

299TH Meeting

Erskineville Town Hall
Erskineville
401382

Wednesday, 5 June 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, 5 June 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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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Mallard:-

That the minutes of the Ordinary Meeting of Council of 22 May 2002, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

5 June 2002

**COMMUNITY SERVICES – PARLIAMENTARY INQUIRY INTO CLOSURE OF
INNER CITY SCHOOLS (2025651)**

By 27 June 2002 the General Purpose Standing Committee No.1 will inquire into and report on the circumstances, processes, effects and short and long term consequences of the proposed closure and restructuring of government schools in inner Sydney.

In keeping with Council's past stand on the closure of inner city public schools, I requested that the staff prepare a written submission to this parliamentary inquiry.

Following a briefing of Councillors on 22 May 2002 Council's submission was finalised and submitted to the Inquiry. I presented Council's arguments in an oral presentation to the Inquiry on 31 May.

I recommend that Council retrospectively endorse the submission presented to the Inquiry. I congratulate Council's Children's Services Coordinator, Sharon Campisi, and Redfern Waterloo Project Manager, Debbie Coulter, for preparing an excellent submission.

I look forward to the outcomes of the Inquiry.

Councillor John W Fowler (SGD)

Mayor

Moved by Councillor Mallard, seconded by Councillor Lay:-

- (1) That the minute by the Mayor, be received and noted;
- (2) That the Officers of Council involved in the Inquiry be congratulated on their efforts and the submission presented to the Inquiry;

GENERAL MANAGER

- (3) That clarification of the newspaper article regarding the closure of Maroubra High School be undertaken, and that it be expressed and incorporated in the report.

Carried.

MINUTE BY THE MAYOR

5 June 2002

PUBLIC RELATIONS – DEATH OF MARYANNE THERESE ALBANESE (2004380)

It is with regret that I inform Council of the death of Maryanne Therese Albanese, Mother of the Federal Member for Grayndler, Anthony Albanese.

Maryanne was an active local resident who was a leading figure in the City Council rent strike of the late 1970's. The strike was successful, resulting in the transfer of the bulk of the housing to the State Government.

A true battler, Maryanne was born and lived in the same house in Camperdown all her life. Maryanne died on 25 May 2002, aged 65.

It is recommended that a letter under the signature of the Mayor offering the condolences of the Council, be forwarded to her son, Mr Anthony Albanese.

Councillor John W Fowler (SGD)

Mayor

Moved by Councillor Lay, seconded by Councillor Pooley:-

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

Carried.

MINUTE BY THE MAYOR

4 June 2002

PUBLIC RELATIONS - STATE MEMORIAL SERVICES FOR THE FORMER PRIME MINISTER OF AUSTRALIA, SIR JOHN GREY GORTON – ATTENDANCE BY THE MAYOR (2004380)

GENERAL MANAGER

On Friday 31 May 2002, I attended the State Memorial Service for the former Prime Minister of Australia, Sir John Gorton, which was held at St. Andrew's Anglican Cathedral, Sydney.

Sir John was Australia's 19th Prime Minister holding office from 1968 to 1971 but before becoming Prime Minister in 1968, held many portfolios from 1958. Sir John will long be remembered as the Prime Minister who voted himself out of office following a leadership challenge. Sir John was 90 years of age at the time of his death which was due to respiratory failure.

RECOMMENDATION:

- (1) That a letter of condolence be sent to the family of Sir John Gorton.
- (2) That approval be given to the payment for the flowers that were sent on behalf of the Mayor, Councillors and staff to the State Memorial Services for the former Prime Minister of Australia, Sir John Gorton.

Councillor John W Fowler (SGD)
Mayor

Moved by Councillor Mallard, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE MAYOR

5 June 2002

**CELEBRATIONS - GAY GAMES 2002 – REHEARSAL SPACE
& CULTURAL FESTIVAL (L52-00126)**

Council has received correspondence from the Sydney 2002 Gay Games Ltd requesting in kind support for the 2002 Gay Games Sports and Cultural Festival.

The Gay Games is seeking support in the following areas:

Opening and Closing Ceremonies – Rehearsal Space

The Gay Games requests the use of the Village Green area at Sydney Park as a rehearsal space for the Opening and Closing Ceremonies for the 2002 Gay Games.

GENERAL MANAGER

The venue for the Opening and Closing Ceremonies will be the Aussie Stadium in Moore Park; the dates of the Opening and Closing ceremonies are Saturday, 2 November and Saturday, 9 November respectively.

The Village Green area most closely resembles the Aussie Stadium area and is conveniently located for the volunteer performers.

The Gay Games requests use of the Village Green area for the following dates:

Weekend 1

- ? Saturday, 31 August
- ? Sunday, 1 September

Weekend 2

- ? Saturday, 7 September
- ? Sunday, 8 September

Weekend 3

- ? Saturday, 21 September
- ? Sunday, 22 September

Weekend 4

- ? Saturday, 28 September
- ? Sunday, 29 September

Weekend 5

- ? Saturday, 12 October - Mass Rehearsal
- ? Sunday, 13 October - Mass Rehearsal

Weekend 6

- ? Saturday, 19 October - Mass Rehearsal
- ? Sunday, 20 October - Mass Rehearsal

It is recommended Council approve use of the area for the requested dates subject to the usual conditions imposed for use of the venue.

Cultural Festival – Three Art Exhibitions

The 2002 Gay Games proposes to transform the Oxford strip from Paddington Town Hall to Hyde Park with the presence of three strong visual arts exhibitions/interventions and the window decorations of shops and businesses. Assistance is sought from Council in the realisation of the three visual arts exhibitions/interventions by providing access to the lights in the Victoria Barracks Reserve, the Taylor Square Men's Underground Toilet and the Taylor Square Underground Substation No 6.

The details of the three art exhibitions/interventions are:

Lighting Installation – Victoria Barracks Reserve

Coloured gels will be installed over the existing floodlights in the Victoria Barracks Reserve to illuminate the Victoria Barracks wall. This simple intervention will visually illuminate the community spirit and support for the Gay Games Sport and Cultural Festival and will reaffirm Council's commitment to the visibility of the gay, lesbian, bisexual and transgender community.

Taylor Square Men's Underground Toilets – (re)gender project

The toilets were recently used successfully for the Council initiated Gary Carsley **Inverted Belvedere** Exhibition late last year with the launch of the draft Taylor Square Master Plan.

(re)gender is a curated project by Robert Wellington and Robert Lake that will showcase local cutting edge performance artists and installation art. It will be staged over one or two nights. Both curators were involved in the **Inverted Belvedere** project and are well aware of the limitations on using a heritage-listed space.

Taylor Square Underground Substation No 6

The third project **I Am Not what You See** is a collaborative project between two local visual artists Brigette Bordeaux and Lydia Rodriguez, who are proposing a site specific photographic installation around transsexual culture.

The exhibition will be open during the two weeks of the Sports and Cultural Festival.

All three projects will be funded and staffed by the 2002 Gay Games. Council will be responsible for providing access, cleansing the spaces and providing power (already installed). The 2002 Gay Games are aware of the limitations, which use of these historic sites necessitates.

It is recommended Council approve use of the three spaces for art exhibitions/interventions during the 2002 Gay Games Sports and Cultural Festival, which will run from 25 October to 9 November 2002.

RECOMMENDATION:

That Council approves the following in kind requests for assistance by the 2002 Sydney Gay Games for:

- ? the use of the Village Green area at Sydney Park as a rehearsal space for the Opening and Closing Ceremonies for the 2002 Gay Games on the following dates Saturday, 31 August, Sunday, 1 September, Saturday, 7 September, Sunday, 8 September, Saturday, 21 September, Sunday, 22 September, Saturday, 28 September, Sunday, 29 September and for mass rehearsals on Saturday, 12 October, Sunday, 13 October, Saturday, 19 October and Sunday, 20 October, subject to the terms and conditions usually applied for use of this area.
- ? the use of the following three spaces from 25 October to 9 November for art exhibitions/interventions:
 - ? the floodlights at the Victoria Barracks Reserve for a lighting installation;
 - ? the Taylor Square Men's Underground Toilets for the **(re)gender** project; and
 - ? the Taylor Square Underground Substation No 6 for the **I Am Not what You See** exhibition I run from 25 October to 9 November 2002.

Councillor John W Fowler (SGD)
Mayor

GENERAL MANAGER

Moved by Councillor Furness, seconded by Councillor Lay:-

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

At the request of the Mayor and by consent, the motion be amended by the addition of a clause (B), namely:-

- (B) That a costing for the in-kind donation be the subject of a report for the Councillors Information Service.

At the request of Councillor Lennon, and by consent, the motion be further amended by the addition of a clause (C) namely:-

- (C) Cultural Festival organisers being invited to attend the next meeting of the Cultural Advisory Committee.

Motion, as amended by consent, carried.

MINUTE BY THE MAYOR

5 June 2002

PLANNING – SOUTH SYDNEY DEVELOPMENT CORPORATION & HORNERY INSTITUTE PARTNERSHIP – SOUTH SYDNEY CITY COUNCIL REPRESENTATION (2027066)

The Members of the South Sydney Development Corporation have agreed to undertake a partnership project with the Hornery Institute with the primary objective of realising opportunities arising from the redevelopment of Green Square for the current and future communities of the area.

The Hornery Institute is an independent, not-for-profit organisation whose charter is to make communities a better place in which to live, work or play. The Hornery Institute has successfully implemented community development projects at North Lakes in Brisbane and Victoria Harbour in Melbourne.

PROJECT VISION AND OBJECTIVES

The project vision will be based on the premise of implementing an integrated and holistic approach to the identification and provision of social services and opportunities that will raise the overall social well being and capital of the community. The Project Control Group (PCG) will ratify the vision of the project.

Initially, the project team will focus on the following objectives:

- ? Integration of new and existing community;

GENERAL MANAGER

- ? Education, training and employment; and
- ? Creating business networks.

PROJECT GOVERNANCE

The project will be governed through a PCG, comprising full and independent members. An interim PCG comprising the following inaugural Members (identified through their involvement in the redevelopment of the Green Square area), will meet on 6 June 2002:

Name	Organisation	Members status
Ms Ann Brown	SSDC/Community rep	Chair – Full Member
Ms Judith Peters	SSDC	Full Member
Cr John Fowler (or representative)	Mayor – SSCC	Full Member
Mr David Hannan	Local business rep	Full Member
Mr Daniel Labbad	CEO – Hornery Institute	Independent Member
Mr Peter Hynd	Project Manager – SSDC	Independent Member
Ms Tara Day	Social Planner – SSCC	Independent Member

COUNCIL INVOLVEMENT

Council has been invited to participate in the project by way of a full member of the PCG. The Green Square Social Planner, Tara Day, will work as part of the project team as an Independent member of the PCG.

RECOMMENDATION:

That the Mayor or his alternate nominee represent Council as a full member on the Project Control Group of the South Sydney Development Corporation & Hornery Institute Partnership project.

Councillor John W Fowler (SGD)
Mayor

Moved by Councillor Bush, seconded by Councillor Lay:-

That the minute by the Mayor, be deferred for a further report to the next Finance Committee clarifying the Memorandum of Understanding between South Sydney City Council and South Sydney Development Corporation outlining the process.

Carried.

MINUTE BY THE GENERAL MANAGER

5 June 2002

COMMUNITY SUPPORT – BANNERS SUPPORTING “CHILLOUT” CAMPAIGN (2026036)

Children Out of Detention (ChillOut) is a group of parents and citizens opposed to the mandatory detention of children in Australian immigration detention centres (IDC's). They are campaigning to get all children, primary carers and accompanying families out of Immigration Detention Centres and into existing community support structures. They are against the mandatory detention of asylum seekers and the inhumane conditions within detention centres.

I propose that Council support the campaign by erecting four banners outside Council's Town Halls in Redfern, Erskineville, Paddington and Waterloo.

The wording on the banners would be:

“South Sydney Council seeks justice for refugees and asylum seekers. All Children Out of Detention Centres Now”

The cost of the banners is \$1,200 and funds are available in 2001/2002 budget 24.6475.16680 to cover this expenditure.

RECOMMENDATION:

That Council support the Children Out of Detention (ChillOut) campaign through the display of banners at four Town Halls – at Redfern, Erskineville, Paddington and Waterloo, at a cost of \$1,200 with funds available in the 2001/2002 Budget 24.6475.16680.

Michael Whittaker (SGD)
General Manager

GENERAL MANAGER

Moved by Councillor Lennon, seconded by the Mayor:-

That the motion be amended by the deletion of Paddington Town Hall as a venue for display and that the park opposite the Town Hall display the banner.

Negatived

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

That Council support the Children Out of Detention (ChillOut) campaign through the display of banners at Victoria Park at the Cleveland Street intersection, Erskineville Town Hall, Waterloo Town Hall, and Taylor Square, at a cost of \$1,200 with funds available in the 2001/2002 Budget 24.6475.16680.

Carried.

MINUTE BY THE GENERAL MANAGER

27 May 2002

CONFERENCES - MANAGEMENT CONFERENCE – ARRANGEMENTS (2006310)

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.

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 Senior Management Team and the Civic Affairs Manager/Public Officer and the Supervising Committee Clerk 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:

GENERAL MANAGER

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 and Mr. Ron Wilcoxon and Mr. Graham Dearsley, and the three (3) people who are in the positions of Director of Community Development, Director of City Environment, and the Director of Corporate Services, the Civic Affairs Manager/Public Officer and the Supervising Committee Clerk 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 the Mayor, seconded by Councillor Bush:-

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

Negatived.

During discussion on the matter, Councillor Bush moved a point of order regarding the remarks made by Councillor Furness with respect to him.

The Mayor asked that Councillor Furness apologise and withdraw his remark.

Councillor Furness withdrew his remark and apologised.

It was moved by Councillor Lay, seconded by Councillor Harcourt, that a further report be submitted to Council regarding the available dates for the conference after Councillors have been canvassed on their timetables.

Councillor Lay at this stage moved a point of order to the Mayor on the comment made by him regarding the Labor Party and asked that he withdraw his remark and apologise.

The Mayor withdrew his remark and apologised unreservedly.

Motion, as moved by Councillor Lay, carried.

MINUTE BY THE GENERAL MANAGER

24 May 2002

COUNCILLORS – PAYMENT OF MAYOR/COUNCILLORS FEES FOR 2002/2003 PERIOD (2004430)

GENERAL MANAGER

The Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act, 1993, has made a determination under Section 234 with respect to the annual remuneration fees payable to Mayors/ Councillors of Local Councils for the period from 1 July 2002 to 30 June 2003.

Under the determination of the Tribunal, South Sydney Council has been ranked in Category 1, along with 17 other Councils.

The fees allocated for Category 1 Councils for the 2002/2003 period are as follows, namely: -

	MINIMUM	MAXIMUM
Councillor/Member Annual Fees	\$8,265	\$15,430
Mayor /Chairperson	\$16,995	\$39,655

(The Mayor/Chairperson also must be paid the additional fee for Councillor/Member.)

In keeping with Section 248 of the Local Government Act, a Council must pay each Councillor an annual fee in accordance with the Tribunal's determination.

Council must pay the same fee for each Councillor.

A Council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Council in the past has resolved to accept the maximum fee determined by the Tribunal.

Funds have been provided for the Mayor and Councillors fees in the 2002/2003 Budget.

The question of the fixing of annual fees for the Mayor and Councillors for the period from 1 July 2002 to 30 June 2003, is submitted for the determination of Council.

RECOMMENDATION:

Due to the complexity of the South Sydney City Council area, it is recommended that the maximum salary be paid to the Mayor and Councillors.

Michael Whittaker (SGD)
General Manager

Moved by Councillor Furness, seconded by Councillor Bush:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

5 June 2002

PUBLIC RELATIONS – FREE YOGA EVENT IN VICTORIA PARK, SUNDAY 23 JUNE 2002 – APPROVAL (2002408)**Background**

Yoga in Daily Life is an organisation which offers yoga classes, based in Annandale.

As well as running regular classes the organisation also offers free community yoga activities, most recently in Centennial Park. These events have been highly successful, attracting up to three hundred people, from all over Sydney.

The organisation has approached Council (see attached) to provide a similar free activity in Victoria Park. They feel that this would more directly target their local community.

They would like to hold the event from 11am - 2pm on Sunday 23 June, 2002.

Yoga in Daily Life is asking for the following support from Council for running the program:

- ? Free use of Victoria Park, and provision of bins
- ? Assistance with promoting the event

Proposal

Council could consider supporting the activity as it will increase use of the park.

It is therefore proposed that Council support the activity by providing free use of Victoria Park on Sunday 23 June, from 11am - 2pm for Yoga in Daily Life to run a free community activity (yoga class), as well as additional bins. Council could also assist in promoting the activity as outlined above. No funds would be required to cover this in-kind support.

RECOMMENDATION:

That Council approve free use of Victoria Park on Sunday 23 June, 2002 for Yoga In Daily Life from 11am - 2pm for a free community yoga class, and assist in promoting the event.

Michael Whittaker (SGD)

General Manager

Moved by Councillor Lennon, seconded by Councillor Bush:-

GENERAL MANAGER

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

Carried.

MINUTE BY THE GENERAL MANAGER

4 June 2002

CONFERENCES – CITIES FOR CLIMATE PROTECTION CONFERENCE – HORNSBY SHIRE COUNCIL, NSW – 20 & 21 JUNE 2002 – ATTENDANCE BY COUNCIL REPRESENTATIVES (2016186)

Correspondence has been received by Council from I.C.L.E.I., International Council for Local Environmental Initiatives regarding the Cities for Climate Protection Conference to be hosted by Hornsby Council on 20 & 21 June 2002.

The Conference is designed for Local Government authorities which represent 60% of the country population who have committed to reducing their greenhouse emissions through the Cities for Climate Protection Campaign.

In N.S.W. there are currently 47 participating Cities for Climate Protection Councils. The Local Government and Greenhouse in N.S.W. Conference has been organised to celebrate the success of the campaign in N.S.W., collaborate on direction for the future and enhance networking amongst Councils and relevant state, federal and private organisations.

The Mayor has indicated that he cannot attend the invitation extended to him for Mayors to celebrate the Cities for Climate Protection Recognition Ceremony on Thursday, 20 June 2002. Councillor Jill Lay has expressed interest in attending and the General Manager or his nominee may also wish to attend the Conference. Registration for the Conference closes on 7 June 2002.

RECOMMENDATION:

That arising from consideration of a Minute by the General Manager dated 4 June 2002, approval be given to Councillor Jill Lay, any interested Councillors, and the General Manager or his nominee, attending the Cities for Climate Protection Conference to be hosted by Hornsby Council on 20 & 21 June 2002, and that registration fees and out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds will be available in the 2002/2003 Budget.

Michael Whittaker (SGD)
General Manager

GENERAL MANAGER

Moved by Councillor Pooley, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Lennon, the Mayor asked that the appropriate Officer include Councillor Lennon for attendance at the Conference.

PETITIONS

1.

The Mayor tabled a petition received by the General Manager with approximately 64 signatures appended from residents of the North Ward supporting the installation of new functional lighting and artistic L.E.D. light screens over Llanckelly Place, Kings Cross.

Received.

2.

A petition was received by the General Manager with approximately 41 signatures appended from residents of Bray Street, Erskineville, requesting the closure to motor vehicles at King Street, Erskineville.

Received.

3.

A petition was received by the General Manager with approximately 43 signatures appended from residents of the North Ward to establish a bus stop in Bourke Street, between Stanley Street and Liverpool Street, East Sydney for the outbound 389 bus route.

Received.

4.

Councillor Shaw tabled the following petitions namely: -

- (a) with approximately 25 signatures appended from residents in the vicinity of 3A Little Dowling Street, objecting to the proposed Development Application at the above mentioned premises;
- (b) with approximately 3 signatures appended from residents objecting to the proposed Application for a Footway Restaurant in Macleay Street, Darlinghurst. (Lotus);

- (c) with approximately 40 signatures appended from residents in Palmer Street and surrounding streets requesting Council's support to the establishment of a bus stop in Bourke Street, between Stanley and Liverpool Street, East Sydney for the outbound 389 bus;
- (d) with approximately 4 signatures appended from residents, objecting to the proposed Café in Rushcutters Bay Park.

Received.

5.

Councillor Furness tabled the following petitions namely:-

- (a) with approximately 6 signatures being statutory declarations from residents, objecting to the noise created from Newtown Hotel;
- (b) with approximately 26 signatures appended for residents objecting to the proposed sale of Council Park at Paints Lane Park, Chippendale for the construction of two garages;
- (c) with approximately 169 signatures appended from residents, requesting Council support measures which will result in electricity being derived solely from renewable sources and processes which do not produce green gases.

Received.

QUESTIONS WITHOUT NOTICE

1.

**RAMPS – PARRAMATTA ROAD AND ROSS STREET, GLEBE -
INSTALLATION OF RAMP AT CORNER - QUESTION WITHOUT NOTICE
BY COUNCILLOR POOLEY (2001803)****Question:**

Mr Mayor, Council recently installed a kerb ramp on the corner of Parramatta Road and Ross Street. I appreciate that, however, I'm advised by a wheelchair user that it doesn't comply.

Could the Director of City Works please investigate?

Answer by the Mayor:

I will have Mr Wilcoxon investigate and respond to you through the Councillors Information Service.

2.

**ROADWORKS – HARCOURT PARADE, NO. 99, ROSEBERY –
INVESTIGATE ROADWORKS - QUESTION WITHOUT NOTICE BY
COUNCILLOR POOLEY (2020566)****Question:**

Mr Mayor, while on the issue of ramps, could the Director of City Works investigate a kerb opening at No. 99 Harcourt Parade, Rosebery? I understand that Council or a contractor has recently undertaken some roadworks in the adjacent area.

I am advised the result is a trench, which means the occupants scrape their muffler on entering their driveway.

Answer by the Mayor:

I will have Mr Wilcoxon investigate and respond to you through the Councillors Information Service.

3.

ANTI-SOCIAL ACTIVITIES – REDFERN AREA – SAFETY AUDIT, EVELEIGH AND LAWSON STREETS, REDFERN - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2012755)**Question:**

During the safety audit conducted in western Redfern during the week, the vacant property immediately adjacent the old shoe shop at the corner of Little Eveleigh Street and Lawson Street was identified as a security risk due to it being dark at night and a space in which muggers could hide before attacking a victim. My own experience of this space supports this concern also.

Although there are many matters which will be referred to Council for action arising from this safety audit, could a report be prepared for Council advising of the current ownership of this land and suggesting options to make it more secure?

Answer by the Mayor:

I understand there will be a report coming from Council's Safety Officer in relation to the Safety Audit.

In relation to the second item, it may be more appropriate to have an addendum report come to Committee.

In regards to the issue of ownership, I will have Mr Rolls liaise with Council's Safety Officer.

4.

PARKING – SOUTH SYDNEY AREA “NO STOPPING ZONE” INFRINGEMENT – CLARIFICATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2027076)**Question:**

Could you confirm whether a car parked illegally in a 'No stopping' zone can be infringed where a yellow line exists even when a nearby 'No stopping' sign has been vandalised or removed?

Answer by the Director of City Works:

I understand that the answer to your question is no, but I would like to quote back to you the new road rules that apply.

Answer by the Mayor:

My understanding of the R.T.A. reference is that for it to be enforceable, both sides need to be displayed, but I will ask that you liaise with Mr Wilioxon.

5.

**RATES – LEVIES – REBATE FOR PROVISION OF SENSOR LIGHTING -
QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2002770)**

Question:

As a result of the Safety Audit of an area of Redfern, could the General Manager please investigate the possibility of an area specific rates rebate for residents who provide sensor lighting to difficult to light streets?

Answer by the Mayor:

I will have a report come to Committee.

6.

**BUSINESS CARDS – COUNCILLORS AND COUNCIL OFFICERS -
OPTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY
(2027077)**

Question:

Could the General Manager please provide a report of options for business cards for Officers and Councillors?

Answer by the Mayor:

I will have the General Manager liaise with the Civic Affairs Unit.

7.

**SIGNS –LANDMARK HOTEL, KINGS CROSS - REPLACEMENT AND
ALTERATIONS – QUESTION WITHOUT NOTICE BY COUNCILLOR
MALLARD (2014969)**

Question:

Around the Landmark Hotel, I have noticed that the parking infringement signs have been sprayed over. I recall a condition of that consent was that tradesmen parked in the car park next door.

Can we:

- (a) clean the signs;
- (b) issue a warning to the developer to alert the contractors where they should park?

Answer by the Mayor:

I will ask Mr Wilcoxon to liaise with the appropriate Officer and deal with those issues.

8.**RESIDENT SCHEMES – VISITORS AND TRADE PERSONS – PARKING RESTRICTIONS, KINGS CROSS AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P51-00278)****Question:**

Is it possible for contractors to come under the same recommendations as builders as there is an ongoing problem with parking?

Answer by the Mayor:

From 1 July we will have control of parking. I will have Mr Wilcoxon respond to the developer on those issues.

9.**HEALTH – LUCAS HEIGHTS NUCLEAR REACTOR – PUBLIC MEETING - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (H51-00492)****Question:**

Can the following information be circulated to all other Councillors and a report come to next Committee requesting a public meeting regarding the Lucas Heights Nuclear Reactor?

Answer by the Mayor:

Yes, you can table the information and that matter will come to Committee.

10.**URBAN PLANS – ADAPTABLE RE-USE DCP – PROGRESS OF REVIEW - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (P54-00047)****Question:**

Some time ago the Greens asked for an adaptable reuse DCP and for overshadowing in public open space to be included. Could I be informed as to the progress of that DCP?

Answer by the Mayor:

The DCP 1997 is currently under review and it is being incorporated into that DCP, and is likely to come on exhibition in the later part of this year.

11.

DEVELOPMENTS – RESIDENT PARKING PERMITS - PROCEDURES - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2012972)**Question:**

Can Council Officers respond to Mr Akhurst's enquiry regarding existing and review of parking policy and related issues?

Answer by the Mayor:

I will have that letter tabled and circulated to the Director of City Works, and respond to you through the Councillors Information Service.

12.

TRAFFIC – PROPOSED THRESHOLDS – POATE AND FURBER ROADS, CENTENNIAL PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (5269829)**Question:**

Council wrote to residents on 27 May 2002, regarding Poate and Furber Roads, Centennial Park, proposed raised thresholds. Can Council respond to comments as requested from Mr Kerrins?

Answer by the Mayor:

I will have that matter forwarded to the appropriate Officer for a response.

13.

RATES – ENVIRONMENTAL LEVY – INCLUSION IN RATE CHARGES - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2002770)**Question:**

Can the General Manager investigate the methodology of a rate of an Environment Levy? This levy could be attached to rates charges. The levy could fund nominated environmental projects throughout South Sydney City Council.

Answer by the Mayor:

Is this an Environmental Levy to be placed on the rates outside of conjunction with Sydney Water or in conjunction with Sydney Water?

Answer by Councillor Bush:

Outside.

Answer by the Mayor:

I will have the General Manager submit a report to the Finance Committee.

14.

LICENSING – MOBILE VENDORS - POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2026024)**Question:**

The footpath licence report for vendors was deferred from an Environmental Sub-Committee by Councillor Lennon and there was no quorum. It is true that you can't defer a referred committee item from a sub-committee?

Can this item come back to full Council so it can be competently dealt with?

Answer by the Mayor:

There has been a second report in relation to coffee carts, I believe is being handled by Mr Chaffe. It has had reference from the Environmental Steering Committee. I'll have that referenced back and bring it back to the Properties Sub-Committee.

REPORT OF THE FINANCE COMMITTEE

29 May 2002

PRESENT

Councillor Shayne Mallard (Chairperson)

Councillors – Jill Lay and Gregory Shaw

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

Councillors – Lay, Mallard and Shaw.

Apology:

GENERAL MANAGER

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler.

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

That the Report of the Finance Committee of its meeting of 29 May 2002, be received and the recommendations set out below for Items 1, 3 to 6, inclusive, 8 to 10, inclusive and 12 to 14.4, inclusive, be adopted. The recommendations for Items 2, 7 and 11 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

CELEBRATIONS – LOCAL GOVERNMENT WEEK 2002 – 28 JULY TO 4 AUGUST 2002 – PROGRAM OF EVENTS (2020573)

- (1) That arising from consideration of a report by the Acting Director of Community Development dated 31 May 2002, approval be given to the program of events accompanying the Director's report for Local Government Week 2002, for which funds have been provided for in the 2002/2003 Budget (Local Government Week, Civic Affairs, Community Development and Cuisine on the Green Accounts).
- (2) That a report be prepared regarding the holding of an International Forum during the celebrations on the reasons for Local Government to be held at a Town Hall to be selected involving an expenditure not exceeding \$5000.

Carried.

2.

DONATIONS – PRIDE WEEK 2002 – SPONSORSHIP (2011187)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Lay:-

That arising from consideration of a report by the Acting Director of Community Development dated 4 June 2002, Council approves the request by the Sydney Pride Centre for Council to become a Platinum sponsor of Pride Week 2002:

Rhythms of Our Rights to a level of \$5,000, and for which funds of \$5,000 will need to be added to the 2001/2002 Estimates.

Carried.

3.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – APRIL 2002
(2026265)**

That Council gives confirmatory approval for the schedule of payments for April 2002, accompanying the report of the Chief Financial Officer dated 6 May 2002, details of which are contained in the relevant file.

Carried.

4.

**FINANCE – SECTION 356 DONATIONS - REPORT AS AT 31 MARCH 2002
(2024098)**

- (1) That the report of the Chief Financial Officer dated 10 May 2002 be received and noted.
- (2) That Funds of \$24,346 be allocated to cover the over-expenditure in the Section 356 Budget, funds being available from savings in the 2001/2002 Budget.
- (3) That Council approves the additional Section 356 Hall Hire amount of \$15,669 as at 31 March 2002.
- (4) That details of the category “General” be provided to the next meeting of the Donations Sub-Committee.
- (5) That future Section 356 Reports to include Sponsorships, details to be provided to the next meeting of the Donations Sub-Committee.

Carried.

5.

**FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS
FOR PERIOD ENDED 30 APRIL 2002 (2025602)**

That the report by the Chief Financial Officer dated 9 May 2002, certifying completion of the Bank Reconciliation for the period ending 30 April 2002, be received and noted.

Carried.

6.

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

That arising from consideration of a report by the Acting Director of Community Development dated 16 May 2002, confirmatory approval be given to Emerge Australia for the free use of Redfern Town Hall on 30th May, 2002,

-and approval be given to the use on:-

6th, 13th, 20th and 27th June, 2002

4th, 18th, and 25th July, 2002.

-and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$512 in income and \$400 in costs, to allow Emerge Australia to conduct a series of English classes.

Carried.

7.

PROFESSIONAL SERVICES – CATERING SERVICES FOR AFTER COMMITTEE AND COUNCIL MEETINGS AND SPECIAL FUNCTION EVENTS – 12 MONTH RENEWAL OF OPTION BY HESTELOW JAMES CATERING (2022737)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Bush:-

That for the reasons set out in the report by the Civic Affairs Manager/Public Officer dated 22 May 2002, approval be given to Council accepting the offer by Hestelow James Catering for a 12 month period for catering services for after Committee, Council Meetings and Special Functions and Events commencing 1 July 2002 to 30 June 2003, under the same terms and conditions of the Council's previous contract and tender specifications, subject to the price increase as submitted by the company as detailed in the abovementioned report, for which funds have been provided in the 2002/2003 Budget.

Carried.

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

8.

PROPERTIES – GREENKNOWE AVENUE, NO. 19, POTTS POINT – REGINALD MURPHY HALL AND ACTIVITY CLUB – FAÇADE UPGRADE AND ROOF MEMBRANE REPLACEMENT – ACCEPTANCE OF TENDER – REVOTING OF EXPENDITURE (2022933)

- (1) That arising from consideration of a report by the Director of City Works dated 21 May 2002, approval be given to accept the tender submitted by Metropolitan Restorations to carry out the external refurbishment and roof membrane replacement to Reginald Murphy Activity Club and Hall, in the amount of \$102,800 (excluding GST) and the provision of \$20,560 (20% of the contract value) as a contingency for unforeseen works, and that funds available in the 2001/2002 Property Works Programme (Account Code: 71038) be revoted to the 2002/2003 Property Works Programme;
- (2) That a further report be prepared in respect of:-
 - (a) what organisations meet when and where;
 - (b) a letter being forwarded to all users in respect of their rights of use;
 - (c) a user group calendar be installed in the foyer of the building.

It was moved as an amendment by Councillor Lennon, seconded by Councillor Furness, that clauses (d) and (e) be added to the recommendation, namely:-

- (d) That Council investigate the proposed installation of a community notice board outside the building;
- (e) That investigations and consideration be given to retaining the mosaic work on the facade of the building during the external upgrading of the building.

Motion, as amended by consent, carried.

9.

COMMUNITY SERVICES - EMPLOYMENT PROGRAM – DRIVIN' 4 EMPLOYMENT - STAGE 2 (2025828)

- (1) That arising from consideration of a report by the Acting Director of Community Development dated 22 May 2002, Council approve the commencement of stage 2 of the Drivin' 4 Employment program, including the purchase of a vehicle as outlined in the beforementioned report, with funds available in the 2001/2002 Budget code 61013.801.16630;
- (2) That an evaluation report be prepared at the conclusion of Stage 2 in respect of extending the programme to allow successful candidates to

GENERAL MANAGER

then gain their bus licences and the establishment of possible volunteer driver programmes.

Carried.

10.

COMMUNITY FACILITIES – GOLDEN FLEECE FACILITY – WAIVING HIRE FEE FOR FREE COMMUNITY MEDITATION CLASSES (2025809)

Note:

At the Committee Meeting, Councillor Lennon was an observer for part of the time when this item was being discussed, which was brought forward to accommodate a speaker.

- (1) That arising from consideration of a report by the Acting Director of Community Development, approval be granted to waive the current hire fees of \$11 per hour for the running of a free community access meditation class at the Golden Fleece facility for an initial period of six (6) months, on the proviso that the space available and does not clash with the centre's needs and programs, and that a further report be submitted to Council after six months following an evaluation.
- (2) That a further report be prepared in respect of a Policy reference regarding what sorts of groups request the use and who use Council's facilities.

It was moved by Councillor Lay, seconded by Councillor Furness, that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof, namely:-

- (a) That the matter be deferred to the next Finance Committee meeting to be held on 12 June 2002;
- (b) That a list of organisations who use Council's facilities be circulated in the Councillors Information Service.

Motion, as amended by consent, carried.

11.

RATES – PAYMENT INCENTIVE SCHEME 2002/2003 – PRINCIPLES AND GUIDELINES SPONSORSHIP - POLICY (2002770)

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Bush:-

That the report by the Chief Financial Officer dated 4 June 2002, that was circulated prior to the Council Meeting commencing, be approved and adopted.

It was moved by Councillor Bush, seconded by Councillor Mallard, that the motion be put.

The Mayor ruled the motion to be put, lost.

It was moved by Councillor Furness, seconded by Councillor Harcourt, that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof, namely:-

That the report by the Chief Financial Officer dated 4 June 2002, that was circulated prior to the Council Meeting commencing, be received and noted.

Motion, as moved by Councillor Furness, carried.

12.

STREETS – LIGHTING – SUPPLY OF ENERGY FOR PUBLIC LIGHTING – ACCEPTANCE OF TENDER (2025883)

That Council:-

- (1) accept the offer tendered by Energex Retail Pty Ltd and enter into a contract for the supply of electricity for Street Lighting at a rate \$0.03150 per kWh for a period of 24 months commencing 1 July 2002;
- (2) elect to purchase 20% Green Power at an additional estimated cost of \$42,000 per annum.

(DCW Report 21/5/02)

It was moved by Councillor Furness that the whole of the above resolution be deleted and the following new resolution be inserted in lieu thereof, namely:-

That Council:-

- (1) accept the offer tendered by Energex Retail Pty Ltd and enter into a contract for the supply of electricity for street lighting at rate of \$0.03150 per kWh for a period of 24 months commencing 1 July 2002;
- (2) elect to purchase 100% green power;
- (3) work with SSROC and IMROC both to encourage other member Councils to purchase energy derived from renewable sources and to ensure the lowest possible cost for this energy.

Motion lapsed through want of a seconder.

At this stage Councillor Furness made a derogatory remark concerning the Greens Party.

The Mayor requested that Councillor Furness withdraw his remark and apologise.

Councillor Furness apologised and withdrew his remark unreservedly.

It was moved by Councillor Lay, seconded by Councillor Lennon, that the substantive motion be approved.

Councillor Bush moved that the motion be put. Lost.

At this stage, Councillor Mallard made a derogatory remark towards Councillor Furness.

The Mayor requested that Councillor Mallard withdraw his remark and apologise.

Councillor Mallard apologised and withdrew his remark unreservedly.

Substantive motion carried.

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

13.

PUBLIC RELATIONS - 2002 DINNER FOR RECONCILIATION – 1 JUNE 2002, WENTWORTH HOTEL, SYDNEY - ATTENDANCE OF COUNCIL REPRESENTATIVES (2016186)

That confirmatory approval be given to the action of the General Manager in reserving a table of 10 people at a cost of \$2,200 for interested Councillors and the General Manager or his nominee and partners to attend the 2002 Dinner for Reconciliation on 1 June 2002, for which funds are available in the 2001/2002 Budget.

(CAM/PO Report 27.5.02)

Carried.

14.

REPORT OF THE PROPERTIES SUB-COMMITTEE - WEDNESDAY, 29 MAY 2002 COMMENCING AT 6.07 PM

At the commencement of business those present were Councillors Mallard (Acting Chairperson), Lay and Shaw.

Apology

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler.

That it be resolved that the undermentioned recommendations of the Properties Sub-Committee of its meeting of 29 May 2002, be approved and adopted.

14.1.**LICENSING – SOUTH DOWLING STREET, NO. 377, DARLINGHURST – PROPOSED FOOTWAY LICENCE (L56-00761)**

That approval be given to the amendment of the Approval of Council dated 14 November 2001 by:-

- (1) deleting Plan No. S4-130/675B from Clause (1) and inserting Plan No. S4-130/675C;
- (2) adding the following clause(9), namely:-
 - (9) That 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.
- (3) the deletion of the conditions in the schedule accompanying the Director's report and the replacement with the schedule of conditions as approved by resolution of Council dated 22 May 2002.

(DCE Report 7/5/02)

Carried.

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

That arising from consideration of a report by the Acting Director of Corporate Services dated 7 May 2002, and in connection with Springfield Gardens Pty Ltd's use of a footway licence at Nos. 5-15 Orwell Street, Potts Point (fronting Springfield gardens), it be resolved that:-

- (1) the Company's request for a "rent free" period, be refused;

- (2) the Acting General Manager's approval of 2 January 2002, to cancel the footway licence, be confirmed.

Carried.

14.3.

**LICENSING – MACLEAY STREET, SHOP 2, NOS. 65 – 65B, POTTS POINT
– PROPOSED FOOTWAY LICENCE (CHANGEOVER) (2009848)**

That arising from consideration of a report by the Director of City Environment dated 16 May 2002, approval be given to:-

- (1) the granting of a licence to Jonswood Trading Pty Limited over an area of 6.2 square metres of the footway of Challis Avenue adjacent to LA Buvette at Shop 2 Nos. 65-65B Macleay Street, Potts Point as shown stippled on Plan No. S4-130/598D and subject to the conditions in the schedule accompanying the Director's report being replaced with the schedule of conditions approved by resolution of Council dated 22 May 2002;
- (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 the schedule as approved by resolution of Council dated 22 May 2002, 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 provide the security deposit and/or public risk insurance as approved by resolution of Council dated 22 May 2002, or failed to execute the licence agreement;
- (7) any rent that falls due as a result of commencing the footway licence is paid by the due date;
- (8) that appropriate signage be maintained in a visible location advising patrons to be considerate of other footpath users.

Carried.

14.4.**STREETS – CHURCH STREET, NEWTOWN – ADVERTISING PROPOSED CLOSURE AND SALE OF PART (2026829)**

That arising from consideration of a report by the Director of City Environment dated 17 May 2002, approval be given to advertising and action to be taken for the proposed closure and sale of part of Church Street, Newtown, as shown stippled on Plan No.S6-280/265 and in accordance with the Policy for Roads Subject to Road Widening Orders (Lease and Sale), adopted by Council on 9 June 1999, and that a further report be submitted to Council at the end of the advertising period.

Carried.

The Properties Sub-Committee Meeting terminated at 6.12 p.m.

The Finance Committee Meeting terminated at 7.01 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**WEDNESDAY 29 MAY 2002 AT 7.02 P.M.****PRESENT****Councillor Shayne Mallard (Chairperson)****Councillors – Jill Lay and Gregory Shaw**

Apology: An apology for non-attendance at the meeting was received from the Mayor Councillor John Fowler.

At the commencement of business at 7.02 pm, those present were -

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 Matters) during consideration of the undermentioned items, and further, access to correspondence and reports being withheld in respect of such items 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.

GENERAL MANAGER

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

Items 1 and 2 - Personnel Matters.

The Committee **recommends** the following:-

1.

PERSONNEL – SICK LEAVE - ENTITLEMENTS (P53-00099)

This matter was submitted to Council without recommendation.

2.

AWARDS - PERSONNEL – REVIEW OF SPECIAL PLACEMENT AND RETAINED RATES – PROPOSED CHANGES TO EXISTING ARRANGEMENT (5255244)

This matter was submitted to Council without recommendation.

At this stage and at 7.57 p.m., it was moved by Councillor Bush, seconded by Councillor Mallard:-

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

Carried.

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

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

At 8.10 p.m. the Council Meeting resumed.

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

The Supervising Committee Clerk read out the following recommendations, namely:-

1.

PERSONNEL – SICK LEAVE - ENTITLEMENTS (P53-00099)

That the report by the General Manager dated 19 April 2002, in respect of Sick Leave Entitlements, be received and noted.

2.

**AWARDS - PERSONNEL – REVIEW OF SPECIAL PLACEMENT AND
RETAINED RATES – PROPOSED CHANGES TO EXISTING
ARRANGEMENT (5255244)**

That the report by the Acting Director of Organisational Development dated 22 May 2002, be approved and adopted, subject to the addition of the following new words, namely, “and be encouraged to take on additional duties to the level of their current pay” after the word “policy” and before the “and” where appearing in the second line of clause (2) of the recommendation.

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

The Finance Committee (Confidential Matters) Meeting terminated at 7.07 p.m.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

29 May 2002

PRESENT

Councillor Shayne Mallard (Acting Chairperson)

Councillors – Jill Lay and Gregory Shaw

At the commencement of business at 7.08 pm those present were -

Councillors:- Lay, Mallard and Shaw.

Apology:

An apology for non-attendance at the meeting was received from the Mayor, Councillor John Fowler.

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

That the Report of the Community Services Committee of its meeting of 29 May 2002, be received and the recommendations set out below for Items 1 to 3, inclusive, be adopted.

Carried.

GENERAL MANAGER

The Committee **recommended** the following:-

1.

PARKS – LILLIAN FOWLER RESERVE, ANGEL STREET, NEWTOWN – MANAGEMENT AGREEMENT (2004871)

That arising from consideration of a report by the Director of City Works dated 21 May 2002, approval be given to:-

- (1) adopt the final draft of the Lillian Fowler Reserve Use Agreement;
- (2) implement the enforcement and review strategy;
- (3) proceed with the school planting day exercises
- (4) a report being prepared prior to the Council meeting on clarification regarding Public Liability on the use of the reserve;
- (5) the minute by the Director of City Works dated 4 June 2002, that was circulated to all Councillors prior to the Council meeting commencing in respect of public liability regarding the use of Lillian Fowler Reserve by the community and students of Newtown Public School, be approved and adopted.

Carried.

2.

PLANNING – SOCIAL PLANNING – NEW RESIDENTS SURVEY STAGE 2 (2011709)

That the report by the Acting Director of Community Development dated 22 May 2002, detailing the findings of the 2001 New Residents Survey, be received and noted.

Carried.

3.

WELFARE – PROVISION OF MEALS TO HOMELESS PEOPLE – EMERGE AUSTRALIA (2024647)

That the matter be deferred and referred to the next Homelessness Marginal and Affordable Housing Committee Meeting to be held on 17 June 2002.

Carried.

The Community Services Committee Meeting terminated at 7.34 p.m.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

29 May 2002

PRESENT**Councillor John Bush (Chairperson)****The Mayor & Councillors – Peter Furness, Amanda Lennon, and Tony Pooley**

At the commencement of business at 6:35pm, those present were -

The Mayor & Councillors – Bush, Furness, Lennon and Pooley.

Apology:

An apology for non-attendance at the meeting was received from Councillor Christine Harcourt

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

That the Report of the Planning and Development Committee of its meeting of 29 May 2002, be received and the recommendations set out below for Items 1, 3, 4, 8, 10 and 13, be adopted. The recommendations for Items 2, 6, 7, 9, 11, 12, 14 to 17 inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MITCHELL ROAD, NOS. 18-24, ALEXANDRIA – DEMOLITION OF THE EXISTING BUILDING, ERECTION OF RESIDENTIAL APARTMENT BUILDING CONTAINING 8 UNITS AND 2 COMMERCIAL UNITS AND CAR PARKING – DEVELOPMENT APPLICATION – CONTRIBUTION INCLUDED IN CONSENT (U00-01328)

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 22 May 2002.

Carried.

GENERAL MANAGER

2.

DEPARTMENT OF HOUSING, NOS. 44-52 MOREHEAD STREET, NOS. 57-75 WALKER STREET, NOS. 66-80 WALKER STREET, NOS. 600-614 ELIZABETH STREET AND NOS. 3-5 KETTLE STREET, REDFERN – DEMOLITION OF 106 DEPARTMENT OF HOUSING PROPERTIES, ERECTION OF 88 PUBLIC AND 158 PRIVATE DWELLINGS – MASTERPLAN & STAGED (SECTION 80(4)) DEVELOPMENT CONSENT SOUGHT FOR SITE LAYOUT, NUMBER OF DWELLINGS (246), BUILDING ENVELOPES, HEIGHT, GROSS FLOOR AREA AND FLOOR SPACE RATIO – DEVELOPMENT APPLICATION (U01-01316)

That the matter be deferred for:-

- (1) full consultation with residents and a public meeting be held on the matter;
- (2) consultation be also done regarding the re-design of the private and public housing in view of Council's Affordable Housing Policy.

It was moved by Councillor Pooley, seconded by Councillor Lay, that the motion be amended by the deletion of:-

- (a) the words "the matter" where appearing in clause (1) of the motion and the insertion in lieu thereof of the words "22 June 2002 at Redfern Town Hall;
- (b) clause (2) of the motion.

Clause (a) Carried.

Clause (b) Negatived.

Motion, as amended by Councillor Pooley, carried.

3.

COMMUNITY SERVICES – RESPONSE TO MAYORAL MEMO MAY 8106 – SOCIAL PLANNING COMMENTS – REQUEST TO BECOME A PREFERENCE SHAREHOLDER OF CITY WEST HOUSING PTY LTD (2011709)

That Council accept the invitation from the City West Housing Pty Ltd to become a preference shareholder, and nominate the General Manager or his nominee.

(A/DCD Report 23.5.02)

Carried.

4.

REGENT STREET, NO. 143, CHIPPENDALE – DEMOLITION OF ROOF TO REAR GROUND FLOOR GARAGE AND ERECT 2 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, be deferred to the next Planning and Development Committee meeting on 12 June 2002, as requested by the applicant in e-mail dated 29 May 2002.

Carried.

5.

ABERCROMBIE STREET, NO. 372, DARLINGTON – TWO STOREY REAR LANE DEVELOPMENT – DEVELOPMENT APPLICATION (U02-00152)

(A) That the Council refuses its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Paradise Gully Pastoral Company Pty Ltd, owner, for permission to erect a double storey rear lane development, for the following reasons, namely:-

- (1) That the proposal fails to comply with the maximum permissible floor space ratio requirements of DCP 1997;
- (2) That the proposal fails to comply with the minimum open space requirements of DCP 1997 in terms of area and proportions;
- (3) That the proposal would create excessive bulk to the rear of the property;

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

(C) That the compliance section of the City Environment Department investigate the use of the site by the adjoining hotel.

Carried.

6.

LITTLE DOWLING STREET, NO. 3A, PADDINGTON – ONE AND A HALF STOREY ADDITION TO REAR OF EXISTING DWELLING – DEVELOPMENT APPLICATION (U01-01109)

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 Ms S Dawes and Mr W Dawes, for permission to make alterations and additions to an existing terrace, subject to the following conditions, namely:-
- (1) That the plans shall be generally in accordance with amended plans numbered B01 and B02 dated January 2002, drawn by Phillip Diment and 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 \$270, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
 - (4) That the roof material shall be of a corrugated metal;
 - (5) That the dormer window on the front elevation shall be redesigned so that the following is satisfied:
 - (a) is reduced in width to 1.2m;
 - (b) is vertically proportioned at a ratio of 1.5:1 (as measured on the window frame);
 - (c) is placed in the centre of both the horizontal and vertical roof planes;
 - (d) the window is a double hung sash window constructed of timber;
 - (e) the roof material of the dormer matches that of the existing/proposed roof;
 - (f) is wholly constructed of timber;
 - (g) That the glass windows on the western and eastern side are deleted;
 - (6) That a series of fixed timber louvres shall be placed over the proposed dormer window. These louvres shall be of sufficient

width and fixed at an appropriate angle to prevent overlooking into any apart the site at 8 Albion Avenue;

- (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 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;
 - (d) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";
 - (e) 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;
 - (f) 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;
 - (g) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (h) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
 - (i) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;

- (j) 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;
- (k) 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;
- (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;

and the following standard conditions:

- (8) Compliance with BCA⁹¹⁰⁴
- (9) Construction Certificate required⁹¹⁵⁵
- (10) Walls not to be built as party walls unless consent obtained⁹¹⁰⁸
- (11) Survey certificate at set out stage⁹⁰⁰¹
- (12) Survey certificate at completion⁹⁰⁰²
- (13) Stormwater details⁹⁰⁰³
- (14) Structural Design Certificate⁹⁰⁰⁶
- (15) Walls not to be built as party walls unless consent obtained⁹¹⁰⁸
- (16) Comply with the WorkCover Authority⁹¹⁰⁵
- (17) Construction hours⁹¹⁵¹
- (18) Building/demolition noise control⁹¹⁵⁶
- (19) Maintain existing building in a stable condition⁹¹⁵⁷
- (20) Works to be within allotment boundaries⁹¹⁵⁸
- (21) Guarding of excavations⁹¹⁶⁰
- (22) Demolition to comply with Australian standard⁹¹⁶¹
- (23) Retaining walls and drainage⁹¹⁶²
- (24) Support for neighbouring buildings⁹¹⁶³
- (25) Obstruction of the public way³¹⁰¹

- (26) Work zones³¹⁰²
- (27) Delivery of construction materials³¹⁰⁴
- (28) Associated roadway costs³¹¹¹
- (29) Stormwater (general)⁴¹⁰¹
- (30) Refuse skips⁶¹⁰²
- (31) Ventilation and natural light (class 1)⁹⁶¹³

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.

This matter was recommended in clause (A) of the minute by the General Manager dated 30 May 2002.

7.

PLANNING – GREEN SQUARE – AFFORDABLE HOUSING – EXHIBITION OF DRAFT AFFORDABLE HOUSING DCP – SUPPLEMENTARY REPORT (2022778)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

(A) That Council:-

- (1) endorse the draft Green Square Affordable Housing Development Control Plan for public exhibition for a period of 28 days, in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000;
- (2) pursue with City West Housing Pty Ltd the invitation to become a Preference Shareholder.

(B) That the report by the Director of City Environment dated 4 June 2002, be received and noted.

(DCE Report 17.5.02)

Carried.

8.

PLANNING - CONSERVATION MANAGEMENT PLAN FOR SUBSTATION NO. 6 AND UNDERGROUND MEN'S CONVENIENCE, TAYLOR SQUARE – ENDORSEMENT BY COUNCIL (2024215)

That Council:-

- (1) endorse the Conservation Management Plan for the Former Electricity Substation No 6 and the Underground Men's Convenience at Taylor Square. Future conservation, works and development of the buildings be in accordance with the policies outlined in this Plan;
- (2) nominate the Former Electricity Substation No 6 and the Underground Men's Convenience for inclusion on the State Heritage Register in view of their state significance.

(DCE Report 7.5.02)

Carried.

9.

LLANKELLY PLACE, KINGS CROSS – INSTALLATION OF FUNCTIONAL LIGHTING AND ARTISTIC LED LIGHT SCREENS OVER LLANKELLY PLACE BETWEEN ORWELL ST AND DARLINGHURST ROAD – DEVELOPMENT APPLICATION (U01-01336)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lennon:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by the Parks Development Section, with the authority of South Sydney Council and others, to erect functional lighting and artistic LED Light Screens, subject to the following conditions, namely:-
- (1) That the proposal shall be generally in accordance with plans numbered P989/A.L104A/A.L702/ART001/SY01.0210S1.00/SY01.0210S2.00/SY01.0210S3.00/SY01.0210S4.00/SY01.0210S4.01/SY01.0210S5.00, dated 9 October 2001, subject to compliance with the following conditions;
 - (2) That the proposed artistic LED light screens shall be reduced in size so that they measure not more than 2.0m x 2.0m with a setback of not less than 2m to the buildings on either side of Llanckelly Place;
 - (3) That the proposed controller device (distribution panel) shall be located in Springfield Gardens is to be insulated to ensure noise is not audible from a place of residence;
 - (4) That the proposed phasing of the proposed light screens shall ensure that the lights do not flash at any time;
 - (5) That the changing of light screen patterns and the dimming of the light screens shall not phase between nil capacity and their maximum allowable capacity in less than 4 seconds. Similarly no whole screen shall phase between all stages of illumination in less than 12 seconds;
 - (6) That the intensity of all LED light sticks shall not exceed 50% of their maximum capacity;
 - (7) That the proposed LED light screens shall only operate from dusk to 11pm Sunday to Thursday, dusk to 1am Friday and Saturday and dusk to 2am on special events such as New Years Eve as determined appropriate by the Director of City Environment;
 - (8) That the placement of the proposed steel column in between Gowrie Gate (113-115 Macleay Street) and Cahors (117 Macleay Street) shall not result in the removal of the stringcourse at the first floor level of the heritage listed Cahors Building;
 - (9) That the attachment of wires and stainless steel columns the facades to adjoining buildings will be done with minimum intervention to the fabric of effected building;
 - (10) 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;

- (11) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (12) 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;
- (13) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (14) That should the applicant wish to utilize the public way for any purpose, excluding the stockpiling of construction materials, then an application shall be made to Council for referral to the South Sydney Local Traffic Committee for approval of an on-street Work Zone. Without such approval all work shall be carried out strictly within the confines of the site;
- (15) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (16) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (17) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
- (18) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;

- (19) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
 - (20) That the lighting levels shall be reviewed after a period of six months after initial operation. The review process shall confirm that the light screens are operating within restrictions imposed via the conditions of consent and shall involve a period of public consultation, the finding of which shall be included in a report to Council. Subject to the findings of this review Council may require that the lighting levels of the light screens need to be reduced in intensity, regardless of the lighting levels described in condition (6).
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

10.

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

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 29 May 2002, and subject to the deletion of the word "Western" where appearing in the third line of condition (6) and the insertion in lieu thereof, of the word "Eastern".

Carried.

11.

REDFERN STREET, NO. 93, REDFERN – SUBDIVISION OF LOT TO CREATE TWO LOTS AND ERECTION OF TWO STRATA FLATS ON THE NEW LOT – DEVELOPMENT APPLICATION (U01-01288)

- (A) That the Council as the responsible authority grants its deferred commencement consent under Clause 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by H Joffree, owner, for permission to subdivide a lot into

two and to construct on one lot two town houses for strata subdivision, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details of the following matters and these have been agreed to in writing by the Director of City Environment, namely:
 - (a) That details and samples shall be provided of the façade materials and colours, as required by condition (12);
 - (b) That the eastern and western facades shall be redesigned to reduce the window areas so as to minimise overlooking of nearby properties, as required by condition (10);
- (2) That the development shall be generally in accordance with plans numbered DA01 to DA06 dated 1 December 2001, subject to compliance with the conditions below;
- (3) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$4,950 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;
- (4) 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 \$600, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (5) Part A

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

Contribution Category	Amount	Account
Open Space: LGA Works Programme	\$ 928	2E97003.BGY0
Open Space: New Parks	\$4238	2E97009.BGY0
Accessibility And Transport Management	\$ 27	2E97006.BGY0
	\$ 68	2E97007.BGY0
Total	\$5262	

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 – March Quarter 2001/02.

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;

- (6) 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	\$1386	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 2001/02

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;

- (7) That the third level of the proposed building shall be deleted;
- (8) That no construction on the proposed building shall take place until the proposed subdivision has been registered;
- (9) That the existing building facing Redfern Street shall be used as a single dwelling only;
- (10) That the windows on the eastern and western elevation on the first floor shall be so designed as to be openable only above a height of 1.5m above floor level and glazing below that level shall be translucent;
- (11) That a plan shall be prepared showing how compliance may be achieved with condition (10) and this plan shall be agreed to in writing by the Director of City Environment before this consent becomes operative. The Council may accept an alternative design which does not comply with the requirements of condition (10) if it can be demonstrated that it will protect the privacy of nearby residents to the same extent;
- (12) 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;

- (13) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (14) That only one common television aerial (for each building where relevant) shall be provided;
- (15) That one car space shall be provided on site for each dwelling and shall have a length of not less than 5m.

Note: The dimensions of the proposed car spaces are less than the Council's 5.5m length standard and are practicable for the use of small vehicles only.

- (16) That the words "small car only" shall be lettered in a hard-wearing paint on each car space, just inside the roller door to ensure that persons using the space are aware that it is of less than the standard dimension;
- (17) That, if any archaeological relics are uncovered during demolition or construction works, such works shall cease immediately in the area and the NSW Heritage Office shall be contacted. Depending on the findings, an archaeological assessment and an excavation permit under the NSW Heritage Act 1997 may be required before further works can be considered in that area;
- (18) 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;
- (19) That the Petticoat palm (*Washington tilifera*) shall be transplanted to another site, if possible;
- (20) That all relevant sections of the BCA shall be complied with;
- (21) 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;

- (22) 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;
- (23) 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;
- (24) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (25) 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;
- (26) 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;
- (27) That the requirements of the Work Cover Authority shall be complied with;
- (28) 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;
- (29) 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 Traffic Branch and the Director of Public Works and Services Department;

- (30) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (31) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (32) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (33) 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;
- (34) That the demolition work shall comply with Australian Standard 2601-1991;
- (35) That if the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of building or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage;
- (36) 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;

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

- (38) That the applicant shall note that this application has not been assessed for compliance with the Building Code of Australia.

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.

12.

BILLYARD, NO. 27, ELIZABETH BAY - SECTION 82A, REVIEW OF DETERMINATION – DEVELOPMENT APPLICATION (U00-01050)

This matter was submitted to Council without recommendation.

Moved by Councillor Shaw, seconded by Councillor Mallard:-

That the application be deferred to the next Planning and Development Committee meeting to be held on 12 June 2002, in order for a Visit of Inspection to be carried out on Saturday, 15 June 2002.

Carried.

13.

LITTLE SELWYN STREET, NO. 4A, PADDINGTON – DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO STOREY RESIDENTIAL DWELLING – DEVELOPMENT APPLICATION (U01-01123)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the application be deferred to arrange a meeting on site with the applicant and the owner of 4(a) Little Selwyn Street to enable resolution of the matter of the protection of the western wall as outlined in the report by the Director of City Environment dated 22 May 2002.

Carried.

14.

RENNIE STREET, NO. 1, REDFERN – GROUND AND FIRST FLOOR ALTERATIONS AND ADDITIONS TO REAR OF DWELLING AND FIRST FLOOR REAR LANE ADDITION – DEVELOPMENT APPLICATION (U01-00043)

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

Ms Ingrid Cassar (owner), for ground and first floor alterations and additions to the existing dwelling at 1 Rennie Street, Redfern, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with Council endorsed plans numbered 1, 2 & 3 inclusive of Job No. 2101, dated January 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 \$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 noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;
- (4) That during demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (5) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (6) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the issue of the Construction Certificate;
- (7) That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste Containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);
- (8) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (9) That despite any works to the public way implicit in the approval or anything indicated on the plans, no work is to be undertaken

on the public way without a separate application to, and approval by, the Director of Public Works and Services;

- (10) 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;
- (11) 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;
- (12) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted to Council prior to commencement of work;
- (13) 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;
- (14) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (15) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (16) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (17) That the demolition work shall comply with Australian Standard 2601-1991;
- (18) That stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (19) That approval for the connection of the stormwater shall be obtained from Council's City Department prior to the work being carried out.
- (20) That all glazing materials shall be selected and installed in accordance with the relevant provisions of AS1288 "Glass Installation Code";

- (21) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (22) That the materials of the proposed additions shall match and be consistent with the materials of the existing dwelling. Details shall be submitted with the construction certificate;
- (23) That the applicant shall comply with the following conditions of otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
- (a) That all relevant sections of the BCA shall be complied with;
 - (b) 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;
 - (c) 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;
 - (d) 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;
 - (e) That the openings in the external walls closer than 900mm from a side boundary shall be protected by non-openable fire windows or other construction with an FRL of not less than -/60/- or self-closing solid core doors not less than 35mm thick, in accordance with Part 3.7.1.5(b) of the BCA;
 - (f) 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;
 - (g) 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;
 - (h) 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;

- (i) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
 - (j) 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;
 - (k) That the first floor bathroom and toilet shall be provided with mechanical ventilation in accordance with Part 3.8.5 of the BCA;
 - (l) That the first floor bathroom boundary wall shall be upgraded to achieve the sound transmission class and impact sound resistance in accordance with Part 3.8.6 of the BCA.
 - (m) 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;
- (B) That the unauthorised works comprising the first floor rear lane addition are not supported for the following reasons:
- (1) That the first floor rear lane addition is unauthorised work and has been built without Council's consent. Council does not have the legal authority to approve the application;
 - (2) That the first floor rear lane addition and proposed deck are contrary to Clause 12 objective 1(c) of LEP 1998 in relation to amenity particularly with regard to privacy, overlooking and overshadowing;
 - (3) That the first floor rear lane addition does not comply with the Building Code of Australia and represents a fire and safety hazard;
 - (4) That the first floor rear lane addition is not built entirely within the boundaries of the site and encroaches on the public way;
 - (5) That the design of the first floor addition is not in accordance with the performance criteria and controls as set out in Part G Section 2 - Residential Development on Rear Lanes of DCP 1997 – Urban Design, and is out of character with the scale and form of the rear lane and adjoining development; and
 - (6) The proposal is not in the public interest.

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.

- (C) That Council grant delegation to the General Manager to determine a suitable period for demolition of the unauthorised structure and that a letter of undertaking be submitted from the applicant in respect to the period for demolition. If the unauthorised work is not removed within the agreed period, an Order under Section 121 of the Environmental Planning and Assessment Act 1979 shall be issued.
- (D) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

15.

KING STREET, NOS. 174 – 176, NEWTOWN – NEWTOWN COLONIAL HOTEL – APPLICATION TO MAKE TRIAL EXTENDED HOURS PERMANENT – DEVELOPMENT APPLICATION (U02-00285)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Lay:-

Note: During discussions on this matter, it was noted the content and number of objections received by Council.

That the development application submitted by Stessel Pty Ltd, to extend the hours of operation of the existing hotel, be refused.

Carried.

16.

BAPTIST STREET, NO. 138, REDFERN – ALTERATIONS AND ADDITIONS TO THE REAR OF TERRACE HOUSE – DEVELOPMENT APPLICATION (U02-00155)

This matter was submitted to Council without recommendation.

Moved by Councillor Bush, seconded by Councillor Mallard:-

That the development application submitted by Michael Jarman with the authority of Ms P. Pitcairn and Mr. I. Hay, for alterations and additions to the rear of the dwelling, be deferred to enable the applicant to submit amended

plans showing a redesign of the roof to a more traditional side angle skillion consistent with the surrounding roof forms. Upon receipt of the amended plans, the matter be determined under delegated authority by the Director of City Works.

Carried.

17.

KING STREET, NO.145, NEWTOWN, MARLBOROUGH HOTEL - INTERNAL ALTERATIONS AND ADDITIONS OF EXISTING HOTEL, INCLUDING NEW STAIRS, DEMOLITION OF TWO INTERNAL WALLS FOR NEW POOL ROOM ON THE FIRST FLOOR, NEW KITCHEN AND BAR AREA AT SECOND (ROOF) FLOOR LEVEL – DEVELOPMENT APPLICATION (U02-00097)

Deferred to the next Planning and Development Committee Meeting to be held on 12 June 2002, as request by the applicant in fax dated 28 May 2002.

It was moved by Councillor Bush, seconded by Councillor Mallard:-

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 development application submitted by J & J O'Brien Pty Ltd, to carry out alterations and additions to the Marlborough Hotel and use of the second floor and roof area as a roof garden with bar area and kitchen, be deferred pending the outcome of the current legal proceedings.

Carried.

NOTICE OF MOTION

1.

PLANNING - RUSHCUTTERS BAY PARK – PLAN OF MANAGEMENT

Moved by Councillor Lennon, seconded by Councillor Shaw:-

That South Sydney Council hold a Community Meeting in respect of its Plan of Management for Rushcutters Bay Park and that such meeting be advertised by letter box drop one week before the meeting is scheduled to be held.

At the request of Councillor Mallard, and by consent the motion be amended by the addition of the words "and a time or date to be advised and be "held on site" after the word Community Meeting in the first line of the Notice of Motion.

Motion, as amended by consent, carried.

The Council Meeting terminated at 8:45 p.m.

Confirmed at a meeting of South Sydney City Council
held on2002

CHAIRPERSON

GENERAL MANAGER