect to the Draft LEP be advised within 14 days of Council’s decision as required by the Department of Urban Planning and Affairs’ “Best Practice Guidelines”;
- (5) Note the restrictions on development stipulated within the Site Audit Statements for 741 and 797-801 Botany Road, Rosebery on the relevant

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Council records. Further, that the respective applicants be advised of the necessity to undertake any remedial action as described within the environmental consultants reports prior to the granting of consent to any future development.

(DPB Report 7.8.00)

Carried.

15.

**STREETS – ART WORKS PROMOTION ON DECAUX’S BUS SHELTERS
BY THE ART GALLERY OF NSW (2014501)**

That approval be given to the Art Gallery of New South Wales’ request for the display and promotion of the Aboriginal Art Exhibition on 16 bus shelters located in Macleay Street, Oxford Street and Darlinghurst Road (as per site’s list attached to this report), between 18 August and 12 November 2000.

(A/DPWS Report 14.8.00)

Carried.

NOTICES OF MOTION

1.

**ADMINISTRATION - FOOTPATH RECONSTRUCTION WORKS
PROGRAMME (2015562)**

By Councillor Mallard.

That Council invest an additional \$2 million in this financial year for the Public Works and Services Department’s Footpath Reconstruction program and that such additional budget be sourced from Council’s Financial Reserves and specifically revenue from the JC Decaux contract.

At the request of Councillor Mallard, and by consent, the Notice of Motion was withdrawn.

Carried.

GENERAL MANAGER

2.

PARKS – VICTORIA PARK – TENT EMBASSY

By Councillor Lennon.

That South Sydney City Council reaffirms its commitment to reconciliation and justice for Aboriginal people.

Council, the Mayor and the General Manager take no further steps to obtain a Court Order to remove the Aboriginal Tent Embassy from Victoria Park and refrain from enforcing any such Order, if already granted, unless directed by a full Council Meeting.

Council sends a letter to the Aboriginal Tent Embassy in Victoria Park, supporting the continuation of the Aboriginal Tent Embassy.

This matter was dealt with at the commencement of the Council meeting.

The Planning and Development Committee Meeting terminated at 8.32 p.m.

The Council Meeting terminated at 8.07 p.m.

Confirmed at a meeting of South Sydney City Council
held on2000

CHAIRPERSON**GENERAL MANAGER****GENERAL MANAGER**