

298TH Meeting

Erskineville Town Hall
Erskineville
 396394

Wednesday, 22 May 2002

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.33 pm on Wednesday, 22 May 2002.

PRESENT

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

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

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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the minutes of the Ordinary Meeting of Council of 8 May 2002 and the minutes of the Extraordinary Council of 16 May 2002, be taken as read and confirmed.

Carried.

Apology

An apology for non-attendance at the meeting was received from Councillor John Bush.

Moved by Councillor Mallard, seconded by Councillor Lennon:-

That the apology be received and accepted and leave of absence from the meeting be granted.

Carried.

Leave of Absence

A request was received from Councillor Harcourt for leave of absence from the Planning and Development Committee meeting on 29 May 2002.

It was moved by Councillor Lay, seconded by Councillor Pooley:-

That leave of absence be granted to Councillor Harcourt. from the Planning and Development Committee meeting on 29 May 2002.

Carried.

Note: The Leave of Absence was brought forward from the Questions Without Notice.

At this stage it was moved by Councillor Pooley, seconded by Councillor Shaw, that permission be hereby granted by Council to bring forward business of which due notice has not been given, with regard to the appalling treatment of asylum seekers at Villawood, Woomera, Port Headland and other detention centres including the so-called Pacific Solution.

Carried.

As all the members of the Council were not present, the Chairperson (the Mayor) ruled the business to be of great urgency.

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

PUBLIC RELATIONS – ASYLUM SEEKERS - TREATMENT

That South Sydney Council:

1. condemns the appalling treatment of asylum seekers at Villawood, Woomera, Port Headland and other detention centres including the so-called Pacific Solution;
2. considers the treatment of the asylum seekers as offensive and uncaring and particularly abhors the arbitrary detention of children, including those children at Villawood that have already been assessed as in need of specialised care;
3. requires that mandatory, indefinite detention be abolished and best practice on managing asylum seekers be implemented;
4. supports an investigation into Australia's practice of mandatory detention by the UN Commission of Human Rights;
5. urges the Prime Minister, John Howard, and the Minister of Immigration, Phillip Ruddock, to show moral leadership by countering racism and selfishness and by recognising the contribution of immigrants to Australia;
6. Council pays for and displays a banner supporting the aims of Chilout an organisation dedicated to relocating all children currently in mandatory detention;
7. sends a copy of this Motion to the Prime Minister and the Minister of Immigration.

At the request of the Mayor, and by consent, the motion be amended by the deletion of clause (6) of the resolution and that this matter be sent to the Finance Committee for determination.

At the request of Councillor Furness, and by consent, the motion be further amended by the addition of the words "and Leader of the Opposition and the Shadow Minister for Immigration" to clause (7) of the motion.

At the request of Councillor Mallard, and by consent, the motion be further amended by the addition of the word "stronger" between the words "show" and "moral" where appearing in the second line of clause (5).

Motion, as amended by consent, carried.

At this stage it was moved by Councillor Furness, seconded by the Mayor, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, Council support to Redfern Legal Centre on the absurdity of the State Government's excessive use of Police sniffer dogs.

Carried.

As all the members of the Council were not present, the Chairperson (the Mayor) ruled the business to be of great urgency.

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

PUBLIC RELATIONS – REDFERN LEGAL CENTRE – SUPPORT RE STATE GOVERNMENT’S USE OF POLICE SNIFFER DOGS

That South Sydney Council convey to the Redfern Legal Centre its full support for its efforts to demonstrate the absurdity of the State Government’s excessive and media-driven use of Police sniffer dogs to detect illicit drug use in select high-profile locations of this local government area.

Carried.

MINUTE BY THE MAYOR

20 May 2002

PUBLIC RELATIONS - 60th ANNIVERSARY OF THE ATTACK ON SYDNEY – FORUM AND AFTERNOON TEA AT PADDINGTON TOWN HALL (2023389)

The 31st May will be the 60th Anniversary of the attack on Sydney by three Japanese midget submarines and a week after the raid, two large Japanese submarines shelled the Eastern Suburbs of Sydney.

Many of the older residents of South Sydney and surrounding Council areas will remember the time when “the war” came to Sydney.

To commemorate the Anniversary it is proposed to hold a forum and have afternoon tea at Paddington Town Hall on Thursday 6th June 2001 between 1.00p.m., and 3.30p.m.

One of the speakers will be Mr Neil Roberts, who is one of only three living survivors of *HMAS Kuttabul* that was sunk in the midget submarine raid. Also other experts will give a history of the time, before the audience is given an opportunity to share their memories.

Included in the program is the Council initiated “Crystal Set” Senior Singers performing war time songs, photos of Sydney after the attacks and video footage of the attack.

Council’s Aged & Disability Services Section will be organising the event.

GENERAL MANAGER

RECOMMENDATION

That Council agree to host a forum with afternoon tea on Thursday, 6 June 2002, at Paddington Town Hall from 1.00pm to 3.30pm to commemorate the 60th Anniversary of the attack on Sydney, and for which funds of approximately \$6,000 will need to be voted to the 2001/02 Budget Estimates (1.26.6675.16680.0).

Councillor John Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Lennon:-

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

Carried.

At this stage it was moved by Councillor Shaw, seconded by Councillor Pooley, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the death of Australia's last Anzac, Alec Campbell.

Carried.

As all the members of the Council were not present, the Chairperson (the Mayor) ruled the business to be of great urgency.

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

**PUBLIC RELATIONS – DEATH OF ALEC CAMPBELL – CONDOLENCES
(2004380)**

That a letter of condolence be forwarded to the family of Alec Campbell on his death and in a mark of respect to honour Alec Campbell for his bravery in World War I and his contribution to the community, it be requested that Council observe a minute's silence.

Carried.

The Mayor then asked all present to stand and observe a minute's silence in honour of the late Alec Campbell.

MINUTE BY THE MAYOR

22 May 2002

SPORTS – ALAN DAVIDSON OVAL, SYDNEY PARK – AWARD (2018595)

I am pleased to advise Council that Alan Davidson Oval has been judged by the Sydney Cricket Association as the number one oval in the recently completed Shires competition.

Points were awarded by the umpires at the ground with South Sydney Council averaging a sum of 8.5 out of 10.

The award is considered special in that it recognises the efforts of South Sydney Council and the South Sydney Cricket Club in developing the ground in eight years from a waste area to its present status.

A letter has been received by Council from the CEO of the South Sydney District Cricket Club dated 16 May 2002, expressing thanks to all Councillors and staff of South Sydney Council for their sustained support.

RECOMMENDATION

That letters of congratulation be forwarded to the Director of City Works, Mr, Ron Wilcoxon, and staff of the Parks Branch associated with Alan Davidson Oval and special thanks be forwarded to the CEO of South Sydney District Cricket Club, Mr. Peter Daffin.

Councillor John Fowler (SGD)

Mayor

Moved by Councillor Pooley, seconded by Councillor Harcourt:-

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

Carried.

GENERAL MANAGER

MINUTE BY THE GENERAL MANAGER

9 May 2002

**PUBLIC RELATIONS- LONDON MARDI GRAS – VISIT TO LONDON BY MAYOR,
6 TO 13 JULY 2002 (2002628)**

At the Council Meeting, the Mayor declared an interest in this Item and did not take part in discussions or voting. The Mayor vacated the Chair and left the Chamber.

At this stage, Councillor Lennon, the Deputy Mayor, acted as Chairperson during this Item.

The Mayor has received an invitation to attend the London Mardi Gras to be held on 6 July, 2002.

The organisers of the London Mardi Gras have indicated that they are keen to develop strong relationships with South Sydney City Council.

Also, the organisers have received enormous interest in the Sydney Gay Games and with an anticipated attendance of about 100,000 people at the Mardi Gras. There will be the potential to promote the Gay Games to people who will come from cities throughout Europe. They hope by having the Mayor in attendance they will be able to put into place a successful exercise to promote the Gay Games, which is going to be an enormous benefit to South Sydney.

During the week preceding the Mardi Gras, the Mayor has been invited to a reception put on by the Mayor of London, Ken Livingstone.

Whilst there, the Mayor proposes to arrange talks with the Mayor of London and senior officials of the Corporation of London and also with other Council's within the region about Local Government Reform and new technologies in waste management.

Also the Mayor is to arrange talks about these issues with the Mayors of Berlin and Paris who propose to attend the Mardi Gras.

Council in the past has approved of the payment of expenses for Councillors travelling overseas and details are hereunder:-

- (a) 1998 – half cost of airfares and also daily expenses (excluding accommodation) for five days for Councillor Harcourt on a visit to Taipei to attend a Conference to speak on prostitution law reform in Australia, in particular, the implementation of South Sydney Council's Brothel Policy;

GENERAL MANAGER

- (b) 1998 – cost of Councillor Fowler attending the Gay Games in Amsterdam to assess how Council can best support the Sydney 2002 Gay Games.

The Mayor will be in London from 4 July to 13 July 2002 and because of the Mayor's involvement in the promotion of the Sydney Gay Games and the proposed discussions which the Mayors of London, Berlin and Paris and also with the Councils in the London Region about Local Government Reform and new technologies in Waste Management Council might consider meeting the full cost of the Mayor's return air fares to London and other accommodation and meal expenses.

Should Council approve of the costs, its recommendation should be as follows:

'That approval be given to the Mayor visiting London from 4 July 13 July, 2002 and that the payment of travelling expenses and accommodation and meal expenses be borne by the Council, for which funds have been made available in the 2001/02 Budget.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Mallard:-

- (1) That the minute by the General Manager, be approved and adopted, and that enquiries be made to the organisers of the event regarding the sharing of costs for the Mayor's air fares and accommodation.
- (2) That the report by the Mayor, as a Councillor in 1998, after his attendance at the Gay Games in Amsterdam, be re-circulated to Councillors.

Carried.

At this stage, the Mayor reoccupied the Chair.

MINUTE BY THE GENERAL MANAGER

15 May 2002

CONFERENCES – MANAGEMENT CONFERENCE – 16 TO 18 AUGUST 2002 ARRANGEMENTS (2002)

In the past Council has held Management Conferences for the purpose of giving Councillors and Directors the opportunity to discuss management and financial issues that will reflect on the future general direction of Council.

GENERAL MANAGER

Because of the importance of the proposed discussions, the Conferences are held outside the Sydney metropolitan area so as to give the Councillors the opportunity to focus on the conference issues and not the day to day interest which can too easily become a priority.

It is suggested that the Mayor, all Councillors, the General Manager, Director of City Works, Mr. Ron Wilcoxon, Director of City Environment, Mr. Graham Dearsley, Director of Community Development and the Director of Corporate Services and the Civic Affairs Manager/Public Officer and their partners attend the Conference.

A tentative booking has been made at the Cypress Lakes Resort, Hunter Valley from Friday 16 August to Sunday 18 August 2002.

RECOMMENDATION

Approval be given to arrangements being made for a Management Conference to be held at Cypress Lakes, Hunter Valley from 16 to 18 August 2002, and to the attendance of the Mayor, Councillors, the General Manager, Director of City Works, Mr. Ron Wilcoxon, Director of City Environment, Mr. Graham Dearsley, Director of Community Development and the Director of Corporate Services, and the Civic Affairs Manager/Public Officer and partners and that accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council for which funds have been made available in the 2002/2003 Budget.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Harcourt, seconded by Councillor Mallard:-

That the minute by the General Manager, be deferred to the next Council Meeting to be held on 5 June 2002, in order for the General Manager to make any appropriate comments regarding the need for the conference on the dates as recommended

Carried.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 65 signatures appended from residents of Darlinghurst and the Sydney Metropolitan area, objecting to the proposed development at Nos. 207-211 Darlinghurst Road, Darlinghurst.

Received.

GENERAL MANAGER

2.

The Mayor tabled a petition received by the General Manager with approximately 29 signatures appended from residents of Darlinghurst supporting the Artistic Lighting system for Llinkelly Place, Darlinghurst.

Received.

At this stage, Councillor Lennon tabled two letters to be forwarded to Council Officers:-

- (1) from Kings Cross Arts Guild, supporting the proposed redevelopment of Springfield Precinct;
- (2) from Mrs Y Stone, regarding the proposed restaurant/café/kiosk in Rushcutters Bay Park.

Received and that the letters be forwarded to the appropriate Council Officers.

QUESTIONS WITHOUT NOTICE

1.

PARKS – LILLIAN FOWLER RESERVE, NEWTOWN - MAINTENANCE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2004871)

Question:

On Saturday I met Tamara Bligh and Leith Mansell who look after the Angel Street Community Garden in Newtown. They told me they would like the opportunity to demonstrate to all Councillors the features of and how established this community garden has become over the past ten years.

Could Officers from Council's Parks Branch liaise with the Community garden to arrange an on-site briefing for interested Councillors by Ms. Bligh and Mr. Mansell, possibly with some kind of open-day or similar and possibly in conjunction with one of our regular Saturday morning series of site inspection?

Answer by the Mayor:

I will have it placed on the agenda for a site inspection. However, it may be more appropriate for those people who are supporting this garden to work a little more with Council.

I would suggest that if they were looking for more support on this that Local Government Week may be the appropriate time.

2.

**PARKING RESTRICTIONS –MITCHELL ROAD NO. 196, ALEXANDRIA -
QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2011319)**

Question:

I have been contacted by residents of Mitchell Road, Alexandria seeking amendment to the parking restrictions applicable outside the seafood shop at No. 196 Mitchell Road. The residents are saying they did not receive any notification of the current parking restrictions prior to their approval in October 1999 and have been unable to obtain a copy of such notice from Council since then. Could this matter be referred to the Traffic Committee?

Answer by the Mayor:

I will have that matter referred to the Traffic Committee.

3.

**PLANNING –GREEN SQUARE AFFORDABLE HOUSING DEVELOPMENT
CONTROL PLAN - WITHDRAWAL FROM AGENDA - QUESTION WITHOUT
NOTICE BY COUNCILLOR FURNESS (2022778)**

Question:

Can you advise why the General Manager requested the Draft Green Square Affordable Housing Development Control Plan be withdrawn from the agenda of the last Council meeting?

Answer by the Mayor:

No. I cannot tell you because I don't know.

Councillor Furness:

Can the General Manager advise us when he returns.

Answer by the Mayor:

I am sure that if you put that on notice, he will respond.

4.

PROFESSIONAL SERVICES – MEMORANDUM OF UNDERSTANDING BETWEEN THE LABOR COUNCIL AND NSW COUNCILS - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2011791)**Question:**

Yesterday, myself and Councillor Shaw attended a briefing by the Labor Council of NSW regarding a proposed Memorandum of Understanding between the Labor Council and NSW Councils designed to ensure that any contractors or service providers used by Councils are abiding by the law and not unfairly exploiting their workforces. Could the General Manager enter into discussions with the Labor Council with the view of signing such an agreement?

Answer by the Mayor:

I can't speak for him. However, I would suggest it would be more appropriate to speak to the General Manager and have that item come to the Planning and Development Committee.

5.

MEETINGS – POLICY – CODE OF MEETING PRACTICE - AGENDA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2002586)**Question:**

It is normal protocol for the General Manager to decide what does or does not appear on the Agenda?

Answer by the Mayor:

You can go to the Local Government Act where you will find the powers of the CEO's are considerable and I am sure that the management of agenda items are one of those actions.

6.

TREES – MAINTENANCE – BOURKE STREET, NO. 8, WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY (2024013)**Question:**

There is a hole for a tree out the front of No. 8 Bourke Street, Woolloomooloo, I wonder whether we could organise a more substantial tree for that site, I understand that particular tree has had some difficulty surviving, and despite the circular wooden fence exiting drinkers seem to have taken a fancy to it. Could the placement of a more mature tree be investigated?

Answer by the Mayor:

I will ask Mr Nour to follow up on that and have a report placed in the Councillors Information Service.

7.

BUILDING REGULATIONS – BUILDING INSPECTORS - QUESTION WITHOUT NOTICE BY COUNCILLOR POOLEY(2005394)**Question:**

I preface my question by acknowledging the support I got from Mr. Wilcoxon's staff, specially Garry Keep and Fayez Nour in relation to a local recalcitrant builder.

I'm wondering whether Council has considered the possibility of a special builder's list whereby builders we know to be less than ideal, automatically accrue certain additional conditions, or alternatively are on an automatic inspection list. The issues I'm talking about are things like operating outside of accepted hours, building waste runoff, use of Council's barriers to lock off parking spots.

Answer by the Mayor:

I understand that SSROC have been compiling a list and I will have Mr. Wilcoxon's staff sort out that matter and have a report submitted through the Councillors Information Service.

Carried.

8.

REGULATIONS – DEMOLITION ON BUILDING SITES - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (B54-00096)**Question:**

In relation to the recent dispute at the Gazebo Hotel. I am alarmed that workers involved in demolition work were untrained and inadequately supervised. Workcover issued a prohibition on work order and other penalty notices. I would like a report as to what Council's statutory and other obligations are in relation to demolition work approved by Council. Would Council be exposed to any liability if any incident occurred that damaged property or persons adjacent to the site?

Answer by the Mayor:

I will have a report come to Committee.

9.

PROPERTIES – PADDINGTON AMBULANCE STATION – POSSIBLE TRANSFER AND EFFECTS ON SERVICES - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2025198)**Question:**

Paddington Ambulance Station. I understand that the ownership of the station is subject to negotiations between the Commonwealth and NSW ambulance service. Can Officers obtain advice as to the likely effect on services as a result of the transfer?

Answer by the Mayor:

I will have that request come to the next Planning and Development Committee.

10.

TRAFFIC –ROSLYN GARDENS, POTTS POINT – INSTALLATION OF CALMING DEVICES DUE TO SPEEDING VEHICLES - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2026283)**Question:**

Can I have the following matter referred to Traffic Committee. Residents turning into Roslyn Gardens have expressed concern at the speed of traffic along this Street. Can the Committee consider the desirability or need for a traffic calming device on either side of Waratah Street?

Answer by the Mayor:

I will have that matter come to the Traffic Committee.

11.

PUBLIC TRANSPORT – STANLEY STREET, DARLINGHURST – REPLACEMENT OF BUS TO STREET FROM BOURKE STREET - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (5273828)**Question:**

Can the Traffic Committee consider a bus stop in Stanley Street, coming from CBD, be placed across the other side Bourke Street, so as to be opposite the one to the CBD and doesn't stop outside the Sidewalk Café bringing exhaust fumes over patrons?

Answer by the Mayor:

I am happy for that matter to come to Traffic Committee, but I can tell you the answer will be no.

12.

CLEANING – GRAFFITI POLICY – HAYDEN LANE, DARLINGHURST – KEEPING OF MESSAGES ON PROPERTY - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2024096)**Question:**

In accordance with our graffiti policy can the appropriate Council Officer contact the owner of the property backing on to Hayden Lane (where friends of the late Rebecca Bayer have written their messages) to preserve it as some form of cultural significance?

Answer by the Mayor:

I will ask the appropriate Officer from City Works to prepare a report for the Councillors Information Service.

13.

BUS SHELTERS - MITCHELL ROAD, ERSKINEVILLE - RESURFACE OF FLOOR OF BUS SHELTER NEAR ERSKINEVILLE OVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY. (2002400)**Question:**

Could Council please resurface the floor of the old bus shelter on Mitchell Road, Erskineville at the back of Erskineville Oval? Could Council also investigate whether this structure should be listed on Council's Heritage Register?

Answer by the Mayor:

I will have Mr. Nour respond to you through the Councillors Information Service, and in relation to its heritage reference, I will have that matter taken up by Council's Heritage Planner.

14.

**STUDIES – SYDNEY BIKE PLAN – RESCHEDULING BY COUNCIL –
IMPACT ON PLAN - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY
(T52-00060)****Question:**

The Australian Local Government Association Circular, Friday 17 May 2002, advised the Federal Government had rescheduled \$100 million from the Roads to Recovery programme from the 2002-2003 financial year to 2004-2005. This Council has determined and advised many in our community that we would be implementing our Bike Plan using this money by the end of next year. Will this rescheduling have an impact on this very important Council project?

Answer by the Mayor:

I will have the appropriate Officer respond through the Councillor Information Service.

15.

**COMMUNITY FACILITIES – PINE STREET COMMUNITY CENTRE –
PROPOSED MEDITATION CLASSES – QUESTION WITHOUT NOTICE BY
COUNCILLOR LAY (2025809)****Question:**

Is the report regarding free meditation classes to be offered at Pine Street Community Centre going to the next week's Committee meeting for debate?

Answer by the Mayor:

Yes.

16.

**COMMITTEES – PACT COMMITTEE, KINGS CROSS – ATTENDANCE BY
MAYOR - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2022662)****Question:**

Out of the PACT meeting held in King Cross, part of the state's trial to make police more responsible to the broader community. It was expressed that Council was expected to play a more active role. Could the Mayor please attend the next meeting in three months time as asked by the residents?

Answer by the Mayor:

The issue of PACT as I explained to you earlier is an initiative of the Police Command. The Police Commander invites people to become part of that team.

It would be a great drain on my time, if I were to go to all four possible PACTS groups in the Local Government Area and I find it very appropriate that the Ward Councillor has been invited to attend. I accepted quite appropriately that Councillor Mallard attend.

17.

TRAINING – GREENS SQUARE PLANNING - INHOUSE TRAINING FOR NEW TOWN PLANNERS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P53-00017)**Question:**

Does the City Environment Department have a short induction/training program for new planners and others charged with assessing DA in Green Square, as there are aspects of this area not common to the rest of the Local Government Act? Could one be developed and introduced if one does not exist as this may assist in progressing applications?

Answer by the Mayor:

I will have the Acting Director of Organisational Development respond through the Councillor Information Services.

18

DEPARTMENTS – LLANKELLY PLACE, KINGS CROSS - LETTER OF APPRECIATION TO STAFF – REGARDING DISPLAY - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (D51-00061)**Question:**

Could thanks be conveyed to the staff who were involved in the display of the prototype of the leadlight in Llankelly Place?

Answer by the Mayor:

I will have the General Manager take the appropriate action.

19.

**PROPERTY FILE – MCELHONE STREET, NOS. 44 – 50,
WOOLLOOMOOLOO – FIRE ORDERS - QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (2016838)**

Question:

I believe all Councillors have received this correspondence about Mariners Court from Dr. V. R. Gooley regarding fire orders. What is happening with this matter?

Answer by the Mayor:

I have acted on that matter this afternoon. He is coming to a meeting in my office and when the matter is resolved I will have Mr. Dearsley circulate the outcome to Councillors through the Councillors Information Service.

20.

**LEASES – ELIZABETH STREET, NO. 539, SURRY HILLS –
UNAUTHORISED DISPLAY OF SIGNS - QUESTION WITHOUT NOTICE BY
COUNCILLOR MALLARD (L52-00095)**

Question:

Recently we approved the leasing of the footway outside the Chinese Consulate in Elizabeth Street, one of the conditions of the lease was they submit an application to display signs. I believe they are still displaying signs. Can the appropriate Council Staff investigate and assure the Development Application is submitted?

Answer by the Director of City Works:

Councillor Mallard is correct. There was a provision within the lease that advertising be referred to Council for approval through a Development Application.

Mr Mayor, I will have someone investigate that matter tomorrow morning.

21.

**ELECTIONS – NORTH WARD ELECTION 2003 - NOMINATIONS OF
CANDIDATES - QUESTION WITHOUT NOTICE BY COUNCILLOR
MALLARD(2027057)**

Question:

My question is to Councillor Lennon. The Macarthur Advertiser, Wednesday 8 May 2002, carried a story indicating that Green Councillor David Hawkins is being dropped by the Greens from the Campbelltown ticket. Councillor

Hawkins was tight lipped about rumours he would instead be pre-selected for South Sydney Council. Could you shed any light on Councillor Hawkins entry into this Council and will it be as a North Ward Green Councillor?

Answer by Councillor Lennon:

David was very amused by the comments, but you boys are the rumour mongers. I don't know where they came from and perhaps you can shed some light, we would both love to know where it came from.

At this stage it was moved by Councillor Lennon, seconded by Councillor Furness, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, for the granting of free use of Paddington Town Hall by Impermanent Audio on Tuesday, 23 July 2002.

The Mayor ruled that this matter was not of great urgency, but requested that the appropriate Council Officer prepare a report to the Finance Committee.

REPORT OF THE FINANCE COMMITTEE

15 May 2002

PRESENT

Councillor Shayne Mallard (Chairperson)

The Mayor Councillor John Fowler and Councillors Jill Lay and Gregory Shaw.

At the commencement of business at 6.48 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw.

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

That the Report of the Finance Committee of its meeting of 15 May 2002, be received and the recommendations set out below for Items 1-9 inclusive, 9.2 and 9.3 be adopted. The recommendations for Item 9.1 and 9.4 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**ADMINISTRATION – CITY WORKS DEPARTMENT – ENTERPRISED/
CORPORATISED – BUSINESS UNITS, BRISBANE CITY COUNCIL –
ATTENDANCE OF COUNCIL REPRESENTATIVE (2022333)**

GENERAL MANAGER

That arising from consideration of a report by the Director of City Works dated 7 May 2002, approval be given to:-

- (a) Mr. Fayez Nour visit to Brisbane City Council at an estimated cost of \$2,000, for exposure to Enterprised Business Units.
- (b) The General Manager to authorise the commissioning of Brisbane City Council to provide consulting service to South Sydney City Council on the modelling of Enterprised Business Units at an estimated cost of \$8,000, should it be appropriate following the visit to Brisbane by Mr Nour.
- (c) That staff investigate other appropriate models.

Funds for this purpose are available in the current City Works Operational Budget (Accounts: 12215.Accom/sustenance, 12220 travel interstate and 1.44.2530.16680 Sundries Misc).

Carried.

2.

CONFERENCES –2002 LOCAL GOVERNMENT MANAGERS AUSTRALIA ANNUAL CONFERENCE “SUSTAIN YOUR ENERGY” – 31 JULY – 2 AUGUST 2002, NEWCASTLE, N.S.W. – ATTENDANCE OF COUNCIL’S REPRESENTATIVES (2016186)

That arising from consideration of a report by the Civic Affairs Manager / Public Officer, dated 22 April 2002, approval be given to the Mayor, interested Councillors and the General Manager or his nominee attending the Local Government Managers Australian Annual Conference to be held in Newcastle NSW from 31 July to 2 August 2002 and that 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.

Carried.

3.

CONFERENCES – LOCAL GOVERNMENT AND CRIME PREVENTION AND COMMUNITY SAFETY – 29 MAY 2002, BURWOOD, SYDNEY – ATTENDANCE OF COUNCIL’S REPRESENTATIVES (2016186)

That arising from consideration of a report by the Civic Affairs Manager / Public Officer dated 22 April 2002, approval be given to the Mayor, interested Councillors and the General Manager or his nominee attending the Local Government Crime Prevention and Community Safety seminar to be held in Burwood, Sydney on 29 May 2002, and that registration fees and out of pocket

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

Carried.

4.

COMMITTEES – OCCUPATIONAL HEALTH AND SAFETY POLICY – ADOPTION (2018658)

That arising from consideration of a report by the Acting Director of Corporate Services dated 30 April 2002. Council approve the adoption of the Occupational Health and Safety Policy document dated 24 April 2002, accompanying the beforementioned report

Carried.

5.

CONFERENCES – NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (2002) - ALICE SPRINGS, NORTHERN TERRITORY 3-6 NOVEMBER 2002 – (1) ATTENDANCE OF COUNCIL'S REPRESENTATIVES – (2) SUBMISSION OF MOTIONS (C61-00207)

- (A) That arising from consideration of a report by the Civic Affairs Manager, Public Officer dated 26 April 2002, approval be given to the Mayor and interested Councillors and the General Manager or his nominee attending the 2002 National General Assembly of Local Government to be held in Alice Springs, Northern Territory, from 3 to 6 November, 2002 and that any registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling, be borne by the Council, for which funds will be made available in the 2002/2003 Revenue Estimates.
- (B) That the Mayor or his nominee be the Council's voting delegate at the Assembly.
- (C) The question of submitting motions to the Assembly is submitted for consideration.

Carried.

6.

ALCOHOL-FREE ZONE – NEWTOWN – RE-ESTABLISHMENT (2012385)

- (A) That arising from consideration of a report by the tor of City Environment dated 8 May 2002, and as all aspects of the Newtown Alcohol-Free Zone conform with the relevant provisions of the Local Government Act 1993 and the Minister of Local Government's Ministerial Guidelines, Council confirms the re-establishment and

enlargement of the Newtown Alcohol-Free Zone for a full three (3) years from seven (7) days after placing an advertisement in a local newspaper circulating in the area.

The Alcohol-Free Zone will cover the following streets of Newtown:-

*King Street (eastern side) between the intersection with Wilson Street and approximately 50 metres south of the intersection of Newman Street.

*Thomas Street.

*Railway Lane commencing at Thomas Street and extending south for approximately 75 metres.

*Newman Street running south from the T intersection with King Street and continuing to the road closure within that street.

*Whitehorse Street

*Norfolk Street

*Hordern Street from King Street to Victoria Street

*Mechanic Street from Church Street to Egan Street.

- (B) That any existing or future licensed occupations of the public footway for the purpose of food and alcohol consumption that may fall within the zone be excluded from the provisions of the zone.
- (C) That Council's decision be communicated in writing to all those who have expressed an interest in this zone.
- (D) That all Alcohol-Free Zone signs within this zone be affixed with the NSW Police logo with a police contact telephone number for enforcement of the zone's provisions.

(DCE Report 8.5.02)

Carried.

7.

**COMMUNITY SERVICES – OXFORD STREET, NOS. 116 – 122,
DARLINGHURST – APPLICATION FOR LOAN TO REFURBISH BUILDING
AND OFFER SUBSIDISED ACCOMMODATION (2026035)**

That for the reasons set out in the report by the Acting Director of Community Development dated 10 May 2002, it be resolved that:-

- (1) an application to be made to the Office of Community Housing (OCH) for the reimbursement of the total refurbishment costs, to be offset by a rental reduction to SWISH over the period of the lease if the grant monies are received;
- (2) Council entering into a lease agreement with SWISH on the success of a grant from OCH for the management of the premises for a period of five years, for the purposes of increasing affordable housing options in the Darlinghurst area;
- (3) for refurbishment works to be undertaken as soon as the grant is made available to minimise the vacancy of the premises.

Carried.

8.

CONFERENCES – THE WOMENS CONSTITUTIONAL CONVENTION 2002 – CANBERRA, A.C.T., 11 TO 13 JUNE 2002 – ATTENDANCE OF COUNCIL REPRESENTATIVES (2016186)

That arising from consideration of a report by the Civic Affairs Manager / Public Officer dated 7 May 2002, approval be given to Councillors Amanda Lennon, Jill Lay and Christine Harcourt attending The Women's Constitutional Convention 2002 to be held in Canberra ACT from 11 June to 13 June 2002 and that registration fees, accommodation and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds will be available in the 2001/2002 Budget.

Carried.

9.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 15 MAY 2002 COMMENCING AT 6.25 PM

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 15 May 2002, be approved and adopted.

9.1.

LICENSING – ABERCROMBIE STREET, NO. 370, DARLINGTON – ‘ROYAL HOTEL’ - PROPOSED FOOTWAY LICENCE (EXISTING) (2017547)

This matter was submitted to council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That for the reasons set out in the report by the Director of City Environment dated 24 April 2002, approval be given to:-

- (1) the amendment to the Licence Agreement with Denis Callahan so that the number of tables and chairs are as shown on Plan No S4-130/694B and the hours of operation be 10.00 am to 10.00 pm Monday to Saturday, and 11.00 am to 9.00 pm Sunday;
- (2) the addition of Clause 14 and 15 to the Conditions of approval;
- (3) increase the Security Deposit to \$1000 (from \$500);
- (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 and execution of the amendments to the Licence Agreement.
- (6) any breaches of the conditions granted in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of licence and/or any penalties prescribed under the Local Government Act 1993.

Carried.

9.2.

LICENSING – VICTORIA STREET, NO. 241, DARLINGHURST – PROPOSED FOOTWAY LICENCE (NEW) (2026285)

That arising from consideration of a report by the Director of City Environment dated 7 May 2002, approval be given to:-

- (1) The granting of a licence to Gelato Messina Retail Pty Ltd. over an area of 3.6 square metres of the footway of Victoria Street adjacent to Gelato Messina Retail at No. 241 Victoria Street, Darlinghurst as shown stippled on Plan No S4-130/848A and subject to the conditions in the attached 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;

GENERAL MANAGER

- (5) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (6) this approval lapsing twelve months from the date of Council's approval to the granting of the licence if the applicant has failed to provide the security deposit and/or public risk insurance as required by Conditions 7 and 8, in the schedule accompanying the Director's report or failed to execute the licence agreement.
- (7) any rent that fall due as a result of commencing the footway licence is paid by the due date.
- (8) the maximum number of seats permitted being twenty which includes inside and outside.
- (9) any breaches of the conditions in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of licence and/or any penalties prescribed under the Local Government Act 1993.

Carried.

9.3.

LICENSING – PARK STREET, NOS. 46 – 76 (AKA NO. 110 SWANSON STREET, ERSKINEVILLE) – “GABRIELS ON SWANSON” – PROPOSED FOOTWAY LICENCE (CHANGE OVER) (2016970)

That arising from consideration of a report by the Director of City Environment dated 8 May 2002, approval be given to:-

- (1) the granting of a licence to Gail and Geoffrey Brawn over an area of 9.8 square metres of the footway of Park Street and Swanson Street adjacent to Gabriels on Swanson at Nos 46-76 Park Street (AKA 110 Swanson Street) Erskineville as shown stippled on Plan No S4-130/686B 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 from 1 November 2001;
- (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 execution of all relevant documents and plans by Council's Attorney;

GENERAL MANAGER

- (6) the Licensee paying Council's legal costs and disbursements incidental to the preparation, execution and stamping of the licence agreement;
- (7) this approval lapsing 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.
- (8) any rent that fall due as a result of commencing the footway licence is paid by the due date.
- (9) any breaches of the conditions in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of licence and/or any penalties prescribed under the Local Government Act 1993.

Carried.

9.4.

LICENSING – FOOTWAY RESTAURANT LICENCE POLICY AND PROCEDURE (2025656)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Shaw:

That arising from consideration and for the reasons set out in the report by the Director of City Environment dated 6 and 21 May 2002 it be resolved that:-

Approval be given to the amendment of the footway restaurant licence policy under Section 125 of the Roads Act 1993 as follows:-

- (1) the approval of footway restaurant licences be delegated to the General Manager under the following circumstances, namely:-
 - (a) new and renewal applications where no objections are received;
 - (b) changes of ownership of a licence;
 - (c) change to the conditions of the approval where no objections received;
- (2) the approval of footway restaurant licences be by resolution of Council where:-
 - (a) applications receive community objection;
 - (b) there are new applications or applications for a change of condition of consent within the Taylor Square footway licence zone (shown as Appendix 1) in the schedule accompanying the Director's report

- (c) applications of a sensitive nature as determined by the Director City Environment.
- (3) the following clause be inserted into the conditions of consent and the deed of footway licence namely:-
- "any breaches of the conditions granted in the footway licence will be treated as failed to obtain approval under the Local Government Act 1993 and may result in the loss of the licence and/or any penalties prescribed under the Local Government Act 1993."
- (4) that a security bond for damage to the footway be deleted from the policy and conditions.
- (5) that a licence fee bond equivalent to two months rental of the licence area be included in the policy and conditions and that the procedure for Rent and Debt Collection for footway licences (shown as Appendix 3) in the schedule accompanying the Director's report s supported.
- (6) the footway licence certificate be deleted from the policy and conditions.
- (7) the amended conditions as detailed above and in the document accompanying the Director's report dated 21 May 2002, and policy be adopted.

Carried.

The Properties Sub-Committee Meeting terminated at 6.46 p.m.

The Finance Committee Meeting terminated at 6.55 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY 15 MAY 2002 AT 6.47 PM

PRESENT

Councillor Shayne Mallard (Chairperson)

The Mayor, Councillor John Fowler and Councillors – Jill Lay and Gregory Shaw

At the commencement of business at 6.47 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw.

GENERAL MANAGER

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

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(a) of the Local Government Act, 1993, "Personnel matters concerning particular individuals".

Item 1 - Personnel Matter.

The Committee **recommends** the following:-

1.

PERSONNEL – SICK LEAVE - ENTITLEMENTS (P53-00099)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That in relation to a minute by the General Manager re Sick Leave Entitlement, it was moved by Councillor Mallard, and by consent, that the matter be dealt in conjunction with the Planning and Development Committee Confidential Matter.

Carried.

The Finance Committee (Confidential Matter) Meeting terminated at 6.47 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

15 May 2002

PRESENT

The Mayor, Councillor John Fowler (Chairperson)

Councillors – Jill Lay, Shayne Mallard, Gregory Shaw

At the commencement of business at 6.56 pm those present were:-

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

GENERAL MANAGER

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 15 May 2002, be received and the recommendations set out below for Items 1, and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMUNITY SERVICES – ERSKINEVILLE PUBLIC SCHOOL – REUNION OF EX-STUDENTS AND STAFF – REQUEST FOR FINANCIAL ASSISTANCE FROM COUNCIL (2025651)

That arising from consideration of a report by the Acting Director of Community Development dated 3 May 2002, Council approves supporting the Erskineville Public School Reunion to be held on Saturday, 19 October 2002 from 2.00 pm to 6.00 pm by providing financial assistance to the amount of five thousand dollars (\$5,000) towards the total cost of the event as well as the provision of garbage recycling.

These funds will need to be provided for in the 2002/2003, Budget Estimates noting that the Estimates are yet to be finalised and endorsed by Council.

It was moved by Councillor Lennon that the matter be deferred.

Motion lapsed through want of a seconder.

Motion carried.

2.

HEALTH – ANIMALS – ISSUING OF DANGEROUS DOG ORDERS- POLICY (2020384)

That arising from consideration of a report by the Director City Environment dated 9 May, 2002 it be resolved that:-

- (a) the Guidelines for the Issue of Dangerous Dog Orders accompanying the beforementioned report be adopted as Policy:
- (b) public notice of the Policy for the Issuing of Dangerous Dog Orders be given inviting submissions in regard to the Policy during a period of not less than 42 days ;

- (c) the Policy for the Issuing of Dangerous Dog Orders be on public exhibition for a period of not less than 28 days;
- (d) the Minister for Local Government be requested to amend the Companion Animals Act 1998, to include a Section requiring notification by the Police Department to Councils of any Police action in regard to dangerous dogs;
- (e) the Attorney General be requested to investigate the possibility of requiring the Court to notify Councils of dogs declared dangerous by the Court as a result of initial Police action;
- (f) Council supply signage to owners of dogs declared dangerous, such signage to be worded " BEWARE OF THE DANGEROUS DOG - SOUTH SYDNEY CITY COUNCIL DECLARED DANGEROUS DOG " with Council's logo displayed on the signage;
- (g) That a report be prepared for consideration by Council in respect of a motion being forwarded to the National General Assembly of Local Government meeting in November, 2002, regarding:-
 - (1) the notification of Councils when a dog has been declared dangerous by the Courts;
 - (2) when a declared dangerous dog is relocated from one Council area to another Council area;
 - (3) the notification of Councils by the Police and the Department of Local Government when a dog has been declared dangerous;
- (h) That quarterly inspections of premises with a declared dangerous dog be carried out by Council staff.

Carried.

The Community Services Committee Meeting terminated at 7.06 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

15 May 2002

PRESENT**Councillor John Bush (Chairperson)****Councillors – Peter Furness, Christine Harcourt, Amanda Lennon,
and Tony Pooley**

At the commencement of business at 6.46 pm, those present were -

Councillors – Bush, Furness, Harcourt and Pooley.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

That the Report of the Planning and Development Committee of its meeting of 15 May 2002, be received and the recommendations set out below for Items 1, 4, 5, 7 and 10 to 12, inclusive, be adopted. The recommendations for Items 2, 3, 6, 8, 9 and 13 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

BOTANY ROAD, NO. 580, ALEXANDRIA (ALSO KNOWN AS NO. 1 SHIRLEY STREET) – TO USE AS CONVENIENCE SHOP AND TO ERECT SIGNAGE - DEVELOPMENT APPLICATION (U02-00023)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 23 April 2002.

Carried.

2.

BOURKE STREET, NO. 740, REDFERN – VALIDATION OF UNAUTHORISED WORKS – DEVELOPMENT APPLICATION (U01-01172)

This matter was submitted to Council without recommendation.

GENERAL MANAGER

Moved by Councillor Mallard, seconded by the Mayor:-

That the matter be deferred to allow for legal advice to be supplied on what appropriate action of law Council can be used in the assessment of unauthorised works of this nature with reference to any policy change.

Carried.

3.

GEORGE STREET, NOS. 160 – 202, REDFERN, REDFERN PUBLIC SCHOOL – REFURBISH AN EXISTING BUILDING FOR A CHILDCARE CENTRE, ALTERATIONS AND ADDITIONS – DEVELOPMENT APPLICATION (U01-00965)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That the matter be deferred to the first immediate Planning and Development Committee meeting after the decision from the Parliament Enquiry into inner school closures has been finalised.

At the request of Councillor Pooley, and by consent, the motion was amended by the addition of clause (2), namely:-

- (2) That Council give its in principle support to the co-location of Murawina Child Care Centre with Redfern Public School.

Motion, as amended by consent, carried.

4.

ELIZABETH STREET, NO. 551, SURRY HILLS – CONVENIENCE STORE AND INTERNET CAFÉ – DEVELOPMENT APPLICATION (U02-00050)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 8 May 2002.

Carried.

5.

GREENKNOWE AVENUE, NO. 8, KINGS CROSS – DEMOLITION OF MANHATTAN PARK INN AND ERECTION OF 54 RESIDENTIAL APARTMENTS, BASEMENT CAR PARK, CAFÉ AND RETAIL UNIT – SECTION 96 MODIFICATION (U00-01393)

(A) That the Council as responsible authority grants its consent under the Environmental Planning and Assessment Act 1979 to the Section 96 modification submitted by Richard Huxley and Associates, with the authority of Tesrol Holdings Pty. Ltd for permission to vary a consent granted for the demolition of the Manhattan Park Inn and erection of 54 residential apartments, a basement car park, cafe and retail unit (revised plans received 19 March 2001), by deleting condition (11) and replacing it with the following new condition (11), namely:-

(11) That no fixtures shall be attached or located on the roof other than the glazed handrails, planter boxes and those shown on plans numbered 2-S96.14B and 2-S96.17B, dated 1 March 2002 and stamped and endorsed by Council;

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

Carried.

6.

MARRIOTT STREET, NO. 105, REDFERN – TO DEMOLISH A HOUSE AND TO ERECT TWO BUILDINGS CONTAINING FOUR RESIDENTIAL UNITS WITH BASEMENT PARKING – DEVELOPMENT APPLICATION (U02-00189)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lennon:-

That the matter be deferred to allow further discussion between the applicant and the Acting Manager Statutory Planning to see if the plans can be amended so as to conform with Council policies and plans in respect of FSR, separation, privacy, open space, car parking and rear lane development.

Carried.

7.

LITTLE ALBION STREET, NOS. 10 – 12, SURRY HILLS – CONVERSION OF BUILDING INTO THREE RESIDENTIAL APARTMENTS INCLUDING ALTERATIONS AND STRATA SUBDIVISION – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U01-01215)

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 8 May 2002.

Carried.

8.

DICK STREET, NOS. 17 – 29, CHIPPENDALE – CONSTRUCT FIVE DWELLINGS – SECTION 94 CONTRIBUTIONS – FSR BONUS – DEVELOPMENT APPLICATION (U01-00959)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Furness:-

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Meridian Development and Construction Pty Ltd, with the authority of Novacue Pty Ltd, for permission to construct 5 townhouse style units (4 x 3 bedroom units and 1 x 2 bedroom unit) over four levels with parking for seven cars at 17-29 Dick Street, Chippendale. Bonus floor space has been granted in order to achieve improvements to the Public Domain, in accordance with the attached deed”, 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 \$9,075 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 \$1,500, or first installment (as applicable), can be paid to

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the Council, providing that a completed levy payment form accompanies the payment;

(3) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 3,062	2E97003.BGY0
Open Space: New Parks	\$13,988	2E97009.BGY0
Accessibility And Transport Management	\$ 92	2E97006.BGY0
	\$ 226	2E97007.BGY0
Total	\$17,368	

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

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

where:

C is the original contribution amount as shown above;
 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 March 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;

- (4) That 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	\$4,574	2E97008.BGY0

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

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

where:

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

- (5) That the development shall be generally consistent with the plans listed in the table below, marked in red by Council, stamped approved by Council, and held in Council's file U01-00959, except as conditioned elsewhere;

Drawing Number	Revision	Dated	Drawn by
A01c	C	22.02.02	NA
A02b	B	14.12.01	MK
A03b	B	14.12.01	MK
A04b	B	14.12.01	MK
A05b	B	14.12.01	MK
A06b	B	14.12.01	MK
A07b	B	14.12.01	MK
A08b	B	14.12.01	MK
A09b	B	14.12.01	MK
A10b	B	14.12.01	MK

- (6) Prior to the issue of a Construction Certificate for above ground works or 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 an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required;

NOTE: 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;

- (7) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (8) That the floor space ratio (utilising the definition of gross floor area in LEP 1998) shall not exceed 1.65:1, and calculations demonstrating compliance with this condition shall be lodged with the application for a Construction Certificate;
- (9) That adjustable external louvres or an external fixed screen shall be attached to the window to Bedroom 3 in Units 2, 3, 4, and 5. Details shall be submitted with the application for the Construction Certificate;
- (10) That the door providing vehicular entry to the car parking area shall be a remote controlled panel lift door. Details shall be submitted with the application for the Construction Certificate;
- (11) That all vehicles must enter and exist 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;

- (12) That the applicant shall display shared traffic zone and one-way signs to notify all vehicles exiting the site;
- (13) That the development must satisfy the requirements in Council's DCP No.11 – Transport Guidelines for Development 1996;
- (14) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab/ planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass
- (15) That the applicant shall ensure that all terraced/landscaped areas have their own water supply and are adequately drained;
- (16) 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 (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (b) That vertical separation between openings in external walls shall be provided by construction that is non-combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;
 - (c) That the ceilings immediately below the roof shall be constructed of materials having resistance to the incipient spread of fire to the roof space of one hour;
 - (d) That the doors separating car park from residential units shall have a fire resistance rating of at least one hour;
 - (e) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;
 - (f) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

- (g) 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;
- (h) 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;
- (i) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (j) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;
- (k) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
- (l) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (m) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (n) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
- (o) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50 and shall be constructed in accordance with the requirements of F5.5 of the BCA;
- (p) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
- (q) 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 F1.4 of the BCA;
- (r) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
 - (s) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
 - (t) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
 - (u) 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;
 - (v) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
 - (w) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (17) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils 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 emissions 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,
 - (e) Community consultation;
- (18) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:

- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (19) Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's Waste Management/Minimisation Fact Sheets. Details to be submitted with the application for a Construction Certificate;
- (20) That a maximum of 7 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;
- (21) That the parking spaces shall be allocated on the basis of 5 for residents and 2 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (22) That of the required car spaces, at least 1 measuring a minimum of 3.5m x 5.5m shall be provided as a car wash bay for the development and shall be provided with water connection and drainage, detailed in the application for a construction certificate. All wash bay discharges are to be disposed of according to the standard requirements of the Director of Public Works and Services;
- (23) "A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.";

- (24) That, prior to the issuing of a subdivision certificate, evidence of compliance shall be shall be provided of the following matters:
 - (a) that each unit either:

- (i) corresponds to the proposed lot number in the Strata plan; **or**
 - (ii) has a permanent tag or plaque displayed on the door architrave adjacent to the hanging stile;
 - (b) that all resident and visitor car parking areas or utility lots are appropriately identified, line marked, and correspond to a lot shown on the strata plan;
 - (c) that no more than 1 car parking space is allocated to each residential unit within the development;
 - (d) that any car parking or utility lots not allocated as part of a proposed strata lot within the development shall be restricted under Section 39 of the Strata Titles Act, 1973;
 - (e) that all existing encroachments on Council land shown on the existing certificate of title shall be transferred to the proposed strata plan; and
 - (f) that, except for fences, any encroachments over existing or proposed Council property greater than 0.025 metres shall be made a positive covenant in accordance with Council's encroachment policy. (A copy of this policy is available from Council upon request).
- (25) That prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$205 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;

and the following standard conditions:

- (26) One television aerial¹¹⁴
- (27) Glazing reflectivity less than 20%¹¹⁸
- (28) Builders hoarding permit³⁰
- (29) Alignment levels³²
- (30) Road opening permit³⁴
- (31) Signal system³⁰⁰⁶
- (32) Sign for visitor parking³⁰¹⁰
- (33) Intercom for visitors³⁰¹¹

- (34) Signs at egress³⁰²²
- (35) Consolidate lots¹¹⁰⁹
- (36) Display street number¹¹¹⁰
- (37) Obstruction of the public way³¹⁰¹
- (38) Vehicular footway crossing³¹⁰³
- (39) Delivery of construction materials³¹⁰⁴
- (40) Resident parking restrictions for new residential flats³¹⁰⁵
- (41) Construction traffic management³¹⁰⁷
- (42) Pedestrian safety³¹¹⁰
- (43) Associated roadway costs³¹¹¹
- (44) Stormwater (general)⁴¹⁰¹
- (45) Clean water discharge⁴¹⁰²
- (46) Landscape plan⁵¹⁰¹
- (47) Maintenance⁵¹¹⁴
- (48) Final inspection⁵¹¹⁵
- (49) Garbage on the public way⁶¹⁰¹
- (50) Refuse skips⁶¹⁰²
- (51) Garbage storage area⁶¹⁰³
- (52) Remediation⁷⁰⁹²
- (53) Remediation⁷⁰⁹³
- (54) Ventilation⁷⁰²⁵
- (55) Emissions⁷⁰⁰⁴
- (56) Construction noise⁷⁰⁰⁸
- (57) Hazardous and industrial waste⁷⁰⁸³
- (58) Soil and sediment control⁷⁰⁸⁵

- (59) Soil and sediment: drains, gutters etc⁷⁰⁸⁷
- (60) Soil and sediment control/building operations⁷⁰⁸⁸
- (61) Soil and sediment control/stockpiles⁷⁰⁸⁹
- (62) Noise⁷⁰³⁰
- (63) Survey certificate at completion⁹⁰⁰²
- (64) Stormwater details⁹⁰⁰³
- (65) Structural Design Certificate⁹⁰⁰⁶
- (66) Issue of occupation certificate⁹¹⁰¹
- (67) Construction hours⁹¹⁵¹
- (68) Building/demolition noise control⁹¹⁵⁶
- (69) Construction Certificate required(a) / Works not to be commenced(b)⁹¹⁵⁵
- (70) Soil and sediment prosecution note⁷⁰⁸⁶

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.

9.

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

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by the Mayor:-

That the development application submitted by Davis and Yee, with the authority of A Bovier, for permission to demolish the rear of the dwelling, erect

an extension to the ground floor, erect a first storey with front and rear balconies and erect a roller shutter door on the rear boundary, be deferred to the Planning and Development Committee to be held on 12 June 2002.

Carried.

10.

MOORE PARK ROAD, NO. 344, PADDINGTON – NEW REAR PERGOLA, INCREASE IN WIDTH OF BUILDING AND INTERNAL ALTERATIONS – DEVELOPMENT APPLICATION (U01-01117)

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by David Hunter Cox, with the authority of J Lawson, to erect a new rear pergola and make alterations and additions to the existing dwelling, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered SK 1 and SK 2, dated September 2001, stamped and endorsed by Council, 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 \$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;
 - (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 \$240, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) 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 where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (e) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
- (f) That the combustible rooflights or the like (in a class 1 and 10 building) shall comply with Part 3.7.1.10 of the BCA;
- (g) 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;
- (h) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (i) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (j) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (k) 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;
- (l) 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;

- (m) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (n) 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;
- (o) That balustrades shall comply fully with the requirements of Part 3.9.2 of the BCA;

and the following standard conditions:

- (5) Ventilation and natural light (class 1)⁹⁶¹³
- (6) Obstruction of the public way³¹⁰¹
- (7) Work zones³¹⁰²
- (8) Delivery of construction materials³¹⁰⁴
- (9) Associated roadway costs³¹¹¹
- (10) Stormwater (general)⁴¹⁰¹
- (11) Refuse skips⁶¹⁰²
- (12) Compliance with BCA⁹¹⁰⁴
- (13) Construction Certificate required⁹¹⁵⁵
- (14) Survey certificate at set out stage⁹⁰⁰¹
- (15) Survey certificate at completion⁹⁰⁰²
- (16) Stormwater details⁹⁰⁰³
- (17) Structural Design Certificate⁹⁰⁰⁶
- (18) Comply with the WorkCover Authority⁹¹⁰⁵
- (19) Construction hours⁹¹⁵¹
- (20) Walls not to be built as party walls unless consent obtained⁹¹⁰⁸
- (21) Building/demolition noise control⁹¹⁵⁶
- (22) Maintain existing building in a stable condition⁹¹⁵⁷
- (23) Works to be within allotment boundaries⁹¹⁵⁸

- (24) Guarding of excavations⁹¹⁶⁰
- (25) Retaining walls and drainage⁹¹⁶²
- (26) Demolition to comply with Australian standard⁹¹⁶¹
- (27) Support for neighbouring buildings⁹¹⁶³

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

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

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

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

Carried.

11.

REGENT STREET, NO. 143, CHIPPENDALE – DEMOLITION OF ROOF TO REAR GROUND FLOOR GARAGE AND ERECT TWO STOREY SINGLE RESIDENCE ABOVE – DEVELOPMENT APPLICATION (U00-01305)

That the development application submitted by Architectural Solutions, with the authority of Richard Collins, to demolish the roof of the rear ground floor garage and erect a 2 storey single residence above at No. 143 Regent Street, Chippendale, be deferred to the next Planning and Development Committee meeting to be held on 29 May 2002, as requested by the applicant in fax dated 14 May 2002.

Carried.

12.

**ELIZABETH BAY ROAD, NO. 108, ELIZABETH BAY – REPAIR
BALCONIES AND REPLACE EXISTING BALUSTRADES WITH NEW
GLASS BALUSTRADES – DEVELOPMENT APPLICATION (U02-00060)**

NOTE:

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 6 May 2002.

Carried.

13.

**RIDGE STREET, NO. 30, SURRY HILLS – ATTIC AND GROUND FLOOR
ADDITIONS TO TWO STOREY DWELLING HOUSE – SECTION 96
MODIFICATION (U01-00919)**

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Mallard:-

That the application be deferred to the next Planning and Development Committee meeting in order that the setback as per condition (6) of the recommendation from the Director of City Environment dated 22 May 2002, being clarified.

Carried.

The Planning and Development Committee Meeting terminated at 8.15 p.m.

At this stage and at 7.59 pm, it was moved by Councillor Mallard, seconded by Councillor Lay:-

That the Council resolve to meet as a Committee of the Whole with Press and Public excluded to discuss the foregoing matters, as it dealt with Council's Properties Matters and a Legal Matter, in accordance with Section 10D of the Local Government Act 1993.

Carried.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)**WEDNESDAY 15 MAY 2002 AT 6.47 PM****PRESENT****Councillor Shayne Mallard (Chairperson)****The Mayor, Councillor John Fowler and Councillors – Jill Lay and Gregory Shaw**

At the commencement of business at 6.47 pm, those present were -

The Mayor and Councillors – Lay, Mallard and Shaw.

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

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(a) of the Local Government Act, 1993, "Personnel matters concerning particular individuals".

Item 1 - Personnel Matter.

The Committee **recommends** the following:-

1.

PERSONNEL – SICK LEAVE - ENTITLEMENTS (P53-00099)

This matter was submitted to Council without recommendation.

**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE
(CONFIDENTIAL MATTER)**

WEDNESDAY 15 MAY 2002 AT 6.35 PM

PRESENT

Councillor John Bush (Chairperson)

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

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

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

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and public be excluded from the meeting of the Planning and Development Committee (Confidential Matter) during consideration of the undermentioned item, and further, access to correspondence and reports being withheld in respect of such Item because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(e) of the Local Government Act, 1993, "information that would, if disclosed, prejudice the maintenance of law".

Item 1 - Legal Matter.

The Committee **recommends** the following:-

1.

**VICTORIA STREET, NO. 80, POTTS POINT – PROSECUTION
PROCEEDINGS (U98-01118, V99-05103)**

To Council without recommendation.

The Planning & Development Committee (Confidential Matter) Meeting terminated at 6.45 p.m.

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

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

At 8.06 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:

1.

PERSONNEL – SICK LEAVE - ENTITLEMENTS (P53-00099)

That the matter be deferred to the next Finance Committee meeting to be held on 29 May 2002.

2.

VICTORIA STREET, NO. 80, POTTS POINT – PROSECUTION PROCEEDINGS (U98-01118, V99-05103)

That arising from a report by the Director of City Environment dated 8 May 2002, Council resolves that prosecution proceedings against Mr Wherry in the Land and Environment Court, be continued.

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

The Mayor and Councillor Mallard requested that their names be recorded as voting against the foregoing motion.

The Council Meeting terminated at 8.10 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER

GENERAL MANAGER