

272ND Meeting

**Erskineville Town Hall
Erskineville
305634**

Wednesday, 23 May 2001

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.36 pm on Wednesday, 23 May 2001.

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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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minutes of the Ordinary Meeting of Council of 9 May 2001, be taken as read and confirmed.

At the request of Councillor Furness, and by consent, the minutes were amended:-

- (1) on Page 500 by the addition of the words "Moved by Councillor Harcourt, seconded by Councillor Lennon:-" after the line "At the commencement of business at 6.45 p.m" in the pretext to the Planning and Development's Report to Council;
- (2) on Page 497 under the heading of Item No. 2 "ANTI-SOCIAL ACTIVITIES – CLOSED CIRCUIT TELEVISION – PROPOSED INSTALLATION" by the deletion of the words "whole of the above resolution be deleted and the following new resolution be inserted" where appearing in the amendment by Councillor Mallard and the insertion in lieu thereof of the words "additional clause be added to the recommendation" and that the decision be now read as "Motion as amended by Councillors Mallard and Pooley, carried", and the new clauses to the recommendation be renumbered accordingly.

At the request of Councillor Mallard, the "Questions Without Notice" be amended by the inclusion of the following Question asked by himself, not handed in at the meeting of 9 May 2001, namely:-

1.

ADMINISTRATION – TRANSFER OF STAFF, ASSETS SALES AND ASSET STRIPPING NORTH WARD – SPROATS INQUIRY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023447)

Question:

Can Councillors have an assurance that in light of the Sproats Inquiry and results thereof, there will be no transfer of staff, asset sales and or any other form of asset stripping from the North Ward or any other area affected by the potential setting up of another Council.

Answer by the Mayor:

Council would be assured that only actions in that regard would be referred to Council through Committee in the normal process.

Minutes, as amended by Councillors Furness and Mallard, were then confirmed.

At this stage it was moved by Councillor Pooley, seconded by Councillor Lay, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, that South Sydney Council censures the Mayor,

GENERAL MANAGER

Councillor Fowler, for the letter he sent to charities and non-government organisations in the local area on the issue of homelessness.

Carried.

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

HOMELESSNESS IN SOUTH SYDNEY – CENSURE MOTION AGAINST MAYOR REGARDING LETTER SENT TO CHARITIES AND NON-GOVERNMENT ORGANISATIONS IN THE LOCAL AREA (2024647)

- (1) That South Sydney Council censures the Mayor, Councillor Fowler, for the disgraceful, tasteless and offensive letter which he sent to charities and NGO's in the local area on the issue of homelessness.
- (2) That the Mayor publicly acknowledges that no other Councillor saw that correspondence before it was dispatched.
- (3) That South Sydney Council reaffirms its commitment to all residents in the area including those currently described as homeless.
- (4) That South Sydney Council acknowledges that the issue of homelessness and a compassionate response to it is of much more fundamental importance than allegations surrounding vermin and the amenity of those parks.
- (5) That South Sydney Council seeks a full and unconditional apology from the Mayor to be forwarded to all those that received your original correspondence and for you to convene a meeting with those Councillors.
- (6) That the apology be printed on the front page of the next Inner City News.
- (7) That any further correspondence from the Mayor to other agencies on the issue of homelessness be presented to Council for ratification prior to dispatch.

At the request of Councillor Furness, and by consent, the motion be amended by the deletion of clause (6) concerning an apology in the next Inner City News.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

17 May 2001

**CELEBRATIONS – NATIONAL RECONCILIATION WEEK 2001 –
CONGRATULATIONS (2017734)**

National Reconciliation Week will be celebrated from 26 May to 3 June 2001.

Staff at South Sydney Council have organised a number of events celebrating National Reconciliation Week and working towards making reconciliation a reality in our communities, workplaces and organisations.

Firstly, I would like to congratulate Darryl Wright, Council's Aboriginal Development Officer and other staff of our Community Services Department who have put together an exciting program of activities including:

- **Aboriginal and Torres Strait Islander Flags**
Council will place Aboriginal and Torres Strait Islander flags in front of the Council Chambers at Erskineville Town Hall and also at Taylor Square to celebrate National Reconciliation Week 2001.
- **The Freedom Ride 2001 Poster Art Exhibition and Competition**
This exhibition and competition is a joint project of the Eastern Regional Local Government Aboriginal Islander forum, initiated by South Sydney Council. The exhibition is part of the Sydney Opera House's Message Sticks program celebrating contemporary indigenous culture and will be displayed in the Studio Foyer at the Opera House from 22 May to 3 June. The exhibition is a collection of poster works by Aboriginal and Torres Strait Islander artists reflecting on the history of Australian Indigenous social conditions since the historic 1965 "Freedom Ride" initiated by Charles Perkins. Prizes have been awarded to the three winners of the competition.
- **Sea of Hands at Victoria Park**
Council will be installing with the assistance of the pupils of Darlington, Plunkett Street, Waterloo, Bourke Street, Redfern and Mt Camel primary schools and Cleveland Street High School the Sea of Hands at Victoria Park. The Sea of Hands will be on display on Saturday 26 and Sunday 27 May at Victoria Park.
- **Back to the Block BBQ and Entertainment**
Organised by the Redfern Residents for Reconciliation and South Sydney Council, this BBQ and entertainment on Saturday, 26 May from 3.00 pm to 8.00 pm will celebrate the reconciliation process and the community in the Block area.

GENERAL MANAGER

- **Aboriginal Cultural Awareness Sessions**
Peter Sanford will talk about Aboriginal culture and reconciliation issues, from an Aboriginal perspective at the following venues:
 - Kings Cross Library on Tuesday, 29 May from 6.30 pm – 8.30 pm,
 - Surry Hills Neighbourhood Centre on Thursday, 31 May from 6.30 pm – 8.30 pm, and
 - Redfern Town Hall on Saturday, 2 June from 3.30 pm – 5.30 pm.

- **Waterloo Library**
Waterloo Library will also specially feature its extensive indigenous holdings during National Reconciliation Week.

RECOMMENDATION:

That Council notes the exciting program of activities planned for National Reconciliation Week 2001 working towards making reconciliation a reality in our communities, workplaces and organisations and congratulates Darryl Wright, Council's Aboriginal Development Officer and the staff of Council's Community Services Department for organising the celebrations.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Mallard:-

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

Carried.

MINUTE BY THE MAYOR

17 May 2001

PUBLIC RELATIONS - "WALKING THE BIRD – A COLLECTION OF PROSE AND POETRY BY OLDER WRITERS" (2019355)

Council has received a letter dated 17 May 2001 from Kings Cross Community & Information Centre seeking South Sydney Council's support to host a launch of "Walking the Bird – a Collection of Prose and Poetry by Older Writers" at the Kings Cross Library.

Council has provided half the publishing costs of this anthology through its Community Grant Program.

GENERAL MANAGER

The Kings Cross Community Information Centre envisage a launch within the next six weeks at an early evening function for about 60 people including local residents. They would like to approach a local author, such as Mandy Sayer, to officially launch the book.

It is proposed Richard Perram, Council's Special Events Officer liaise with the group concerning the date and organisation of the event.

The cost of the event will be covered from within the 2001/2002 Estimates.

RECOMMENDATION:

That Council agrees to the request of the Kings Cross Community & Information Centre to host an early evening launch of "Walking the Bird – a Collection of Prose and Poetry by Older Writers" at the Kings Cross Library and that Council's Special Events Officer liaise with the group to determine the date and organisation of the event for which funds have been provided for within the 2001/2002 Estimates.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Lennon, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

22 May 2001

**COMMITTEES – COUNCIL PARTICIPATION IN THE SYDNEY
HARBOUR COUNCILS AGREEMENT (2024659)**

On 2 May, 2001 the General Manager and I attended a meeting of Mayors and General Managers of all the Sydney Harbour Councils. The meeting was called to discuss the implementation of "An Agreement between the Sydney Harbour Councils and the Sydney Harbour Manager for managing Sydney Harbour, its tributaries and catchment as a special place."

The Agreement has the following purposes:-

- To provide the Sydney Harbour Councils with an enduring mechanism for action to better research, plan for, manage and protect the whole harbour and catchment, consistent with our primary obligations to our local communities and

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within our powers and resources.

- To enable the Sydney Harbour Councils to effectively collaborate and negotiate with the New South Wales Government and its agencies in a coordinated manner on matters concerning the management of Sydney Harbour.
- To enable the Office of Sydney Harbour Manager to facilitate effective communication between the agencies and Councils which manage the harbour.

The Agreement is about strategic concerns. It sets out the issues and principles which should guide planning and joint action in managing the harbour and its catchment.

A copy of Agreement to be signed is attached for the information of Councillors.

The decision before Council is whether to participate in the process. No doubt the Agreement will be refined and further developed once the Sydney Harbour Councils have been convened. Any such changes to the present Agreement will be made jointly by the parties to the Agreement, including the Sydney Harbour Manager.

The Agreement does not impinge on the independence of member Councils to act in accord with their primary obligations to serve the needs of their local communities.

I believe that the Agreement provides a powerful tool for Council to act in collaboration with other Councils to:

- (1) develop joint approaches related to Sydney Harbour and;
- (2) to contribute to the policies, programs and processes of the New South Wales Government as they affect the catchment area.

One of the most important effects of the Agreement is to set up clear communication channels from Council to Council and between Councils and the Government and its agencies.

The Agreement establishes two new management mechanisms:

- Sydney Harbour Councils (see CI 3.2.1.)
- Sydney Harbour Councils Executive (see CI 3.2.2.)

To make these arrangements work productively and efficiently, and with the least impact on Council's other operations, Council will need to agree to appoint a senior executive as its Sydney Harbour Councils Executive Member. This officer will exercise authority in specific areas and be accountable for actively communicating with counterparts in other Councils and agencies, including reporting to the Council through the General Manager. The details of these obligations are listed in CI 3.2.3.

I intend to have the General Manager appoint the Director of Public Works and Services, Mr. Ron Wilcoxon, to be Council's senior executive on the Sydney Harbour Councils Executive.

RECOMMENDATION:

That:-

- (1) Council become a party to the Agreement between the Sydney Harbour Councils and the Sydney Harbour Manager;
- (2) the Mayor sign the Agreement on behalf of the Council;
- (3) the Director of Public Works and Services be appointed as the Council's representative on the Sydney Harbour Councils Executive with the authority and accountabilities prescribed in Cl 3.2.3. of the Agreement.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Lennon, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

22 May 2001

**PUBLIC RELATIONS – CLOSURE AND SALE OF NEWTOWN
POLICE CITIZENS YOUTH CLUB (PCYC) (2016558)**

In relation to Councils resolution on 25 October 2000 regarding the closure and intended sale of the Newtown PCYC, I have recently had a meeting with several community representatives who are campaigning to halt the sale. I have also sought and gained the support of the Marrickville and Woollahra Council Mayor's in addressing the closure of the PCYC's in our respective local communities.

Council also resolved to lead a delegation of the Mayor's to speak to the Minister for Police, the Honourable Paul Whelan, and seek his support for the deferral of the closure and sale of the clubs. My office has repeatedly tried to set up a meeting with the Minister however, his office has not returned our calls therefore, it has not been possible to meet.

RECOMMENDATION:

I therefore propose that Council holds a public meeting to discuss the closure and intended sale of the Newtown PCYC and its future. An invitation will be extended to

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the Minister for Police and the PCYC Chief Executive Officer, Ms Deborah Mills, and Chairperson, Mr Denis Clearly to attend.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Harcourt:-

That the minute by the Mayor, be approved and adopted, subject to the minute being amended by the addition of the words to the recommendation "and that the meeting be held on 2 July 2001 at Erskineville Town Hall at 7.30 p.m., and that the amount of \$5,000 be added to the 2000/2001 Budget".

It was moved by Councillor Furness, seconded by Councillor Lennon that the matter be deferred and referred to the appropriate Committee.

Councillor Furness withdrew his amendment.

At the request of Councillor Lay, and by consent, the motion was further amended by the addition of a clause (2) to the recommendation, namely:-

- (2) That Marrickville Council be asked to participate with South Sydney Council in the conduct of a joint meeting of both Councils with any costs being incurred by both groups.

Motion, as amended by consent, carried.

At the request of Councillor Furness, the Mayor asked that the organisers of the public meeting invite the Local State Member for Marrickville to the meeting.

MINUTE BY THE MAYOR

22 May 2001

PLANNING – CITY MANAGEMENT – VISIT BY COUNCIL REPRESENTATIVES TO VICTORIA (2024647)

I have recently had the opportunity of meeting both the Mayor of Port Philip and the Mayor of Moreland Council in Victoria. These areas together with the City of Yarra share many common planning characteristics and face many of the same planning issues as this Council.

Port Philip is facing issues associated with an increase in backpacker and shared accommodation and is the location of many of Melbourne's sex industry premises.

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They are also having to deal with the issue of affordable housing and homelessness. These Councils by their location, on the fringe of the C.B.D. of Melbourne, like South Sydney, are undergoing extensive urban regeneration.

The challenge of funding and delivering civic improvement projects are common themes. I believe that there is much to be gained by strengthening our links with these Councils and sharing our experiences.

The Mayors have indicated their support and therefore I propose that interested Councillors and the Directors of Planning and Building and Public Works and Services visit the Councils during the July recess (Wednesday 11 July to the 13 July). Strengthening professional links, with Councils with which we have issues in common, will enable this Council to ensure that its services are at the cutting edge. It could also lead to other benefits such as opportunities for staff exchange.

RECOMMENDATION:

That interested Councillors, the Director of Planning and Building and Director of Public Works and Services, visit the City of Port Philip, Moreland and Yarra for which funds are available in account codes, 1.51.3210.12105, 1.11.5310.12105 and 1.44.2670.1.2220.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

18 May 2001

**PUBLIC RELATIONS – HOMELESSNESS IN SOUTH SYDNEY –
MEETING WITH CHARITABLE ORGANISATIONS (2024647)**

As you would be aware South Sydney Council has come under public scrutiny over letters forwarded to charitable organisations requesting they defer from distributing bedding and setting up regular food van services in Council's Parks and Reserves.

South Sydney has a major problem with homelessness and it has come to my attention that a positive step needs to be taken to work with charitable organisations and community groups to discuss and resolve issues of anti-social behaviour that

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have been affecting residents and ratepayers of South Sydney, such as the problems associated with Tom Uren Square and Wallamulla Reserve.

For this reason I propose that a meeting be convened by the Mayor and Deputy Mayor and inviting representatives of the State Government and the charitable organisations contacted via letter of 4 May 2001. The aim of this meeting would be to achieve a positive resolution to address this sensitive issue.

RECOMMENDATION:

That a meeting be held with the Mayor and Deputy Mayor on Thursday, 31 May 2001 at 10.30 am in the General Manager's Boardroom, with invitations being extended to representatives of charitable organisations who work with the homeless in South Sydney, a representative from the State Government and appropriate staff of Council's Health and Community Services Department.

Councillor John Fowler (SGD)

Mayor

Moved by the Mayor, seconded by Councillor Shaw:-

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

At the request of Councillor Shaw, and by consent, the motion was amended by the addition of the words to the recommendation "and any interested Councillors be invited to attend".

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

23 May 2001

**ADMINISTRATION – SOUTH SYDNEY CITY COUNCIL –
RESPONSE TO THE SPROATS INQUIRY (2023447)**

The Minister for Local Govt, Harry Woods has requested a formal response to the Sproats report by June 4. That response is currently being drafted.

The central thrust of the response will be to focus on the two alternatives for major boundary changes.

The 8 into 4 option would:

- Improves the financial basis of the City of Sydney and the new Port City, yet reduces the financial viability of the new Inner-west and Coastal Councils

GENERAL MANAGER

- Disrupt the lives of thousands of staff who work for these councils
- Split the area of the South Sydney Development Corporation currently under South Sydney City Council's governance into two LGAs, the City and the Port
- Provide little or no economies of scale (as evidenced by similar situations in South Australia, Tasmania and Victoria)
- Be opposed by a majority of residents
- Likely to be opposed by a large number of councillors elected to these new bodies (as evidenced by the Canada Bay fiasco)
- And, most importantly, bring us not one step closer to resolving the major problems confronting local government today

The alternative to Recommendation 4 would see the North Ward ceded to Sydney City Council.

While the three Neighbourhood Advisory Boards in Woolloomooloo, The South Paddington Association and the Centennial Park Residents Association have supported the retention of the council area, some residents of the North Ward of South Sydney City Council, in particular the East Sydney Neighbourhood Association, 2011 Residents' Group and The Kings Cross Chamber of Commerce have been vocal in their desire to transfer the area to the control of the City of Sydney.

There is the view that Darlinghurst-Kings Cross would have no brothels, street prostitution or drug crime under the control of the ratepayers of the CBD.

On the weekend of 19-20 May, South Sydney City Council commissioned an extensive phone survey of the LGA, including a large number in the North Ward. In stark contrast to the push-polling organised by Sydney City Council, those called in that Ward were asked: Would you prefer your area: (1) To be transferred to the City of Sydney Council, or (2) To remain under South Sydney City Council with its present boundaries unchanged.

Fewer than one-third of respondents stated that they wished to be transferred to the city with a greater number saying they wished to remain in South Sydney. This survey took place in a climate of controversy over the medically supervised injecting room, rising crime rates, and an unrelenting campaign by the Lord Mayor.

Despite this PR campaign and the small but very vocal resident action group, the result of this survey confirms the belief that a plebiscite of the North Ward residents would clearly affirm the majority's wish to stay under the local governance of a non CBD Council.

As such, I believe this option (of the removal of the North Ward) is not acceptable; it is not acceptable to the residents, there is a little benefit to the city, and it would be of great detriment to the effective functioning of what would remain of South Sydney City Council.

RECOMMENDATION:

That the Mayor be authorised to forward Council's response to the Sproats Report to the Minister for Local Government, The Hon. Harry Woods based on the above summary, rejecting the boundary recommendations of the Sproats Report as detailed in the Mayoral Minute of 23 May 2001.

Councillor John Fowler (SGD)

Mayor

Moved by The Mayor, seconded by Councillor Pooley:-

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

It was moved as an amendment by Councillor Mallard, seconded by Councillor Bush, that the Mayoral Minute be split up into Sections, being Section 1 from the third paragraph of the minute to the fifth paragraph and Section 2 from the fifth paragraph onwards.

Amendment negatived.

Motion, carried.

MINUTE BY THE GENERAL MANAGER

21 May 2001

**PROPERTIES – BROADWAY, NOS. 147 – 179, ULTIMO –
OCCUPATION BY SQUATTERS (2023331)**

Council resolved on 14 March, 2001, to serve the squatters with a notice to vacate the premises on or before 16 May, 2001. This notice was given to the squatters and placed on the entrance to the premises.

At an Extraordinary Council meeting held on 3 May, 2001, it was resolved that Council request that the caretakers lease be signed with "Empty Spaces – Temporary Places". This lease was to be effective from the date of signing to 16 May, 2001.

Due to these resolutions, and the expectation to finalise the contract on 18 May, 2001 or very soon thereafter, and the fact that Council was required to give the property with vacant possession, the Acting Director of Corporate Services and the Acting Property Branch Manager went to 149-151 Broadway, Ultimo on 17 May, 2001, to take possession of the premises. The Officers entered the premises and spoke to the

GENERAL MANAGER

people that were still occupying the space, asking them to leave. This was being complied with, and Council's Tradesmen then began to secure the building.

A number of squatters then arrived at the building and questioned what Council staff were doing, and indicated there was an agreement to continue occupancy until a meeting at 4pm that afternoon.

Later that morning the Acting Director of Corporate Services and the Acting Property Branch Manager were made aware that a meeting had been arranged for 4pm that afternoon with Australand Holdings Ltd and Council regarding proposed new lease arrangements with the squatters. On the basis of this, it was appropriate that Officers leave the premises.

At the meeting on 17 May, 2001 at 4pm, Australand Holdings Ltd stated that they would be prepared to sign a lease with the squatters for 147 Broadway, Ultimo, subject to legal advice, so that a lease would actually be signed as a template that could be used for future agreed occupancies.

RECOMMENDATION:

That the above report be submitted and noted by Council.

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Pooley:-

That the addendum recommendation detailed in the minute by the General Manager dated 22 May 2001, circulated to all Councillors prior to the Council Meeting, be approved and adopted, namely:-

That Council endorses the action agreed to at the meeting on 17 May 2001, involving Australand, Councillors and Council Officers, that Australand would take over control of Nos. 147 – 179 Broadway without vacant possession, subject to the legal advice, so as to expedite completion of the contract.

After discussion on the matter, Councillor Furness, seconded by Councillor Lennon, moved that the motion be put.

Motion to be put negatived.

It was further moved by the Mayor, seconded by Councillor Harcourt, that the motion be amended by the addition of a clause (2) to the recommendation, namely:-

- (2) That if no further submission has been received from Australand regarding the lease, that the matter be referred to a decision of the full Council.

GENERAL MANAGER

Motion, as amended by the Mayor, carried.

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

MINUTE BY THE GENERAL MANAGER

21 May 2001

ADMINISTRATION – EASTERN DISTRIBUTOR LOCAL AREA IMPROVEMENT PLAN (LAIP) – CONSTRUCTION PACKAGE G MOORE PARK ROAD – PURCHASE OF MATERIALS (2023888)

In accordance with Council resolution dated 20 March 2000 approval was given for the construction by contract for works to complete the Eastern Distributor (LAIP) on nominated roads in South Sydney. This work is being undertaken by Council on behalf of the Roads & Traffic Authority (RTA) which is meeting the full cost of the work.

Construction Package G comprises work to widen and landscape the median in Moore Park Road (Driver Avenue - Cook Road) and to construct intermittent kerbside islands.

The detailed design for the package has been finalised and involved community consultation. The design includes tree planting within the widened median. For vehicle safety a redirective kerb to prevent vehicle impact into the trees is necessary on the edge of the median.

The selected kerb is a **proprietary design product called Elsholz Kerb** available through one NSW supplier. This treatment has been used on RTA projects including the Anzac Bridge and the selection of this kerb for Moore Park Road is endorsed by the RTA Officers involved with the LAIP work.

Attached in the relevant file is a copy of the RTA Design Guide for this kerb, photographs of the kerb to be used and a budget price quotation from the kerb supplier.

The budget price is \$160,853.00 and Council's Purchasing Procedure requires goods costing in excess of \$100,000 be purchased subject to Council approval following a tender process. The Local Government Act 1993 Division 1 Tendering Clause 55 Section (3) permits the Council to resolve not to proceed to tender a contract if a satisfactory result would not be achieved due to the unavailability of competitive tenderers.

The RTA has stated that early completion of the LAIP Works is critical and any delay to the construction due to an unnecessary tendering process is to be avoided. Early

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purchasing of the kerb would enable a construction contractor (to be appointed by Council on the basis of competitive tenders) to start, and finish, the project work promptly. Funds are available in the 2000-2001 Budget under Project 21031 (Eastern Distributor LAIP/Local Area Works).

RECOMMENDATION:

That approval be given to waive Council's Purchasing Procedure and proceed by direct negotiation to purchase Elsholz Kerb at an estimated cost of \$160,853.000 with funds available in the 2000 - 01 Budget allocation, for subsequent incorporation into Package G (Moore Park Road - Area 3) of the Eastern Distributor LAIP on the basis that there is only one supplier of the product in NSW.

J. W. Bourke (SGD)
General Manager

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

17 May 2001

**PLANNING – OXFORD STREET REFERENCE GROUP –
RECOMMENDATION FOR COMMUNITY REPRESENTATIVES (2023456)**

I have received a report prepared by the Director of Planning and Building outlining nominations received from community representatives and making recommendations for the acceptance of community nominations to the Oxford Street Reference Group.

I recommend Council deal with this matter as outlined in the undermentioned report, namely:-

Recommendation:

That Council approve:-

- (1) The following individuals to be the Community Representatives on the Oxford Street Reference Group:

Mr. Victor Allen – East Sydney Neighbourhood Association
Mr. Phillip Black – South Sydney Heritage Society

GENERAL MANAGER

Mr. Scoot Hill – Architect
Mr. Nigel Dickson – Architect/Urban Designer
Mr. Bruce Docker – Baptist Inner City Ministries
Ms. Robyn Attuell – Paddington Society
Mr. Robert Tait – Retail Proprietor
Mr. Ken Holmes – Retail Proprietor

- (2) That invitations be sent to the successful nominees, the Local Area Command, The Member for Bligh, Respective Mayors of Woollahra Council and the City of Sydney for the first meeting of the group be held on Tuesday evening 19 June 2001, at Paddington Tow Hall.

(DPB Report dated 23.5.2001)

J. W. Bourke (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Lennon:-

That the recommendation of the Director of Planning and Building in the report dated 23 May 2001, accompanying the minute by the General Manager, be approved and adopted.

Carried.

MINUTE BY THE GENERAL MANAGER

23 May 2001

COMMITTEES – SCHEDULE OF MEETINGS FOR COMMITTEE AND COUNCIL – CHANGE OF DATE OF STANDING COMMITTEE MEETINGS OF 27 JUNE TO 26 JUNE 2001 (C63-00019)

TO COUNCIL

An invitation has been forwarded to Council from the Office of the Minister for Planning, Dr. Andrew Refshauge, regarding the launch at Parliament House of the Green Square Oral History Project on Wednesday, 27 June 2001 at 6.00 p.m.

This project was funded by South Sydney City Council and co-ordinated by the South Sydney Development Corporation.

As this launch directly involves South Sydney City Council, it would be appropriate that Councillors and relevant Senior Staff attend the function. Council on 13 December 2000, adopted the Schedule of Meeting Dates for Council and

GENERAL MANAGER

Committees 2001 and it is suggested that the Committee Meetings scheduled to be held on Wednesday, 27 June 2001, be now re-scheduled to Tuesday, 26 June 2001.

RECOMMENDATION:

That the Schedule of Meeting Dates for Council and Committee for 2001 be amended to allow for the Standing Committee Meetings to be held on Wednesday, 27 June 2001, being re-scheduled to Tuesday, 26 June 2001, in order for the attendance of Councillors and relevant staff of the launch of the Green Square Oral History Project and that the change of date be advertised in the local press.

J. W. Bourke (SGD)

General Manager

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

PETITIONS

1.

The Mayor tabled a petition received at the Community Services Committee Meeting held on 16 May 2001 with approximately 600 signatures appended from residents of various Local Government areas requesting Council not to enter into new commercial arrangements with companies that are involved in Woodchipping of native forests.

Received.

2.

The Mayor tabled a petition with approximately 78 signatures appended from residents of various Local Government areas objecting to the proposed closure of Erskineville Public School.

Received.

3.

Councillor Bush tabled a petition with approximately 43 signatures appended from residents of Erskineville and surrounding suburbs requesting that the car park in front of Best Ever Dry Cleaners on Erskineville Road be reopened to stop cars parking down the side streets and blocking residents' private driveways.

Received.

GENERAL MANAGER

4. Councillor Bush tabled a petition with approximately 60 signatures appended from residents of South Sydney requesting further alterations to the proposed alterations to the intersection of Abercrombie, Lawson and Ivy Streets, Darlington.

Received.

QUESTIONS WITHOUT NOTICE

1. **FINES – DISTRIBUTION OF ADVERTISING MATERIAL – ENFORCEMENT OF LITTER LAWS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (F52-00004)**

Question:

On 1 April 2001, new State Litter Laws relating to the distribution of advertising material such as leaflets, brochures or flyers came into force. I understand the enforcement of such laws is to be mainly the responsibility of local Councils. Could a report be prepared for Committee on how this Council might carry out this enforcement and include an option for requesting funding for this new responsibility from the State Government?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report for Committee.

2. **STREETS – WESTERN SIDE OF BUCKLAND STREET, CHIPPENDALE – WIDENING OF FOOTPATH- QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2017553)**

Question:

I refer to a budget allocation of \$250,000 for the purpose of widening the footpath on the western side of Buckland Street, Chippendale between Myrtle and Daniels Streets. Can the Director of Public Works and Services advise when this matter is to be put to the Traffic Committee and when the design work is to commence as I have been advised to expect the commencement of construction in approximately December 2001?

Answer by the Mayor:

There were a number of works in that item to the Traffic Committee last December which entailed substantial monies and one of them is the widening of that footpath. I do not expect that some of these works will be done in the

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two months that is the expectation of some of the residents. However, I will ask the Director of Public Works and Services to have a report prepared for the Councillor Information Service on the update of that procedure.

3.

PARKS - FOOTPATH RECONSTRUCTION PROGRAM – MAINTENANCE OF GRASSED AND PLANTED VERGES- QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2004457)

Question:

A number of residents have questioned Council's ability to maintain the grassed and planted verges recently installed as part of the footpath reconstruction program. Could the Director of Public Works and Services advise Council on plans to manage this extra responsibility?

Answer by the Mayor:

I will ask the Director of Public Works and Services to have a response prepared for the Councillors Information Service.

4.

CLEANING – BACKPACKERS TASKFORCE – PROMOTING THE DONATION OF UNWANTED CARS. - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS. (2017302)

Question:

At a recent meeting of the Backpackers Taskforce in Randwick, there was discussion of the idea of promoting the donation of unwanted cars to Council as opposed to simply abandoning them on the street.

Could a report be prepared for Committee on how South Sydney could also promote such an option to our residents, particularly backpackers?

Answer by the Mayor:

It has been done on a number of times before. I will ask the Director of Public Works and Services to unearth those reports and have them circulated to you through the Councillors Information Service.

5.

LAWSON STREET, NO. 112, REDFERN – LEGAL ACTION TO ENSURE COMPLIANCE WITH COURT ORDER - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2015638)**Question:**

I make reference to a report by the Director of Planning and Building dated 16 May 2001, in the Councillors Information Service No.21, regarding Nos. 112, 114, 116 Lawson Street, Redfern. I have sighted a letter dated 1 May 2001, from Council to the property owner requesting access to the site to determine, among other things, compliance with an order from the Land and Environment Court dated 14 August 2000. I understand from speaking with the Director of Planning and Building this week that no reply has been received to date.

Can Council take legal action to ensure compliance with this Court Order as I suspect the owners has not even the slightest intention of doing so?

Answer by the Director of Planning and Building:

Council's Solicitors have been instructed to commence necessary proceedings to obtain access.

6.

KNIGHT STREET, NOS. 15 - 23A, ERSKINEVILLE – EXCAVATION OF COLLAPSED TERRACE HOUSE- QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (U98-00569)**Question:**

Mr. Mayor I refer to a construction site at No. 13-23A Knight Street, Erskineville. Recently, a Victorian terrace house on the site collapsed and this was to be maintained as a condition of a development consent. I have reason to suspect that excavations were not executed in accordance with appropriate professional standards and have also received a complaint from a neighbouring resident claiming to have heard heavy machinery being operated on the site during the night the house collapsed.

Can a report be prepared for Committee advising legal options available that Council can take against their developer and which will also assist this Council in sending an unequivocal message to other developers who allow protected structure to collapse?

Answer by the Director of Planning and Building:

We would appreciate any evidence as to who was driving the vehicle because that's the type of evidence we would need if we are to successfully prosecute. So if whoever contacted you, could provide us with the name of the company and the person who was driving, that would be the basis of the prosecution.

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7.

CLEANING – THE SHANNON HOTEL BETWEEN MYRTLE STREET AND DANGAR PLACE, CHIPPENDALE - CLEAN UP OF LANEWAY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (C56-00015)

Question:

There is a small lane behind the Shannon Hotel in Chippendale running between Myrtle Street and Dangar Place. The lane is unpaved and full of rubbish which often includes syringes. I believe the lane may be only partially owned by Council.

Could the lane be cleaned up and could the Department of Public Works and Services suggest ways for keeping this lane in clean and safe condition?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report for the Councillors Information Service.

8.

PARKS – RUSHCUTTERS BAY PARK – INCREASE IN FREQUENCY OF LITTLE COLLECTION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON. (2020925)

Question:

There is a consistent litter problem in Rushcutters Bay Park on the Woollahra Council side of the park. Can Council write to Woollahra Council asking for an increase in frequency of litter collection at Rushcutters Bay Park?

Answer by the Mayor:

I am happy to write to them with your concerns, but it is pointed out that Council's have care and control of those lands, they are not actually owned by Councils. So it is up to the Council, how they care and control.

9.

TREES – STREET TREE MASTER PLAN – RANDOM PLANTING OF NATIVE PLANTS AND TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2009309)**Question:**

Can Council amend its Street Tree Master Plan on street and park tree plantings to include random planting of natives to secure the bird life habitat?

Answer by the Mayor:

I will have the Director of Public Works and Services respond to you in the Councillors Information Service.

10.

PARKING –PORTABLE RESIDENT PARKING PERMIT – FEASIBILITY - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P01-00042)**Question:**

I tabled a letter from Mr. Noel Whitaker of Iris Street, Paddington regarding the creation of a portable resident parking permit for households which do not have a car but may occasionally hire a car or have a visitor.

Can Council respond to Mr. Whitaker's letter and prepare a report on temporary and portable parking permits for households which do not have a car in areas where there is a resident parking scheme?

Answer by the Mayor:

There is a review of the Car Parking Scheme which was a part of the Management Review process and it will come back to Committee when the consultants report is finalised.

11.

RECORDS –SOUTH DOWLING STREET - CHANGE OF NAME - PROGRESS QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2012349)**Question:**

A few months ago, the idea of changing South Dowling Street to St. Sophia Avenue came to Council and it was rejected. We were going to have a report come back about it being Sydney Common Road. Where are we with the process?

Answer by the Mayor:

I will refresh your memory, there were three choices given to all the residents and property holders on that street. There was a rejection of all of those names.

There was a majority moved on business concerns and other questions that said "Retain South Dowling Street" until you would like the matter to come back to the Council and then go back to the Geographic Names Board you may, but it was resolved in the survey by the residents. It relates back to the property holders who have a right to say whether or not to change the name and the majority view was against the change. I will have the Director of Public Works and Services report back to Committee proceedings that we debated through the Councillors Information Service.

12.

WELFARE – BROADWAY NOS. 147-179, ULTIMO - SQUATTERS QUEUE JUMPING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2024647)**Question:**

Where did Councillor Mallard get the idea that the Squatters would queue jump and what was the queue for?

Answer by Councillor Mallard:

Obviously the squatters are queue jumpers. Its dog eat dog in that place. I have had young people go and knock on that door to live there and were told to go away by the squatters. There are homeless people out there that can't get accommodation and these people don't need it. There has been no means testing and that's the answer. In our submission to the homelessness summit voted on by all of us, we said squatting should be means tested. We said that in our submission and that's fundamental.

13.

FORBES STREET NOS. 99-135, WOOLLOOMOOLOO – COMPLIANCE OF DEVELOPMENT APPLICATION CONDITIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (U00-01400)**Question:**

Regarding Alpha Beta College, Forbes Street, Woolloomooloo can Officers confirm that the College has complied with the Development Application conditions. Namely advising the staff and students that there is no parking available in the locality?

Answer by the Mayor:

I will ask the Director of Planning and Building to respond to you through the Councillors Information Service.

14.

PUBLIC RELATIONS – HOMELESSNESS SUMMIT – LETTER OF CONGRATULATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023643)**Question:**

Could the Mayor, on behalf of Council please send a letter of thanks and congratulations to the Hon. Janella Saffin MLC, the Hon. Ian Cohen MLC and the Hon. Kevin Rozzoli MP for jointly convening the Homelessness Summit at the Legislative Council NSW Parliament, on May 14-16, 2001. The Summit was a very focused and productive event?

Answer by the Mayor:

Yes.

15.

WELFARE –HOMELESSNESS SUMMIT - NSW PARLIAMENT - RECOMMENDATIONS –QUESTION WITHOUT NOTICE BY COUNCILLOR LAY. (2024647)**Question:**

Could the Director of Health and Community Services have a report containing the recommendation of the Homelessness Summit prepared for Council's Committee with a view to this Council adding its endorsement to that of the attendees of the Summit?

Answer by the Mayor:

I will ask the Director of Health and Community Services to prepared a report for Committee.

16.

DEPARTMENT – COUNCIL STAFF - CONVEYANCE OF THANKS TO STAFF ASSISTANCE DURING HEAVY RAINS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (D51-00140)

Question:

Could the Director of Health and Community Services please convey my thanks and I believe that of my fellow Councillors to the members of Council's Ordinance and other staff, through the SES, who assisted residents and businesses of South Sydney during the recent heavy rains.?

Answer by the Mayor:

I will as the Director of Health and Community Services to liaise with Council in terms of an appropriate response.

17.

COMMUNITY SERVICES – RECONCILIATION WEEK – INDIGENOUS POSTERS ART COMPETITION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2023117)

Question:

In light of the Mayors minute on reconciliation week, I would like to ask that a report be prepared as to future Reconciliation Week Indigenous Posters Art Competition?.

Answer by the Mayor:

I will ask the Director of Health and Community Services to prepare a report for committee.

18.

PARKING – KING STREET AND CITY ROAD, NEWTOWN – PARKING METERS PROBLEMS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2019990)

Question:

Several businesses and individuals concerned at the way in which this Council had dealt with the issue of parking meters for King Street/City Road Newtown, have contacted me. I wish to table 2 letters in particular written by Mr. Mark Skelsey, a Newtown resident which detail the apparent history of this matter through Council and the problems appearing in Glebe Point Road, Glebe after the introduction of meters by Leichhardt. I do not believe my last question to Council regarding the resolution of Traffic Committee to undertake a study of

the impacts of meters, particularly in King Street on surrounding residential streets has been adequately dealt with.

Could I have a further report in light of the impacts of meters in nearby Glebe Point Road, Glebe Newspaper article I am also tabling. I would note that the meters into the City Road area, from Carillon Avenue to Cleveland Street were considered to have some advantages according to our consultants report, unlike the King Street section.

Answer by the Mayor:

I will have that information circulated in the Councillors Information Service.

19.

**CLEANING – LANE PARALLEL TO ABERCROMBIE STREET –
CHIPPENDALE – RUBBISH COLLECTION - QUESTION WITHOUT NOTICE
BY COUNCILLOR LAY (C56-00015)**

Question:

A Chippendale resident has contacted me regarding the lane parallel to Abercrombie Street, between Myrtle Street and Dangar Place, which has been the site of regular dumping and other problems. The resident and I believe that when we last investigated this area. Officers found that it was partially privately owned.

Could a check be made of the ownership of the land with a view to having it paved which would make the cleaning of the area easier for staff and residents and may act as a deterrent if it appears maintained?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report for the Councillor Information Service.

20.

**COMMITTEES – SPORTS LIAISON COMMITTEE – USE OF ALAN
DAVIDSON OVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR
POOLEY (2024482)**

Question:

Could a report come to the next Sports Liaison Committee on the decision making process associated with the use of or non use of Alan Davidson Oval by the Newtown Swans. Who makes the decision? When is it made? How are the Newtown Swans advised?

Answer by the Mayor:

I will ask the Director of Public Works and Services to prepare a report for Sports Liaison Committee.

21.

HEALTH – AUSTRALIAN NUCLEAR FREE ZONES – NATIONAL RADIOACTIVE – WASTE REPOSITORY - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (H51-00492)**Question:**

As one of Council's delegates to the Australian Nuclear Free Zones Secretariat, I have been sent a Briefing Paper on the Federal Government's planned National Radioactive Waste Repository. The paper is accompanied by a pro-forma letter raising questions about nuclear waste, which are pertinent to Local Government and Local Communities Member Councils of "Nuclear Free Zones" have been asked to sign the letter and forward it to the EIS Project Officer. Council should have received a hard copy of these papers.

Please, would the Mayor sign the letter on behalf of this Council, It is also open to each Councillor to sign individually?

Answer by the Mayor:

I am happy to have it available in the Secretariat so that it can be read and signed by Councillors.

22

PARKING – COMMONWEALTH STREET, SURRY HILLS – BETWEEN RESERVOIR STREET AND ALBION STREET - TAXI DROP OFF PROBLEMS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (P51-00331)**Question:**

Residents of Commonwealth Street, Surry Hills (between Reservoir Street and Albion Street) have complained about an ongoing problem with numerous taxis dropping off worshippers to the Mosque situated between terrace houses in this street. Worshippers arrive for the dawn prayers around 5.00 a.m every day and residents are woken by the noise from a continuous stream of taxis arriving and queuing in the street. The passengers often talk loudly and slam doors. Would it be appropriate for Council to request the Managers of the Mosque – which also has a residential facility, to provide a plan of management to ensure quiet access to early morning prayers?

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It is unusual for an active religious venue of this sort to be positioned in a densely populated residential street. There is also a reserved parking space for funerals and weddings outside the mosque – although I understand no weddings or funerals are conducted at the site. Could Council investigate whether more appropriate signage can be installed?

Answer by the Mayor:

I think it is a requirement under the national roads agreement that all places of worship have a “No Standing” facility in the front. But I will have that issue examined.

23.

CLEANING – NOBBS STREET, SURRY HILLS - REQUEST OF CHANGE OF GARBAGE COLLECTION DAYS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (C56-00003)

Question:

I have received a request from residents in Cambridge Gardens, Nobbs Street, Surry Hills that consideration be given to changing the days for their domestic garbage collection. Currently garbage is collected on Monday, Wednesday and Thursday. They would prefer the third collection to be on Friday because the long interval between collections over the weekend results in overflowing bins by Sunday afternoon.

Answer by the Mayor:

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

24.

PARKING – SIGNAGE, PARKING AND DRAINAGE – GENERAL CONCERNS BY RESIDENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2002804)

Question:

I would like to draw the attention of the Director of Public Works and Services to this faxed message concerning parking, signage and drainage. I believe action has been sought for some time.

Answer by the Mayor:

It is noted to the Council Officers.

25.

BROADWAY NOS. 147-179, ULTIMO– LOSS OF POTENTIAL INTEREST EARNINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P56-00048)**Question:**

My question is to the Director of Finance. Mr. Duffy last Friday we anticipated settlement on the joint venture deal at Broadway. This has clearly been delayed by the squatters negotiations. You were to be given a cheque from the developer of \$5.4 million last Friday. That was to be the first of a number of payments worth over \$10 million. As Chairman of Finance I would like to know on behalf of the ratepayers of South Sydney how much we are losing each day in potential interest earnings whilst we are prevented from settling the deal by the squatters sham?

Answer by the Mayor:

I will ask the Director of Finance to prepare that for the report coming to the next committee.

26.

BROADWAY NOS. 147-179, ULTIMO – SQUATTERS – INTERFERENCE BY THE CFMEU - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023331)**Question:**

My question is to the relevant Council Officer. Councillors and the public are well aware of the heavy-handed interference in the Broadway Squatters debacle by the left wing builders union called the CFMEU. The CFMEU flags fly from the Broadway squats rubbing this waste of money in the case of ordinary ratepayers. In light of the media reports on the ABC and Sydney Morning Herald where, and I quote:

“Allegations of stand-over tactics, bribery, fraud and secret commissionsin the building industry” And “the most serious.....relate tothe industry union (CFMEU) admits to being infiltrated by organised crime” These quotes come from yesterday’s SMH. These are serious allegations indeed. Mr. Mayor or General Manager are you aware if any of our Council staff been subject to any such behaviour when dealing with the CFMEU about the Broadway Squatters?

Answer by the Mayor:

I will have a response prepared by the General Manager for the Councillor Information Service.

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27.

BROADWAY, NOS. 147-179, ULTIMO - AUSTRALAND – ALLEGATIONS REGARDING PRESSURE FROM CFMEU. - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023331)**Question:**

Councillors have heard reports that the CFMEU has exerted pressure on our joint partner in the development Australand. This development is worth \$70 million to the South Sydney economy and more than \$12 million for the ratepayers of South Sydney. Can Council Officers confirm allegations that the CFMEU has exerted pressure on the joint venture partner?

Answer by the Acting Director of Corporate Services:

I have not had any contact.

28.

BROADWAY NOS. 147-179, ULTIMO – SQUATTERS – QUESTION OF LEADERSHIP OF ALP COUNCILLORS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2023331)**Question:**

My question is now to Councillor Harcourt the ALP leader in this chamber. It is pretty clear to most observers that the ALP and you as the ALP leader have lost control of the whole Squatters debacle. You misled the Council and Ratepayers when you promised that the squatters would be gone by last Wednesday and you led your Labor colleagues into that deception as well. You and Councillor Lay seized the squatter issue as a stunt to try and embarrass and destabilise the newly elected non Labor Council but it has blow up in your face to the tune of \$250,000 wasted and growing by \$1000 a day!. You were conned and out smarted by Marxists students and to top it off the CFMEU has stepped in and is now really calling the shots from the back room.

The Council and our ratepayers are now being held to a \$5.4 million ransom by a union that admits infiltration by organized crime and bunch of cunning street Marxists. Will you take responsibility for this disgrace and resign from the ALP leadership and make way for Councillor Pooley?

Answer by Councillor Harcourt:

We did support the removal of the squatters from 16 May 2001, as you said. As I have already explained that the request to stay that evacuation was brought to us by Australand, it wasn't raised by the Labor Council. We said, we do nothing ourselves, but if they wanted to start a meeting and talk to us, we would be happy to go along which we did. I understand that the agreement between Council and Australand is amicable. I point out to you that the model of the premises that we were talking about received a great

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deal of interest and support from the workshop at the homelessness summit which we attended in Parliament House and that was by one of your persons. Kevin Rizzoli, who found it an extremely interesting model and advocated that it should be developed and advertised.

29.

BROADWAY, NOS. 147-179 , ULTIMO – THREATS OF INDUSTRIAL ACTION AGAINST AUSTRALAND. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023331)

Question:

Can Councillor Harcourt enlighten Council to the content of dialogue Labor Councillors had with the CFMEU in regard to the threats of industrial action against Australand to secure a lease for the squatters?

Answer by Councillor Harcourt:

I have not spoken to anybody who is a member of the CFMEU as far as I know and I have certainly not initiated any conversations with them and none of them have contacted me in relation to anything to do with the squatters.

30.

ROYAL ALEXANDRA CHILDRENS HOSPITAL, PYRMONT BRIDGE ROAD, CAMPERDOWN - SALE OF LAND - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2019014)

Question:

Can the Mayor and Director of Planning contact Leichhardt Councils Mayor and Director of Planning to discuss the sale of the Children's hospital land at Camperdown?

Answer by the Mayor:

I will liaise with the Director of Planning and Building in relation to that matter.

31.

PERSONNEL – GENERAL MANAGER'S POSITION – REQUEST FOR MEETING DATE AND AGENDA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002856)

Question:

Can the Mayor organise a meeting date and agenda for the newly formed Committee for the General Manager's position

Answer by the Mayor:

I will e-mail to all the members of that Committee regarding an appropriate time and date for that meeting to be held.

32.

COUNCILLORS – RESPONSE TO MR. SCHOFIELD'S COLUMN IN THE DAILY TELEGRAPH - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (A54-00013)**Question:**

Can the General Manager write to Mr. Schofield of the Telegraph asking him to define crony and to identify the cronies of who he writes?

Answer by the Mayor:

I would like to sit down with Mr. Schofield to try and explain a few facts to him. That one, we didn't go to elections until July 2000 and that the approval done under delegation of the building he is talking about points the fingers of cronying to the Labor Party. But I am very happy to defend you being called a crony, Councillor Bush or any other Councillor who voted to put me here because the issue is very unclear with Mr. Schofield and I have requested to meet with him to clear up those facts.

33.

STREETS – THURLES HOTEL, CHIPPENDALE – REPAIRS TO FOOTPATH- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S56-00613)**Question:**

A Chippendale resident has contacted me in regard to the state of the footpaths outside the Thurles Hotel. This resident said she was not a patron of the hotel and did not trip due to a lack of sobriety.

Answer by the Mayor:

I will ask the Director of Public Works and Services to respond to you in the Councillor Information Service.

34.

BROADWAY NOS. 147-179, ULTIMO - INVESTIGATION OF CORRUPTION WITHIN THE CFMEU - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2023331)

Question:

Can the General Manager contact Mr. Peter Anderson of the office of the Federal Member Mr. Abbott who is investigating corruption within the CFMEU and links to the ALP with the intention of supplying a report to the events on 16 May which has forced Australand to negotiate a lease with the Broadway Squatters?

Answer by the Mayor:

I will write to the Minister's Office and detail the report of the activities on Broadway.

35.

PLANNING – GREEN SQUARE – RESPONSE BY DISTRESSED RESIDENTS. - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022972)

Question:

In response to a number of distressed residents who have called in questionnaire on a Flyer distributed by the Democrats candidates for Sydney. Councillor Furness claims a lack of planning associated with Green Square Development.

Is Councillor Furness aware of the 27 planning studies and documents that relate to Green Square?

What steps for the public record will the Democrats- and Councillor Furness take to alleviate residents distress and the created perception that Council and its planning dept are incompetent?

Answer by Councillor Furness:

I will take a copy of the leaflet and respond through the Councillors Information Service.

REPORT OF THE FINANCE COMMITTEE

16 May 2001

PRESENT**Councillor Shayne Mallard (Chairperson)****Councillors – Peter Furness, Tony Pooley, Gregory Shaw**

At the commencement of business at 7.44 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 May 2001, be received and the recommendations set out below for Items 1 to 5, inclusive, 7 to 10, inclusive, 12, 13, 15 to 17.1, inclusive, 17.3 to 17.6, inclusive, and 17.8, be adopted. The recommendations for Items 6, 11, 14, 17.2 and 17.7 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CONFERENCES – NATIONAL SCHOOL IN PARKS MANAGEMENT - MELBOURNE, VICTORIA, 8-13 JULY 2001 – ATTENDANCE OF COUNCIL REPRESENTATIVES (5263043)

That approval be granted for the Parks Nursery Supervisor Mr. D. Watkins and Parks Maintenance Supervisor Mr. P. Hill to attend the National Summer School in Parks Management to be held in Melbourne, Victoria, from 8 July to 13 July 2001 at a total cost of approximately \$3,402, for which funds are available in the Draft 2001/2002 Budget (A/c No. 1.45.2704.12105.0 refers.).

(DPWS Report 7/5/01)

Carried.

2.

FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – APRIL 2001 (2024288)

That confirmatory approval be given for the schedule of payments, details of which are contained in the relevant file.

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(DF Report 2.5.01)

Carried.

3.

COMMITTEES – COUNCIL AND COMMITTEE STRUCTURE – REVIEW OF CYCLE (5262801)

That the report by the Civic Affairs Manager Public Officer dated 17 April 2001, on the proposed alteration of Committee and Council Meetings structure, be received and noted.

Carried.

4.

CONFERENCES – MANAGEMENT PLAN REVIEW – ARRANGEMENTS FOR CONFERENCE (2006310)

That arising from consideration of a report by the Civic Affairs Manager/ Public Officer dated 3 May, 2001, approval be given to arrangements being made for a Management Plan Conference to be held at Novotel Northbeach, Wollongong, from 2nd to 4th November, 2001, and to the attendance of the Mayor, Councillors, General Manager, Directors, Civic Affairs Manager/ Public Officer and the Supervising Committee Clerk and other staff as required, and partners, and that accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, involving an estimated expenditure of \$22,000, for which funds have been made available in the 2001/2002 Budget.

Carried.

5.

RATES – SPECIAL RATE LEVY - OVERVIEW (2021518)

- (1) That the minute by the Director of Finance dated 9 May 2001, regarding the Special Rate Levy Overview, be received and noted.
- (2) That a further report be prepared for Committee on the possibility of having an independent facilitator convene a public meeting of King Street property owners and traders to consider an extension of the King Street Mainstreet program into South Sydney.

Carried.

6.

PARKS – ISABELLA HILLS RESERVE UPGRADE, HAROLD STREET, ERSKINEVILLE – APPROVAL TO PROCEED WITH DOCUMENTATION, CALL TENDERS AND CONSTRUCT (P52-00130)

That approval be given to:-

- (1) adopt the Isabella Hills Reserve Masterplan as per the Attachment which was circulated prior to the Meeting: Isabella Hills Reserve Landscape Plan;
- (2) proceed with the documentation and calling tenders to construct Stage 1 of Isabella Hills Reserve Landscape Improvements as per Appendix A - Isabella Hills Reserve Landscape Plan. The estimated cost for stage 1 is \$250,000 for which funds are available in the Parks Development 2000/2001 Budget – (Isabella Hills Reserve, 45-008);
- (3) monitor noise complaints from the basketball facility for a period of 6 months after the construction completion of Isabella Hills Reserve, to determine if further measures need to be taken to reduce noise.

(DPWS Report 7.5.01)

At the request of Councillor Mallard 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 follow new resolution namely:-

That the matter be deferred to the Committee meeting of 13 June 2001, to allow the community an opportunity to view the final proposal and comments be submitted.

Motion, as amended by consent, carried.

7.

ADMINISTRATION – PRIVACY MANAGEMENT PLAN – FIRST YEARLY UPDATE AND REVISION (2014991)

At the Committee Meeting Councillor Furness moved that clause (2) of the recommendation be deleted.

Motion lapsed through want of a seconder.

- (1) That the revised Privacy Management Plan be adopted by Council;
- (2) That the authority be delegated to the General Manager to approve minor amendments to the Plan.

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(A/DCS Minute 9.5.01)

Carried.

8.

ADMINISTRATION – FOOTWAYS 2000/2001 WORKS PROGRAM - PUBLIC WORKS AND SERVICES DEPARTMENT – ADDITIONAL WORK TO BE CARRIED OUT (2015562)

That approval be given to expand the 2000/2001 Footpath Works Program to include locations listed in the report and to be funded from savings in the approved program.

(DPWS Report 9.5.01)

Carried.

9.

FINANCE – OUTSTANDING SUNDRY DEBTORS - 31 MARCH 2001 (2023443)

That the report by the Director of Finance dated 10 May 2001, on the balance of outstanding sundry debtors, as at 31 March 2001, be received and noted.

Carried.

10.

STREETSCAPES – TAYLOR SQUARE, DARLINGHURST – DESIGN, CONSTRUCTION DOCUMENTATION AND CONTRACT ADMINISTRATION SERVICES - ACCEPTANCE OF TENDER (2023645)

That arising from consideration of a joint report by the Director of Public Works and Services and the Director of Planning and Building dated 7 May 2001, approval be given to:-

- (1) accept the tender submission of TRACT Consultants for the Taylor Square Urban Design Project at a cost of \$350,000 (plus GST-\$35,000), total amount \$385,000;
- (2) include a contingency sum for potential additional design and documentation requirements and artists input of \$ 25,000 (plus GST-\$2,500)total amount \$27,500;

-for which funds of \$250,000 are available in the 2000/2001 Works Program Taylor Square - Masterplan (Budget Ref 45-040) and the draft 2001/2002

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Works Program - Taylor Square (\$3,000,000), with the GST component of \$37,500 available in separate Finance Department Budgets.

Carried.

11.

**ANTI-SOCIAL ACTIVITIES – VINCENTIAN VILLAGE CENTRE MURAL –
GRAFFITI RESPONSE (2015700)**

- (1) That arising from consideration of a report by the Director of Health and Community Services dated 10 May 2001, approval be given to the donation of \$1,500 towards the costs of the mural project being undertaken at the Vincentian Village in East Sydney with funds being provided from the 2000/2001 Section 356 of the Local Government Act 1993, Budget;
- (2) That Councillors be supplied with a draft sketch of the mural before funding, prior to work commencing.

At the request of Council Mallard, and by consent, the motion was amended by the deletion of clause (2) of the resolution.

Motion, as amended by consent, carried.

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

12.

PERSONNEL – ORGANISATIONAL STRUCTURE – ADOPTION (5263043)

That arising from consideration of a report by the Director of Organisational Development dated 7 May 2001, approval be given to the adoption of the report and the organisation charts, accompanying the beforementioned report.

Carried.

13.

**PARKS – SYDNEY PARK, ALAN DAVIDSON OVAL – SUPPLY AND
INSTALLATION OF FLOODLIGHTS - ACCEPTANCE OF TENDER
(2022733)**

That approval be given to accept the tender submission from Sportz Lighting for the supply and installation of floodlighting to the Alan Davidson Oval Option 1, in the sum of \$150,446 (plus GST \$15,044) \$165,490, for which funds are available in the 2000/2001 Works Program, Project 21374 (Bud.Ref 45-034).

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(DWPS Report 8.5.01)

Carried.

14.

ADMINISTRATION - SOUTHERN SYDNEY WASTE BOARD – RESIDUAL WASTE INFRASTRUCTURE PROJECT - MEMORANDUM OF UNDERSTANDING – PARTICIPATION BY COUNCIL (2011723)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That Council:-

- (1) note the information provided by the Southern Sydney Waste Board in relation to the Residual Waste Infrastructure Treatment Project;
- (2) enter into a Memorandum of Understanding with the Southern Sydney Waste Board, for the purpose of advancing an Expression of Interest for Residual Waste Treatment and advancing the community and key stakeholder consultation program;
- (3) agree to the text of the draft Memorandum of Understanding;
- (4) delegate authority to the General Manager to execute the Memorandum of Understanding on behalf of South Sydney City Council.

(DPWS Report 10.5.01)

Carried.

15.

MEMBERSHIP – SOUTH SYDNEY BUSINESS CENTRE – QUESTION OF ESTABLISHMENT (M54-00040)

That arising from consideration of a report by the Acting Director of Corporate Services dated 11 May 2001, Council establish a South Sydney Business Enterprise Centre, and a Working Party consisting of nominated Councillors and Staff be formed to implement the proposal.

It was moved by Councillor Bush, seconded by the Mayor, that all reference to the word “Enterprise” be deleted from the above resolution.

It was further moved by Councillor Pooley, seconded by Councillor Lay, that the word “nominated” where appearing in the second line of the resolution be deleted and the word “interested” be inserted in lieu thereof.

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Motion, as amended by Councillors Bush and Pooley by consent, carried.

16.

COMMITTEES – WASTE SERVICES SUB-COMMITTEE – MINUTES OF MEETING – 22 MARCH 2001 (2024604)

That the minutes of the Waste Services Sub-Committee Meeting of 22 March 2001, be received and noted.

Carried.

17.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 16 MAY 2001 COMMENCING AT 6.12 PM

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 16 May 2001, be approved and adopted.

(NOTE: The Mayor was the Chairperson for Item No. 17.2 only and left the meeting at 6.39 p.m. and did not return. Councillor Mallard was the Acting Chairperson for Items 17.1 and 17.3 to 17.8, inclusive.)

17.1.

LICENCE – DOMAIN CARPARK – VESTIBULE AREA – VENDING MACHINE INSTALLATION (L02-00082)

That arising from consideration of a report by the Acting Director of Corporate Services dated 4 May 2001, approval be given to Mars Vending being offered a three (3) year licence to operate a vending machine retailing in confectionery at the vestibule of the Domain Parking Station at a rental of \$70 per month (\$840 per annum) gross plus the GST component commencing from a date to be determined subject to the following conditions, namely:-

- (1) That the Licensee is to provide a Bank Guarantee equivalent to two (2) months rental;
- (2) The Licence may be cancelled by either party giving fourteen (14) days notice;
- (3) The Licensee is to provide Council with a Public Liability Insurance Policy in an amount of Indemnity of not less than Ten Million Dollars

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indemnifying both Council and the Licensee against any claims that may arise during the term of the Lease;

- (4) That all legal costs associated with the preparation and execution of the necessary documents by Council's Legal Officer, are to be borne by the Lessee;
- (5) All relevant documents are to be executed by Council's Attorney;
- (6) This approval lapses in 3 months from the date of Council's approval to the granting of the Licence, if the Licensee has failed to provide the security deposit and/or Public Liability Insurance as required, or has failed to execute the Lease documents;
- (7) This proposal is subject to the approval of the Royal Botanical Gardens Trust;
- (8) The proposed use be subject to the approval of the Sydney City Council.

It was moved by Councillor Lennon, seconded by Councillor Furness, that the application to install a confectionery vending machine in the vestibule of the Domain Car Park, be refused.

Negatived.

Motion carried.

17.2.

LEASING – THOMSON LANE – REAR OF NOS. 217 – 253 FORBES STREET AND NOS. 2 – 40 THOMSON STREET, DARLINGHURST – PROPOSED CONSENT FOR GATES (2021782)

That for the reasons set out in the report by the Acting Director of Public Works and Services dated 26 April 2001, approval be given to the Residents Around Thomson Lane (RATL) under Section 139 of the Roads Act 1993, for the gates in Thomson Lane, Darlinghurst to remain for an initial period of 3 years to deter anti social activities in the area, particularly outside the hours of 9.00 a.m. and 6.00 p.m. as shown on Plan No. S6-280/250, and subject to the amendment of the following conditions in the schedule accompanying the Director's report as mentioned above:-

- (1) The deletion of the words "and the lane" where appearing in the first line of condition (2) between the words "structure" and "as" in the conditions accompanying the beforementioned report;
- (2) the deletion of condition (4) and the insertion in lieu thereof of a new condition (4), namely:-

- (4) The lane to be trafficable during daylight hours and locked outside those hours.
- (3) The deletion of condition (6) in the conditions accompanying the beforementioned report;
- (4) The deletion of the words "is" to be maintained" where appearing in the first line of condition No. 14 accompanying the beforementioned report.

At the request of Councillor Mallard, 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 arising from consideration of a report by the Director of Public Works and Services dated 17 May 2001, approval be given to the Residents Around Thomson Lane (RATL) under Section 139 of the Roads Act 1993, for the gates in Thomson Lane, Darlinghurst to remain for an initial period of 3 years to deter anti-social activities in the area, particularly outside the hours of 9.00 a.m. and 6.00 p.m., as shown on Plan No. S6-280/250, and subject to the conditions accompanying the beforementioned report, namely:-

- (1) This Consent is granted under Section 139 of the Roads Act 1993, for a period of three years with renewal subject to an assessment being made as to whether the reason for the structure remaining, still exists;
- (2) Public Liability insurance is to be maintained for the structure as shown on Plan No S6-280/250 to the value of \$10,000,000 and Council is to be noted as an interested party;
- (3) The applicants (RATL) must lodge a Development Application with Council;
- (4) The lane to be trafficable in daylight hours and the gates locked at other times;
- (5) RATL should be incorporated or owned by an incorporated body;
- (6) The lane should not be used to garage motor vehicles or store any materials or household goods;
- (7) RATL shall be responsible for the erection, cost and maintenance of the gates;
- (8) A security deposit to cover the cost of any repairs to the road or in the event of the unsatisfactory removal of the Gates or the failure to remove the Gates at the termination of the consent be lodged with Council in the amount of \$2000;

- (9) At the end of the Consent period RATL should report to Council whether grounds still exist for an extension of the Consent period;
- (10) The Gates shall have a lock of a type which permits access at all times by emergency Services;
- (11) All adjoining owners and residents be provided with an access key;
- (12) On termination of the consent all improvements including the Gates are to be removed by and at the expense of RATL to the satisfaction of the Director of Public Works and Services;
- (13) Cleansing of the road area beyond the Gates to the satisfaction of the Director of Public Works and Services;
- (14) Three months notice in writing shall be given by either party if early termination of the consent is required;
- (15) The Gates shall be of a height not less than 2 metres and not greater than 2.5 metres;
- (16) The Gates shall be made of steel railings.

Motion, as amended by consent, carried.

17.3.

LEASING – OXFORD STREET, NO. 66, DARLINGHURST, SUITE 2, LEVEL 1 – RENEWAL OF LEASE TO DB MASTERING PTY LTD (2008968)

That approval be given to DB Mastering Pty Ltd being offered a three (3) year lease of Council owned premises, Suite 2, Level 1, No. 66 Oxford Street, Darlinghurst, at a rental of \$13,100 per annum gross (\$1,091.66 per month) plus the GST component commencing on 29 May, 2001, subject to the following terms and conditions, namely:-

- (1) That the rental be reviewed on the 2nd and 3rd terms of the lease by CPI;
- (2) That Council retains the existing Bond of \$2,500;
- (3) That the lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (4) 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 (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;

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- (5) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc to Council's Planning and Building Department for Statutory approvals;
- (6) 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;
- (7) All relevant documents are to be executed by Council's Attorney, if required;
- (8) This approval lapses in three (3) months from the date of Council's approval to the granting of this lease, if the lessee has failed to provide the security deposit and/or Public Liability Insurance Policy as required, or has failed to execute the lease documents;
- (9) This lease is subject to the Goods and Services Tax.

(A/DCS Report 7.5.01)

Carried.

17.4.

LICENSING – OXFORD STREET, NO. 108, DARLINGHURST – DECKS AND PLATFORMS ON THE PUBLIC WAY (2023893)

That arising from consideration of a report by the Director of Public Works and Services dated 9 May 2001, it be resolved that:-

- (1) the construction of decks or platforms on the public way in conjunction with footway restaurant licences, be considered on their individual merits;
- (2) reports on footway license applications relating to permanent structures on the footpath include reference to any Development Application approval;
- (3) the footpath license approved for the Wattle Private Hotel at No. 108 Oxford Street, Darlinghurst, be returned to Committee in 12 months time for review and reconsideration.

Carried.

At this stage and at 6.56 p.m. Councillor Furness left the meeting.

17.5.**LICENSING – FORBES STREET, NO. 252, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2019183)**

That approval be given to:-

- (1) the application for the proposed additional footway licence area adjacent to Dov Café at No 252 Forbes Street, Darlinghurst as shown on Plan No S4-130/718A being deferred for six months to enable the proprietors to demonstrate compliance with Councils standard footway licence conditions;
- (2) the applicants demonstrate to Council that they are able to meet the sanitary requirements as required by the Building Code of Australia, for the additional area.

(DPWS Report 4/5/01)

Carried.

17.6.**LICENSING – ORWELL STREET, NOS. 5 – 15, POTTS POINT (FRONTING SPRINGFIELD GARDENS) – PROPOSED FOOTWAY LICENCE – SPRINGFIELD RETAIL PTY LTD (2024272)**

That the matter be deferred for notification of premises in the area.

Carried.

At this stage and at 6.58 p.m. Councillor Furness returned to the meeting.

17.7.**LICENSING – CHALMERS STREET, NO. 298, REDFERN – PROPOSED FOOTWAY LICENCE (2010921)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Pooley:-

That approval be given to:-

- (1) the granting of a licence to Mr. Marthi Maneewan over an area of 4 square metres of the footway of Chalmers Street adjacent to Big Boy Thai at No. 298 Chalmers Street, Redfern, as shown stippled on Plan No S4-130/623B and subject to the conditions in the schedule accompanying the Director's report;

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- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (3) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (4) the execution of all relevant documents and plans by Council's Attorney;
- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule accompanying the Director's report or failed to execute the licence agreement;
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (8) if the seating capacity of the Café (inside and outside) exceeds 20, then the footway licence may be subject to termination.

(DPWS Report 09.05.01)

Carried.

At this stage and at 7.00 p.m. Councillor Furness left the meeting.

At this stage and at 7.03 p.m. Councillor Furness returned to the meeting.

17.8.

LICENSING – MITCHELL ROAD, NO. 52, ALEXANDRIA – PROPOSED FOOTWAY LICENCE (L56-00752)

That approval be given to:-

- (1) the granting of a licence to Copatress Pty Ltd over an area of 25.4 square metres of the footway of Mitchell Road and Buckland Street adjacent to the Buckland Hotel at No. 52 Mitchell Road, Alexandria, as shown stippled on Plan No S4-130/501C and subject to the conditions in the schedule accompanying the Director's report;
- (2) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly

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in advance) set by the annual Scale of Fees and Charges adopted by Council;

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

(DPWS Report 09.05.01)

Carried.

The Properties Sub-Committee Meeting terminated at 7.09 p.m.

The Finance Committee Meeting terminated at 8.16 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

16 May 2001

PRESENT

Councillor Peter Furness (Chairperson)

Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw

At the commencement of business at 7.10 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw

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

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That the Report of the Community Services Committee of its meeting of 16 May 2001, be received and the recommendations set out below for Items 2 to 7, inclusive, be adopted. . The recommendations set out below for Items 1 and 8 to 11, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

PUBLIC RELATIONS – WOODCHIPPING OF AUSTRALIAN NATIVE FORESTS – NON – USE OF COMMERCIAL ENTITIES (2022320)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Harcourt:-

- (1) That an appropriate officer present a Draft Policy for Council's consideration to require this Council to have no direct dealings with commercial entities involved in the woodchipping of non-plantation Australian native forests or whose products are derived wholly or in part from such woodchips, unless there exists extenuating circumstances;;
- (2) That this Draft Policy not preclude Council from participating in the tendering activities of SSROC;
- (3) Following adoption by Council of a Policy consistent with Part (1) of this resolution, SSROC be invited to adopt a similar policy in relation to procurement.

Negatived.

It was moved by the Chairperson (the Mayor), seconded by Councillor Harcourt, that the matter be deferred and referred back to Committee so as to allow Council to consider its position in respect of legal counsel.

Motion, as amended by consent, carried.

2.

MEMBERSHIP – SYDNEY REGIONAL COASTAL MANAGEMENT STRATEGY – IMPLEMENTATION PROGRESS REPORT 1999/2000 (2024238)

That arising from consideration of a report by the Director of Health and Community Services dated 7 May 2001, the report on the Implementation

Progress Report on the Sydney Regional Coastal Management Strategy, be received and noted.

Carried.

3.

COMMITTEES – HEALTHY OLDER PEOPLE PROGRAM COMMITTEE – MINUTES OF MEETING HELD, 10 APRIL 2001 (2018510)

That the report by the Acting Director of Health and Community Services dated 9 May 2001, and the accompanying minutes of the Healthy Older People Program Meeting held on 10 April 2001, be received and that the undermentioned recommendations of the Committee be adopted namely:-

That arising from the minutes of the Council's Healthy Older People Program Committee meeting of 10 April 2001, approval be given to:-

- (1) South Sydney Council supports joining with Leichhardt Council to run an introduction to Learning Circles. Our share of the costs is approximately \$600.00, for which funds are available in 1.26.6650.16625.0;
- (2) Council support the funding of International Folk Dance Classes at St. Saviour's Church Hall, Redfern, at a cost of approximately \$210.00, for which funds are available in 1.26.6650.16625.0;
- (3) Council contribute fifteen boxes of vegetable patties to the Redfern Information Day at a cost of approximately \$450.00, for which funds are available in 1.26.6650.16680.1;
- (4) the HOPP Steering Committee supports the application for the free use of Redfern Town Hall on behalf of the Golden Years Club.

Carried.

4.

PARKS – FROG HOLLOW RESERVE, ALBION STREET, SURRY HILLS – PLAN OF MANAGEMENT – EXHIBITION (2023155)

That approval be given to:-

- (1) the public exhibition of the draft Frog Hollow Reserve Plan of Management for a period of 42 days during June-July 2001;
- (2) the exhibition venues include The One Stop Shop, Surry Hills Library and display panel in Frog Hollow Reserve;
- (3) the exhibition period be advertised in the local press.

(DPWS Report 10.5.01)

Carried.

5.

PARKS – RESERVE, FANNY PLACE, BETWEEN MARSHALL STREET AND BOURKE STREET, SURRY HILLS – PROPOSED NAMING DEDICATION (2008554)

That approval be given to:-

- (1) a letterbox drop being undertaken to the local community seeking suggestions on proposed names for the reserve located on Fanny Place between Marshall Street and Bourke Street, Surry Hills;
- (2) a further report being submitted to Council detailing the outcomes of the consultation and recommending a name for the reserve dedication.

(DPWS Report 10/05/01)

Carried.

6.

COMMITTEES – HOMELESSNESS, MARGINAL AND AFFORDABLE HOUSING COMMITTEE – MINUTES FROM MEETING OF 30 APRIL 2001 (2023331)

That arising from a report by the Acting Director of Health and Community Services dated 9 May 2001, the minutes of the meeting accompanying the beforementioned report of the Homelessness, Marginal and Affordable Housing Committee, held on 30 April 2001, be received and noted.

Carried.

7.

HEALTH – CITIES FOR CLIMATE PROTECTION - MILESTONE 2 (5256737)

That arising from consideration of a report by the Director of Health and Community Services dated 11 May 2001, it be resolved that Council:-

- (1) endorse the goal of reducing Corporate greenhouse gas emissions from 1996 levels by 20% by 2010;
- (2) endorse the goal of reducing Community greenhouse gas emissions from 1996 levels by 20% by 2010;

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- (3) endorse the preparation of a local action plan to meet the Milestone Three requirements of the CCP program;
- (4) be advised on the process of the CCP™ program on a regular basis.

Carried.

8.

**COMMITTEES – YOUTH ADVISORY COMMITTEE - ESTABLISHMENT
(C57-00016)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That arising from a report by the Director of Health and Community Services dated 10 May 2001, approval be given to the establishment of a Youth Advisory Committee and also the draft Terms of Reference on the Committee (as outlined in the beforementioned report) and that the Mayor be the Chairperson.

It was moved by Councillor Furness, seconded by Councillor Harcourt, that the motion be amended by the deletion of the words “and that the Mayor be the Chairperson” and the insertion in lieu thereof of the words “and that Councillor Shaw be the Chairperson and with other interested Councillors attending”.

Negatived.

It was moved by Councillor Pooley, seconded by Councillor Bush, that the motion be amended by the addition of the words “and the Deputy Chairperson be Councillor Shaw and with interested Councillors attending.

Motion, as amended by consent, carried.

9.

**COMMUNITY SERVICES – PUBLIC SCHOOLS IN SOUTH SYDNEY -
RATIONALISATION (2024409)**

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lay:-

That arising from consideration of reports by the Director of Health and Community Services dated 10 May 2001, and 22 May 2001, which was circulated prior to the Council Meeting, Council formally respond to the Department of School Education’s ‘Building the Future’ plan, with Council’s discussion paper as the basis of this submission and that any further

information gained at the public meeting held on 21 May 2001, be incorporated into this submission, and:-

- (1) reject the 'Building the Future' proposal;
- (2) extend the consultation process until at least April 2002, with further consultation with the community and other stakeholders;
- (3) proposals from all community schools to be considered by the Department;
- (4) no sale or closure of community resources;
- (5) that the Government gives a clear indication of intention to keep schools open and continue discussions with the community.

Carried.

10.

PUBLIC RELATIONS –VOLUNTEERING NSW 2001 SEMINAR – QUESTION OF COUNCIL SPONSORING

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Furness:-

- (1) That the report by the Director of Health and Community Services dated 16 May 2001, concerning the invitation to sponsor the Volunteering NSW 2001 Seminar and Conference, be received and noted.
- (2) That Council support the Volunteering 2001 Seminar at the sponsorship level.

Carried.

11.

PUBLIC RELATIONS – WESLEY MISSION, "THE FACES OF HOMELESSNESS" – HOMELESSNESS REPORT – RESPONSE

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lay:-

That as the Wesley Mission report is consistent with the findings of Council's own research as presented in the Homelessness and Affordable Housing section of the draft Social Plan and the recommendations included in Council's Submission to the current Homeless Summit, it be resolved that Council:-

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- (1) send a letter to the Superintendent of the Wesley Mission, Reverend Gordon Moyes AM to commend him on the preparation of the report and to support its recommendations;
- (2) provide a copy of Council's submission to the Homelessness Summit to indicate that we have proposed a similar set of recommendations;
- (3) provide a copy of the draft Homeless and Affordable Housing section of Council's Social Plan and request feedback.

(DHCS Report 16.5.01)

Carried.

The Community Services Committee Meeting terminated at 7.43 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

16 May 2001

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – John Bush, Christine Harcourt, Jill Lay and Amanda Lennon

At the commencement of business at 6.45 pm, those present were -

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

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

That the Report of the Planning and Development Committee of its meeting of 16 May 2001, be received and the recommendations set out below for Items 6,10,11,13 and 15 inclusive, be adopted. The recommendations for Items 1 to 5 inclusive, 7 to 9 inclusive, 12,14,16 and 17 inclusive having been dealt with as shown immediately following such Items.

Carried.

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The Committee **recommended** the following:-

1.

SURREY STREET, NO. 61, DARLINGHURST – ALTERATIONS AND ADDITIONS TO SINGLE DWELLING – SECTION 96 APPLICATION TO AMEND CONSENT (U98-00368)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That Council approves the application under Section 96 of the Environmental Planning and Assessment Act 1979, to permit the inclusion of an attic level rear deck and 2 front dormer windows, subject to the deletion of Conditions 1-3 referred to in Part B of the report of the Director of Planning & Building dated 27 April 2001, and to the inclusion of the following conditions, namely:-

- (1) That with the exception of the design of the front dormer windows, the development shall be generally in accordance with plans numbered A01C to A03C dated 11 October 2001;
- (2) That the attic level deck shall have screening on the eastern and western sides of not less than 1.5m in height;
- (3) That the two dormer windows to be inserted into the roof plane facing Surry Street shall be designed to correspond with the proportions, spacing and arched top of the windows on the floor immediately below (as referred to in Option H considered by Committee on 16 May 2001). The dormers are to be recessed into the roof plane behind the main front wall of the building and below the roof ridge. The roof plane between the dormers is to correspond with the pitch and materials of the existing roof. Full architectural details including detailed elevations, sections and floor plans are to be submitted to the Director of Planning and Building within 21 days of Council's decision for assessment and authorisation.

It was moved by Councillor Bush, seconded by Councillor Mallard, that the motion be amended by the addition of clause (B) to the recommendation, namely:-

- (B) That Council Officers investigate possible changes to the policy regarding dormer windows.

Amendment negatived.

Motion carried.

2.

**MARLBOROUGH STREET, NO. 70, SURRY HILLS – SECTION 96
APPLICATION TO AMEND APPROVED PLANS FOR RESIDENTIAL FLAT
DEVELOPMENT – DEVELOPMENT APPLICATION (U97-00427)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council as the responsible authority refuses its consent to an application submitted by M/s S Waks with the authority of S Waks and B Maksimovic to modify a development consent granted on 24 September 1997 for the reasons that the work having already been carried out, the Council has no power to grant consent to the modifications.
- (B) That the Council resolves that it will take no legal action in relation to the unauthorised work subject to the provision of structural and essential services authorisation prior to the issue of any certificate of occupancy.
- (C) That the applicant is advised that development consent U97-00427 dated 2 October 1997 and building approval Q97-01106 dated 11 December 1998 and these conditions continue to be in force including conditions regarding screening, it being noted that the approved plans include side screening of the north facing balconies of the rear building.
- (D) That the persons who made representations be advised of the Council's decision.
- (E) That the applicant, as agreed at the on site inspection (19 May 2000), reconstruct the northern boundary fence to a height of 2m above existing ground level using double sheets of lattice or such other materials as may be agreed with adjoining owners, and to rotate the horizontal privacy screens (as approved) through 180° on the southern side of the east facing balconies of the building fronting Marlborough Street.

Carried.

3.

**PLANNING – FLOOR SPACE BONUS DEVELOPMENT AGREEMENT –
PUBLIC DOMAIN PLANS – PROCEDURES AND IMPLEMENTATION
STRATEGY (2022930)**

(At the Committee Meeting Councillor Lennon requested that her name be recorded as voting against the decision of the Committee.)

- (1) That Council endorse the following projects as being eligible for consideration as Floorspace Bonus elements as policy, pending their substitution in DCP 1997:-
 - (a) Dedication of land for wider pedestrian and/or cycle paths, additional useable public open space, new streets, bus and traffic turning lanes, pedestrian links, corner splays, etc, and where appropriate the treatment of those spaces. Only those elements in addition to Section 94 requirements;
 - (b) Provision of the right of public access in otherwise private space (through a positive covenant on title) and other encumbrances over land for through-site pedestrian links, access to large internal courtyard spaces, etc. (The granting of a bonus for treatment of these spaces will not be given as these would occur normally);
 - (c) Streetscape, bicycle, and pedestrian enhancement works such as widened footpaths, footpath and kerb reconstruction, street tree islands, local parks achieved through road closures, flush entry thresholds, nodal treatments, pedestrian crossings, bicycle paths, upgraded lighting, overpasses and underpasses, traffic management facilities etc;
 - (d) Public art, thematic street furniture, fountains and other water features;
 - (e) Social development projects such as provision and upgrade of community buildings;
 - (f) Stormwater amplification, integrated water treatment facilities and large-scale detention systems and other civil infrastructure projects;
 - (g) Public transport projects such as bus priority projects, subsidisation of embryonic bus services, feasibility studies and promotion initiatives;
 - (h) Enhancements to existing parks such as play equipment, lighting, sports facilities, furniture, landscaping, etc;
 - (i) Aerial bundling or undergrounding of cables, improved street lighting, new street masts, solar lighting, etc;
 - (j) Any other works or improvements at the discretion of Council;
- (2) That Council endorse the following monetary rates against which to benchmark the minimum value of the public domain work package that should be sought and endorse the periodic review of these rates to maintain parity with economic conditions and construction costs.

Green Square (Zetland, Waterloo, Beaconsfield), Rosebery Alexandria south (south and east of McEvoy St), St Peters	\$320
Darlington, Redfern, Alexandria north (north and west of McEvoy St), Chippendale, Ultimo, Camperdown, Erskineville, Newtown, Eveleigh	\$385
Darlinghurst, Surry Hills, Woolloomooloo, Kings Cross	\$470
Paddington, Upper Potts Point (south of Hughes St), Rushcutters Bay	\$520
Elizabeth Bay, Lower Potts Point	\$770

- (3) That Council endorse the work of the Public Domain Working Group to:
- (a) determine and recommend the package of bonus works that should apply to each site so that there are efficient, integrated and consistent outcomes;
 - (b) oversee that the development agreement is adequately documented and subsequently designed and implemented as intended;
 - (c) develop and amend on an on-going basis precinct-wide Public Domain Plans;
 - (d) develop, monitor and refine public-domain/bonus-related policy and procedures, including the conversion of the Streetscape Masterplan into a DCP;
 - (e) provide input to and evaluate finished projects;
- (4) That the relevant criteria and procedures of the Floorspace Bonus Mechanism be incorporated into DCP 1997 - Urban Design, and that public notice of Council's intention to amend the DCP be advertised in local newspapers.
- (5) That publicity material such as brochures outlining relevant criteria and procedures of the Floorspace Bonus Mechanism be prepared for distribution to developers and the general public.

Carried.

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

At this stage and at 9.01 p.m. Councillor Lay left the Council Meeting.

4.

CLEVELAND STREET, NO. 201, REDFERN – EXTENSION TO HERITAGE ITEM – DEVELOPMENT APPLICATION (U01-00173)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

- (A) That the Council as the responsible authority grants its consent to the application submitted by Architectual Projects Pty Ltd with the authority of Currency Press Pty Ltd, for the extension of an approved second floor flat at the abovementioned premises, subject to the following conditions, namely:-
- (1) That the work shall be generally in accordance with plans 98.615 W01 issue G and W05 and W06, both issue H, all dated 18 April 2001;
 - (2) That the main roof of the building shall be in a slate grey colour;
 - (3) That the new addition is to be in a recessive colour to minimise its visual impact;
 - (4) That the proposed roof addition shall not project further forward than a line between the rear of the chimney stacks at each end of the front roof ridge;
 - (5) That the new work between the existing roof ridges shall be set back not less than 2.3m from the outerface of the building on its eastern side;
 - (6) That all conditions of development consent U98-01295 granted on 10 November 1999 and U00-00085 granted on 24 May 2000, continue to apply, except to the extent of any inconsistency with the conditions of this consent.
- (B) That the persons who made representations with respect to the proposal be advised of Council's decision.

Carried.

5.

BUCKLAND STREET, NOS. 18 – 20, CHIPPENDALE – PROPOSAL FOR USE OF SHOP 4 AS A CONVENIENCE STORE, AND HOURS OF OPERATION OF 7.00AM TO 12.00 MIDNIGHT, 7 DAYS A WEEK – DEVELOPMENT APPLICATION (U01-00063)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Ashraf Alwahwah with the authority of *Five Dock United Realty*, on behalf of the Body Corporate to allow for change of use to a convenience store, with internal fitout, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans by Tsang & Lee Architects Pty Ltd, with drawing number 1452/DA/01 and dated January 2001, except where modified by conditions;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$330 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That the hours of operation shall be restricted to hours from Monday to Sunday inclusive, 7.00 am to 10.00 pm;
 - (4) That a separate Development Application shall be submitted at the appropriate time for any proposed signs;
 - (5) That equitable access into the shop shall be provided in accordance with HREOC Guidelines;
 - (6) That all loading and unloading shall occur within the hours of operation;
 - (7) That set-up and clean up of the store are to take place within the hours of operation;
 - (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 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;

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- (10) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (11) That all proposed work shall be wholly within the boundaries of the site;
- (12) That 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;
- (13) That there shall be no stickers affixed to the building or its windows;
- (14) That there shall be no external fluorescent lighting;
- (15) That the intensity of both the internal and external lighting shall be altered at the discretion of Council if at any time is deemed as inappropriate, excessive or detrimental as the amenity of neighbours;
- (16) That the responsibility of the manager of that store to ensure that customers shall not loiter outside of the premises and shall leave the vicinity of the store quietly;
- (17) That at no time shall any signs, amplification equipment, goods or the like be placed on public area or the footpath adjacent or near the premises;
- (18) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (19) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (20) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668;
- (21) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;

- (22) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (23) That a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council's Waste Management/Minimisation Facts Sheets;
- (24) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (25) That an air lock ventilated in accordance with the requirements of the Building Code of Australia shall be provided to the water closet compartment;
- (26) That the doors to the toilet and airlock shall be made close fitting and self-closing;
- (27) 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.
(ii)	all required mechanical ventilation systems	Building Code of Australia and AS1668.
(iii)	the garbage room	SSCC Waste Management / Minimisation Facts Sheets
(iv)	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 & the Food (General) Regulation, 1997

- (28) The use of the premises shall not give rise to:
- Transmission of "offensive noise" to any place of different occupancy, **and**

- A sound pressure level at any affected premises that exceeds the background (L_{A90}) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{A10, 15min}$ and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, **and**
 - A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW,EPA Industrial Noise Policy;
- (29) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That structural drawings and certificate from a qualified structural engineer, certifying that the design and installation of the shop front sign is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
 - (b) Those essential services installed in the building shall be maintained to the relevant standards;
 - (c) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
 - (d) That all relevant sections of the BCA shall be complied with;
 - (e) 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);
 - (f) 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;

- (g) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (30) That all deliveries and garbage collection on the site shall not be before 6.00 a.m. and after 8.00 a.m., Mondays to Sundays.

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

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

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

NOTE: Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to Advisory Notes on Access to Premises by the Human Rights and Equal Opportunity Commission, may be the best defence against potential action until an accepted industry standard is available.

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

At the request of Councillor Harcourt, and by consent, the motion be amended by the deletion of the time "8.00 a.m." where appearing in condition (30) of the recommendation and the insertion in lieu thereof of the time "8.00 p.m."

Motion, as amended by consent, carried.

6.

WILLIAM STREET, NO. 234, POTTS POINT – 24 HOUR CONVENIENCE STORE WITH INTERNET SERVICE – DEVELOPMENT APPLICATION (U01-00223)

- (A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr Ali Gebara, with the authority of Bell Developments Pty Ltd, to establish a 24 hour convenience store with Internet provision, subject to the following conditions, namely:-
- (1) That the consent shall not operate until the applicant has provided details of the following matters which shall be submitted within 30 days of this deferred commencement consent and shall be approved in writing by the Director of Planning and Building:
 - (a) Plan of Management in accordance with Condition (3);
 - (2) That prior to issuing a construction certificate, it will be necessary to lodge with Council a fee of \$330 (b) in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. The deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit.
 - (3) That a Plan of Management for the premises shall be prepared and submitted to Council within 30 days of this consent. The Plan of Management shall address the following 'minimum' information and shall be to the satisfaction of Council's Director of Planning and Building:
 - Proposed waste minimisation, management, storage and collection procedures in accordance with Council's Waste Minimisation Fact Sheets;
 - Details of waste collection and servicing of the site, having regard to Conditions 10 and 11 of this consent,
 - General details of security arrangements and site management in the evening including number of staff and details of how it is proposed to minimise and manage any crowding in the vicinity of the site or on the site arising from the use;

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- (4) That the proposal shall be generally in accordance with the plans numbered A1.01 and A1.02 and dated Jan 01 endorsed and stamped by Council;
- (5) That the operation of the premises must comply with the Plan of Management at all times. Council shall be advised in writing, and shall give its concurrence to any modification of the Plan of Management before changes to the Plan of Management are implemented on the site;
- (6) That the intensity, colour, period of intermittency and/or hours of illumination of the premises and/or associated signage shall be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the area;
- (7) That there shall be no external fluorescent lighting associated with the premises;
- (8) That no flashing, moving or intermittent lighting shall be installed on the premises or on any external sign associated with the development without further consent of Council;
- (9) That the proposed under awning sign shall have a minimum distance of 2600mm from the footpath to the underside of the sign;
- (10) That delivery vehicles servicing the site shall park in Brougham Street and not William Street;
- (11) That deliveries to the site shall only occur after 7.00am and before 10.00pm, 7 days;
- (12) That at no time shall any signs, amplification equipment, goods or the like be placed on the public way;
- (13) That any additional signage not shown as part of the subject consent shall be the subject of a separate development application;
- (14) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (15) That the construction, fitout and finishes of the premises shall comply with the Food (General) Regulation, 1997 and the National Code for the Construction and Fitout of Food Premises;
- (16) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2;

- (17) 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;
- (18) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (19) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (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 a garbage/recyclable materials room or garbage/recyclable materials storage area shall be provided within the site in an approved position and constructed in accordance with the requirements of Council’s Waste Management/Minimisation Fact Sheets;
- (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 commencement of any works:

No.	Health Aspect	Standard or Requirement
(i)	All proposed and altered mechanical ventilation systems.	Building Code of Australia and AS1668.
(ii)	The garbage room.	SSCC Waste Management/Minimisation Fact Sheets
(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 & the Food (General) Regulation, 1997.

- (23) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That all 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;

- (b) That the efficient coverage and operation of any fire fighting equipment or egress requirements shall not be impaired by the partitioning layout;
- (c) That all existing essential services shall be maintained to the relevant Australian Standard;

and the following adopted standard conditions:

- (24) Comply With BCA⁹¹⁰⁴
 - (25) Construction Certificate Required⁹¹⁵⁵
 - (26) Comply With the WorkCover Authority⁹¹⁰⁵
 - (27) Construction Hours⁹¹⁵¹
 - (28) Works Within Boundary⁹¹⁵²
 - (29) Building/Demolition Noise Control⁹¹⁵⁶
 - (30) Maintain Existing Building in a Stable Condition⁹¹⁵⁷
 - (31) Timber Framing to Comply With Aust Standard or Certified⁹²⁰¹
 - (32) Commencement of Structural Works⁹²⁰²
 - (33) Structural Design Certificate⁹⁰⁰⁶
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

7.

LITTLE QUEEN STREET, NO. 3, CHIPPENDALE – CHANGE OF USE OF FORMER SYDNEY MISSION HALL FROM OFFICES TO CREATE 3 RESIDENTIAL UNITS AND ASSOCIATED ALTERATIONS INCLUDING ADDITION OF 2 STOREYS – DEVELOPMENT APPLICATION (U00-01273)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application

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submitted by Mr A Hershco, to add two storeys to the building and change the use of the premises to create 3 residential units and associated alterations, for the following reasons, namely:-

- (1) That the proposal would provide poor residential amenity. In particular, the proposal would not comply with the South Sydney Development Control Plan 1997 objectives relating to the provision of adequate open space;
 - (2) That the proposal would exceed the maximum permitted floor space ratio of 1:1 for the site, by proposing a floor space ratio of 2.3:1. Consequently, the proposal is considered to be an overdevelopment of the site and the proposal does not comply with the provisions of the South Sydney LEP 1998 relating to floor space ratio;
 - (3) That the proposal would exceed the maximum permitted height for the site of 6 metres and rises to a height of 11.8 metres. Consequently the proposal would appear out of scale with neighbouring buildings and would not comply with the South Sydney LEP provisions relating to building height;
 - (4) That the proposal would adversely affect the appearance of the building and in doing so would be contrary to the provisions of the Heritage DCP 1998 relating to additions to draft Heritage Items and additions in Conservation Areas.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

At this stage and at 9.04 p.m. Councillor Lay returned to the Council Meeting.

8.

KELLETT STREET, NO. 16, POTTS POINT – COMMERCIAL BROTHEL – DEVELOPMENT APPLICATION (U01-00087)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Provincial Planning, with the authority of Kiambar Pty Limited, to continue the use as a commercial brothel, subject to the following conditions, namely:-

- (1) That the development shall be in accordance with the submitted plans dated 16 January 2001 endorsed and stamped by Council, subject to compliance with the Conditions below;
- (2) That the operation of the premises must comply with the Plan of Management submitted with the application and the additional information received on 4 May 2001. There shall be no changes made to the Plan of Management without prior written approval from Council;
- (3) That notwithstanding the content of the Management Plan the fairy lights displayed at the front of the premises shall be permanently removed within 30 days of this consent. No signage or advertising material shall be displayed on the premises except the existing 1.8 metre by 0.3 metre internally lit horizontal sign. The sign shall only display the name of the premises and the phone numbers and the internal illumination shall not be flashing or animated

NOTE: Council does not have the power under the Environmental Planning and Assessment Act 1979 and Building Code of Australia to give its consent to works undertaken prior to the issuing of this consent. However, you are advised without prejudice, that Council will not take action in respect to the unauthorised works provided that certification from a suitably qualified professional is submitted within 60 days of the date of this consent to the effect that the horizontal signage is structurally adequate and complies with the requirements of Building Code of Australia;

- (4) That the fire safety measures in the building, carried out in accordance with fire safety order 2015461 shall be properly maintained;
- (5) That the hours of operation of the premises shall be between 10 am and 7 am, seven days;
- (6) That escort services shall not be provided by the premises and that approval for an escort service would need to be subject to a separate development application to Council;
- (7) That no sex worker under the age of 18 shall work on the premises;
- (8) That the premises shall provide regular access and facilities to sexual health service providers for outreach and health educational workshops;
- (9) That a staff noticeboard be clearly displayed in the staff room and that the noticeboard should be used solely for the display of

health educational material and the contact details of relevant health and sexual health services;

- (10) That a safe and accessible staff room in a non-working area be provided with appropriate facilities (fully equipped bathroom, food and beverage preparation areas) for staff on breaks and separate to the client lounge/viewing area;
- (11) That a sign be provided in the tea-room advising staff that the food preparation area is for staff use only (not for clients);
- (12) That the workplace shall provide workers who do not have adequate English skills and/or who have low literacy skills with information in an appropriate format;
- (13) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (14) That the premises shall comply with the requirements of Council's Sex Industry Policy adopted by Council on 12 April, 2000;
- (15) That the premises shall be maintained in clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (16) That vinyl protection covers be provided for all mattresses;
- (17) That the proprietor shall ensure that sex workers are adequately trained to examine clients for any visible evidence of sexually transmitted disease and that examinations are conducted before any sexual contact. **NOTE:** The proprietor's attention is drawn to the provisions of Section 13 of the Public Health Act, 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agrees to accept the risk;
- (18) That the wash hand basins in each room shall be provided with a mixing device which can be adjusted to enable hands to be washed under hot running water;
- (19) That the garbage receptacle storage area provided within the site shall be in accordance with Council's Waste Management/Minimisation Fact Sheets;
- (20) That the proprietor shall ensure that all linen, towelling and other bed coverings which comes into contact with clients shall be changed immediately after each use and shall be stored in a container used for that purpose only and shall be laundered by a professional contractor;

- (21) That suitably constructed waste disposal containers with securely fitting lids shall be left on the premises for the reception of any clinical, contaminated or related waste arising from the approved use, and final disposal of the materials shall be effected at a facility approved by the Environment Protection Authority. **NOTE:** Compliance with Council's requirements for waste storage, storage of clean and dirty linen, and other products may result in the loss of one bedroom. Under no circumstances, shall the staff room required by Condition 10 and shown on the plans be reduced in size to accommodate storage facilities required above.
- (22) That the applicant shall enter into a commercial contract for the collection of trade waste;
- (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.

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

- (24) That applicant shall submit details showing how conditions (10), (19) and (21) are to be complied with within one month of the date of this consent.
- (B) The applicant be advised that failure to comply with all conditions of consent within 2 months of the date of this resolution may result in legal action being taken.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

9.

**DARLINGHURST ROAD, NOS. 34 – 36A, SHOP 4, POTTS POINT –
INSTALLATION OF WINDOW IN ROSLYN STREET FAÇADE –
DEVELOPMENT APPLICATION (U01-00241)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

- (A) That Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by and, with the authority of Glow Pace Pty Ltd to install a fixed panel glass window, and for the following reasons, namely:-
- (1) The proposal is inconsistent with Clauses 22 and 23A of South Sydney Council's heritage LEP 1998, Clauses 3.2 and 4.1.4 of South Sydney DCP 1998, (Heritage and Conservation) and Part E Section 3 of DCP 1997 because of the proposed window:-
 - (i) will adversely impact upon the heritage significance of the building;
 - (ii) compromises the strong vertical proportions and symmetry of the building and also involves removal of a large amount of the significant fabric including the stone cladding;
 - (iii) is not in keeping with the fenestration of the building;
 - (2) That the persons who made representations in respect of the proposal be advised of Council's decision.
 - (3) That Council grant delegated authority to the General Manager to commence proceedings to prosecute the owner of shop 4, 34-36A Darlinghurst Road, Darlinghurst for undertaking works in the absence of development approval where such approval is required by the Environmental Planning and Assessment Act 1979 (as amended);
 - (4) That Council grant delegated authority to the General Manager to commence legal proceedings against the owner of shop 4, 34-36A Darlinghurst Road, Darlinghurst to restrain the breach of the Environmental Planning and Assessment Act 1979 (as amended) and to seek orders from the Court that those works undertaken in breach of the Environmental Planning and Assessment Act be removed and the building be reinstated to its original condition;
 - (5) That Council issue, a Notice of Intent an Order pursuant to Section 121 of the Environmental Planning and Assessment Act

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1979 against the owner of the shop 4, 34-36A Darlinghurst Road, Darlinghurst.

- (B) That the Director of Public Works and Services be requested to prepare a report concerning the possibility of installing a plaque in the footway establishing the heritage significance of the building and the social significance of the building, (i.e. That the artist Sir William Dobell and cartoonist Emille Mercier once resided at the premises).

Carried.

At this stage Councillor Lennon tabled a letter from a resident requesting the plaque to be placed at the abovementioned site.

The Mayor asked that the report requested in clause (B) of the recommendation be forwarded to the next Arts and Cultural Committee Meeting to be held on 4 June 2001.

10.

CARILLON AVENUE, NO. 90, NEWTOWN – PROPOSED STUDENT ACCOMMODATION INCLUDING NON-RESIDENTIAL USES AND CAR PARKING SPACES – DEVELOPMENT APPLICATION (U99-00320)

That Council advise Multiplex Constructions in writing that it notes the amended plans submitted to comply the Minister for Urban Affairs and Planning's, consent instructions in relation to the proposed student accommodation at 90 Carillon Avenue Newtown and that the consent dated 12 January 2000 should include reference to Class 1(b) buildings and that the proposed vehicle entry off Carillon Avenue requires a separate approval.

(DPB Report 11.5.01)

Carried.

11.

JOHN STREET, NOS. 48 – 50, ERSKINEVILLE – MODIFICATION OF DEVELOPMENT CONSENT FOR TERRACE HOUSES – SECTION 96 APPLICATION – DEVELOPMENT APPLICATION (U00-01015)

- (A) That Council as the responsible authority, having considered an application under Section 96 of the EPA Act for the modification of a consent granted on 13 December 2000, for three dwelling, by the deleting of Condition (5), namely:-

“That the parking space to the centre unit shall be deleted and the existing centre entry portal in the John Street Façade retained”.

-be refused, for the reasons:-

- (a) That the approval of an additional parking space would adversely affect the appearance of the building;
 - (b) That parking spaces which require a vehicle to reverse across a footpath are undesirable on safety ground;
 - (c) That approval would reduce the availability of on-street public parking.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

12.

**BROWN STREET, NO. 44, NEWTOWN – CHANGE OF USE TO 15
BEDROOM BOARDING HOUSE – AMENDED PLANS FOR L & E COURT
CASE PART OF DEVELOPMENT APPLICATION (U00-00451)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

- (A) That the Council advises the Land & Environment Court, as the consent authority, that it refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Cracknell and Lonergan Architects, with the authority of Mr Y and Mrs S Eissa, to carry out alterations and additions and change the use of the premises to a 15 bedroom boarding house, for the following reasons, namely:-
- (1) That the amenity of the proposed 3 storey building adjacent to the railway line is considered to be inadequate in relation to access to communal facilities which are located in the other building;
 - (2) That the amenity of the proposed 3 storey building adjacent to the railway line is considered to be inadequate as the windows are south facing and exposed to a significant and intrusive noise source;
 - (3) That the amenity of the proposed 3 storey building adjacent to the railway line is considered to be inadequate in relation to noise and vibration as no noise and vibration attenuation measures have been provided;

GENERAL MANAGER

- (4) That the proposal is inconsistent with Clause 12 – objective 1(c) of LEP 1998 in respect to amenity of nearby residents as windows on the 1st floor on the northern elevation of the 2 storey building will result in overlooking of the private open space of the adjoining dwellings;
 - (5) That the parking does not comply with DCP No.11 – Transport Guidelines for development in relation to the width of the parking spaces;
 - (6) That the drawings submitted are erroneous and fail to give an accurate representation of the buildings and their external features;
 - (7) That approval of the application would not be in the public interest.
- (B) That Council advise its Solicitors to continue to advocate the refusal of the application before the Land & Environment Court.
 - (C) That Council advise the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

13.

KEPOS STREET, NO. 40, REDFERN – ALTERATIONS AND ADDITIONS TO RESIDENTIAL TERRACE – SECTION 96 MODIFICATION TO DEVELOPMENT APPLICATION – DEVELOPMENT APPLICATION (U00-00124)

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 May 2001.

Carried.

14.

PLANNING – DEVELOPMENT CONTROL PLAN NO. 11: TRANSPORT GUIDELINES FOR DEVELOPMENT – PROPOSED AMENDMENTS TO RESIDENTIAL PARKING RATES (2022930)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Pooley:-

GENERAL MANAGER

That Council resolve not to amend *Development Control Plan No. 11 Transport Guidelines for Development* and *DCP 1997 – Green Square Amendment* to incorporate the following new maximum parking rates.

At this stage Councillor Lennon, seconded by Councillor Lay, moved that the motion be put.

Motion be put carried.

Motion carried.

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

15.

PLANNING – TAYLOR SQUARE FRESH PRODUCE MARKET FEASIBILITY STUDY AND BUSINESS PLAN (2024213)

That Council engage the “CMS Group” to carry out the Feasibility Study and Business Plan for a Fresh Produce Market at Taylor Square at a cost of \$56,650 (incl. GST) for the reasons outlined above, and that funds be drawn from account 131 5500 51020 (Green Square Station Plaza).

(DPB Report 14.5.01)

Carried.

16.

PLANNING – “PLAN FIRST” – GOVERNMENT WHITE PAPER – PLAN MAKING REFORM IN NSW (2024298)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That Council forward a copy of this report as its submission to the Department of Urban Affairs and Planning addressing the reforms proposed within ‘Plan First’ by 1 June 2001.

(DPB Report 14.5.01)

At the request of Councillor Pooley, and by consent, the motion be amended by the following amendments and questions of the paper forwarded to the Department of Urban Affairs and Planning, namely:-

Page 7 Key Statement of Objectives: Plan First refers to “those that are often marginalised”. People with disabilities are conspicuously absent from this list and should be included.

Page 24 What will Local Plans Contain?

All local government authorities in NSW are equally required to plan for and assess developments on the basis of accessibility under the DDA.

Therefore “accessibility should be included as a mandatory ‘outcome’ on page 24.

On Page 42, 6.2 the section in plan first is ‘Content of the state planning policies’ two of the suggested policies are “Living and Working and ‘Community diversity and livability’ both policies should include reference to access matters.

And finally on page 45 Where to from here? The reference to Regional Forums their role and membership. Here we should suggest that peak disability groups be engaged in regional planning discussions.

Motion, as amended by consent, carried.

17.

KING STREET, NO. 145, NEWTOWN – ENCLOSURE OF BALCONY OF MARLBOROUGH HOTEL ALONG MISSENDEN ROAD AND CONSTRUCT NEW SEATING AREA – DEVELOPMENT APPLICATION – DEVELOPMENT APPLICATION (U00-01389)

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Mr J J O’Brien, (owner), for permission to enclose a balcony and provide associated seating, for the following reasons, namely:-
- (1) That the proposed balcony enclosure would unacceptably detract from the appearance, character and significance of the building, thereby not complying with Clause 22 of LEP 1998;
 - (2) That the proposed balcony would result in the loss of an important original feature, thereby not complying with the controls contained in Clause 4.1.4 of the South Sydney (Heritage Conservation) DCP 1998;
 - (3) That the proposed development would result in the enclosure of a balcony within a Conservation Area, thereby not complying with Clause 4.1.6 of the South Sydney (Heritage Conservation) DCP 1998;

GENERAL MANAGER

- (4) That the approval of a balcony enclosure within a Conservation Area would set an undesirable precedent across South Sydney;
 - (5) That the proposed balcony enclosure of the prominently situated hotel would adversely impact on the Conservation Area thereby not complying with Clause 22(f) of LEP 1998;
 - (6) That the proposed balcony enclosure would not conserve or respect the original form and detail of a Potential Heritage Item, thereby not complying with the Management Policy contained in Section 5 of the King Street & Enmore Road DCP.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.
 - (C) That an order be served to reinstate the first floor external wall to the balcony facing Missenden Road.

Carried.

(At the Committee and Council Meeting, Councillor Bush requested that his name be recorded as voting against the foregoing motion.)

The Planning and Development Committee Meeting terminated at 7.55 p.m.

The Council Meeting terminated at 9.25 p.m.

Confirmed at a meeting of South Sydney City Council
held on2001

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER