

**274<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
 312371

**Wednesday, 20 June 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, 20 June 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 Furness, seconded by Councillor Lennon:-

That the minutes of the Ordinary Meeting of Council of 6 June 2001, be taken as read and confirmed.

Carried.

At this stage it was moved by Councillor Pooley, seconded by Councillor Bush, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, South Sydney Council Tenants Advice and Advisory Services.

Carried.

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

**ADMINISTRATION - SOUTH SYDNEY COUNCIL TENANTS ADVICE AND ADVISORY SERVICES – REPRESENTATION TO MINISTER FOR FAIR TRADING, THE HON. JOHN WATKINS (2025300)**

That the Mayor, on behalf of Council, write to the Minister for Fair Trading, The Hon. John Watkins, expressing Council's support for all three inner city Tenants Advice and Advisory Services. That the letter acknowledge that South Sydney City Council has a high percentage of tenants, boarding house tenants, public housing tenants and private tenants. Demand for those services has been increasing, are fully utilised, and are cost effective. That any amalgamation will result in a loss of expertise currently provided through the volunteer staffing and management and should therefore be opposed.

Carried.

**MINUTE BY THE MAYOR**

12 June 2001

**PUBLIC RELATIONS – MAYORAL CHARITY BALL – THE TED NOFFS FOUNDATION (2001042)**

The annual Mayoral Charity Ball will be held on Saturday, 4 August 2001 at Paddington Town Hall.

In the past the Ball has supported deserving charities and community groups including the Garvan Institute and the Paralympic Games.

**GENERAL MANAGER**

The level of funds raised has been in the range of from \$15,000 to \$30,000 and is covered by the sale of tickets to the ball.

It is proposed the proceeds from the 2001 Mayoral Charity Ball benefit The Ted Noffs Foundation.

The Ted Noffs Foundation provides residential and out-client services for young people who are having significant difficulties with drugs or alcohol between the ages of 14 to 18 years old and support to their families and carers in New South Wales and the Australian Capital Territory.

**RECOMMENDATION:**

That Council endorses the charity to benefit from the proceeds of the 2001 Mayoral Charity Ball is The Ted Noffs Foundation.

Councillor John Fowler (SGD)

**Mayor**

Moved by Councillor Furness, seconded by the Mayor:-

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

Carried.

**MINUTE BY THE MAYOR**

20 June 2001

**HEALTH - ENVIRONMENTAL MANAGEMENT – CITIES FOR CLIMATE  
PROTECTION PROGRAM – ACHIEVEMENT OF MILESTONE TWO (H51-00066)**

As you are aware Council is participating in the Cities for Climate Protection (CCP) Program. The aim of the project is to empower and motivate local government to reduce greenhouse gas emissions. It is an international campaign of the International Council for Local Government Environmental Initiatives (ICLEI).

The program consists of five milestones. The first milestone was achieved on the 10 January 2001. It consisted of conducting an inventory of the community and corporate greenhouse gas emissions for a chosen base year (1996) and estimating the growth in community and corporate emissions for the target year (2010) under continuing current conditions.

**GENERAL MANAGER**

I am now pleased to report that ICLEI has advised that Milestone 2 has now been achieved and they congratulate Council in doing so. This achievement was acknowledged at a CCP recognition event at the SSROC meeting on the 31 May. Milestone 2 is Council's emissions reduction goals for the community and the corporate sectors. The next Milestone will involve developing effective and practical strategies to meet the goals set in Milestone 2.

I therefore would like to congratulate the relevant Council officers involved, in particular Mr Gordon Downey, and I look forward to the future development and implementation of Council's greenhouse strategy, based on environmental sustainability and cross generational equity.

Councillor John Fowler (SGD)

**Mayor**

Moved by Councillor Lay, seconded by Councillor Furness:-

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

Carried.

#### **MINUTE BY THE MAYOR**

20 June 2001

#### **PUBLIC RELATIONS – QUEENS BIRTHDAY HONOURS LIST – CONGRATULATIONS TO RECIPIENTS (2000734)**

It is with pleasure that I advise Council that on Monday 11 June 2001, three local residents of South Sydney Council area were awarded honours in the Queens Birthday List.

The following recipients of awards were:-

1. Mr. Matt Valentine Gavin of Potts Point awarded OAM, Medal in the General Division for services to the health and welfare of veterans and their families through a range of ex-Services organisation;
2. The Reverend Father Mark Terence Raper of Elizabeth Bay awarded an AM Member in the General Division for his services to international humanitarian relief through the Jesuit Refugee Service;
3. Professor James May of Centennial Park awarded an AC, Order of Australian in the General Division, for services to the advancement of vascular surgery throughout the world, particularly through pioneering the introduction of

**GENERAL MANAGER**

endoluminal. methods for the treatment of diseased arteries, placing Australia in the forefront in this field.

In recognition of their achievements and honours bestowed to them, I recommend that a letter under the signature of Mayor be forwarded to the recipients extending the congratulations of Council.

Councillor John Fowler (SGD)

**Mayor**

Moved by Councillor Mallard, seconded by Councillor Lennon:-

That the minute by the Mayor, be approved and adopted, subject to the addition of a former resident of South Sydney Council, Christopher Puplick, to the list in receiving a letter from the Mayor in honour of an AM, Member in the General Division, for his service to the protection of human rights and access to social justice in Australia, and to community health through advocacy and support in the area of HIV/AIDS.

Carried.

#### **MINUTE BY THE MAYOR**

20 June 2001

#### **COMMUNITY SERVICES – REVISED SCHOOLS PROPOSAL (2024409)**

In late March 2001, the NSW Department of Education and Training (DET) released the document “Building the Future” proposing major changes to public primary and secondary schools in the eastern suburbs, inner city, inner west, inner south west, Ryde and Chatswood areas.

Under the original plan:

- Redfern, Waterloo, Alexandria and Erskineville primary schools would be closed, and one new primary school would be created in Alexandria.
- Cleveland Street High school would close and accommodate the amalgamated primary schools.
- A secondary campus “Wingara” would be created on the current Alexandria Public school site with a special Aboriginal focus.

DET advised it would accept comments on the proposal up until 30 May 2001.

**GENERAL MANAGER**

Council subsequently met with DET representatives on a number of occasions, and held a public meeting to get community feedback on the proposal. Council then formally lodged a submission, outlining the concerns of the local community.

On 14 June 2001, the Minister for Education and Training released the revised "Building the Future" recommendations, following a ten week consultation period.

Under the revised plan:

- Cleveland Street High School and Alexandria Public School will become the Alexandria Park Community School providing pre-school to year 12.
- a preschool to Year 8 community school will be located on the current Cleveland Street High School site and a Year 9-12 facility on the current Alexandria Public School site
- Redfern, Erskineville, Waterloo and Alexandria Public Schools will be amalgamated into the new community school
- there will be a three-month consultation period with the community to develop the recommendations in relation to the Alexandria Park Community School proposal
- Erskineville, Redfern, Alexandria and Waterloo Public Schools are to be closed at the end of 2002.
- Waterloo Public School can be considered for pre-school programs, early intervention and a community support base for children's programs involving the Department of Health, Department of Community Services and community welfare groups
- Murawina Multi-Purpose Child Care Service is to relocate to part of Redfern Public School.
- Erskineville and part of Redfern Public School sites will be sold.
- Possible difficulty in travel for young students to Alexandria Park Community School has been acknowledged by DET and special transport arrangements will be made, including a school community bus, will be negotiated with the community, if required.

Whilst the revised plan is an improvement on the original in some respects, a number of issues remain. Specifically, the revised plan:

- Proposes the closure of Erskineville, Redfern and Waterloo public schools;
- Proposes the sale of Redfern and Erskineville public schools, without consideration as to how these public assets might be utilised for community use;
- Proposes the use of Waterloo Public School as a 0-5 facility, without any consultation;
- still does not address the alarming rates of school non-attendance in South Sydney, which may partly account for the decline in local public school enrolments; and
- does not address travel issues for young children who would have to travel further to school. The plan states only that special transport arrangements will be negotiated only if required.

The upper house committee enquiry into the closures has proposed a local consultation on Sunday 1 July from 2 to 4.30pm. I propose that Council supports this

meeting through the free use of Erskineville Town Hall and publicity to ensure the community has the opportunity to provide input.

Publicity for the meeting could be banners in affected schools and an advertisement in the local newspapers.

**RECOMMENDATION:**

I therefore recommend that Council:

1. Oppose the closure of Erskineville and Waterloo Public Schools.
2. Oppose the sale of Redfern and Erskineville school sites.
3. Reject the proposal for 0-5 use of Waterloo Public school until further community consultation is undertaken.
4. Provide 2 large banners for display to each of the affected primary schools to show Council support, raise community awareness and oppose their closure and/or sale.
5. Host a meeting on this issue on Sunday 1 July 2001 at Erskineville Town Hall, to assist in obtaining community feedback on the revised "Building the Future" Plan released on 14 June 2001.

Councillor John Fowler (SGD)

**Mayor**

Moved by Councillor Mallard, seconded by Councillor Lennon:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

20 June 2001

**PROPERTIES – BROADWAY REDEVELOPMENT – NOS. 147-179  
BROADWAY, NOS. 46-60 MOUNTAIN STREET AND  
NO. 3 OWEN STREET, ULTIMO (P56-00048)**

On Tuesday 19<sup>th</sup> June 2001, Council and Australand Holdings Ltd made final settlement for the joint venture on the Broadway site.

The properties of 147-179 Broadway and 3 Owen Street have been transferred to Australand while Council retains the ownership of the Wilcox Mofflin Bond Store (46-52 Mountain Street).

**GENERAL MANAGER**

Australand have a license over the whole area for the redevelopment works, and the Bond Store should be refurbished for lessee occupation by 30<sup>th</sup> September 2002.

The lease involving 147 Broadway is now a matter between Australand and "Empty Spaces – Temporary Places".

Submitted for information.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Furness, seconded by Councillor Lennon:-

That the minute by the General Manager, be received and noted.

Carried.

### **MINUTE BY THE GENERAL MANAGER**

20 June 2001

#### **ADMINISTRATION - LETTER OF APPRECIATION – DES LAMBLEY – SPROATS INQUIRY (2025300)**

South Sydney Council's response to the Sproats' Inquiry Report was forwarded to the Minister for Local Government (The Hon. H. Woods MP) by letter dated 31<sup>st</sup> May 2001. Council now awaits the Minister's decision.

Overall Council prepared three reports associated with the Sproats Inquiry. These were:-

1. The initial report submitted on 15<sup>th</sup> December, 2000;
2. A supplementary submission made on 19<sup>th</sup> February 2001;
3. A response to the Sproats' Inquiry Report as mentioned above.

Irrespective of the Minister's decision Council's reports provided an honest evaluation of the structure of local government in this area as well as an honest assessment of the efficient and excellent local government services and facilities South Sydney City Council provides.

Whilst acknowledging the efforts of Council's past and present officers in the preparation of these reports, I should like to draw to the attention of the Councillors, the major role played by Mr Des Lambley in this project.

**GENERAL MANAGER**

Mr Lambley was requested to help with Council's submission because of his past association with the Department of Local Government Boundaries Commission (as Secretary) and his experience in both preparing and critically examining the type of written submissions associated with this type of inquiry.

Mr. Lambley was required to carry out a great deal of research, both internal and external, and to analyse and collate a substantial amount of information without the benefit of "local knowledge". He carried out his work with a high degree of dedication and professionalism.

It is suggested a letter of appreciation be forwarded to Mr Lambley.

**RECOMMENDATION:**

That arising from a report of the General Manager of 20<sup>th</sup> June 2001, a letter, under the seal of Council, be forwarded to Mr Des Lambley, expressing Council's appreciation for the role he played in preparing submissions associated with the Sproats Inquiry.

J. W. Bourke (SGD)  
**General Manager**

Moved by Councillor Furness, seconded by Councillor Shaw:-

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

At the request of Councillor Pooley, and by consent, the motion be amended by the addition of the words to the recommendation "and that Des Lambley be invited to the Council Meeting of 4 July 2001, to recognise his work on the Sproats Inquiry".

At the request of Councillor Harcourt, and by consent, the motion also be amended by the addition of the words to the recommendation "and that Mr. Garry Brooks be also thanked and forwarded a letter of appreciation and be invited to the Council Meeting of 4 July 2001".

Motion, as amended by consent, carried.

**PETITIONS**

1.

The Mayor tabled a petition received at the Community Services Committee Meeting held on 13 June 2001, with approximately 164 signatures appended from residents of South Sydney and Tasmanian Local Government areas, requesting Council not to enter into new commercial arrangements with companies that are involved in woodchipping of native forests.

Received.

**GENERAL MANAGER**

2. The Mayor tabled a petition received by the General Manager with approximately 217 signatures appended from residents of various streets in the suburbs of Newtown, Erskineville and other Local Government areas, objecting to the proposed demolition of Nos. 8 and 10 Devine Street, Erskineville, and replacement with four townhouses.

Received.

### QUESTIONS WITHOUT NOTICE

1. **COMMUNITY SERVICES – CUTS TO LOCAL CENTRE LINK SERVICES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2025295)**

**Question:**

I understand that there is to be a meeting at the Redfern Leagues Club on 27 June 2001, to discuss amongst other things, cuts to local Centrelink services to Redfern and the centralisation of service provisions. As Councillors will be otherwise engaged, could Council ensure that an appropriate member of staff is able to attend and report back.

**Answer by the Mayor:**

I will have a member of the Community Services branch attend.

2. **COMMUNITY SERVICES – DOWNGRADING OR REMOVAL OF LOCAL CENTRE LINK SERVICES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2025295)**

**Question:**

I have been informed that Centrelink services are being centralised through many micro changes which neither require negotiation with staff or unions nor gives any community any complete understanding of what their services are. I am concerned that the communities of Redfern and Waterloo are again under attack with the downgrading or removal of local services. Could the Mayor please seek clarification as to what changes have and are intended for the offices at Redfern and communicate this to Council and the community?

I have heard that their ability to deal with pensioners is to be slashed to 2 part day visiting officers, requiring appointments and more importantly, waiting lists. The nearest alternative office would be Maroubra. New start/sickness benefits

have been moved to Haymarket already and I believe that Bondi Junction Centrelink will be closed for all but family assistance matters.

**Answer by the Mayor:**

I certainly will write and I will have the letter and any response circulated in the Councillors Information Service.

3.

**MEETINGS – SYDNEY AIRPORT – REPRESENTATION TO FEDERAL MEMBER RE SALE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2016370)**

**Question:**

I understand the Mayor of Leichhardt is intending to send a letter to the Federal Member for Bennelong requesting he abandon his plans to sell Sydney Airport. Could you also write to the Member for Bennelong making that same request?

**Answer by the Mayor:**

I am very happy to do that. I will follow that through and write a letter and also circulate it in the Councillors Information Service.

4.

**PUBLIC RELATIONS – COMMUNITY SERVICES COMMITTEE 13 JUNE 2001 – QUESTION OF CASTING VOTE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2022320)**

**Question:**

I wish to ask why it has been recorded in the agenda for this Council meeting that item 2 on the Community Services Committee paper regarding woodchipping had been carried on the casting vote of the Chairperson? As the Finance and Community Services Committees are made up of an even number of Councillors, several items at each meeting, at least, are usually carried on the casting vote of the Chairperson, but this has never been recorded in the Council agenda since I've been on this Council.

Could you please explain this inconsistency?

**Answer by the Mayor:**

I will ask the General Manager to prepare a report for the Councillors Information Service.

5.

**HUGO STREET, NOS. 29-53 AND LOUIS STREET, NOS. 28-54 AND CAROLINE STREET, NOS. 12-36 CHIPPENDALE – WILSON BROS SITE – ASBESTOS CONTAMINATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2020517)**

**Question:**

I refer to a report in Councillors Information Service No. 24 of 8 June 2001, by the Acting Director of Corporate Services regarding asbestos contamination of the Wilson Bros Site, Redfern. In this report, he advises that consultants last prepared a hazardous materials report prior to calling for tenders for demolition. Since that time there have been probably hundreds of break-ins to the site by youths who have gone right through the premises and the RAC recently vacated the site and made use of a Bobcat bulldozer to collect materials.

Mr Mayor, following on from our recent conversation, can you please direct the demolition contractor to cease activities on the site as I have precisely nil confidence in their ability to carry out the work without posing a considerable risk to the health of their workers and potentially to nearby residents?

Further, can we obtain a contractor who will demolish the structure correctly, not just on the cheap, and can security guards patrol the site until all the asbestos has been removed so that youths are prevented from entering it?

**Answer by the Mayor:**

I will have the Acting Director of Corporate Services respond through the Councillors Information Service and then whether or not there is an issue that needs to come back to committee.

6.

**SIGNS – CORNER OF PHILLIP AND CHALMERS STREET, REDFERN – RENEWAL OF “NO PARKING” SIGN - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2014969)**

**Question:**

A resident informs me that when parking bays were reconfigured on the corner of Phillip and Chalmers Streets, Redfern, the “No Parking” sign was not moved as it should have been. Consequently residents are unable to make full use of the parking bays.

Please can this matter be addressed?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to prepare a report in regards to that matter.

7.

**STREETS – LANE BETWEEN CHALMERS AND DOUGLAS STREETS, REDFERN – REMOVAL OF BROKEN STREET LIGHT - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2019901)****Question:**

A power pole in the rear lane between Chalmers and Douglas Streets has a broken and disused old-style street light attached. Can this be removed by Council or else may we seek to have it removed?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to action that through Energy Australia.

8.

**TREES – LOPPING OF GUM TREE IN FRONT OF SOUTH SYDNEY PCYC - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2024066)****Question:**

A large gum tree in the front lawn of South Sydney PCYC has a branch which is rubbing against power lines. Is Council able to assist PCYC by inspecting the tree and lopping the branch if necessary?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to have the Parks Manager or appropriate Officer inspect that tree.

9.

**DEVELOPMENT – NORTH WARD – CONSTRUCTION WORK NOISE INCONVENIENCE AND OVER-DEVELOPMENT- QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2016528)****Question:**

North Ward residents are fed up with continual construction work noise inconvenience and overdevelopment in their area. This is heightened when some developments are regarded as unnecessary and environmentally wasteful.

Can a report be prepared for Council on drafting an Adaptive Re-use DCP, which, where existing structures on the site of a Development Application are generally suited to the purpose, requires the applicant to renovate, adapt or refurbish those structures rather than demolish and rebuild?

Can the report consider the reduction of construction impacts on residents and the environmental and ecological sustainable development, (as defined in the Local Government Act), benefits of building reuse rather than demolition and new construction?

**Answer by the Mayor:**

Council's DCP has a number of incentives within it to look at the refurbishment and refitting out of industrial and residential buildings. Within the context of heritage aspects of the building that you mentioned in Elizabeth Bay, I believe it would be certainly appropriate that Council's assessment of the development proposal would be looking at retention of that form of building.

**Answer by the Director of Planning and Building:**

We can certainly provide a report on what the current incentives are generally, but in terms of developing further policy work, that is a matter for Council and the Council would have to determine what priority to give that work as at the present time the staff are fully committed on strategic planning projects, but that could be outlined in my report to the Councillors Information Service on what current controls are.

10.

**POLICY – COMMUNITY SERVICES – COMMUNITY GRANTS PROGRAM -  
QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (D53-00003)**

**Question:**

Could a report come to Council on why the Community Services Department failed to allocate over \$300,000 of its Community Grants Program?

**Answer by the Director of Health and Community Services:**

With Donations there are certain guidelines. Those guidelines have been set by Council and we follow them. \$5,000 is the normal amount that we give to festivals throughout the area. The money that is left over is also available for 356 donations which will most probably be taken up during the course of the year by different requests that come at different times. This year we are looking to run a second line of donations and if any of the community groups feel that they need to run specific programs and fit the guidelines, then we can satisfy those requests.

11.

**PARKING – RESIDENT PARKING RENEWALS – PERIOD OF GRACE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2004470)****Question:**

Can Council give a period of grace to residents when renewing their resident parking renewals? I believe this occurs for other businesses and developers for different types of fines by Council.

**Answer by the Mayor:**

This will be a matter for a policy reference and I ask the appropriate Council Officer to prepare a report for the committee meeting after Council's recess.

12.

**FOOTPATHS – DEVELOPMENT – REPAIRS TO FOOTPATH DURING CONSTRUCTION WORK - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (S56-00613)****Question:**

There is a building development on Cleveland Street which runs the block from Chippen Street to Regent Street. As part of that development, they are ripping up the footpath.

Could the relevant Council Officer check the temporary arrangements for the covering of the holes they have made? In my view they are very unsafe.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to have the appropriate Ordinance Inspector to investigate.

13.

**PUBLIC TRANSPORT – BAPTIST CROWN AND CLEVELAND STREETS – REPLACEMENT OF BUS STOPS AND BUS SHELTERS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2001084)****Question:**

There has been a recent change in bus stops near the corner of Baptist, Crown and Cleveland Streets. It is alleged that on crucial bus stop on Cleveland Street has been removed and that at least two bus stops have no shelter.

Could a report be prepared for the Councillors Information Service?

**Answer by the Mayor:**

There have been a number of concerns about the changes of bus stops and most of those changes have come from requests from the State Transit Authority who sit on the Traffic Committee. I will have the Director of Public Works and Services report through the Councillors Information Service.

14.

**TREES – MADDISON STREET, REDFERN – INVESTIGATION OF TREES AND VERGES – INVESTIGATION INTO STREET BEING USED AS A RAT RUN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2005242)****Question:**

Can the Director of Public Works and Services investigate the state of the trees and verges in Maddison Street, East Redfern? Residents in Maddison claim the street is being used as an Eastern Distributor rat run. Please investigate.

**Answer by the Mayor:**

I will have Mr. Thompson respond to you in regards to the rat running in the Councillors Information Service and the question of the trees, I will have an Officer from the Public Works and Services Department report to you.

15.

**FEES AND CHARGES – BRIEFING – REPORT ON PARKING RATES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (B53-00066)****Question:**

Can the Mayor organise a briefing of all Councillors in respect of the recent report on parking rates?

**Answer by the Mayor:**

I will have that matter placed back to the Committee for Planning and Development and that a briefing be held before that meeting.

16.

**PLANNING – BURROWS ROAD AND EUSTON ROAD, ALEXANDRIA -  
PRECINCT REZONING - QUESTION WITHOUT NOTICE BY COUNCILLOR  
BUSH (2025296)**

**Question:**

Can the Mayor write to the property owners between Nos. 53 – 97 Burrows Road and Nos. 90 – 212 Euston Road seeking voluntary opinions on attitudes towards a precinct rezoning?

**Answer by the Mayor:**

I am happy to write to those land owners raising that issue.

17.

**PLANNING – NOXIOUS AND INDUSTRIAL USES OF ADDRESSES  
ADJACENT TO SYDNEY PARK AND PARALLEL TO ALEXANDRIA  
CANAL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH  
(2014307)**

**Question:**

Can the Mayor call for a report and briefing on the noxious and industrial uses of the addresses adjacent to Sydney Park and parallel to Alexandria Canal that currently and will in the future, inhibit use of the park and rehabilitation of the canal?

**Answer by the Mayor:**

I will ask the Director of Planning and Building to have a response prepared with those locations of noxious industries within that precinct.

18.

**PARKING – ERSKINEVILLE – EFFECT OF NEWLY COMPLETED WORKS  
ON LOCAL BUSINESSES - QUESTION WITHOUT NOTICE BY  
COUNCILLOR BUSH (2005320)**

**Question:**

Erskineville businesses have complained that the newly completed works have dramatically affected their viability. Can a trial removal of the newly placed posts be investigated?

**Answer by the Mayor:**

No, that land is not owned by Council. It is not a car park. It has been re-landscaped in terms of providing more space for pedestrians. It cannot be reverted to car parking and it has only resulted in the net loss of one car park.

19.

**TRAFFIC – ERSKINEVILLE SHOPPING PRECINCT – TRAFFIC JAMS CAUSED BY MEDIUM STRIP - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (T02-00025)****Question:**

The newly marked out medium strip in the Erskineville shop precinct will cause all traffic to stop whilst waiting for a car to park. The traffic result on traffic flow could be disastrous. Could Council Officers respond?

**Answer by the Director of Public Works and Services:**

The layout to that design was looked at and approved by the Roads and Traffic Authority and it is a Roads and Traffic Authority road. Therefore they weren't concerned about the delays that might occur.

20.

**UPGRADING – CAPITAL WORKS AND MAINTENANCE COST NEEDED FOR AN EXPRESSION OF INTEREST IN REDFERN OVAL- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S54-00100)****Question:**

Can the Director of Public Works and Services prepare a report on the capital works and maintenance cost needed for an expression of interest in Redfern Oval? Could this report come to the next sitting of the Sport's Liaison Committee for consideration?

**Answer by the Mayor:**

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

21.

**SPORTS – VICTORIA PARK POOL – REQUEST FOR EXTENSION OF OPERATING HOURS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S54-00144)****Question:**

There have been a large number of requests for the Victoria Park Pool to be open for longer hours, particularly in the Summer months. Can this matter be investigated?

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to report to yourself in terms of the current hours. At the moment there are a number of proposals where the hours are extended for the summer season. I think it would be a matter in terms of the dollar operation of the facility and it may be more appropriate to have the matter referred to the Finance Committee.

22.

**DEVELOPMENT – EXPRESSION OF INTEREST FOR MARKETS AT WOOLLOOMOOLOO – CONSIDERATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2024225)****Question:**

It would appear that considerations of markets at Woolloomooloo have stalled. D4 have not been able to form an action plan with the Woolloomooloo Chamber of Commerce.

Can Council now call for expressions of interest for markets at Woolloomooloo?

**Answer by the Mayor:**

I will seek some discussions with the Director of Public Works and Services in relation to the issue of calling a tender. I think it might be more appropriate for those people with an expression of interest to take on that role, that they should come to see Council. I will have the Director of Public Works and Services respond to you on that matter through the Councillors Information Service.

**Response by Councillor Furness:**

When the Director of Public Works and Services responds to that, could he also advise us on the markets in Sydney Park and how they are progressing?

**Answer by the Mayor:**

I will have the appropriate Officer prepare a report on that situation.

**23.****DEPARTMENTS – OPENING OF BEACONSFIELD PARK – THANKS TO STAFF - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (D51-00061)****Question:**

Could you relay to all those staff responsible for the pleasant opening to the Beaconsfield Park on Saturday, my thanks? It was good to see so many people from the community enjoying the wonderful public domain, playground and all those facilities.

**Answer by the Mayor:**

I will respond to the staff via e-mail in the next few days on your behalf.

**24.****SIGNS – NORTH WARD – DANGER TO PEDESTRIANS FROM DAMAGED STREET SIGNS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2008555)****Question:**

Mr. Mayor, I am concerned about the number of street signs that are damaged and a potential risk to people on the footpath in North Ward. There are quite a few examples, but one I have noted for some months now is on the corner of Hughes and Victoria Streets, Potts Point. I know Councillor Shaw has raised this issue in Question time before. Could this sign be attended to and could Councillors have a report in the Councillors Information Service outlining the system of inspection and repairs to street signs? I do not want to come here each week reporting bent signs.

**Answer by the Mayor:**

I will ask the Director of Public Works and Services to have the Traffic Manager to provide a committee report that relates to both the funding of those signs and the auditing and replacement.

25.

**DOWLING STREET NO. 2, WOOLLOOMOOLOO – USE OF OLD SERVICE STATION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2010627)**

**Question:**

My question is for the Director of Planning and Building, could he inform Councillors what is happening to the old BP service station on Cowper Wharf Road, Woolloomooloo? The station is now closed and the old fuel tanks appear to be being prepared for removal.

**Answer by the Mayor:**

I will ask the Director of Planning and Building to have that information circulated in the Councillors Information Service.

26.

**BAYSWATERS ROAD, NOS. 37-41 KINGS CROSS – POTENTIAL FIRE RISKS OF DERELICT BUILDING - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2012693)**

**Question:**

Mr Mayor, I have received a phone call from a concerned elderly resident about the potential fire risks of an apparently derelict building located at Nos. 37-41 Bayswater Road, Kings Cross. The gentleman was a boarding house tenant and said the building is a fire trap. Can staff report on the status of this building and any fire orders outstanding?

**Answer by the Director of Planning and Building:**

I received your e-mail and investigations are under way on both of those issues.

**REPORT OF THE FINANCE COMMITTEE**

13 June 2001

**PRESENT**

**Councillor Shayne Mallard (Chairperson)**

**Councillors – Peter Furness, Tony Pooley, Gregory Shaw**

At the commencement of business at 6.31 pm, those present were -

Councillors – Furness, Mallard, Pooley and Shaw.

**GENERAL MANAGER**

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

That the Report of the Finance Committee of its meeting of 13 June 2001, be received and the recommendations set out below for Items 1, 2, 4, 5, 7, 9 to 13, inclusive, 15 to 15.2, inclusive, and 15.4 to 15.6, inclusive, be adopted. The recommendations for Items 3, 6, 8, 14, 15.3 and 15.7 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**PUBLIC RELATIONS – ESTABLISHMENT OF CO-OPERATIONAL RELATIONSHIP WITH DADONG DISTRICT IN SHENYANG CITY, CHINA (2022141)**

That for the reasons set out in the report by the Civic Affairs Manager/Public Officer dated 6 June 2001, Zhang Jian Hua, Secretary of Dadong District in Shenyang City, China, be advised that Council does not wish to enter into a Co-operational relationship or Sister City Relationship with an overseas district or country at this time, but if Council should decide to do so in the future, then the Dadong District in Shenyang City, China, will most certainly be considered as an appropriate district of the country to establish a relationship with Council.

Carried.

2.

**PERSONNEL – SENIOR STAFF – ANNUAL REPORTING OF CONTRACTS (P53-00119)**

That the report by the Director of Organisational Development dated 4 June 2001, outlining the length and commencement date of Council's Department Heads' Contracts, be received and noted.

Carried.

3.

**ADMINISTRATION – DELEGATIONS – REVIEW (2020963)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That the matter be deferred to the next Finance Committee meeting to be held on Tuesday, 26 June 2001, to remove the delegations where employees have left the service and the removal of any inappropriate delegations as considered necessary.

Negatived.

It was moved by Councillor Lay, seconded by Councillor Harcourt, that the Delegations authority accompanying the Acting Director of Corporate Services report dated 5 June 2001, be referred to each Council Director to make any changes as considered necessary, then be referred back to the Finance Committee.

Carried.

4.

**FINANCE – BUDGETS – SUMMARY OF ADDITIONS TO THE ADOPTED BUDGET 2000/2001 (2021566)**

That the report by the Director of Finance dated 8 June 2001, detailing additions and the revised budget deficit, be received and noted.

Carried.

5.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – MAY 2001 (2024289)**

That Council gives confirmatory approval for the schedule of payments accompanying the report of the Director of Finance dated 8 June 2001, details of which are contained in the relevant file.

Carried.

6.

**PERSONNEL – PROPOSED CONTRACTS – GRADES 17 AND 18 EMPLOYEES (2005999)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

That approval be given to the report by the Director of Organisational Development dated 4 June 2001, in respect of employment contracts to Grade 17 and 18 employees namely:

- (a) That Council receive and note this report and that it be tabled as part of the next Award discussions, to be negotiated in a similar manner to both Salary Packaging and Salary Sacrifice.
- (b) That Council agree to offering contracts at that time with the option of an increased percentage in lieu of no nine-day fortnight as well as loss of tenure.
- (c) That Council rescind its resolution of offering contracts to any positions between grades 10 to 16 (inclusive) with the Planning and Building Department to ensure equity across Council.
- (d) That if a member of staff who is currently a 'Special Placement' decides to accept either contract, then the differential will be used to reduce or buy out that 'Special Placement' status.

subject to the deletion of clause (c) of the recommendation and the insertion in lieu thereof of a new clause (c), namely:-

- (c) At the time of next Award discussions Council reviews its resolution offering contracts to any positions between Grade 10 and 16 (inclusive) with the Planning and Building Department to ensure equity across the Council.

It was moved by Councillor Pooley, seconded by Councillor Shaw, that the matter be deferred and that a Working Group of interested Councillors and relevant staff be established and that the report that will be prepared by that Group be listed as an item for discussion at the November Weekend Management Conference.

Following discussion on the matter, Councillor Mallard withdrew his amended motion.

Motion carried.

At this stage and at 7.25 p.m. it was moved by Councillor Furness, seconded by Councillor Mallard, that the Committee meeting be temporarily adjourned to deal with Item No. 2 on the Community Services paper.

At this stage and at 7.44 p.m. the Committee meeting reconvened after dealing with Item No. 2 on the Community Services paper.

7.

**GOODS AND EQUIPMENT – SUPPLY AND DELIVERY OF INDUSTRIAL GLOVES – ACCEPTANCE OF TENDER (2024278)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 6 June 2001, approval be given to the acceptance of the Tender from Defender Safety Pty Ltd for the Supply and Delivery of Industrial Gloves for a two (2) year period commencing 1 July, 2001 for the estimated annual GST inclusive expenditure of \$92,400 provided in Council's relevant Revenue Estimates (distributed across Departments).

Carried.

8.

**CONFERENCES – INTERNATIONAL PUBLIC WORKS CONFERENCE – PERTH, WESTERN AUSTRALIA, 26-30 AUGUST 2001 - ATTENDANCE OF REPRESENTATIVES (2018139)**

That approval be given to:-

- (1) Mr Laurie Johnson and Mr Simon Shaw attending the International Public Works Conference at Perth, Western Australia on 26-30 August 2001;
- (2) the nomination of any interested Councillor(s) to attend the above Conference;

-for which funds, including out of pocket expenses are available in the Public Works and Services Department's Management Account 1.45.2742.12105.

Carried.

9.

**COMMITTEES – WASTE SERVICES SUB-COMMITTEE – MINUTES OF MEETING, 3 MAY 2001**

That the report by the Director of Public Works and Services dated 6 June 2001, and the accompanying minutes of the Waste Services Sub-Committee Meeting of 3 May 2001, be received and noted.

Carried.

10.

**FINANCE – ACCOUNTS PAYABLE - AUDIT – THE A.P. SPECIALISTS  
(2024206)**

That arising from consideration of a report by the Director of Finance dated 7 June 2001, approval be given to the AP Specialists being engaged to carry out an Accounts Payable Audit on South Sydney City Council's Accounts Payable for the period 1 July 1999 to 30 June 2000.

Carried.

11.

**MANUAL OF STANDARD PROCEDURE – ETHICAL INVESTMENTS  
(SOCIALY RESPONSIBLE) (M51-00005)**

That for the reasons set out in the report by the Director of Finance dated 8 June 2001, it be resolved that the Investment Policy be reviewed in four months time after consideration of the performance of the investment with UBS and that Socially Responsible Investments be considered at that time as part of the overall policy review.

Carried.

12.

**PROPERTIES – ERSKINEVILLE TOWN HALL - REQUEST FOR FREE USE,  
16 JUNE 2001 – NSW LOCAL GOVERNMENT ABORIGINAL NETWORK  
(P56-00410)**

That the actions of the Finance Committee in approving the NSW Local Government Aboriginal Network for the free use of Erskineville Town Hall on 16 June 2001, and under the provisions of Section 356, Council agrees to forgo \$132 in income and \$50 in costs, to allow NSW Local Government Aboriginal Network to conduct an executive meeting, be confirmed.

Carried.

13.

**PUBLIC RELATIONS – REGIONAL RESIDUAL WASTE INFRASTRUCTURE  
PROJECT – COMMUNITY CONSULTATION AND STAKEHOLDER  
ENGAGEMENT – SUPPORT BY COUNCIL (2023684)**

- (1) That Council supports the conduct of the community consultation and stakeholder engagement program as part of the Southern Sydney Waste Board Expression of Interest for Regional Residual Waste Treatment.

- (2) That Councillors and relevant staff be represented during community consultation and stakeholder engagement events in the Council area in order to hear resident viewpoints.
- (3) That the Southern Sydney Waste Board be requested to report to Council in due course findings specific to the South Sydney City Council area and its residents.

(DPWS Report 12.6.01)

Carried.

**14.**

**PUBLIC RELATIONS – COMMUNITY BANKS - UPDATE (2023660)**

This matter was submitted to Council without recommendation.

Moved by Councillor Pooley, seconded by Councillor Harcourt:-

- (1) That the minutes of the Community Banking forum of 4 June 2001, be received and noted;
- (2) That there be no paid advertising and that notices be placed in the Inner City News and the Mayoral Column seeking additional community representatives on the Community Banking Steering Committee and that a report be presented to the Finance Committee on the outcome.

Carried.

**15.**

**REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY,  
13 JUNE 2001 COMMENCING AT 6.04 PM**

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 13 June 2001, be approved and adopted.

**15.1.**

**PROPERTIES – LEASING – OXFORD STREET, NO. 66, SUITE 5, LEVEL 2,  
DARLINGHURST – RENEWAL OF LEASE – MICHAEL SHEAN AND  
PARTNERS PTY LTD (2008997)**

That approval be given to Michael Shean and Partners Pty Limited being offered a twelve (12) month lease of Council owned premises, Suite 5, Level 2,

66 Oxford Street, Darlinghurst, at a rental of \$1,733.25 per month (\$20,799 per annum) gross plus the GST component commencing on 3 July, 2001, subject to the following terms and conditions, namely:-

- (1) That Council retains the existing Bank Guarantee of \$4,500;
- (2) That the lessee is to provide unconditional Personal Guarantees for the term of the lease;
- (3) That the lessee is to provide Council with a Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars (\$10,000,000) indemnifying both the Council and the lessee against any claims that may arise during the term of the lease;
- (4) That any proposed alterations or Development Applications for the leased premises including refurbishments, fit-outs etc by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plans etc to Council's Planning and Building Department for Statutory approvals;
- (5) That all legal costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the lessee;
- (6) That all relevant documents are to be executed by Council's Attorney, if required;
- (7) That 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;
- (8) That this lease is subject to the Goods and Services Tax.

(A/DCS Report 4.6.01)

Carried.

## 15.2.

### **LICENSING – DARLINGHURST ROAD, NOS. 1 – 21, SHOP 5, POTTS POINT – PROPOSED FOOTWAY LICENCE (2006666)**

That further to the approval of 1 February 1999, approval be given to:-

- (1) the amendment of the existing licence agreement to Yong Nian Dai by;
  - (a) deleting the area of 4 square metres and replacing it with the area of 6 square metres;

- (b) deleting the Plan No S4-130/586C which shows the approved area and replacing it with Plan No S4-130/586E;
- (2) the Licensee paying Council's legal costs and disbursements incidental to the amendment of the licence agreement;
- (3) any rent that falls due as a result of commencing the extended footway licence area is paid by the due date.

(DPWS Report 4.6.01)

Carried.

### 15.3.

#### **LICENSING – FOOTPATH RESTAURANT LICENCES – REVIEW OF POLICY (L56-00532)**

That further to the report by the Director of Public Works and Services dated 22 February 2001 and the legal opinion of Pike Pike and Fenwick dated 11 April 2001, approval be given to the following, namely:-

- (1) The confirmation that footpath licence applications not be considered in streets with a footpath width of less than 3 metres unless there are merit based reasons that agree with other Council Policies;
- (2) Footpath licence applications or existing licences which do not provide a meal service prepared on the licensee's adjoining premises shall be refused or terminated by application of sub-section 5, Section 125 of the Roads Act 1993;
- (3) Two additional points be added to Condition 2 of our standard Footway Restaurant Licence Conditions stating that the licensee must:
  - Provide ashtrays, including a lid, if requested;
  - Keep the pavement area and the gutter in the vicinity of the licence area free of cigarette butts at all times;
- (4) The addition of a further condition to our standard Footway Restaurant Licence Conditions which states "Protective bollards" are to be erected by the licensee in situations as directed by the Director of Public Works and Services and to his satisfaction;
- (5) Replacement of the words "Australian Standard 1055, Acoustic Description and Measurement of Environment Noise" with "Protection of the Environment Operations Act 1997" in Condition 9 of our standard Footway Restaurant Licence Conditions;
- (6) Condition 2 of our standard Footway Restaurant Licence Conditions which states in part -

- “Serve food and drink that meets the guidelines of the Director of Health and Community Services “, is deleted and replaced by:
  - “Serve food or drink prepared in the kitchen/food preparation area of the licensee’s adjoining premises and those services are to meet the guidelines of the Director of Health and Community Services.”
- (7) Condition 2 of our standard Footway Licence Conditions which states in part -
- “Not allow or provide entertainment within the licence area”, is deleted and replaced by:
  - “Not allow or provide entertainment within the licence area or provide a meal service that is prepared anywhere other than in the kitchen/food preparation area of the licensee’s adjoining premises.”

(DPWS Report 7/6/01)

Carried.

#### 15.4.

#### **LICENSING – CROWN STREET, NO. 579, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2024450)**

That approval be given to:-

- (1) the granting of a licence to Maridel Jenkins over an area of 3.2 square metres of the footway of Crown Street adjacent to ' Rendezvous on Crown' at No 579 Crown Street, Surry Hills, as shown stippled on Plan No S4-130/813A 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 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;

**GENERAL MANAGER**

- (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 1.6.01)

Carried.

### 15.5.

#### **COMMUNITY FACILITIES - ACTIVITY CENTRE, CORNER IVY STREET AND SHEPHERD STREET, CHIPPENDALE - RELOCATION OF SUBSTATION KIOSK TO PREMISES (2005827)**

That approval be given for a 99-year lease to be granted to Energy Australia, with the lease being for 16.17 sqm of Council's property at No. 132 Shepherd Street, Darlington, at nominal rental for the purpose of locating a kiosk type substation, subject to:-

- (1) the Kiosk type substation being located in a position adjacent to Boundary Street, Chippendale;
- (2) the Developer supply and install two park benches for use by the patrons of the Activity Club;
- (3) Energy Australia undertakes the funding and construction of the substation;
- (4) the Developer obtain all necessary approvals prior to commencement and at the completion of the works;
- (5) the Developer incorporates a small coffee shop within the development for the ongoing benefit of the local community.

(A/DCS Report 8.06.01)

Carried.

**15.6.****LICENSING – BOURKE STREET, NO. 544, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2002746)**

That approval be given to:-

- (1) the application for a footway restaurant licence to Michael Sahin as follows:-
  - (a) be approved for the area of 5 square metres of the footway of Bourke Street adjacent to Café Niki at No. 544 Bourke Street, Surry Hills as shown stippled on Plan No. S4-130/540C and subject to the conditions in the schedule accompanying the Director's report;
  - (b) be refused for the area of 6 square metres of the footway of Nobbs Street for the reasons set out in the report;
- (2) the approved 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 approved 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 three months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (7) replacement of the existing chairs in the approved licence area by standard size café / restaurant seats of dimension 450-500mm;
- (8) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 7/6/01)

Carried.

**15.7.****PROPERTIES – STIRLING STREET NO. 4, REDFERN – PROPOSED SALE OF VACANT LAND (2020397)**

That the matter be deferred to the next Finance Committee meeting to be held on Tuesday 26 June 2001, and that reports be presented in respect of:-

- (1) Open Space within the area and the acquisition of the subject property for use as parkland using section 94 Contributions.
- (2) The situation in respect of the parking of motor vehicles in the area.

It was moved by Councillor Pooley, seconded by Councillor Harcourt, that a clause (3) be added to the recommendation, namely:-

- (3) That there be no sale of properties by Council until the Properties Sub-Committee has had a chance to consider the matter.

Carried.

The Properties Sub-Committee Meeting terminated at 6.26 p.m.

The Finance Committee Meeting terminated at 7.57 p.m.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)****WEDNESDAY 13 JUNE 2001 AT 6.52 P.M.**

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and the public be excluded from the meeting of the Finance Committee (Confidential Matter) during consideration of the undermentioned Item because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason for the press and public being excluded from the abovementioned Item in accordance with Section 10A(2)(d) (i) of the Local Government Act, 1993, is as follows, namely:-

Item 1 - Contractual Matter – Commercial Information of a confidential nature that would if disclosed:

- (i) prejudice the commercial position of the person who supplied it.

**GENERAL MANAGER**

The Committee **recommends** the following:-

1.

**GOODS AND EQUIPMENT – ROAD MAKING MATERIALS – SSROC  
TENDER – SUPPLY AND DELIVERY 1 JULY 2001 TO 30 JUNE 2003 –  
ACCEPTANCE OF TENDER (2017768)**

That the recommendations as contained in the joint report by the Director of Public Works and Services and the Acting Director of Corporate Services dated 8 June 2001, for the supply and delivery of road making materials for the period 1 July 2001 to 30 June 2003, be approved and adopted.

Carried.

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

The Finance Committee (Confidential Matter) Meeting terminated at 6.56 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

13 June 2001

**PRESENT**

**Councillor Peter Furness (Chairperson)**

**Councillors – Shayne Mallard, Tony Pooley, Gregory Shaw**

At the commencement of business at 7.26 pm those present were -

Councillors:- Furness, Mallard, Pooley and Shaw.

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

That the Report of the Community Services Committee of its meeting of 13 June 2001, be received and the recommendations set out below for Items 1 and 5, be adopted. The recommendations set out below for Items 2 to 4, inclusive, having been dealt with as shown immediately following such Items.

Carried.

**GENERAL MANAGER**

The Committee **recommended** the following:-

At this stage and at 7.58 p.m. the Committee meeting reconvened.

1.

**MEMBERSHIP – NSW COASTAL POLICY - SYDNEY REGIONS  
INCLUSION (M54-00018)**

That arising from consideration of a report by the Acting Director of Health and Community Services dated 30 May 2001, it be resolved that:-

- (1) Council supports the goals and principles of the NSW Coastal Policy;
- (2) Council make written representation, under the signature of the Mayor, to the Premier of NSW and the Minister for Urban Design and Planning to seek inclusion of the Sydney Region under the NSW Coastal Policy.

Carried.

At this stage and at 7.26 p.m. the Committee meeting commenced.

2.

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

The following motion was carried on the casting vote of the Chairperson at the Committee meeting.

- (1) That an appropriate officer present a Draft Policy for Council's consideration to:-
  - (a) require this Council to have no new 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;
  - (b) incorporate additional aspects of SSROC's "Get It Green" initiative for local procurement;
- (2) that this Draft Policy not preclude Council from participating in the tendering activities of SSROC or IMROC;
- (3) following adoption by Council of a Policy consistent with Part (1) of this resolution, SSROC and IMROC be invited to adopt a similar policy in relation to procurement.

At the request of Councillor Pooley, and by consent, the motion was amended by the deletion of clause (1) of the recommendation and the insertion in lieu thereof of a new clause (1), namely:-

- (1) That an appropriate Officer following discussion and consideration at the Environmental Steering Committee present a Draft Policy for Council's consideration to:-

At the request of Councillor Furness, and by consent, the motion was further amended by the addition of a clause (4) to the recommendation, namely:-

- (4) That a copy of the Newcastle City Council Policy on woodchipping be obtained for distribution to Councillors as soon as possible.

Motion, as amended by consent, carried.

At this stage and at 7.43 p.m. the Committee meeting temporarily adjourned.

At this stage and at 7.40 p.m. Councillor Shaw left the Council meeting.

At this stage and at 7.41 p.m. Councillor Shaw returned to the Council meeting.

### 3.

#### **LEASING - PARKS – FORBES STREET, WOOLLOOMOOLOO RESERVE, UNDER RAILWAY VIADUCT – PROPOSED REMOVAL OF FENCE (L52-00145)**

That arising from consideration of a report by the Director of Public Works and Services dated 6 June 2001, it be resolved that:-

- (1) the information contained in this report be received and noted;
- (2) The Director of Public Works and Services to report on the planting of native species to create an Urban Forest for biodiversity in this area.

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 the matter be deferred to the next Community Services Committee meeting to be held on Tuesday, 26 June 2001, in order for residents to address the Committee.

Motion carried.

4.

**COMMUNITY SERVICES – WOOLLOOMOOLOO OUTREACH PROJECT –  
MEMORANDUM OF UNDERSTANDING - SIGNING OFF ARRANGEMENTS  
(2023508)**

That arising from consideration of a report by the Director of Health and Community Services dated 8 June 2001, approval be given to the new arrangements as detailed in the beforementioned report for the establishment of the Woolloomooloo Outreach Project (in a contractual sense) and approval for the General Manager to sign-off on the MOU for the project/service with DOCS, subject to the approval of the MOU (and accompanying specification) by Council's Homelessness, Marginal and Affordable Housing Committee.

At the request of Councillor Pooley, and by consent, the motion was amended by the deletion of all references to "Memorandum of Understanding (MOU)" where appearing in the motion and the insertion in lieu thereof of the term "Letter of Agreement".

Motion, as amended by consent, carried.

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

5.

**ADMINISTRATION – COMPANION ANIMALS ACT, 1998 - REVIEW OF  
AUTHORITY FOR GENERAL MANAGER (2009535)**

That Council delegates authority to:-

- (a) the General Manager pursuant to Section 377 of the Local Government Act, 1993, the power to appoint authorised officers under the Companion Animals Act, 1998 and issue them with identification cards;
- (b) the General Manager to declare dogs as dangerous, pursuant to Section 34 of the Companion Animals Act, 1998 and that sub-delegation for that purpose be granted to the Director of Health and Community Services and the Health Services Manager.

(DHCS Report 8.6.01)

Carried.

The Community Services Committee Meeting terminated at 8.11 p.m.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

13 June 2001

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

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

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

s

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

That the Report of the Planning and Development Committee of its meeting of 13 June 2001, be received and the recommendations set out below for Items 3,6 to 9 inclusive, be adopted. The recommendations for Items 1,2,4,5,10 and 11 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**GRAND DRIVE, MOORE PARK – UPGRADE EXISTING FEDERATION DRIVE INCLUDING PATHWAYS, PAVED AREAS, AND ERECTION OF A NEW GATEWAY STRUCTURE, REMOVAL OF ONE TREE, RELOCATION OF 7 TREES AND INTRODUCTION OF A SAFE CROSSING AT THE ROBERTSON ROAD GATES TO CENTENNIAL PARK – DEVELOPMENT APPLICATION (U01-00191)**

(A) That Council favours the granting of consent under the Environmental Planning and Assessment Act 1979 to the development application submitted by Peter Duncan of the Centennial and Moore Park Trust for improvements and alterations to Grand Drive, including new entrance gateway, pedestrian plaza and relocation of parking adjacent to Anzac Parade and a raised traffic threshold in Robertson Road, subject to the conditions in the reports by the Director of Planning and Building dated 28 May 2001 and 6 June 2001 and subject to the following additional condition, namely:-

(1) That the development shall be generally in accordance with plans numbered DA 2002-01 Issue A, Attachment A to DA 2002-

**GENERAL MANAGER**

03 Issue A, Attachment A, DA 2002-04 Issue A, 2002-SK07 Issue E all dated 8 May 2001;

- (2) That the proposed development is to comply with the requirements of the NSW Heritage Office, as follows;
- (a) The approval shall be void if the activity described above is not physically commenced within five months after the date of this approval;
  - (b) Footing holes shall be kept as small as practicable to limit disturbance to potential relics and tree roots;
  - (c) The work shall be undertaken under the supervision of a qualified archaeologist, and should any relics be found work shall cease forthwith and the Heritage Office shall be notified immediately. Should any relics of potential Aboriginal cultural significance be found, work shall cease forthwith and the NSW National Parks and Wildlife Service shall be contacted immediately;
  - (d) The work shall be undertaken under the supervision of a qualified arborist, to minimise adverse impacts on existing trees and their root systems during site preparation, construction and finalisation;
  - (e) Disturbance to soil below the canopy drip line of existing trees shall be kept to an absolute minimum, including excavation and compaction of the ground. Measures to protect existing trees shall include identification of existing root systems, barricading off root systems during construction works, measures to avoid soil compaction during works, and measures to minimise damage from machinery, to the satisfaction of a qualified arborist;
  - (f) Site induction procedures shall be prepared and implemented to communicate the significance of all site elements and the measures to be carried out to minimise risk of damage to existing elements, including the involvement of the qualified arborist to communicate measures to protect existing plantings;
  - (g) Additional measures to ensure the interpretation of both Grand Drive's northern (sic) boundary palisade fence along the south side of Lang Road, and of Grand Drive's southern carriageway shall be provided, to the satisfaction of the Director of the Heritage Office;
  - (h) The Centennial and Moore Park Trust, shall within 12 months and as part of the completion of the Transport, Access and Parking Study, the Moore Park South study, the Master Plan and the Conservation Management Plan for the Parklands, review the area's needs in terms of compatible land uses, access and parking, and provide advice to the Heritage Council on the potential to increase pedestrian, cycle and public access to the area and reduce

vehicular access and parking with the aim of increasing the non paved, landscaped parkland area;

- (i) The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times.
- (3) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on Drawings DA 2002-01,02,03,04. Installations of species are to be in keeping with the species, size and quantities listed on the Drawing;
- (4) That all relevant sections of the BCA shall be complied with;
- (5) That all proposed roadworks require the further approval of Council's Traffic Committee;
- (6) That cycle facilities be provided in conformity to AUSTRROADS Guide to Traffic Engineering Practice Part 14: Bicycles (1999);
- (7) That signage shall be provided at the shared zone to advise motorists of the requisite priority to be given to pedestrians, cyclists and horses in that space;
- (8) That signage shall be provided at the Anzac Parade end of the central cycleway advising of the need for slow speed and requirement to share the paved plaza with pedestrians;
- (9) That the vehicular crossing of the Paved Plaza to the car park shall be designed to convey pedestrian priority through the use of stop signs either side of the reconstructed footpath and cycleway, and by the use of materials that complement those used in adjacent pedestrian area or alternative measures to the satisfaction of Council's Traffic Engineer;
- (10) That due care shall be taken with the removal of stone kerb and gutter from Robertson and Lang Roads and that all redundant stone materials removed in good condition shall be returned to Council;
- (11) That the design of the pedestrian/cycle holding area at the Anzac Parade traffic lights shall make allowance for future provision of bicycle lanterns and a bicycle crossing zone;
- (12) That the new footpath/cycleway from Driver Avenue across to Ceremonial Drive shall be at least 2.0m (desireably 2.5m) wide with a pram ramp of similar width on each side of Lang Road. A similar path shall be provided at the crossing arrangement to Fox Studios;

- (13) That the predominant surface of the car park and its driveway, south of the plaza, shall be predominantly a pervious material such as gravel. Details of the material shall be submitted to Council and shall be to the satisfaction of Council's Director of Planning and Building prior to commencement of works on the site;
- (14) That in the event that the tennis centre and courts are relocated, or cease use, the car park shall also cease use, and improvements approved by this consent shall be removed and the area shall be made good;
- (15) That the access drive to the car park from Lang Road shall be deleted and the area landscaped (except where crossed by Grand Drive, the cycleway and footpath). Access to the car park shall be provided from the existing bus way adjacent to the site. No work in association with the car park shall be carried out prior to the Trust obtaining all necessary approvals to the changes to these access arrangements.

NOTE: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved 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 sub-contractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

- (B) That Council delegate to the General Manager the authority to determine the application subject to such conditions as may be agreed by the applicant.
- (C) That Council advise the persons who made representations in respect of the proposal be advised of Council's decision.

Negatived.

It was moved by Councillor Mallard, seconded by Councillor Lennon that the motion be amended by the adoption of the report and conditions of the Director of Planning and Building dated 28 May 2001, to the conditions relating to car parking and access roads.

**GENERAL MANAGER**

Negatived.

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

- (A) That the Council favours the granting of its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Peter Duncan, Centennial Park and Moore Park Trust, Locked Bag 15, Paddington NSW 2021 with the authority of Peter Duncan, to make improvements and alterations to Grand Drive, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA 2002-01 Issue A, Attachment A to DA 2002-03 Issue A, Attachment A, DA 2002-04 Issue A, 2002-SK07 Issue E all dated 8 May 2001;
  - (2) The proposed development is to comply with the requirements of the NSW Heritage Office, as follows;
    - (a) The approval shall be void if the activity described above is not physically commenced within five months after the date of this approval;
    - (b) Footing holes shall be kept as small as practicable to limit disturbance to potential relics and tree roots;
    - (c) The work shall be undertaken under the supervision of a qualified archaeologist, and should any relics be found work shall cease forthwith and the Heritage Office shall be notified immediately. Should any relics of potential Aboriginal cultural significance be found, work shall cease forthwith and the NSW National Parks and Wildlife Service shall be contacted immediately;
    - (d) The work shall be undertaken under the supervision of a qualified arborist, to minimise adverse impacts on existing trees and their root systems during site preparation, construction and finalisation;
    - (e) Disturbance to soil below the canopy drip line of existing trees shall be kept to an absolute minimum, including excavation and compaction of the ground. Measures to protect existing trees shall include identification of existing root systems, barricading off root systems during construction works, measures to avoid soil compaction during works, and measures to minimise damage from machinery, to the satisfaction of a qualified arborist;

- (f) Site induction procedures shall be prepared and implemented to communicate the significance of all site elements and the measures to be carried out to minimise risk of damage to existing elements, including the involvement of the qualified arborist to communicate measures to protect existing plantings;
  - (g) Additional measures to ensure the interpretation of both Grand Drive's northern (sic) boundary palisade fence along the south side of Lang Road, and of Grand Drive's southern carriageway shall be provided, the satisfaction of the Director of the Heritage Office;
  - (h) The Centennial and Moore Park Trust, shall within 12 months and as part of the completion of the Transport, Access and Parking Study, the Moore Park South study, the Master Plan and the and Conservation Management Plan for the Parklands, review the area's needs in terms of compatible land uses, access and parking, and provide advice to the Heritage Council on the potential to increase pedestrian, cycle and public access to the area and reduce vehicular access and parking with the aim of increasing the non paved, landscaped parkland area;
  - (i) The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times.
- (3) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on Drawings DA 2002-01,02,03,04. Installations of species are to be in keeping with the species, size and quantities listed on the Drawing;
- (4) That all relevant sections of the BCA shall be complied with;
- (5) All proposed roadworks require the further approval of Council's Traffic Committee;
- (6) That cycle facilities be provided in conformity to AUSTRROADS Guide to Traffic Engineering Practice Part 14: Bicycles (1999);
- (7) That signage shall be provided at the shared zone to advise motorists of the requisite priority to be given to pedestrians, cyclists and horses in that space;
- (8) That signage shall be provided at the Anzac Parade end of the central cycleway advising of the need for slow speed and requirement to share the paved plaza with pedestrians;

- (9) The vehicular crossing of the Paved Plaza to the car park shall be designed to convey pedestrian priority through the use of stop signs either side of the reconstructed footpath and cycleway, and by the use of materials that complement those used in adjacent pedestrian area or alternative measures to the satisfaction of Council's Traffic Engineer;
- (10) That due care shall be taken with the removal of stone kerb and gutter from Robertson and Lang Roads and that all redundant stone materials removed in good condition shall be returned to Council;
- (11) That the design of the pedestrian/cycle holding area at the Anzac Parade traffic lights shall make allowance for future provision of bicycle lanterns and a bicycle crossing zone;
- (12) That the new footpath/cycleway from Driver Avenue across to Ceremonial Drive shall be at least 2.0m (desirably 2.5m) wide with a pram ramp of similar width on each side of Lang Road. A similar path shall be provided at the crossing arrangement to Fox Studios;
- (13) That the predominant surface of the car park and its driveway, south of the plaza, shall be predominantly a pervious material such as gravel. Details of the material shall be submitted to Council and shall be to the satisfaction of Council's Director of Planning and Building prior to commencement of works on the site;
- (14) That in the event that the tennis centre and courts are relocated, or cease use, the car park shall also cease use, and improvements approved by this consent shall be removed and the area shall be made good.

NOTE: That the applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979, for a breach of an approved 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.

- (B) That Council delegate to the General Manager the authority to determine the application subject to such conditions as may be agreed by the applicant.
- (C) That Council advise the persons who made representations in respect of the proposal be advised of Council's decision.

It was moved by Councillor Furness, seconded by Councillor Lennon that the matter be deferred and arrangements be made for a meeting with Council, the Centennial and Moore Park Trust and Minister for Planning, regarding the application.

Negatived.

Motion as moved by Councillor Harcourt, carried.

The Mayor, and Councillors Furness, Lennon and Mallard requested that their name be recorded as voting against the foregoing motion.

2.

**PARRAMATTA ROAD, NO. 82, CAMPERDOWN – APPLICATION TO  
EXTEND BUILDING FOR USE AS BROTHEL – DEVELOPMENT APPLICATION  
(U01-00186)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That consideration of the application be deferred and the applicant requested to supply the following information:-

- (a) A traffic impact assessment of the proposal having regard to not only to this development, but also approved and proposed development fronting Larkin Street, Sparkes Street and Sparkes Lane.
- (b) Plan details of how it is proposed to provide disabled access in accordance with the BCA and the Disability Discrimination Act.
- (c) Plan details of how it is proposed to provide shower and sanitary facilities.
- (d) Plan details of how it is proposed to comply with other design changes identified in the officers recommended on 7 June 2001.

Negatived.

**GENERAL MANAGER**

Moved by Councillor Harcourt, seconded by Councillor Lennon:-

- (A) That the Council as the responsible authority grants its consent to the applications submitted by Dalway Enterprises with the authority of K.G. Maloney for permission for the reconstruction and extension of the existing building for use as commercial premises and as a brothel subject to the following conditions, namely:-
- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$24,750 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$3,000 or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
  - (3) That the development shall be generally in accordance with plans numbered 185D-020 to 026, amendment A, dated 2 March 2001;
  - (4) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$312	2E97003.BGY0
Open Space: New Parks	\$1238	2E97009.BGY0
Accessibility And Transport Management	\$9	2E97006.BGY0
	\$40	2E97007.BGY0
	<b>Total</b>	<b>\$1598</b>

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted

according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

- C is the original contribution amount as shown above;
- CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
- CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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

Payment shall be made before the release of the construction certificate.

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

#### Part B

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

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

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

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

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

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

- (5) That the ground floor individual waiting rooms shall be used only as waiting rooms for clients;
- (6) That all first floor rooms shall be provided with a separate shower and hand wash facilities;
- (7) That not fewer than one toilet for each three working rooms shall be provided on the first floor;
- (8) That disabled access by inclinator or similar means be provided from the parking area and from the footpath adjoining the Larkin Street entrance to at least one first floor working room;
- (9) That no signage, banners, flashing or neon lights, painted text or illustrations relating to the brothel shall be located on or so as to be visible from the exterior of the building other than a street number;
- (10) That the building shall be painted in a subdued colour;
- (11) That the only client pedestrian entrance to the brothel shall be from Larkin Street;
- (12) That the operation of the premises shall comply with the plan of management at all times, and no change shall be made to the plan of management without the written consent of the Council;
- (13) That a maximum of 12 sex workers shall be employed on the premises at any time;

- (14) That a floor manager and a door manager shall be on the premises whenever the brothel is operating;
- (15) That escort services shall not be provided from the premises and any such use shall be the subject of a separate development application;
- (16) That no sex worker under the age of 18 shall work on the premises;
- (17) That the premises shall provide regular access to, and facilities for, sexual health services, outreach and health education workshops;
- (18) That a staff notice board be displayed in the staff room, to be used solely for the display of health educational material and a list of the contact details of relevant health and sexual health services. This shall include literature in appropriate languages for workers with poor English skills;
- (19) That a safe and accessible staff room in a non-working area be provided with fully equipped bathroom, food and beverage preparation areas for staff during breaks. This shall be separate from the lounge/viewing area;
- (20) That all staff be issued with a handbook outlining the working conditions, workplace rules and regulations, safe sex procedures, occupational health and safety issues, counseling contacts and grievance procedures as identified in the plan of management. A copy shall be provided to the Council within one month of the date of commencement of the use;
- (21) That a copy of the security contract and the operation of the security systems including the security guard be provided as an addition to the plan of management within one month of the commencement of operation;
- (22) That a separate development application shall be lodged for the use of the ground floor Parramatta Road tenancy;
- (23) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and AS1668;
- (24) That the premises shall comply with the requirements of Council's Sex Industry Policy;
- (25) That the storage and handling of garbage and recyclable materials shall comply with the requirements of Council's Waste Management/ Minimisation Fact Sheets;

- (26) That the applicant shall enter into a commercial contract with a waste transporter who is licensed with the Environment Protection Authority for the removal of contaminated waste and a copy of the contract shall be forwarded to Council's Health and Community Services Department before any process is commenced;
- (27) The use of the premises shall not give rise to:
- (a) Transmission of "offensive noise" to any place of different occupancy, and
  - (b) A sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ) 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
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy.
- (28) That the car park shall be ventilated in accordance with AS1668 as applicable;
- (29) That the premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times;
- (30) That clean linen and towels shall be provided for use of each client;
- (31) That adequate receptacles with close-fitting lids shall be provided for the separate storage of used and clean linen;
- (32) That the proprietor shall ensure that all linen, toweling and other bed coverings which come into contact with clients shall be changed immediately after each use;
- (33) That an easily accessible bathroom with full sanitary facilities (i.e. toilet, shower/bath and a wash hand basin) for the use of both sex workers and clients must be provided for every three (3) rooms or part thereof;
- (34) That the proprietor shall enter into a commercial contract to launder linen or install and use a commercial washing machine capable of washing at a temperature of not less than 70°C;

- (35) That the proprietor shall supply an adequate supply of condoms, dental dams and water-based lubricant free of charge for sex workers and their clients;
- (36) That all contaminated waste, including syringes, shall be stored in approved containers and disposed of by an Environment Protection Authority licensed waste collector;
- (37) That the proprietor shall provide written information, i.e. pamphlets and brochures for sex workers and clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating in and/or reading the English language. This information is to be provided within work rooms;
- (38) That the premises shall be provided with adequate lighting in accordance with AS1680;
- (39) That the lighting provided in each work room should be sufficient to allow the sex worker to effectively examine clients for any visible evidence of sexually transmitted disease;
- (40) That all required wash hand basins shall be provided with an adequate supply of potable water at a temperature of 40°C, delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;
- (41) That a noticeboard is to be provided in the reception area displaying relevant health information for sex workers and their clients providing the information is in as many languages as practicable;
- (42) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; drainage; street furniture; signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (43) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;

- (44) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (45) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access and manoeuvre wholly within the site and not encroach upon public roads;
- (46) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;
- (47) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (48) 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:
- (i) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA;
  - (ii) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (iii) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
  - (iv) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
  - (v) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;

- (vi) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (vii) That an automatic sprinkler installation complying with the relevant requirements of AS2118 shall be installed throughout the building.
- (viii) The system shall comply with a standard of Installation and Maintenance in accordance with the requirements of Australian Standard 2118 and be connected to the NSW Fire Brigade.
- (ix) Certification shall be provided by the installer of the sprinkler system that the entire system is installed in accordance with the provisions of Australian Standard 2118;
- (x) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 of the BCA respectively;
- (xi) 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;
- (xii) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7
- (xiii) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (xiv) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
- (xv) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;

- (xvi) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia;
  - (xvii) That doorways to all bedrooms waiting rooms and the managers shall be protected by self closing solid core doors not less than 35mm thick;
  - (xviii) That a suitable a suitable smoke detection and alarm system shall be installed throughout the premises;
  - (xix) That an additional exit shall be provided to the basement area;
  - (xx) That all relevant sections of the BCA shall be complied with;
- (49) 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;
- (50) That structural drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with the relevant Australian Standards and design codes;
- (51) That a Survey Certificate shall be submitted from a Registered Surveyor to the effect that the proposed building has been set out so that the dimensions and location on the site are in accordance with the approved plan prior to the foundation excavations being commenced;
- (52) That a Survey Certificate shall be submitted at the completion of the building work from a Registered Surveyor certifying the location of the building in relation to the boundary lines of the allotment;
- (53) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (54) 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;

- (55) 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);
- (56) That the requirements of the Work Cover Authority shall be complied with;
- (57) That all proposed work shall be wholly within the boundaries of the site;
- (58) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (59) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (60) That all timber framing shall be in accordance with AS 1684-1992 S.A.A. National Timber Framing Code or certified by a structural engineer in accordance with AS 1720.1 timber structures code;
- (61) That no structural work shall be commenced until the construction certificate is issued by the certifying authority;
- (62) That the demolition work shall comply with Australian Standard 2601-1991;
- (63) That all internal bathrooms and laundries shall be mechanically ventilated in accordance with requirements of F4.5 of the BCA;
- (64) That all excavations must be properly guarded and protected to prevent them from being dangerous to life or property;
- (65) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code".
- (66) That good housekeeping shall be maintained at all times;
- (67) That egress paths are to be kept free of obstructions/storage at all times;

and the following standard conditions:

- (68) Consolidate Lots<sup>122</sup>
- (69) Street Number Application<sup>123</sup>
- (70) Display Street Number<sup>124</sup>
- (71) Builders Hoarding Permit<sup>1008</sup>
- (72) Shoring<sup>1012</sup>
- (73) Removal of Pavement Wells<sup>1013</sup>
- (74) Cellar Opening<sup>1014</sup>
- (75) Road Opening Permit<sup>3025</sup>
- (76) Footway Crossing<sup>3028</sup>
- (77) Obstruction of Public Way<sup>3029</sup>
- (78) Construction Traffic<sup>3030</sup>
- (79) Traffic and Pedestrian Management<sup>3031</sup>
- (80) Delivery of Construction Materials<sup>3032</sup>
- (81) Stormwater Standard<sup>4001</sup>
- (82) Clean Water Discharge<sup>4002</sup>
- (83) Connection to Council's Stormwater System<sup>4005</sup>
- (84) Refuse Skips<sup>6002</sup>
- (85) Commercial Garbage Contract<sup>6003</sup>
- (86) Commercial Garbage Storage<sup>6004</sup>
- (87) Drainage Approval Certificate<sup>9012</sup>
- (88) Drainage Details with Construction Certificate<sup>9013</sup>
- (89) Stormwater Certificate at Completion<sup>9016</sup>
- (90) Works Within Boundary<sup>9152</sup>
- (91) Work on Public Way<sup>9154</sup>

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

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

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

At this stage, Councillor Shaw, seconded by Councillor Lennon requested that the motion be put.

Motion to be put, carried.

Motion as moved by Councillor Harcourt carried.

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

Carried.

3.

**RILEY STREET, NO. 415, SURRY HILLS – USE OF EXISTING TERRACE HOUSE AS THREE FLATS – DEVELOPMENT APPLICATION (U00-00908)**

That the Development Application submitted by J.B. Smith and K. Johnson for permission to convert an existing development containing two flats so as to increase the number of flats to three, be deferred to the meeting of the Planning and Development committee to be held on 26 June 2001, as requested by the objector in fax dated 13 June 2001.

Carried.

4.

**DEVINE STREET, NO. 10, ERSKINEVILLE – DEMOLISH EXISTING DWELLING AND ERECT TWO, 2-BEDROOM HOUSES – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-01284)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Cracknell Lonergan Architects, with the authority of A and A Aristides and T and F Vasilopoulos, to demolish the existing building and erect two townhouses, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$3,630 in the form of Cash or non expiry Bank Guarantee being the building damage

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deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (2) That prior to issuing the development consent, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$440, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) That the development shall be generally in accordance with plans numbered 1 and 2 both dated May 2001 drawn by Cracknell and Lonergan architects;
- (4) As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$943	2E97008.BGY0

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

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;  
 CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent as shown above.

The above amount must be paid to the Council in cash or by unendorsed bank cheque. Payment shall be made (before the release of the construction permit / before the use is commenced

or the premises occupied whichever occurs first.) (Delete as applicable)

(5) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$631	2E97003.BGY0
Open Space: New Parks	\$2,953	2E97009.BGY0
Accessibility And Transport Management	\$19	2E97006.BGY0
	\$48	2E97007.BGY0
Total	\$3,651	

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

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

- C is the original contribution amount as shown above;
- CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
- CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - Quarter 1998/99.

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

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary

Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site only and cannot be taken as approval to carry out any works beyond the boundary of the site.

#### Part B

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

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

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

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

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

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

- (6) That the dormer windows shall be redesigned to have a ratio of 1.5:1 consistent with the provisions of the South Sydney DCP 1997.

- (7) That each dwelling is supplied with a 55-litre garbage bin and black recycling crate (owners can collect bins from Council);
- (8) That the applicant shall meet with Council's Waste Services Operations Manager, upon completion of the project to discuss service delivery details;
- (9) That the applicant shall accept responsibility for all costs associated with the design, construction, alteration, adjustment, or restoration of any works on the public way including: kerb, gutter, pavement, footpath paving, landscaping, drainage, street furniture, signage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;
- (10) That the applicant shall include with the application for a construction certificate, a plan detailing the boundary alignment levels in accordance with Council's standard procedure. The applicant shall apply and pay fees for us to consider these levels. The applicant shall adopt the final boundary alignment levels fixed by Council;
- (11) That the development must satisfy the requirements in Council's DCP No. 11, Transport Guidelines for Development 1996;

and the following adopted standard conditions:

- (12) Comply With BCA<sup>9104</sup>
- (13) Construction Certificate Required<sup>9155</sup>
- (14) Demolition to Comply With Aust Standard<sup>9163</sup>
- (15) Street Number Application<sup>123</sup>
- (16) Display Street Number<sup>124</sup>
- (17) Builders Hoarding Permit<sup>1008</sup>
- (18) Shoring<sup>1012</sup>
- (19) Road Opening Permit<sup>3025</sup>
- (20) Obstruction of Public Way<sup>3029</sup>
- (21) Delivery of Construction Materials<sup>3032</sup>
- (22) Stormwater Standard<sup>4001</sup>

- (23) Clean Water Discharge<sup>4002</sup>
- (24) Connection to Council's Stormwater System<sup>4005</sup>
- (25) Maintenance of Landscaping<sup>5014</sup>
- (26) Final Inspection<sup>5015</sup>
- (27) Garbage on Public Way<sup>6001</sup>
- (28) Refuse Skips<sup>6002</sup>
- (29) Recycling<sup>6007</sup>
- (30) Drainage Design Certificate<sup>9011</sup>
- (31) Stormwater Certificate at Completion<sup>9016</sup>
- (32) Works Within Boundary<sup>9152</sup>
- (33) Work on Public Way<sup>9154</sup>

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

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

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

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

- (A) That the Council refuses its consent to the development application submitted by Cracknell Lonergan Architects, with the authority of A and A Aristides and T and F Vasilopoulos for permission to demolish the existing building and erect two townhouses, for the following reasons, namely:-
  - (1) That the existing weatherboard cottage is considered to contribute positively to the character of the conservation area and the heritage streetscape;
  - (2) That the loss of the existing cottage is considered contrary to the objectives and aims of the South Sydney (Heritage Conservation) DCP 1998, the South Sydney LEP 1998

(amendment no. 3) Heritage Conservation and the South Sydney DCP 1997;

- (3) That it would be premature to grant consent to the demolition of a contributory weatherboard cottage within a Heritage Conservation Area given that Council has commissioned consultant's investigations in respect of such buildings and their heritage significance in South Sydney.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

It was moved by Councillor Bush, seconded by Councillor Mallard that the matter be deferred for further negotiations with residents, Council Officers and the applicant regarding what development can be appropriately placed on the site.

Negatived.

Motion, as amended by Councillor Furness, carried.

**5.**

**WALTER STREET, NO. 28, PADDINGTON – SECTION 96 AMENDMENT TO APPROVED PLANS FOR FURTHER INTERNAL ALTERATIONS (U00-00756)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:-

That consideration of the application be deferred and the applicant requested to submit the following information:-

- (a) a structural certificate from an engineer registered with Council certifying that the worked already executed, particularly the concrete floor slabs, have been constructed in accordance with the BCA including appropriate damp and pest protection measures for No. 28 and No. 30 Walter Street.
- (b) a survey plan confirming all new work, including any footings within the boundaries of the site.

and that the matter came back to the Planning and Development Committee.

Carried.

6.

**QUEEN STREET, NO. 147, UNIT 1, BEACONSFIELD – RETAILING OF CLOTHING AND SPORTS GOODS INVOLVING SHOPPERS BUS TOURS – DEVELOPMENT APPLICATION (U99-00874)**

That the development application submitted by AGAF Pty Ltd, with the authority of I Eisenberg, for permission to continue to use part of Unit 1 for the retailing of clothing, sporting goods and accessories, be deferred to the meeting of the Planning and Development Committee to be held on Tuesday 26 June 2001, as requested by the applicant in fax dated 13 June 2001.

Carried.

7.

**BUILDING – ANNUAL MAINTENANCE CERTIFICATES – ENFORCEMENT PROCEDURES (5265150)**

That the report of the Director of Planning and Building dated 8 June 2001, regarding the above matter be received and noted.

Carried.

8.

**GARDENERS ROAD, NO. 382, ROSEBERY – EXTEND EXISTING SHED AND BUILD CARPORT – DEVELOPMENT APPLICATION (U00-01296)**

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 25 May 2001.

Carried

9.

**BOURKE STREET, NOS. 936 – 938, ZETLAND – PROPOSAL TO OPERATE 24 HOURS 7 DAYS A WEEK AND CARRY OUT MINOR INTERNAL ALTERATIONS (U00-00012)**

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 8 June 2001.

Carried.

10.

**WATKIN STREET, NO. 79, NEWTOWN – ALTERATIONS AND ADDITIONS TO A DWELLING – DEVELOPMENT APPLICATION (U01-00246)**

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 for “Alterations and additions to a dwelling involving the reconstruction of a rear skillion with side passageway and construction of a garage accessible from a right of way”, within the development application submitted by Bozena Kostelecka, with the authority of K Barrett, subject to the following conditions, namely:-

- (1) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (2) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first instalment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$180, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (3) The development shall be in accordance with the plans labelled in the table below, marked in red by Council, stamped approved by Council, and held in Council’s file U01-00246, except as conditioned below:

<b><i>Drawing Number</i></b>	<b><i>Job Number</i></b>	<b><i>Date</i></b>
1 of 2	7/2000	25 September 2000
2 of 2	7/2000	25 September 2000

- (4) That the ground floor windows in the rear skillion facing the southern boundary shall be obscure glaze commencing 1.8 metres above the ground floor level and extending to the top of the window sill. Details shall be shown in documentation and plans submitted with the Construction Certificate;

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- (5) That the small window to the ensuite bathroom of Bedroom 2 shall have translucent glaze and, if it is to be openable, shall be a hopper window. Details shall be shown in the documentation and plans submitted with the Construction Certificate;
- (6) That evidence shall be provided with the Construction Certificate that the ground floor level of the garage is no lower than the level of the right of way and of any necessary construction work to allow a vehicle to enter the garage;
- (7) That the approval of the garage does not extend to an approval for any works to the right of way proposed to be used for access to the garage. Any works to the right of way will require a development application lodged by or on behalf of all owners legally entitled to use the right of way.
- (8) That no portion of the garage shall extend above or into the right of way.
- (9) That the storage and garage shall not be converted into a habitable room without the consent of Council.
- (10) That the applicant shall comply with the following conditions or otherwise provide an alternative solution submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
  - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
  - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA;
  - (c) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
  - (d) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
  - (e) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
  - (f) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;

- (g) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
  - (h) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
  - (i) The proposed rooflights shown on the plan shall be non-openable and non-combustible;
  - (j) Balustrades shall comply fully with the requirements of Part 3.9.2 of the Building Code of Australia;
- (11) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$300 for the stormwater connection and no work shall be commenced until the fee is paid;
- (12) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application form is available from Council or Sydney Water (call 13 20 92).

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

and the following adopted standard conditions:

- (13) Comply With BCA<sup>9104</sup>
- (14) Construction Certificate Required<sup>9155</sup>
- (15) Comply With the WorkCover Authority<sup>9105</sup>
- (16) Structural Design Certificate<sup>9006</sup>
- (17) Drainage Details with Construction Certificate<sup>9013</sup>
- (18) Construction Hours<sup>9151</sup>
- (19) Works Within Boundary<sup>9152</sup>
- (20) Building/Demolition Noise Control<sup>9156</sup>
- (21) Maintain Existing Building in a Stable Condition<sup>9157</sup>

- (22) Timber Framing to Comply With Aust Standard or Certified<sup>9201</sup>
- (23) Commencement of Structural Works<sup>9202</sup>
- (24) Protection from Termites<sup>9203</sup>
- (25) Glazing Provisions<sup>9330</sup>
- (26) Mechanical ventilation to internal bathrooms and laundries<sup>9616</sup>
- (27) Obstruction of Public Way<sup>3029</sup>
- (28) Delivery of Construction Materials<sup>3032</sup>
- (29) Stormwater Standard<sup>4001</sup>
- (30) Clean Water Discharge<sup>4002</sup>
- (31) Refuse Skips<sup>6002</sup>
- (32) Work on Public Way<sup>9154</sup>
- (33) Drainage Design Certificate<sup>9011</sup>
- (34) Stormwater Certificate at Completion<sup>9016</sup>
- (35) Soil and Sediment Prosecution Note<sup>7069</sup>

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

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

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

Carried.

11.

**PLANNING - VICTORIA PARK, ZETLAND – LANDCOM'S SECURITY FOR PROVISION OF INFRASTRUCTURE (2009696)**

That arising from the joint report by the Directors of Public Works and Services and Planning and Building dated 8 June 2001, Council:

- (a) resolve not to invoke the powers at its disposal in the existing Deed dated 7 September 2000 between Landcom and Council in regard to

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Landcom's failure to meet the agreed dates of completion of the Infrastructure and Public Domain works, and

- (b) agree in principle to the restructuring of the Deed to permit Landcom to bind itself to complete the Infrastructure and stages of the Public Domain works to agreed dates, and
- (c) agree in principle to the reduction in value of the NSW Treasury Corporation guarantees to approximately \$2,000,000 and \$75,000 for the cost of rectification of defects in, respectively, the Infrastructure and Public Domain works and the Footpath Works, and
- (d) delegate authority to the General Manager to authorise the details of the proceeding matters.

Carried.

The Planning and Development Committee Meeting terminated at 7.40 p.m.

The Council Meeting terminated at 8.25 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2001

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**