

290TH Meeting

Erskineville Town Hall
Erskineville
370597

Wednesday, 6 February 2002

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, 6 February 2002.

PRESENT

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

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

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GENERAL MANAGER

Confirmation of Minutes

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 12 December 2001, be taken as read and confirmed.

At the request of Councillor Furness, and by consent, the minutes of 12 December 2001, were amended on Page 1542 in relation to the Question Without Notice No.2 by the addition of the words for the Answer by the Mayor. I will have a report prepared for Committee.

Minutes, as amended by consent, were then confirmed.

Carried.

MINUTE BY THE MAYOR

5 February 2002

PUBLIC RELATIONS – DEATH OF BERNIE PURCELL (2004380)

It is with regret that I inform Council of the death of Mr Bernie Purcell who died of a stroke on New Year's Eve, 2001.

Bernie was a well known identity in rugby league circles and in particular in the South Sydney Rugby League community. He played first grade for Western Suburbs before moving to South Sydney where he played in a number of premierships winning sides in the 50's and after retirement coached South Sydney first grade sides in the 1960's.

He also represented Australia and was a member of the famous Australian side that won the Ashes from Great Britain in 1950 for the first time in 30 years.

His funeral was held on 4 January, 2002 at St Mary's Cathedral and was attended by family and friends, people from all sides of the community, including politicians, former internationals and sporting commentators.

During Council recess period I did forward on behalf of Council a letter of condolence to his family.

He will be sadly missed by all who knew him.

GENERAL MANAGER

RECOMMENDATION:

That:-

- (1) confirmatory approval be given to the protocol in forwarding a letter of condolence under the signature of the Mayor to his wife Monica and family during Council's recess period;
- (2) approval be given to a cheque in the amount of \$120 being forwarded to the charity, Sydney Children's Hospital, Randwick, as requested by his family in lieu of flowers.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Furness seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

5 February 2002

PUBLIC RELATIONS – DEATH OF MR FRED TURVEY (2004380)

It is with regret that I inform Council of the recent death of Mr Fred Turvey, after a long illness.

Mr Turvey was a former Presbyterian Minister in what was then the United Parish of South Sydney . Mr Turvey retired early from the Ministry due to ill health but was still involved with the Community, was a founding member of South Sydney Community Aid and South Sydney Community Transport.

Mr Turvey was a keen runner and participated in many City to Surf runs between the 1970's and 1990's.

In 1986, in recognition of his service to the Community, Mr Turvey was awarded an Australian Day Award from the Council of the City of Sydney.

GENERAL MANAGER

It is recommended that a letter under the signature of the Mayor be forwarded to Mr Turvey's family expressing the condolences of Council.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

MINUTE BY THE MAYOR

5 February 2002

BOUNDARIES - STAKEHOLDERS FINAL CONSULTATION – RE COUNCIL'S SUBMISSION ON PROPOSED BOUNDARY CHANGES - COMMUNITY FORUM & SPECIAL COUNCIL MEETING (2014956)

Council will be delivering its final submission on the proposed boundary changes to the State Government Boundaries Commission on Thursday, 28 February 2002.

Over the past 18 months Council has sought to promote the widest possible community input in its campaign regarding the Sproats Inquiry and more recently Council's submission on the proposed boundary changes.

It is recommended that Council arrange one community forum, to further extend the consultation process during the final week of the submission deadline and to hold a Special Council Meeting followed by a Media Conference on the final day.

It is proposed to hold both events at Redfern Town Hall as follows:

COMMUNITY FORUM

Mon 25 February 2002 7.30pm to 9.30pm Redfern Town Hall

SPECIAL COUNCIL MEETING

Thurs 28 February 2002 commencing at 12noon Redfern Town Hall

RECOMMENDATION

That Council arrange a Community Forum on Monday, 25 February 2002 from 7.30pm to 9.30pm at Redfern Town Hall, to further extend the consultation process on the proposed boundary changes and, furthermore, that Council hold a Special

GENERAL MANAGER

Council Meeting on Thursday, 28 February 2002 commencing at 12noon at Redfern Town Hall to endorse Council's final submission, followed by a Media Conference, for which funds have been provided for in the 2001/2002 Estimates, (cost code 1.513110.16615).

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Harcourt, seconded by Councillor Furness:-

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

Carried.

MINUTE BY THE MAYOR

5 February 2002

DONATIONS - MARDI GRAS VIEWING ROOM – GAY & LESBIAN COUNSELLING SERVICE (D53-00398)

The Sydney Gay & Lesbian Mardi Gras Parade will be held on Saturday, 2 March 2002.

As in previous years, Council will hold a function on the roof of 94 Oxford Street, Darlinghurst to watch the Parade as it moves up Oxford Street.

The cost of entry to the function is \$40 per person.

It is proposed to donate the proceeds of the ticket sales to the Gay & Lesbian Counselling Service.

Council has previously donated the proceeds of ticket sales to the Mayoral Ball to deserving charities and community groups including the Garvan Institute, the Paralympic Games and the Ted Noffs Foundation.

The level of funds expected to be raised from the sale of tickets to the 94 Oxford Street roof reception to watch the 2002 Mardi Gras Parade will be in the region of \$12,000 (300 tickets) to \$16,000 (400 tickets).

RECOMMENDATION

That Council endorses the charity to benefit from the proceeds of the sale of tickets to the viewing area on the roof of 94 Oxford Street to watch the 2002 Sydney Gay &

GENERAL MANAGER

Lesbian Mardi Gras Parade on Saturday, 2 March 2002 is The Gay and Lesbian Counselling Service.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Furness the Mayor asked that an invitation be extended to the Mayor and Mayoress of Singleton, inviting them to view the Mardi Gras Parade and the admission fee be waived.

Councillor Lennon requested that, in the letter of invitation to the Mayor of Singleton reference be made to the Super Dump situation in Singleton.

MINUTE BY THE MAYOR

6 February 2002

PUBLIC RELATIONS – AUSTRALIA DAY AWARDS – CONGRATULATIONS TO RECIPIENTS (2000734)

It is with pleasure that I advise Council that on Saturday, 26 January 2002, residents and people connected with South Sydney City Council were awarded honours in the Australia Day Awards.

The following recipients of awards were:-

1. Justice Terence William Sheahan, AO - Companion in the General Division, For his service to law and alternative dispute resolution;
2. Alfred Street, AM - Member in the General Division – For his service to the community and as benefactor of arts, medicine and education;
3. Noelene Lever, AM – Member in the General Division – For her work in Redfern's Aboriginal Legal Service, at night pulling beers in a Surry Hills pub;
4. Catherine "Kit" Imrie, OAM – Medal in the General Division – For almost 40 years of delivering meals in the Kings Cross/Elizabeth area, a mild stroke caused reluctant retirement aged 90;

GENERAL MANAGER

5. Craig McLatchey, OAM – Medal in the General Division – For his service to Olympic sport, through Sydney Organising Committee for the Olympic Games and Oz Olympic Games.
6. Diane Elizabeth Henry, OAM – Medal in the General Division – For her service to the community and to the Sydney 2000 Olympic and Paralympic Games, through the organisation and management of the torch relays.
7. Minette Jordan, PSM – New South Wales Public Service – For outstanding public service with Workcover NSW.

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 Lay, seconded by Councillor Mallard:-

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

Carried.

MINUTE BY THE MAYOR

6 February 2002

DONATIONS – SOUTH SYDNEY CITY COUNCIL RESPONSE TO NSW CHRISTMAS BUSHFIRE CRISIS – PLEDGE OF DONATION AND MECHANISM – STAFF VOLUNTEER ENTITLEMENT (2026080)

On 17 January 2002, a minute by myself was approved under Mayor's Delegated Authority regarding South Sydney City Council's response to the NSW Christmas Bushfire Appeal for the recent bushfires in our State.

The minute was circulated to all Councillors prior to approval and no objections were received within the two full working days (copy attached).

Clause (b) of the recommendation referred to Council pledging a donation of \$50,000 to the Appeal, subject to the approval of Council at its next meeting.

GENERAL MANAGER

RECOMMENDATION:

That Council donates an amount of \$50,000 to the NSW Christmas Bushfire Appeal and that such amount be charged to Section 356 of the Local Government Act, for which funds are available in the 2001/ 2002 Budget. The funds will be transferred to the recently announced NSW State Government appeal for distribution under the State government's auspices.

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Harcourt:-

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

Carried.

At the request of Councillor Furness the Mayor directed a report be circulated by the Director of Finance in respect of the funds left in Section 356 of the Local Government Act 1993.

MINUTE BY THE GENERAL MANAGER

5 February 2002

**SPORTS - REDFERN OVAL REDEVELOPMENT –
ESTABLISHMENT OF TASK FORCE (2020798)**Purpose of this Report

This report aims to appraise Council of a strategy to progress the redevelopment of Redfern Oval in order to address current social problems in the area and to reinforce the identity of South Sydney through partnering with South Sydney District Rugby League Football Club (SSDRLFC).

Background

Council, at its meeting of 10 December 2001 resolved;

"That the South Sydney District Rugby League Football Club be invited to submit an application for licenced usage of Redfern Oval until their requested date of 31 October, 2005."

GENERAL MANAGER

Given the degraded state of the oval, the grandstand and amenities, this is considered an interim tenure until necessary redevelopment works are planned and implemented.

During previous lease periods the facility has degraded and Building Code legislation has changed to the extent where the existing structures are substantially non-compliant. A detailed report prepared in November 2001 identifies a need for \$500,000 expenditure on the grandstand alone to ensure compliance with the Building Code of Australia. Such estimates do not consider aesthetics or functional improvements for an otherwise ugly and poorly functioning facility.

Opportunities exist for the redevelopment of Redfern Oval into a regional multi-purpose sports facility.

Report

Discussions with SSDRLFC on 4 February 2002 focussed on opportunities for a joint venture development proposal for Redfern Oval which may also include freehold lands owned by the club to the west of Chalmers Street.

Notwithstanding the above discussions, a separate planning approach to the redevelopment of the overall Redfern precinct has been mooted and an initial meeting held including representatives from Council, SSDRLFC, Planning NSW, NSW Premiers Department and NSW Department of Housing. The intent of this group is to develop a masterplan for the precinct from Redfern Station to Elizabeth Street which will primarily address current social and youth problems in this vicinity.

It is considered that Council and SSDRLFC can better progress planning for the Redfern Oval site than a broad State Government initiative. Such a partnership would not compromise State Government planning initiatives, but would feed into them and aim to expedite redevelopment of the Redfern Oval site.

Mr George Piggins - Board Chairman SSDRLFC, holds a long term vision that Redfern Oval remain and further develop as the heart of Rugby League in South Sydney. In line with, and building upon this vision, Council's involvement in the redevelopment of the site could also provide a renewed heart for the general sports community of South Sydney, and promote recreation and participation as one of the many strategies for resolving the diverse range of social and cultural problems evident. SSDRLFC and Council have expressed a specific interest in the recreational involvement and development of South Sydney's indigenous and youth communities in the Redfern/Waterloo area.

Through the joint redevelopment of Redfern Oval, Council can address both facility and program development, which would stimulate social activity and involvement. Constructive youth involvement in active recreation is likely to result in reduced youth crime and minimise the current concern for personal security and safety in the area.

Beyond diverse youth and social issues, the development of a regional multi-purpose sports facility at this location would enable greater community access to the site and

optimise the use of an otherwise underutilised community asset. Although the site is predominantly perceived as a Rugby League venue, its redevelopment and inclusion of new facilities would also allow for a greater diversity of sports use, whilst still providing a base of SSDRLFC.

Any major redevelopment or change in the use of Redfern Oval would warrant an amendment to the current Plan of Management for Redfern Oval which would be fully consulted with the community.

Current and past inquiries into Local Government boundaries and amalgamations have reinforced the need for Council to bolster its image and to ensure that 'South Sydney' remains an area of strong community identity. Partnering with SSDRLFC recognises their markedly increased identity through recent successful National Rugby League appeals and could assist Council in achieving this goal. Other South Sydney based sporting groups have also offered support to Council in maintaining and reinforcing the South Sydney identity.

In order to progress opportunities for joint ventures in the redevelopment of Redfern Oval, it is recommended that a Task Force be established to brief and commission a feasibility study. Such a Task Force would comprise representatives from Council SSDRLFC and NSW Police and would report directly to the General Manager - South Sydney City Council as chairman of the group.

The launch of a strategy to redevelop Redfern Oval and the commencement of a Task Force and Feasibility Study could be marked by a promotional community event at Redfern Oval.

RECOMMENDATION

- (1) That the General Manager establish a task force to progress a feasibility study for a joint venture redevelopment of Redfern Oval with the South Sydney District Rugby League Football Club.
- (2) That the initiative be celebrated at a Community launch at Redfern Oval, on a future date to be agreed with the Club, at an estimated cost of \$20,000 for which funds are available in budget item 1.51.3110.16615.

Michael Whittaker (SGD)
GENERAL MANAGER

Moved by Councillor Pooley, seconded by Councillor Mallard:-

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

It was moved by Councillor Harcourt, seconded by Councillor Pooley, that clause (2) of the recommendation by the General Manager be deleted and the following new clause (2) be inserted in lieu thereof, namely:-

GENERAL MANAGER

- (2) That the membership of the taskforce be the subject of a report to be submitted to the next Finance Committee Meeting to be held on 13 February 2002.

Motion, as amended by consent, carried.

At the request of Councillor Lennon, the Mayor asked that Council's Arts & Cultural Officer report to this committee regarding the cultural significance of the oval.

MINUTE BY THE GENERAL MANAGER

5 February 2002

PROPERTIES - POSSIBLE ACQUISITION - SOUTH SYDNEY HOSPITAL SITE (2008009)

In relation to this matter a minute by the General Manager dated 5 February 2002, was circulated to Councillors prior to the Council meeting with the press and public excluded.

The reason for the press and public being excluded was in accordance with Section 10A (2) (c) of the Local Government Act, 1993, which states:-

2(c) information that would if disclosed, confer as commercial advantage on a person with whom the Council is conducting (or propose to conduct) business.

Michael Whittaker (SGD)
GENERAL MANAGER

At this stage and at 7.03 pm, it was moved by Councillor Lay, seconded by Councillor Harcourt:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matter, as it dealt with property matter.

South Sydney Hospital – Proposed Acquisition.

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

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

At 7.25 pm the Council Meeting resumed.

GENERAL MANAGER

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

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

That the recommendation of the whole be approved and adopted, which is that the Council authorise the General Manager to negotiate the purchase and buying of the South Sydney Hospital Site within the range of his report, for which funds are available in the Property Reserve and the Civic Administration Reserve.

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

PETITIONS

1. The Mayor tabled a petition received by the General Manager with approximately 39 signatures appended from residents of the Kimberley Estate, Nos. 89 – 93 Dalmeny Avenue, Rosebery, objecting to the use of shop number 794 as a restaurant and takeaway shop.

Received.

2. Councillor Lennon indicated that she had a petition with approximately 89 signatures appended from residents of Potts Point, objecting to the planned developments for Llankelly Place and would forward the petition by far to the General Manager.

Received.

QUESTION ON NOTICE

1. **COUNCIL – CODE OF MEETING PRACTICE – UPDATE OF RELEVANT CLAUSES (A83-000464)**

Question:

I refer to a minute to all Councillors from the Civic Affairs Manager/Public Officer dated 2 January 2002, advising of changes to the Code of Meeting Practice in order to update references to clauses in the Local Government Act, 1993, and the Local Government (Meetings) Regulation 1993.

Local Government (Meetings) Regulation 1993 has been superseded by Local Government (Meetings) Regulation 1999.

GENERAL MANAGER

Further, the authority to amend the Code of Meeting Practice, even for merely housekeeping purposes, is vested in Council and has not been delegated to a Council Officer.

Could a report or minute be prepared for Council in order to have the new Code formally adopted?

Answer by the Mayor:

I will have the appropriate Council Officer prepare a report for Committee.

QUESTIONS WITHOUT NOTICE

1.

**WOODBURN STREET, SURRY HILLS – MATTERS REGARDING
ABANDONED VEHICLES – STREET DRAINAGE – STREETS LIGHTING -
QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS
(2017302,2012731,2019901)**

Question:

I have received an e-mail, which I will table with this question, from a local business owner regarding various matters which are the responsibility of Public Works and Services and which are currently being attended to.

Could the Director of Public Works and Services nevertheless investigate the reason for the delay in addressing those matters which the writer of the e-mail advises were raised with Council on numerous occasions over an extended period of time?

Answer by the Mayor:

I will ask the Director of Public Works and Services respond to the information on the e-mail.

2.

**MEMBERSHIPS – SYDNEY COASTAL COUNCILS GROUP – DELEGATES
- QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2024238)**

Question:

The Sydney Coastal Councils Group still has me recorded as a delegate from South Sydney Council even though there was a change of our delegates in September. Could the Group be advised of our new delegates?

Answer by the Mayor:

I will ask the Secretariat Section to inform the Coastal Council.

3.**PUBLIC RELATIONS – DONATIONS - HOCKEY EQUIPMENT FOR YOUTHS IN WATERLOO AND REDFERN - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2019355)****Question:**

I and others, have received a query as to whether Council will be providing hockey equipment for youths in Waterloo and Redfern in association with South Sydney Community Aid and the Department of Housing. Could I be advised on how this matter is proceeding?

Answer by the Mayor:

I cannot advise you myself, I can ask Councillor Bush who is Chairperson of the Sports Committee. Can you enlighten Councillor Furness.

Answer by Councillor Bush:

There was a request from that group for Street Hockey equipment prior to Christmas 2001.

The recommendation went from the Sports Liaison Committee back to Council and was lost in beaurocratic tape. Where they started considering insurances, whether they were going to get lessons and where the activity was going to take place and the opportunity was lost. There is a report coming to the next committee for that situation to be resolved.

4.**PROPERTIES – CONTESTABLE ELECTRICITY SUPPLY – SSROC – BINDING SERVICE AGREEMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2015326)****Question:**

Can I table for the Director of Public Works and Services a submission from a resident asserting a lack of social responsibility and accountability on the part of Energy Australia. The resident would like matters raised in the submission included in any dialogue entered into between Council and energy Australia either directly or in conjunction with SSROC on the issue of binding service agreements?

Answer by the Mayor:

I am happy for that matter to be directed to the Director of Public Works and Services and it would be appropriate for it to be raised at SSROC.

5.

ANTISOCIAL ACTIVITIES - SURVEILLANCE REDFERN AREA – SAFETY ISSUES - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2012755)**Question:**

I refer to e-mails received by the Mayor and my fellow South Ward Councillors from a resident of Lawson Street, Redfern, regarding Eveleigh Street and safety issues around Redfern station. I understand these matter are currently being investigated.

Could I be kept informed of the investigation of matters raised in the e-mails and of any subsequent action taken?

Answer by the Mayor:

I will have the Director of Public Works and Services forward the responses through the CIS.

6.

DEVELOPMENT – EVELEIGH PRECINCT – MASTER PLAN – PROGRESS BY ABORIGINAL HOUSING CORPORATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2024434)**Question:**

At a public meeting last year the Aboriginal Housing Corporation indicated that a master plan for the Eveleigh Street precinct would be put on display in February of this year. Could you write to the Aboriginal Housing Corporation to enquires, as to the progress of that Masterplan?

Answer by the Mayor:

I will ask the Acting Director of Planning and Building to assist me in putting together a letter in order for that request to be met.

7.

HEALTH –ELIZABETH BAY AND DARLINGHURST AREAS - PROBLEM WITH PIGEONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (M51-00202)**Question:**

At McElhone resident, Elizabeth Bay there is a problem with enormous amount of pigeons in that area. Could we see if there is an opportunity to see if we could do some planting to encourage native birds and to address the pigeon problem?

Answer by the Mayor:

I will have the Director of Public Works and Services liaise with park staff in relation to extra planting. Mr. Dearsley has a response.

Answer by the Director of Health and Community Services:

Mr. Mayor we run an eradication programme by contract and we can certainly list McElhone reserve to be looked at as well.

8.

DEVELOPMENT – HERITAGE ENQUIRES KINGS CROSS AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2015740)**Question:**

Could we look at putting a Heritage Order on the buildings between Bayswater Road, the Fountain and Ward Avenue to include Mansions and the Woolworths building etc?

Answer by the Mayor:

I will ask the Acting Director of Planning and Building to assist with Council's Heritage Officer in relation to the detailing all those listed items that are noted as items of Environmental Heritage in Darlinghurst Road within those areas.

9.

MANAGEMENT – EAST SYDNEY LOCAL AREA TRAFFIC MANAGEMENT – BOURKE AND LIVERPOOL STREETS – INSTALLATION OF ROUNDABOUT - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T02-00038)

Question:

In East Sydney we have problems with traffic where Bourke Street meets Liverpool Street, the traffic banks up. Could we look at having a roundabout in that area?

Answer by the Mayor:

Part of this has been presented to the Traffic Committee and there is a local area traffic management scheme which is now proceeding with four options which have various Traffic Management Plans which are required by the RTA

Answer by the Director of Public Works and Services:

The submission that I have seen asks for signals to be re-introduced at that intersection. I will pass that notation on to the Officers who are writing the report to the Committee.

10.

TRAFFIC – EASTERN DISTRIBUTOR MOORE PARK AREA – LEFT HAND TURN AT LIVERPOOL AND BURTON STREETS JOINING CROWN STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025900)

Question:

A matter went to Traffic Committee last year about the possibility of doing a left hand turn where Liverpool and Burton Streets join Crown Street. Could I ask what is happening with this matter?

Answer by the Mayor:

All the issues in relation to all the Traffic Management are being examined within the context of the information provided by the Eastern Distributor Consultancy that is dealing with the Local Area Traffic Management.

The matter will come back to Traffic Committee. The Director of Public Works and Services will have that information provided through the Councillors Information Service.

11.

MANAGEMENT – BROUGHAM STREET, WOOLLOOMOOLOO - SPEED HUMPS MAINTENANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (T02-00178)

Question:

Could the speed humps in Brougham Street be painted. Will a Council Officer investigate?

Answer by the Mayor:

I will have the appropriate Officer to attend to it.

12.

GRANTS – FAMILY LIAISON WORKERS PROGRAM ADVERTISEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2026061)

Question:

There was an advertisement in Saturdays Herald for a worker in Woolloomooloo, has that got anything to do with questions about a family worker that was asked last year.

Answer by the Director of Health and Community Services:

Sorry Mr Mayor I can't add anything to the conversation but I will certainly find out and let the Councillor know.

13.

LIVERPOOL STREET NOS 223-225 DARLINGHURST – ENQUIRY FROM ESNA - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2016481)

Question:

In relation to two letters from E.S.N.A regarding property known as No.223 Liverpool Street aka No.32 Oxford Street. Can the relevant Officer establish the status of the enquiry, secondly can action be taken if any and third could that information be e-mailed to the Ward Councillors?

Answer by the Mayor:

I will have Acting Director of Planning and Building to respond through the e-mail to you and the other ward Councillors.

14.

**ABANDONED VEHICLES – ST PETERS LANE, DARLINGHURST –
REMOVAL OF VEHICLE - QUESTION WITHOUT NOTICE BY
COUNCILLOR SHAW (2017302)**

Question:

There is an abandoned vehicle on the corner of St. Peter's Lane, can it be removed?

Answer by the Mayor:

It was removed last night.

15.

**STREETS – GEORGE STREET, NOS. 94 – 98, REDFERN – RECESSED
TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY
(2005242)**

Question:

I have had representation from a number of residents between Nos.90 –98 George Street. Could Mr. Wilcoxon seek the appropriate Officer to examine two trees recessed in the footpath outside Nos. 94-98, George Street? The issue is that there is a significant gap or ledge between the footpath and the base of the trees. I think they first need some compacted soil.

Answer by the Mayor:

I will ask the Director of Public Works and Services to attend to that matter.

16.

**COUNCILLORS – COUNCILLOR PETER FURNESS – PRESELECTION TO
NSW LEGISLATIVE COUNCIL - QUESTION WITHOUT NOTICE BY
COUNCILLOR POOLEY (A54-00013)**

Question:

My question is to Councillor Furness. Is it a fact that you intend to stand for preselection for the Democrats for the NSW Legislative Council prior to the next State Election due in March 2002. Should you be successful in achieving preselection and then election to that august body, will you confirm for South Ward residents your intention to complete your current term on Council?

Answer by Councillor Furness:

I have two days ago lodged a nomination seeking Democrat pre-selection for the NSW Upper House. Should I be successful in my bid to gain pre-selection my commitment to Local Government remains.

Should I not be successful in my bid I can say that I will continue to seek re-election to Local Government. I forgot to say that should I be successful, yes I will continue my term as a Councillor for South Ward.

17.

HOARDINGS – DEVELOPMENT APPLICATIONS – POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2012931)**Question:**

Would Officers resurrect the work that was commenced before the hail storm in 1998 to develop the policy for including the placing of scaffolding, and hoarding and site huts etc within the Development Application conditions?

Answer by the Mayor:

I will have that matter come to the Planning and Building Committee.

18.

PLANNING - HERITAGE CONSERVATION AREAS – CLEAR GLASS WINDOWS AT STREET LEVEL – CHANGE OF POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2026084)**Question:**

Would Planners report on the desirability of having a policy prohibiting the placing of anything other than clear glass windows at street level in terrace houses in conservation areas. This would, I believe be in accord with our safety by design DCP?

Answer by the Mayor:

I will have the Acting Director of Planning and Building report through the Councillor Information Service.

19.

PLANNING - LETTER BOXES – CONDITION OF CONSENT IN RESIDENTIAL DEVELOPMENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2023581)**Question:**

Could Council consider requiring the appropriate and accessible placement of letter boxes as a condition of consent for all residential Development Applications?

Answer by the Mayor:

I could be wrong, but I understand that it is now a standard condition.

Answer by the Acting Director of Planning and Building

I believe there is a Standard condition to that effect, you may now see it as it appears in numerical form but it does appear in the full extract of the conditions. I will look into it and report back.

20.

TUSCULUM STREET, NO 5, POTTS POINT – FIRE ORDER - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2014856)**Question:**

I have received a letter and copious information about the fire order on No. 5 Tusculum Street, Potts Point. The writer requests that I bring the matter to the attention of Council at this meeting because, to put it politely he believes the matter is not being progressed appropriately. Please could I have a brief clear exposition of this matter from Council's perspective, so that I can respond to him?

Answer by the Mayor:

There is a Standing Working Party that relates to fire orders.

Answer by the Acting Director of Planning and Building:

I have recently organised a briefing for the GM by Pikes. It might be more appropriate to raise this matter at the next Legal Services Committee.

21.

FOOTPATHS – CLEVELAND STREET, REDFERN – REPAIR OF POTHOLE AT CHALMERS STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (S56-00613)

Question:

Has any action been taken to repair the large pothole on Cleveland Street at the crossing with Chalmers street, Redfern. It is posing some threat to traffic after the recent heavy rain?

Answer by the Director of Public Works and Services:

I will report it in the morning.

22.

ROADWORKS – WILSON STREET, NEWTOWN – REPAIR OF POTHOLE NEAR HOLLIS PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (S56-00773)

Question:

There is also a pothole in Wilson Street opposite Hollis Park, could this be repaired?

Answer by the Mayor:

The Director of Public Works and Services has made a note of that.

23.

ROADWORKS – PALMER STREET, DARLINGHURST AND WOOLLOOMOOLOO – REPAIR TO ROADWAY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD(S56-00781)

Question:

This is the second time I have raised this matter. The roadway, Palmer street between Liverpool Street and Burton Street is in very poor condition. Has this damage been caused by buses and/or heavy construction vehicles building the Republic apartments. When will the roadway be rebuilt?

Answer by the Mayor:

The Director of Public Works and Services made a note of that and I will have the matter circulated through the Councillors Information Service.

24.

DEVELOPMENT– PRIVATE CCTV – MONITORING - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2026411)**Question:**

Can the Planning Department prepare a report on managing the installation and operation of private CCTV and monitoring the public domain?

Answer by the Mayor:

The Director of Public Works and Services has made a note of that and I will have the matter circulated through the Councillors Information Service.

25.

SYDNEY PARK – INSTALLATION OF PUBLIC TOILETS IN WESTERN AREAS – CONGRATULATION TO STAFF RE RECENT TREE PLANTING CEREMONY - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2014535)**Question:**

I congratulate the staff involved in organising the Italian Community tree planting at Sydney Park on Sunday afternoon.

The event has highlighted the absence of a public toilet on the western areas of Sydney Park. Can Officers report on installing a toilet on the carpark frontage? Could we use a JC Decaux unit?

Answer by the Mayor:

I have that matter come to Committee.

26.

BOURKE STREET, NO 464, SURRY HILLS – LABOR CLUB – NOISE AND MANAGEMENT COMPLAINTS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2008091)**Question:**

Could a report come before Council on the question of the Labor Club premises on Bourke Street, Surry Hills. Local residents have raised issues of unauthorised use of the top floor, noise complaints and inappropriate management of parton leaving the premises. Can you ask is the Labor Club operating outside of approval? Could we also have a report on the history of this usage and I ask why a licensed Club is operating in the midst of a residential neighbourhood.

Answer by the Mayor:

I will have the Acting Director of Planning and Building supply that information through the CIS.

27.**TRAFFIC MANAGEMENT – COWPER WHARF ROADWAY – RE-ROUTING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (T02-00178)****Question:**

Can a report come to Council's Traffic Committee which investigates the re-routing of traffic along Cowper Wharf Road?

Answer by the Mayor:

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

28.**DEVELOPMENT – NEWTOWN HOTEL - EXTENSION OF TRADING HOURS – TRIAL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (V01-00605)****Question:**

Evidently the Newtown Hotel trial for extended hours is not happening. Can the appropriate Officer investigate?

Answer by the Mayor:

I will have the Officer from Planning and Building and the Director of Health and Community Services investigate the matter and report through the Councillor Information Service.

29.**OBSTRUCTIONS – CAR WASHERS – DANGEROUS ACTIVITY ON ROADWAYS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (S56-02171)****Question:**

Car window washers are putting themselves in extreme danger. Can the Mayor write to the police area commands seeking solutions to an impending tragedy?

Answer by the Mayor:

Most are on RTA land , it therefore becomes an issue for the RTA, the State Government and the Police.

30.

RATES - MECHANISMS FOR INCREASE OF RATES DUE TO POSSIBLE LOSS OF LAND TO SYDNEY CITY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002770)**Question:**

If Council's rate base decreases by 30% in revenue. Can the Acting Director of Planning and Building prepare a report with regards to mechanisms necessary to be able to increase Council's rate base in the remaining areas of South Sydney.

Answer by the Mayor:

I will have the Acting Director of Planning and Building prepare a report through the Councillors Information Service.

31.

RATES – REVIEW OF RATE BASE – REPRESENTATION TO MINISTER BY THE GENERAL MANAGER - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002770)**Question:**

Can the General Manager request a review of Council's rate base by writing to the Minister?

Answer by the Mayor:

You know we will be going to the Minister again this year in relation to rates. If the Minister goes ahead with the removal of 38% of our rate income. He could hardly not give us our rate increase.

32.

COMMITTEES – SPORTS LIAISON COMMITTEE – RECOMMENDATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2024482)**Question:**

There are a number of recommendations coming from the Sports Liaison Committee that have not be addressed. Can this matter be addressed urgently?

Answer by the Mayor:

You can either present those issues in my office and I will direct them to the clerks to be placed on the agenda or you can do it yourself by taking them to the Directors and asking them to place the issues on the agenda.

33.**COUNCIL – MEETINGS – CODE OF MEETING PRACTICE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002586)****Question:**

Could the General Manager advise Council of the legality of making group decisions on Council meetings outside the formal area of Council?

Answer by the Mayor:

The General Manager will take the question on notice and respond electronically and in the Councillor Information Service.

REPORT OF THE FINANCE COMMITTEE

30 January 2002

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

At the commencement of business at 7.05 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw. The meeting temporarily adjourned at 7.06 p.m. and reconvened at 7.31 p.m.

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

That the Report of the Finance Committee of its meeting of 30 January 2002, be received and the recommendations set out below for Items 1, 2, 5 to 8, inclusive, 11, 12, 14 to 14.3, inclusive, 14.6, 14.9, 14.11, 14.12, 14.14, 14.16 and 14.17, be adopted. The recommendations for Items 3, 4, 9, 10, 13, 14.4,

GENERAL MANAGER

14.5, 14.7, 14.8, 14.10, 14.13 and 14.15 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

STREETS – LIGHTING - DE-REGULATION - SSROC STREET LIGHTING STUDY – PARTICIPATION BY COUNCIL (2025883)

That further to resolution of Council of 12 September 2001 and arising from consideration of a report by the Director of Public Works and Services dated 18 January 2002, Council participate in the SSROC Street Lighting project at a cost of \$8,227, for which funds are available in the current operational budget.

Carried.

2.

PROPERTIES - PADDINGTON TOWN HALL - TEA DANCE – FUNDRAISING FOR BUSH FIRE WORKERS AND ORGANISATIONS – FREE USE OF HALL, 22 JANUARY 2002 (2020573)

That confirmatory approval be given to the action of the Mayor in granting S & K Music Box Melodies the free use of Paddington Town Hall for a Tea Dance for a fundraising event for the Bush and Fire Worker Organisations involved in Christmas Bushfires on Tuesday 22nd January 2002 from 1pm to 4pm and that the cost of the hall hire, namely \$2,850 be charged against Section 356 of the Local Government Act, 1993, for which funds are available in the 2001/2002 Budget.

(CAM/PO Report 16.1.02)

Carried.

3.

PLANNING - PARRAMATTA ROAD PROJECT – PLACES ALONG PARRAMATTA ROAD PROGRAM – REQUEST FOR FUNDING (2020155)

(Also listed as Item No. 6, Planning and Development Committee)

That arising from consideration of a report by the Acting Director of Planning and Building dated 15 January 2002, approval be given to the funding of the "Places along Parramatta Road program to the value of \$2,500 (excluding GST) per year for an initial two-year period, for which funding for this program be drawn from project account 51101.801.16630.

At the request of Councillor Mallard, and by consent, this matter was dealt with in conjunction with Item No. 6 on the Planning and Development Committee.

Motion, as amended by consent, carried.

NOTE:

The Planning and Development Committee resolved that the request for funding be refused which was carried.

4.

MANUAL OF STANDARD PROCEDURE – E-MAIL POLICY AND PROCEDURES – ADOPTION (2016911)

- (1) That arising from consideration of a report by the Acting Director of Corporate Services dated 9 January 2002, it be resolved that Council adopts the E-mail Policy and Procedures dated 9 January 2002, accompanying the beforementioned report and endorses its distribution to Councillors and Staff;
- (2) That the Acting Director of Corporate Services to submit a report on what levels of confidentiality Councillors have in respect of E-mails on the main computer server and in this regard, investigations be commenced in respect of Councillors being connected to a separate computer server and a refined and expectation policy be developed for Councillors having regard to privacy issues.

At the request of Councillor Mallard, and by consent, the motion was amended by the addition of a clause (3) to the recommendation, namely:-

- (3) That the report by the Acting Director of Corporate Services dated 6 February 2002, in respect of E-mail Policy and Procedures that was circulated to Councillors prior to the meeting commencing, be deferred to the next Finance Committee meeting to be held on 13 February 2002.

Motion, as amended by consent, carried.

5.

FINANCE – OUTSTANDING SUNDRY DEBTORS 31.12.01 (2025725)

That the report by the Director of Finance dated 18 January 2002, on the balance of outstanding sundry debtors as at 31 December 2001, be received and noted.

Carried.

6.

INSURANCES - WORKERS COMPENSATION – RENEWAL OF EXCESS OF LOSS INSURANCE FROM 31.12.01 TO 31.12.02 – ADDITIONAL FUNDS (2000570)

That for the reasons set out in the report by the Acting Director of Corporate Services dated 11 January 2002, it be resolved that:-

- (1) Council vote additional funds of \$17,000 to Account 1.56.4345.14320.0 to accommodate the renewal of Council's Excess of Loss Insurance for Workers' Compensation, for the period 31/12/01 to 31/12/02;
- (2) Council receive and note the report on the likely implications for Council of current insurance market conditions.

Carried.

7.

ADMINISTRATION – PUBLIC WORKS AND SERVICES DEPARTMENT – WORKS PROGRAMME – OUTSTANDING PROJECTS (2023632)

That the report by the Director of Public Works and Services dated 12 December 2001 and the table of outstanding projects as set out in the beforementioned report, be received and noted.

Carried.

8.

PARKS - SYDNEY PARK WETLANDS – ADDITIONAL FUNDS FOR SUPPLEMENTARY WORKS TO COMPLETE STAGE 1 (2022665)

That arising from consideration of a report by the Director of Public Works and Services dated 11 January 2002, approval be given to supplementary landscape works including paths, catch drains and landscaping being carried out in Sydney Park Wetlands for the estimated amount of \$250,000 (excluding GST) and that this amount be added to the Parks Branch 2001/2002 Works Program, Project 21057, Budget ref. 45-024, with this work to be funded on the following basis:

90% Section 94	= \$ 225,000
10% Project 22010, Budget ref 45-024 (Victoria Park Pool Sewer Connection)	= \$ <u>25,000</u>
	\$ 250,000

Carried.

9.

DEVELOPMENT - PROPOSALS – PRO SUSTAINABLE ENERGY - ADVICE (2001479)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 23 January 2002, it be resolved that:-

- (1) Council formally request Energy Australia to supply 20% Green Power endorsed renewable energy (when available) for the supply of Councils Administration Building;
- (2) future budget allocations for electricity supply to Council's Administration Building include sufficient funds for the purchase of "green power";
- (3) Council is advised when green power becomes available and is being supplied to the Administration Building and;
- (4) should "green power" become available in the current financial year that a report to Council requesting the voting of additional funds as necessary to purchase the "green power" be submitted.

It was moved by Councillor Furness, seconded by Councillor Harcourt, that the motion be amended by the deletion of the figure of "20%" where appearing in the first line of clause (1) of the recommendation and the insertion in lieu thereof of the figure "100%" and the addition of a clause (5) to the recommendation, namely:-

- (5) That a further report be submitted on all energy purchased by Council, other than that used by Council at its present Administration Building.

Motion, as amended by consent, carried.

10.

PROPERTIES – REDFERN TOWN HALL - REQUEST FOR FREE USE – REDFERN LEGAL CENTRE – VARIOUS DATES, 2002 (P56-00410)

That arising from consideration of a report by the Acting Director of Corporate Services dated 18 January 2002, approval be given to Redfern Legal Centre for the free use of Redfern Town Hall under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$2,400 in income and \$480 in costs, to allow Redfern Legal Centre to conduct monthly volunteer training and management meetings on various dates in 2002.

At the request of Councillor Lay, 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:-

GENERAL MANAGER

That the application be approved in principle, and Redfern Legal Centre be contacted to ascertain if all the subject dates requested by the organisation are required for monthly volunteer training and management meetings.

Motion, as amended by consent, carried.

11.

PUBLIC RELATIONS – PUBLICATIONS – PRINTING – ACCEPTANCE OF TENDER (2014543)

That for the reasons set out in the joint report by the Acting Media Manager and the General Manager dated 5 November 2001, approval be given to appoint Quickcrop as the printer of Council's newsletter, Inner City News (including an annual Rates edition), and the Annual Community Report, for the price of \$14,580 per issue. The total cost of this tender will be \$126,225 (8.5 times \$14,580 – the annual report being 12 pages and Inner City New 8 pages). There are sufficient funds in account 1.55.3305. 3305.16125 to cover this expenditure.

Carried.

12.

WELFARE – WOOLLOOMOOLOO HOMELESS PROJECT – EXTENSION OF FINANCIAL AND INKIND SUPPORT FROM 12 FEBRUARY 2002 TO 30 JUNE 2002 (2025687)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 24 January 2002, Council provide continued financial and inkind support to the Woolloomooloo Homeless Project, as outlined in the beforementioned report for the extended period 12 February – 30 June 2002.

Carried.

13.

CONFERENCES – 2002 AUSTRALIAN UNIVERSITY SPORT ANNUAL CONFERENCE, GOLD COAST, QUEENSLAND, 16-19 APRIL 2002 – ATTENDANCE OF COUNCIL'S REPRESENTATIVES (362749)

That arising from consideration of a report by the Civic Affairs Manager/Public Officer dated 29 January 2002, approval be given to Councillor John Bush and Mr Rob Ison, Council's Community Resources Co-ordinator, attending the 2002 Australian University Sports Annual Conference to be held on the Gold Coast, Queensland, from 16th to 19th April, 2002, and that the registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence

in travelling, be borne by the Council, for which funds are available in the 2001/2002 Budget.

It was moved by Councillor Lay, seconded by the Mayor, that a clause (2) be added to the recommendation, namely:-

- (2) That Councillor Bush undergo a physical examination by Council's medical officer prior to attending the Conference to ensure that he is physically capable of participating in the events associated with the conference.

Motion, as amended, carried.

14.

REPORT OF THE PROPERTIES SUB-COMMITTEE – WEDNESDAY 30 JANUARY 2002 COMMENCING AT 6.15 P.M. TEMPORARILY ADJOURNED AT 7.04 P.M. RECONVENED AT 7.05 P.M.

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

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 30 January 2002, be approved and adopted.

14.1.

LICENSING – VICTORIA STREET, NOS. 274 - 290, SHOP 3, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2025658)

That approval be given to:-

- (1) the granting of a licence to Suthep Lalam, Kiranda Sukcharearn and Pornkamol Wittayaprasit over an area of 3.7 square metres of the footway of Victoria Street adjacent to Paper Box Thai Noodle Bar at Shop 3, Nos. 274-290 Victoria Street, Darlinghurst, as shown stippled on Plan No. S4-130/835 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;
- (6) this approval lapsing 12 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 18/12/01)

Carried.

14.2.

STREETS – LEASING – ELIZABETH STREET, SURRY HILLS – ADJACENT TO NO. 539 – PROPOSED RENEWAL OF LEASE OF PART (L52-00095)

Deferred to the next meeting of the Properties Sub-Committee Meeting and the Director of Public Works and Services to submit a report in respect of:-

- (1) a Commercial Valuation of the subject land being obtained;
- (2) legal advice being obtained in respect of conditions (6), (8) and (9) in the schedule accompanying the Director's report;
- (3) the nature of signs being used in the subject area and whether a Development Application needs to be submitted.

Carried.

14.3.

PROPERTIES – DOUGLAS STREET NOS. 32-38, REDFERN – PROPOSED PURCHASE OF VACANT LAND FROM THE CENTRAL SYDNEY AREA HEALTH SERVICE (2023037)

That the matter be deferred and the General Manager enter into correspondence with the N.S.W. Department of Health with a view to obtaining the subject land at a reduced price.

Carried.

14.4.**LICENSING – MACLEAY STREET, NOS. 65-65B, SHOP 1, POTTS POINT – PROPOSED FOOTWAY LICENCE (2009977)**

That approval be given to:-

- (1) the termination of the Licence Agreement dated 30 September 1998 with Walter Rosin over an area of 6.4 square metres of the footway of Challis Avenue adjacent to Spring Café at Shop 1, Nos. 65-65B Macleay Street, Potts Point;
- (2) the granting of a licence to 'Two Peez Pty Ltd' over an area of 6.4 square metres of the footway of Challis Avenue adjacent to Spring Espresso Bar at Shop 1, Nos. 65-65B Macleay Street, Potts Point, as shown stippled on Plan No. S4-130/614C and subject to the conditions in the schedule accompanying the Director's report;
- (3) the licence being for a period of 5 years under Part 9 Division 1 of the Roads Act 1993 at a weekly rental per square metre (payable monthly in advance) set by the annual Scale of Fees and Charges adopted by Council;
- (4) the licence commencing only following the satisfactory compliance with conditions 7 and 8 in the schedule accompanying the Director's report, the Licensee executing the licence agreement, and the issuing of written permission to occupy the site;
- (5) the erection of fencing by the applicant in accordance with the requirements of the Director of Public Works and Services prior to commencing;
- (6) the execution of all relevant documents and plans by Council's Attorney;
- (7) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (8) this approval lapsing three 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;
- (9) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (10) that appropriate signage be maintained in a visible location advising patrons to be considerate of other footpath users.

(DPWS Report 24.01.02)

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

That the matter be deferred to the Properties Sub-Committee Meeting to be held on 13 February 2002.

Carried.

14.5.

LEASING – ELIZABETH STREET, SURRY HILLS, ADJACENT TO NOS. 491-493 – PROPOSED LEASE OF PART (L02-00378)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That approval be given to the legal fees associated with the production of a new lease agreement for the re-aligned portion of Elizabeth Street, adjacent to No 491-493 Elizabeth Street, Surry Hills, as shown on Plan No S4-130/460A, not be waived.

(DPWS Report 15.1.02)

Carried.

14.6.

PROPERTIES – LEASING – TURNER STREET NO.17, REDFERN – VACANT LAND – LEASE TO NSW POLICE SERVICE (2016128)

That arising from consideration of a report by the Acting Director of Corporate Services dated 13 December 2001, approval be given to the NSW Police Service being offered a further one (1) year lease of Council-owned vacant land at No. 17 Turner Street, Redfern, for the purpose of providing a demountable building for use as an extension of Redfern Police Station at a rental of \$2,294 per annum gross, inclusive of outgoings, plus the GST component subject to the following conditions, namely:-

- (1) the lessee is to provide Council with a Public Liability Insurance Policy in an amount of not less than Ten Million Dollars indemnifying both the Council and the lessee for their respective rights and interests against any claims that may arise during the term of the lease;
- (2) that at the expiry date of the lease, the lessee is to landscape the area to its original condition at the lessee's cost;

- (3) the lessee (without penalty) giving to the lessor, 1 month's written notice may terminate the lease, when alternative premises are found within the lease period;
- (4) 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;
- (5) all relevant documents are to be executed by Council's Attorney, if required;
- (6) the lessee is responsible for the payment of the Goods and Services Tax;
- (7) that a market valuation be included in all future leasing negotiations where the property is to be leased to State/ Federal Governments.

Carried.

14.7.

PARKS – SYDNEY PARK – LEASE AND FREEHOLD ACQUISITION AND EASEMENT ACQUISITION - AGREEMENT WITH TRANSGRID (2025785)

That approval be given to:-

- (a) Council as owner of Sydney Park enter into agreements with TransGrid for the following interests at Sydney Park;
 - ✍ Acquisition of easement for \$115,000
 - ✍ Acquisition of freehold for \$150,000
 - ✍ Acquisition of leasehold interest at \$126,000 pa net excluding water rates but including GST and subject to Council's standard leasehold conditions and annual increases in accordance with the Consumer Price Index (All Ordinaries) Sydney commencing from the date of the compulsory acquisition is Gazetted for a period of no more than two and a half years;
- (b) all documents being executed by Council's attorney;
- (c) that monies obtained from the compulsory acquisition of the land and easement be allocated to Sydney Park 2001/2002 Works Program for drainage and pathway works;
- (d) that monies received from the rental of land be treated as Property Income.

(A/DCS & DPWS Joint Report 22.1.02)

It was moved by Councillor Bush, seconded by the Mayor, that finances received from TransGrid be treated as income for the Community Centre that is proposed to be erected at the Alan Davidson Oval, Sydney Park.

Amendment negatived.

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

- (e) that a further report be prepared for Committee identifying the issues and timeframe with due weightings for the budget process in respect of the construction of the Community Centre at the Alan Davidson Oval which will then be discussed at the appropriate time.

Motion, as amended, carried.

14.8.

PROPERTIES – CORNER OF MOORGATE LANE AND PAINTS LANE, CHIPPENDALE – PROPOSED SALE OF LAND (2025695)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the report by the Acting Director of Corporate Services dated 6 February 2002, that was circulated to Councillors prior to the Council meeting be approved as recommended, namely that:-

Council endorses subdivision of the subject property for subsequent sale by private treaty to the adjoining owners.

Carried.

14.9.

LICENSING – BROADWAY NOS. 185-211, ULTIMO – PROPOSED FOOTWAY LICENCE (2016551)

That approval be given to:-

- (1) the granting of a licence to Brexin Pty Ltd over an area of 28 square metres of the footway of Bay Street adjacent to Oporto Portugese Style Chicken at Nos. 185-211 Broadway, Ultimo as shown stippled on Plan No. S4-130/679A 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;
- (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) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 22/1/02)

Carried.

14.10.

LICENSING – ELIZABETH BAY ROAD, NO.1A, POTTS POINT – PROPOSED FOOTWAY LICENCE (L56-00295)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Lennon:-

- (1) That the matter be deferred and referred to Committee and that Council seek legal advice in respect of the approved hours of the outside eating area;
- (2) That a report be prepared in respect of nearby premises that have footway licences and their hours of operation and also the Bourbon and Beefsteak establishment.

Carried.

14.11.**PROPERTIES – ADMINISTRATION TASK FORCE - FORMATION
INVESTIGATE PROPOSED NEW ADMINISTRATION BUILDING –
EXPRESSIONS OF INTEREST (2008384)**

That arising from consideration of a report by the Acting Director of Corporate Services dated 24 January 2002, Council call for Expressions of Interest for a joint-development partner for Nos. 132-138 and No. 140 Joynton Avenue, Zetland, after Council has chosen the preferred stormwater retention option and the Master Plan for the site has been prepared by the consultant.

Carried.

14.12.**STREETS – FARRELL AVENUE, NOS.5-15, DARLINGHURST –
RESTRICTION OF ACCESS TO RIGHT OF FOOTWAY (2025858)**

That the erection of the gates be approved in principle and that a further report be submitted in respect of who is responsible for Public Liability.

Carried.

14.13.**LICENSING – PITT STREET, NO.74, REDFERN – PROPOSED FOOTWAY
LICENCE (2019770)**

That approval be given to:-

- (1) the granting of a licence to Kelvin and Kristina Atkinson over an area of 3.2 square metres of the footway of Pitt Street adjacent to Quirks Grocery at No. 74 Pitt Street, Redfern as shown stippled on Plan No.S4-130/724C 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) 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;
- (6) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (7) the Licensee being exempt from Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement.

(DPWS Report 21/1/02)

Carried.

14.14.

LICENSING – FITZROY STREET, NO.57A, SURRY HILLS – PROPOSED FOOTWAY LICENCE (2025764)

That approval be given to:-

- (1) the granting of a licence to Covegold Pty Limited over an area of 2.7 square metres of the footway of Fitzroy Street adjacent to Johnnie's Fish Cafe at No. 57A Fitzroy Street, Surry Hills, as shown stippled on Plan No. S4-130/841A 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;
- (6) this approval lapsing 12 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 25/1/2002)

Carried.

14.15.

LICENSING – BOURKE STREET, NO. 381, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2025693)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That approval be given to:-

- (1) the granting of a licence to JCP Industries Pty Ltd over an area of 17.5 square metres of the footway of Bourke Street adjacent to Lure at No. 381 Bourke Street, Darlinghurst, as shown stippled on Plan No S4-130/839A and subject to the conditions in the attached schedule;
- (2) the licence being for a period of five 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 being approved to operate until construction work for the upgrade of Taylor Square commences and that the Licence Agreement be suspended with 1 months notice in writing. Thereafter the licence revert to the standard condition that 3 months notice in writing be given if the area is required for construction purposes;
- (4) the approval of appropriate furniture for the Taylor Square licencees be with the concurrence of the Director of Planning and Building and the Director of Public Works and Services;
- (5) 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;
- (6) the licence being reviewed after 6 months of operation following completion of the upgrade of Taylor Square to ensure it is consistent with management objectives being developed for Taylor Square Public Domain Improvements;
- (7) the execution of all relevant documents and plans by Council's Attorney;

- (8) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (9) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (10) any rent that fall due as a result of commencing the footway licence is paid by the due date;
- (11) no advertising of any form is to be permitted within the licence area including on furniture, A-frames, menu boards or sandwich boards.

(DPWS Report 25.1.02)

Carried.

14.16.

LICENSING – FLINDERS STREET, NOS. 1-5, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2023644)

That approval be given to:-

- (1) the granting of a licence to Blavy Holdings Pty Ltd over an area of 32.5 square metres of the footway of Taylor Square adjacent to the Taylor Square Hotel at Nos. 1-5 Flinders Street, Darlinghurst, as shown stippled on Plan No S4-130/795A 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 being approved to operate until construction work for the upgrade of Taylor Square commences and that the Licence Agreement be suspended with 1 months notice in writing. Thereafter the licence revert to the standard condition that 3 months notice in writing be given if the area is required for construction purposes;
- (4) that approval of appropriate furniture for the Taylor Square licencees be with the concurrence of the Director of Planning and Building and the Director of Public Works and Services;
- (5) 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;

- (6) the licence being reviewed after 6 months of operation following completion of the upgrade of Taylor Square to ensure it is consistent with management objectives being developed for Taylor Square Public Domain Improvements;
- (7) the execution of all relevant documents and plans by Council's Attorney;
- (8) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (9) this approval lapsing 12 months from the date of Council's approval to the granting of the licence if the applicant has failed to execute the licence agreement;
- (10) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (11) no advertising of any form is to be permitted within the licence area including on furniture, A-frames, menu boards or sandwich boards.

(DPWS Report 21.1.02)

Carried.

14.17.

LICENSING – OXFORD STREET, NOS. 173-175, DARLINGHURST – PROPOSED FOOTWAY LICENCE (2002777)

That approval be given to:-

- (1) the amendment of the licence agreement dated 26 October 1999 which gave approval for a licence area of 6 square metres of Oxford Street to be increased to 8 square metres as shown on Plan No.S4-130/543C for the remainder of the term of the existing licence agreement;
- (2) the amendment being effective from the date of signing of the amended licence agreement;
- (3) the execution of all relevant documents and plans by Council's Attorney;
- (4) the Licensee paying Council's legal costs and disbursements incidental to the amendment of the licence agreement;
- (5) 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;

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- (6) any rent that falls due as a result of commencing the footway licence is paid by the due date.

(DPWS Report 21/1/02)

Carried.

The Properties Sub-Committee Meeting terminated at 7.30 p.m.

The Finance Committee Meeting terminated at 7.31 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

30 January 2002

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – Jill Lay, Shayne Mallard, Gregory Shaw

At the commencement of business at 7.58 pm those present were -

The Mayor and Councillors:- Lay, Mallard and Shaw.

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

That the Report of the Community Services Committee of its meeting of 30 January 2002, be received and the recommendations set out below for Items 1, 2, 4, 7 and 8 be adopted. The recommendations set out below for Items 3, 5 and 6 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

HEALTH – LOCAL ORDERS - POLICY (2003349)

That arising from consideration of a report by the Acting Director of Health and Community Services dated 21 January 2002, it be resolved that:-

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- (1) the Local Orders Policy document accompanying the beforementioned report, in the form of Orders numbered 5, 7, 9, 10, 11, 12, 18, 20, 21, 22 and 30 under Section 124 of the Local Government Act, 1993, be adopted as an interim Council policy;
- (2) the Local Orders Policy, under Section 124 of the Local Government Act, 1993, be exhibited for public comment for a period of 28 days;
- (3) in the event that no submissions have been received by Council after the expiration of 42 days from the date that the Local Orders Policy in the form of Orders numbered 5, 7, 9, 10, 11, 12, 18, 20, 21, 22 and 30 under Section 124 of the Local Government Act, 1993, is exhibited, a further report be submitted to Council.

Should submissions be received by Council concerning the draft local policy, Council may decide to amend the policy, adopt the policy without amendment or not adopt the policy except where the adoption of criteria is mandatory.

If Council is of the opinion that any amendments are not substantial, it may adopt the amended draft local policy without public exhibition.

Carried.

2.

PARKS – ALEXANDRIA PARK OVAL – PROPOSAL FOR USE BY U.T.S. UNION (5156937)

- (1) That the information contained in the report by the Acting Director of Public Works and Services dated 10 December 2001, be received and noted;
- (2) That representatives of the U.T.S. Union be invited to the next Sports Liaison Committee Meeting to further discuss the details of their required usage times and proposed use types;
- (3) That a further report be submitted for approval upon completion of negotiations and preparation of a draft licence agreement.

Carried.

3.

PERSONNEL – QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS – BRISBANE CITY COUNCIL – 2001 DRUG CONFERENCE – DRUG PROBLEM – EMPLOYMENT PROGRAM (2026057)

- (1) This report be received and noted;

- (2) That the relevant Officers of the Health and Community Services Department and Organisational Development Department liaise with the NSW Department of Health to inquire if the State Government has already established a similar program, if not, would they be willing to discuss with the relevant parties the possibility of developing a program such as this.

(DOD & DHCS Joint Report 7.1.02)

At the request of Councillor Furness, and by consent, the motion was amended by the deletion of the whole of clause (2) of the recommendation and the insertion in lieu thereof of a new clause (2), namely:-

- (2) That the relevant Officers of the Health and Community Services Department and Organisational Development Department liaise with the NSW Department of Health to inquire if the State Government has already established a similar program and if not, a recommendation be made to the Department to establish such a program, offering ourselves as a partner.

At the request of Councillor Pooley, and by consent, the motion was further amended, by the deletion of the words "N.S.W. Department of Health" where appearing in the second line of the new clause (2) and the insertion in lieu thereof of the new words, namely, "Office of the Department of Drug Policy".

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

4.

COMMITTEES – ACCESS COMMITTEE FOR PEOPLE WITH DISABILITIES AND HEALTHY OLDER PEOPLE PROGRAM COMMITTEE – MINUTES OF MEETING HELD 11 DECEMBER 2001 (2017377)

That the report by the Acting Director of Health and Community Services dated 24 January 2002, and the accompanying minutes of the Access Committee for People with Disabilities and Healthy Older People Program held on 11 December 2001, be received and noted.

Carried.

5.

COMMUNITY FACILITIES – PINE STREET CREATIVE ARTS CENTRE – PROPOSED TRANSFER TO WILSON BROS SITE (2022971)

This matter was submitted to Council without recommendation.

Moved by Councillor Lennon, seconded by Councillor Furness:-

That the matter be deferred and referred to the next Arts and Cultural Committee to be held on 12 February 2002 for discussion.

Carried.

6.

COMMITTEES – REDFERN - WATERLOO PARTNERSHIP PROJECT – ARRANGEMENTS (2021972)

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Pooley:-

That arising from consideration of a report by the Director of Health and Community Services dated 24 January 2002, approval be given to:-

- (1) a revised Draft Memorandum of Understanding (MOU) being prepared for Council's consideration for the Redfern, Waterloo Project;
- (2) Council approving the establishment of an internal steering committee for the Project, to be chaired by Councillor Pooley, and including relevant directors;
- (3) Council approving for a Budget code to be established in the 2002/2003 estimates for the Redfern Waterloo Partnership Project, including the salary for Council's Project Manager and the \$20,000 contribution to the Premiers Department.

Carried.

7.

GRANTS – LOCAL GOVERNMENT HOUSING INITIATIVES PROGRAM – REGIONAL HOUSING STRATEGY PROJECT – FUNDING APPROVED (2015534)

That arising from consideration of a report by the Director of Health and Community Services dated 24 January 2002, Council notes the success of the LGHIP funding application for the development of a regional Housing Strategy.

Carried.

8.

**COMMITTEES – COMMUNITY SUPPORT AND DEVELOPMENT
EXPENDITURE FUND – COUNCIL'S FUTURE INVOLVEMENT (2023626)**

That the matter be referred to SSROC (Southern Sydney Regional Organisation of Councils) for discussion and that Council suspend convening the process until the concerns are resolved.

Carried.

The Community Services Committee Meeting terminated at 8.22 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

30 January 2002

PRESENT

Councillor John Bush (Chairperson)

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

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

Councillors – Bush, Harcourt, Furness, Pooley and Lennon

Moved by the Chairperson (Councillor Bush), seconded by Councillor Lennon

That the Report of the Planning and Development Committee of its meeting of 30 January 2002, be received and the recommendations set out below for Items 1,4,7,8,14,17 and 19, inclusive, be adopted. The recommendations for Items 2,3,5,6,9 to 13 and, 15, 16 and 18 having been dealt with as shown immediately following such Items.

Carried.

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The Committee **recommended** the following:-

1.

**QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS –
DEVELOPMENT/HERITAGE CONSERVATION IN DEVINE, KNIGHT, AMY
AND FLORA STREETS, ERSKINEVILLE (5249489)**

That the report by the Acting Director of Planning and Building dated 21 January 2002, regarding the above matter, be received and noted.

Carried.

2.

**DARLINGHURST ROAD, NOS. 39 – 43, KINGS CROSS – EXTEND HOURS
OF EXISTING NIGHTCLUB TO 12.00 NOON TO 6.00 A.M., MONDAY TO
SUNDAY – DEVELOPMENT APPLICATION (U01-00386)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lennon, seconded by Councillor Shaw.

(A) That Council refuses to grant its consent to the application submitted by Callandale Pty Ltd with the authority of Vendomatic Pty Ltd to extend the hours of the existing nightclub at 39-43 Darlinghurst Road, Kings Cross to 12.00 noon to 6.00a.m Monday to Sunday for the following reasons, namely:-

- (1) That the proposed development is not consistent with objectives (a), (c), (d), (e), (f) and (h) of the Mixed Uses 10 zone, in that it is likely to generate additional adverse impacts on the amenity of the area through noise and anti-social behaviour, and is inconsistent with the planning intent for the area as contained in Part F of South Sydney Development Control Plan 1997 – Urban Design;
- (2) That the proposed development will adversely impact on the amenity of the area by way of additional noise, violence, drug use and disruption to traffic;
- (3) That the proposed development is not in the public interest.

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

Carried.

3.

BOURKE STREET, NO. 464A, SURRY HILLS – ALTERATIONS TO FRONT ROOM OF TERRACE AND REPAIRS TO EXISTING FAÇADE (U01-01132)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That Council defers the application to enable further discussions between the applicant and the relevant planning officer and Council's Heritage Adviser, to facilitate a redesign of the front facade of the dwelling. The amended design shall incorporate improved vertical emphasis for ground and first floor fenestrations consistent with the existing heritage streetscape and to be to the satisfaction of the Acting Director of Planning and Building.

Carried.

4.

JOYNTON AVENUE, NOS. 132 – 138 AND NO. 140, ZETLAND – DEMOLITION OF EXISTING BUILDINGS – DEVELOPMENT APPLICATION (U01-00665)**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 Consultant, Albert Bonanno, dated 30 November 2001, as detailed in the report by the Acting Director of Planning and Building dated 22 January 2002.

Carried.

5.

TODMAN AVENUE, NO. 2A, KENSINGTON – SUPA CENTA – CHANGE OF USE TO AN ELECTRONICS BOUTIQUE INCLUDING FITOUT – DEVELOPMENT APPLICATION (U01-01147)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard.

That the application be deferred pending receipt of advice from Pike, Pike and Fenwick in response to correspondence from the applicant citing legal precedent, and to allow the applicant to clarify the intended use of the premises with respect to retailing of computers and computer furniture.

Carried.

6.

PARRAMATTA ROAD PROJECT – PLACES ALONG PARRAMATTA ROAD PROGRAM – REQUEST FOR FUNDING (2020155)

(This matter listed as Item No. 3 - Finance Committee)

That Council approve funding of the “Places along Parramatta Road” program, to the value of \$2500 (excluding GST) per year, for an initial two-year period. It is suggested that funding for this program be drawn from project account 51101.801.16630.

Moved by Councillor Lennon and seconded by Councillor Furness:-

That the motion be amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the following new resolution namely:-

That the request for funding be refused and that this matter be resolved in conjunction with Item No.3 of the Finance Committee. For refusal.

Carried.

7.

DEVELOPMENT – ERSKINEVILLE AREA – COMPLAINTS – VILLAGE RENEWAL PROGRAMS – QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (D52-00466)

That Council authorises two Council officers to visit Brisbane City Council for two days in February 2002 the purpose of investigating those matters reported in this Minute and that the cost of travel, sustenance and accommodation be paid for from Planning & Building Department Account Codes: 11.5310.12215.00 and 11.5310.12220.00, or other alternate accounts should the officer be from within another Department.

(DPWS & ADPB Joint Report 22.1.02)

Carried.

8.

SELWYN STREET, NO. 40, PADDINGTON – MODIFICATION OF APPROVED STUDIO/GARAGE STRUCTURE TO MOVE FIXED PRIVACY LOUVRES TO INNER SIDE OF WINDOW – DEVELOPMENT APPLICATION (U01-01198)**NOTE:**

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

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delegation, subject to the conditions in the report by the Consultant, Albert Bonanno, dated 30 November 2001, as detailed in the report by the Acting Director of Planning and Building dated 22 January 2002.

Carried.

9.

EDWARD STREET, NO. 69, DARLINGTON – ALTERATIONS AND ADDITIONS TO EXISTING TERRACE – DEVELOPMENT APPLICATION (U01-00997)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That Council defers the application for further discussion between the applicant and the relevant planning officer regarding design of the attic conversion, taking into account the need for reconfiguration of the internal stairway and the requirements of Development Control Plan 1997 - Urban Design with respect to rear dormer windows and that the redesign be to the satisfaction of the Acting Director of Planning and Building.

Carried.

10.

ANTISOCIAL ACTIVITIES - CONTROL OF SPRUICKING ACTIVITIES IN KINGS CROSS (2025750)

That the matter be deferred in order that a briefing be held for all Councillors from Council's Sex Industry Liaison Officer and Council's Solicitors clarifying any controls that can be placed for the conduct of spruicking.

Carried.

11.

PURKIS STREET, NOS. 6 – 10, CAMPERDOWN – DEMOLITION OF EXISTING BUILDING AND ERECTION OF A FOUR STOREY RESIDENTIAL AND COMMERCIAL BUILDING WITH 13 RESIDENTIAL UNITS AND ASSOCIATED PARKING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-00510)

This matter was submitted to Council without recommendation.

Moved by Councillor Furness, seconded by Councillor Lennon: -

That the application be refused.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted with the authority of Acemon Pty Ltd, to demolish an existing 1-storey warehouse and erect a four-storey building consisting of 13 residential units and associated car parking, subject to the following conditions:
- (1) That the development shall be generally in accordance with plans numbered 2474W005C; 2474W006B; 2464W007A; 2474W008A and 2474W009A inclusive, dated October 2001, subject to compliance with the conditions below;
 - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$10,560 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
 - (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first 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 \$2400, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (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	\$4946	2E97003.BGY0
Open Space: New Parks	\$22,978	2E97009.BGY0

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Accessibility And Transport	\$148	2E97006.BGY0
Management	\$367	2E97007.BGY0
Total	\$28,439	

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

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

where:

C is the original contribution amount as shown above;
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being September Quarter 01/02.

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

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

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

Part B

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

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

Applicants are advised to contact the Council as soon as possible concerning the specific requirements for any proposal

for works-in-kind. Details submitted after the lodgement of the Building Application may not be approved in time to allow the work to be carried out concurrent with the main project. Approved Works will only be off-set against the same category of works.

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

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$7448	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;

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the September Quarter 01/02.

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

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

(6) That all unit balconies shall have vertical balustrading, as on level two of plan 2474W008A dated October 2001 and shall be of a consistent material and colour;

(7) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:

- (i) external finishes to walls;
- (ii) roofing;
- (iii) balcony treatment;
- (iv) proposed fences;
- (v) windows and doors;

and such materials shall respect and be consistent with the attributes and character of the surrounding area;

(8) That a maximum of 9 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

(9) That secure parking (class 1 standard) shall be provided for three (3) bicycles in the carpark, and parking (class 3 standard) for one (1) bicycle at street level, near the lobby, prior to issuing an Occupation Certificate;

(10) That all works shall be within the boundaries of the site;

(11) That balconies fronting Purkis Street shall not encroach over the public way, including any land to be dedicated to Council;

- (12) That the roller door shall be a single curtained colourbond curtain with the lower portion of the door having ventilation slots. The motor for the roller door shall be located at the eastern end of the door.
- (13) That an energy efficient natural gas system with a minimum 3.5 star rating shall be provided;
- (14) That a solid wall broken into equal parts with a maximum height of 1.5m with the remaining height of the wall to be constructed with wire mesh shall be constructed between the car spaces and ground floor open space;
- (15) That no less than 60 per cent of the ground floor open space shall consist of turf;
- (16) That planting in the ground floor communal open space shall be deciduous;
- (17) That permanent seating shall be provided within the ground floor open space area;
- (18) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia and Australian Standard 1688;
- (19) That the carpark shall be ventilated in accordance with 1668.2 – 1991, Section 4;
- (20) That the storage and handling of garbage and recyclable materials shall comply with the requirement of Council's Waste Management/Minimisation Fact Sheets;
- (21) That the garbage/recyclable materials rooms shall be constructed in accordance with the requirements of Council's Waste Management/Minimisation Fact Sheets;
- (22) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (23) That the use of the premises shall not give rise to:
 - (a) Transmission of "offensive noise" to any place of different occupancy, and
 - (b) A sound pressure level at any affected premises that exceeds the background (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 $L_{A10\ 15m}$

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 outlines in the NSW, EPA Industrial Noise Policy;
- (24) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (25) That drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment. Matter is not to be washed down into the drainage system;
- (26) That stockpiles shall not be stored on Council's property (including nature strips) unless the prior approval of Council has been obtained and the method of storage is adequate to prevent the material being deposited into Council's stormwater system;
- (27) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted to Council or a certifying authority for approval prior to the commencement of any works:

No.	Health Aspect	Standard or Requirement
(i)	All proposed and required mechanical ventilation systems.	Building Code of Australia and AS1668.
(ii)	The garbage rooms.	SSCC Waste Management/Minimisation Fact Sheets.
(iii)	The recycling storage area.	SSCC Waste Management/Minimisation Fact Sheets.
(iv)	The layout, disposition and method of installation of fixture and fittings, together with wall, floor, and ceiling finishes of commercial food premises.	National Code for the Construction and Fitout of Food Premises.

- (28) That prior to the commencement of demolition activities an Environmental Management Plan (EMP) shall be developed and submitted to Council's Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably

impacted by the proposal. The EMP shall include, but not be necessarily limited to, the following measures:

- (a) measures to control noise emission from the site;
 - (b) measures to suppress odours and dust emissions;
 - (c) soil and sediment control measures;
 - (d) measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos;
- (29) 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;
- (30) That the applicant shall ensure that the garbage storage area is of sufficient size to accommodate a minimum of 4 x 240-litre sulo container type bins for domestic refuse and 3 x 240-litre sulo recycling bins;
- (31) That a representative of the developer shall meet with Councils Waste Services Operations Manager at the completion of planning to discuss suitability of the storage area, general requirements regarding collection services and waste management responsibilities;
- (32) That the development of the detailed landscape plan is to be in keeping with the principles and intent documented on Drawing LA 01 dated May 2001 by Nell Rickard Landscape Architects except as otherwise specified in this consent. All trees are to be minimum 75 litre and shrubs minimum 5 litre. Plant densities as per the Landscape code, appendix B (23 June 1999);
- (33) That the applicant shall supply and install two (2), minimum 75 litre street trees evenly spaced at seven (7) metres apart with a planting hole 900mm x 600mm. The tree species type is *Elaeocarpus reticulatus* in accordance with the street tree masterplan. These trees are to be within the additional 500mm setback from the kerb edge to Purkis Street, which gives a total pavement width of 1.8 metres;
- (34) That the owner/developer shall dedicate for road purposes, free of cost to Council, a 0.5m widening along the site frontage to Purkis Street, to be detailed in a plan of subdivision/consolidation of the land, to be registered at the Land Titles Office prior to issuing an Occupation Certificate;
- (35) That prior to the issue of a Construction Certificate for above ground works not directly ancillary to a remediation process and following the demolition and removal of the concrete slab, the site

is to be validated by a suitably qualified environmental consultant in accordance with NSW, EPA guidelines;

- (36) That prior to the issue of a Construction Certificate for above ground works not directly ancillary to a remediation process, a Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997 is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and a s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required;
- (37) That all relevant sections of the BCA shall be complied with;
- (38) 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;
- (39) 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;
- (40) 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;
- (41) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (42) 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;
- (43) That the requirements of the Work Cover Authority shall be complied with;

- (44) 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;
- (45) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
- (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;
 - (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (46) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (47) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (48) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (49) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (50) That the demolition work shall comply with Australian Standard 2601-1991;

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

The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place;

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

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

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

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

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

- (53) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited; and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;

- (54) That the applicant shall be advised that this application has not been assessed for compliance with the Building Code of Australia;

and the following standard conditions:

- (55) Stormwater connection fee⁵
- (56) Builders hoarding permit³⁰
- (57) Alignment levels³²
- (58) Road opening permit³⁴
- (59) Consolidate lots¹¹⁰⁹
- (60) Display street number¹¹¹⁰
- (61) Obstruction of the public way³¹⁰¹
- (62) Work zones³¹⁰²
- (63) Vehicular footway crossing³¹⁰³
- (64) Delivery of construction materials³¹⁰⁴
- (65) Resident parking restrictions for new residential flats³¹⁰⁵
- (66) Construction traffic management³¹⁰⁷
- (67) Pedestrian safety³¹¹⁰
- (68) Associated roadway costs³¹¹¹
- (69) Stormwater (general)⁴¹⁰¹

- (70) Clean water discharge⁴¹⁰²
- (71) Connection to council's stormwater system⁴¹⁰⁴
- (72) Overland flowpaths⁴¹⁰⁵
- (73) Irrigation⁵¹⁰⁵
- (74) Maintenance⁵¹¹⁴
- (75) Final inspection⁵¹¹⁵
- (76) Garbage on the public way⁶¹⁰¹
- (77) Refuse skips⁶¹⁰²
- (78) Garbage storage area⁶¹⁰³
- (79) Commercial garbage storage area⁶¹⁰⁴
- (80) Commercial garbage contract⁶¹⁰⁶
- (81) Recycling⁶⁰⁰⁷
- (82) Roller shutter – open mesh¹²¹
- (83) Street number application¹²³
- (84) Display street number¹²⁴

NOTE 1: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways of be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

NOTE 2: Your attention is drawn to the requirements of the Smoke-Free Environment Act, 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the

Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas. (Some exemptions do apply).

NOTE 3: Development and building approvals are assessed in accordance with relevant building laws and Council development controls. Irrespective of any requirements, directives, suggestions and conditions imposed by Council, it remains the responsibility of the developer, designer or builder to investigate their possible liability and compliance with the Disability Discrimination Act. A conservative, best-practice approach such as adherence to Advisory Notes on Access to Premises by the Human Rights and Equal Opportunity Commission, may be the best defence against potential action until an accepted industry standard is available.

NOTE 4: Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan – Contaminated Land;

NOTE 5: That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW, EPA 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act, 1997 provides for the commission of an offence for both the waste owner and transporter if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

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 Council advise the persons who made representations in respect of the proposal be advised of Council's decision

Carried.

At the request of Councillor Lennon, the Mayor directed that the Development Control Plan be reviewed to have minimum unit size and a report be submitted to Committee.

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

12.

OXFORD STREET, NOS. 81 – 83, DARLINGHURST – USE EXISTING PREMISES FOR THE PURPOSE OF A SEX ON PREMISES VENUE – DEVELOPMENT APPLICATION (U01-00992)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

That Council refuses to grant its consent to the application submitted by Wayne Davis with the authority of Nechi Holdings Pty Ltd to regularise the use of the site as a sex on premises venue and to permit the proposed advertising signage, for the following reasons, namely;

- (1) That the proposal will adversely impact upon the amenity of the area by way of noise and is inconsistent with the provisions of Part E in South Sydney Development Control Plan 1997-Urban Design;
- (2) That the proposed development is not consistent with objectives (a), (c) and (e) of the Business 3 zone in South Sydney Local Environmental Plan 1998, in that the proposed use does not provide sufficient parking, and does not improve the environmental amenity of the area;
- (3) That the proposed development is within 75 meters of an approved sex industry premises and therefore does not comply with Section 1.7 of the Sex Industry Policy, and would have an unacceptable cumulative impact on the area, and is inconsistent with Parts D and E of South Sydney Development Control Plan 1997- Urban Design;
- (4) That the proposed development is not in the public interest.

Negatived.

Moved by Councillor Harcourt, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Wayne Davis, PO Box 534, Darlinghurst NSW 1300, with the authority of Nechi Holdings Pty Ltd, to regularise the use of the site as a sex on premises venue and to permit the proposed advertising signage, subject to the following conditions:

- (1) That the development shall be generally in accordance with plans numbered 0135, dated 24 September 2001, subject to compliance with the conditions below;

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- (2) That the operation of the premises shall comply with the Plan of Management at all times. Council shall be advised in writing, and shall give its consent to any modification of the Plan of Management including changes to the Management of the premises,
- (3) That no sex worker shall work on the premises,
- (4) That a manager shall be on the premises at all times that the premises are operating,
- (5) That the premises shall provide regular access to, and facilities for sexual health services to deliver outreach and health educational workshops,
- (6) That the premises shall comply with the NSW Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues Policy (2001),
- (7) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, shall be allowed at any entrance or any area outside the premises at any time,
- (8) That the operation of the premises as another different type of sex industry premises shall be the subject of a separate development application,
- (9) That the hours of operation shall be restricted to between 11am to 3am, seven days per week;
- (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 proposed work shall be constructed in Type (B) construction in accordance with the requirements of specification C1.1-(4) of the BCA;
 - (b) 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;

- (c) That the sliding steel gate along Riley Street adjoining the fire stair shall be always kept in open position during the occupation of the premises;
 - (d) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (e) 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;
 - (f) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (g) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
 - (h) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;
 - (i) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
- (11) That clean linen and towels shall be provided for the use of each client after using a douche;
- (12) That the proprietor shall provide written information, ie pamphlets and brochures for clients on sexually transmitted infectious diseases in a variety of languages;

and the following standard conditions:

- (13) No live entertainment¹⁰⁷
- (14) Noise⁷⁰³⁰
- (15) Ventilation⁷⁰²⁵
- (16) Noise and vibration⁷⁰²⁸
- (17) Garbage storage area⁶¹⁰³
- (18) Sex industry policy compliance⁷⁰⁴⁵

- (19) Sex industry clean premises⁷⁰⁴⁶
- (20) Sex industry linen laundering⁷⁰⁵⁰
- (21) Sex industry sharps waste disposal⁷⁰⁵²
- (22) Sex industry hand basins⁷⁰⁶⁰
- (23) Sex industry listing for cleaning⁷⁰⁶²
- (24) Sex industry plan of management⁷⁰⁶⁴
- (25) Sex industry disposal of condoms etc⁷⁰⁶⁵
- (26) Sex industry chains and equipment⁷⁰⁶⁶
- (27) Sex industry/sex on venue premises - room/cubicle listing⁷⁰⁶⁷
- (28) Sex industry/sex on venue premises - douching facilities⁷⁰⁷⁰
- (29) Sex industry/sex on venue premises - douche tubes⁷⁰⁷¹

NOTE: Guidance on sex on venue premises may be obtained by referencing the Sex on Premises Venue Guidelines published by NSW Health Department;

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

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

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council take no action with respect to the unauthorised signage.

Carried.

13.

MOORE PARK ROAD, NO. 298, PADDINGTON – TO RECTIFY OMISSION OF PREVIOUS SECTION 96 APPROVAL BY REFERRING TO APPROVED HEIGHT OF VERGOLA STRUCTURE (2900MM) – DEVELOPMENT APPLICATION (U00-01331)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the Section 96 application submitted by Neustein & Associates, with the authority of Mr & Mrs Lowrey, to construct the vergola structure to a height of 2900mm, subject to the following conditions, namely:-
- (16) That the vergola shall be no more than 2900mm in height, when measured from natural ground level to the top of the structure;
 - (17) That the vergola shall be consistent with the plans numbered 8729 (pages 1 & 2) and dated 16-02-01 as stamped and endorsed by Council;
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

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

- (C) That a report be submitted reviewing the policy of pergolas as distinct from vergolas, particularly in relation to officers identifying the guttering and solid roof construction of vergolas.

Motion, as amended by consent, carried.

14.

PLANNING – DRAFT AMENDMENT TO SOUTH SYDNEY DEVELOPMENT CONTROL PLAN 1997: URBAN DESIGN – FLOOR SPACE BONUS PROVISIONS (2013557)

That Council resolve to:-

- (1) endorse the draft amendments for the purpose of public exhibition;
- (2) exhibit the draft amendments in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000;
- (3) prepare a further report for consideration by the Planning and Development Committee detailing any submissions to the proposed amendments of Development Control Plan 1997: Urban Design.

Carried.

At the request of Councillor Mallard, and by consent, the report by the Acting Director of Planning and Building dated 5 February be received.

Motion, as amended by consent, carried.

15.

CROWN STREET, NO.362A, SURRY HILLS – ALTERATIONS AND ADDITIONS TO A BUILDING – DEVELOPMENT APPLICATION (U01-01016)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Steve Fargo, with the authority of Simon Burke, for “alterations and additions (including reinstating the roof) to a former warehouse approved as a residence, 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 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 \$800, 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 the plans listed in the table below, marked in red by Council, stamped approved by Council and held in Council’s file U01-01016, except as conditioned elsewhere:
 - (4) That all new windows shall replicate the sash and frames of the existing windows in both their profile size and material. Details shall be submitted with the Application for the Construction Certificate;
 - (5) That the exterior paintwork shall be in colours appropriate to the style and character of Inter-War warehouse buildings. Details shall be submitted with the Application for the Construction Certificate;

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- (6) That the rendered ashlar coursing on the east and south elevation walls shall be retained. Details shall be submitted with the Application for the Construction Certificate;
- (7) 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 and complying with AS 3786;
 - (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 clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (f) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (g) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (h) 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;
 - (i) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
 - (j) 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;

- (k) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (l) That the proposed water features shall not be capable of containing more than 300mm of water in depth or alternatively provide the feature with a childproof protective cover;
- (m) Balustrades shall comply fully with the requirements of the Building Code of Australia;

and the following standard conditions:

- (8) Issue of occupation certificate⁹¹⁰¹
- (9) Delivery of construction materials³¹⁰⁴
- (10) Off-street car parking for construction workers³¹⁰⁹
- (11) Associated roadway costs³¹¹¹
- (12) Stormwater (general)⁴¹⁰¹
- (13) Planting on slab⁵¹⁰²
- (14) Refuse skips⁶¹⁰²
- (15) Construction noise⁷⁰⁰⁸
- (16) Soil and sediment prosecution note⁷⁰⁸⁶
- (17) Compliance with BCA⁹¹⁰⁴
- (18) Construction Certificate required⁹¹⁵⁵
- (19) Structural Design Certificate⁹⁰⁰⁶
- (20) Comply with the WorkCover Authority⁹¹⁰⁵
- (21) Construction hours⁹¹⁵¹
- (22) Building/demolition noise control⁹¹⁵⁶
- (23) Maintain existing building in a stable condition⁹¹⁵⁷
- (24) Works to be within allotment boundaries⁹¹⁵⁸

(25) Demolition to comply with Australian standard⁹¹⁶¹

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

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

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

Carried.

16.

DARLINGHURST ROAD, NOS. 67-73, KINGS CROSS – EXTEND HOURS OF OPERATION AND USE REAR DOORS FOR ACCESS TO PREMISES – DEVELOPMENT APPLICATION (U00-01356)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

(A) That Council refuses to grant its consent to the application submitted by Robert Braid with the authority of Intelech Marketing Pty Ltd to extend the hours of operation of the premises at 63-73 Darlinghurst Road, Kings Cross for the following reasons, namely:-

(1) That the proposed development is not consistent with objectives (a), (c), (d), (e) and (f) of the Mixed Use 10 zone as set out in South Sydney Local Environmental Plan 1998, and will have adverse cumulative impacts on the area through noise and anti-social behaviour and is inconsistent with the planning intent for the area as set out in Part F of South Sydney Development Control Plan 1997-Urban Design;

(2) That the proposed development will adversely impact upon the amenity of the area by way of additional noise, violence, drug use and disruption to traffic and is inconsistent with Parts D and E of South Sydney Development Control Plan 1997-Urban Design;

(3) That the proposed development is not in the public interest.

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

Carried.

17.

BOURKE STREET, NOS. 782-822, WATERLOO – REVIEW OF DETERMINATION REFUSES CONSENT TO DEMOLISH RETAINED FAÇADE ON ACI SITE – DEVELOPMENT APPLICATION (U00-01376)

That the application be deferred as requested by the application in fax dated 30 January 2002, until engineering information has been submitted and obtained by Council.

Carried.

18.

ROSEHILL STREET, NOS. 32 – 42, REDFERN – CONSTRUCTION OF MIXED RESIDENTIAL/COMMERCIAL DEVELOPMENT – SECTION 96 MODIFICATION (U00-00911)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by the Mayor:-

(A) That the Council as the responsible authority grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Lawrence Kalnin, for permission to vary a consent granted for the demolition of an existing factory and construct 40 residential apartments with four ground floor retail/commercial units subject to:-

(1) Deleting the proposed development description and replacing it with the following:

“demolition of an existing factory and construction of 54 residential apartments with one ground floor commercial tenancy”.

(2) Deleting conditions (3), (4), (5), (8), (19), (20) and (27) and replacing them with the following conditions:

(3) That the development shall be generally in accordance with plans numbered S96-01 to 17 all dated September 2001, as stamped and dated stamped by Council;

(4) That no part of the development within 15m of the Watertower building shall extend above the height of any existing lower window sill on the southern boundary wall of the Watertower building at 1-9 Marian Street;

- (5) That the balcony of unit 24 shall not be glazed flush with the façade;
- (8) That the number of car parking spaces provided with the development shall total no more than 47. These shall be provided with appropriate marking and signage and individually allocated on the following basis:
- (a) 37 spaces allocated to individual units so that no unit has more than one space;
 - (b) 9 visitor spaces to be kept available for the use of visitors, tradesmen and the like, and not to be leased or to be the subject of a license to use at any time. One of these spaces shall be a disabled space. All visitor spaces shall be located on the upper garage floor near to the lift;
 - (c) one space for use in conjunction with the commercial unit;
 - (d) a suitably drained area shall be designed as a wash bay and provided with a tap;
- (19) 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	\$21,322	2E97003.BGY0
Open Space: New Parks	\$98,351	2E97009.BGY0
Accessibility And Transport	\$639	2E97006.BGY0
Management	\$1567	2E97007.BGY0
Total	\$121,879	

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

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

where:

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

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

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

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

Part B

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

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

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

Unless otherwise agreed, security in the form of an unconditional bank guarantee for the full contribution amount must be lodged with Council and will be held until

the approved works have been certified as complete to the satisfaction of Council. For substantial works, Council may, at its discretion, hold the bank guarantee, or part thereof, until the elapse of a minimum defects liability period of at least twelve months after the practical completion of the works. Works to be carried out on public land will also require proof of public liability insurance.

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

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

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

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

Contribution Category	Amount	Account
Multi-Function Administration Centre	\$32,151	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;
 CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the December Quarter 2001/2002.

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

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

- (27) That a suitable garbage storage area shall be provided to accommodate 10 x 360 litre Sulo bins for domestic refuse and 8 x 240 litre Sulo recycling bins;
- (3) Inserting the following conditions:
 - (79) That the raised roof lights above units 29-33 shall be deleted or replaced with roof lights flush with the roof;
 - (80) That the screening structure above units 36 and 37 be reduced in height as deleted in red on the stamped approved plans;
 - (81) That the approved schedule of materials and finishes be amended in accordance within the amended plans and submitted to Council prior to the certification of the construction certificate;
- (B) The applicant is to note that conditions other than those to be deleted remain in force.
- (C) That the persons who made representations in respect of the proposal be advised of Council's decision.

Negatived.

Moved by Councillor Furness, seconded by Councillor Lay, that the matter be deferred to the next Planning and Development Committee to be held on 13 February 2002, for a Visit of Inspection to be carried out.

Carried.

19.

REGENT STREET, NOS. 144 – 152, REDFERN – DEMOLITION OF THE EXISTING BUILDING, ERECTION OF A RESIDENTIAL APARTMENT BUILDING CONTAINING 29 UNITS AND TWO RETAIL UNITS AND ASSOCIATED CAR PARKING – DEVELOPMENT APPLICATION (U01-00718)

Deferred to the next Planning and Development Committee Meeting to be held on 13 February 2002.

The Planning and Development Committee Meeting terminated at 8.35 p.m.

NOTICES OF MOTION

1.

KELLET STREET, KINGS CROSS – PLACEMENT OF GARDEN BEDS NEAR RIBINEA TREES

Moved by Councillor Lennon, seconded by Councillor Furness:-

Could two garden beds blisters be placed around the two remaining slanting mature Ribinea trees in Kellett Street, Kings Cross, to ensure the protection of Streetscape and resident amenity?

At the request of the Mayor, and by consent, the Notice of Motion be forwarded to the Director of Public Works and Services for a response in the Councillors Information Service.

Carried.

2.

BUILDING – CONTROL OF CONSTRUCTION HOURS IN POSTCODE AREAS, 2010 AND 2011 - SATURDAYS

Moved by Councillor Lennon, seconded by Councillor Furness.

That no construction be allowed before 0900 hours on a Saturday in the 2011 and 2010 postcode areas.

At the request of the Mayor, and by consent, the matter be forwarded to the appropriate Council Officer for a report re the separation between properties.

Carried.

3.

LEASING – WILLIAM STREET – EAST SYDNEY COMMUNITY SCHOOL – RESCISSION MOTION

By the Mayor, Councillor John Fowler and Councillors Bush and Mallard.

That the motion of Council on the above property (Ref 2014156/LJF)

- be rescinded.

At the request of the Mayor this Notice of Motion was withdrawn.

Carried.

4.

LEGAL – CRIMES ACT 1900 – CALL BY SOUTH SYDNEY COUNCIL TO AMEND – SUBMISSION TO NSW LOCAL GOVERNMENT CONFERENCE

Moved by Councillor Furness, seconded by Councillor Lay:-

- (A) That the NSW Parliament be called upon to amend the *Crimes Act 1900* by reducing the age of consent for homosexual males to 16, thereby making it equal to that applicable to homosexual females and heterosexuals;
- (B) That the Mayor write to the NSW Premier and NSW Leader of the Opposition informing them of this resolution and requesting support for the above amendment of the *Crimes Act 1900*;
- (C) That part (A) of this resolution be submitted to the NSW Local Government Association as a motion for consideration by its 2002 annual conference.

It was moved by Councillor Mallard, seconded by Councillor Furness, that the motion be amended by the deletion of Clause (A) of the motion and the insertion in lieu thereof of the following new clause (A) namely:-

- (A) That the NSW Parliament be called upon to amend the Crimes Act 1900 by equalizing the age of consent for homosexual males to that of heterosexuals.

Motion, as amended, carried.

The Planning and Development Committee Meeting terminated at 8.35 p.m.

The Council Meeting terminated at 9.15p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER