

**308<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
434201

**Wednesday, 25 September 2002**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30 pm on Wednesday, 25 September 2002.

**PRESENT**

His Worship, The Mayor, Councillor Tony Pooley (Chairperson)

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

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**GENERAL MANAGER**

## **Confirmation of Minutes**

Moved by the Mayor, Councillor Pooley, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 11 September 2002, be taken as read and confirmed, subject to the deletion of "John Fowler" as Mayor on Page 1053 and the insertion in lieu thereof of "Tony Pooley".

Minutes, as amended by consent, were then carried.

## **MINUTE BY THE MAYOR**

24 September 2002

### **PUBLIC RELATIONS – PASSING OF LAURIE JOHN ('JACK') FERGUSON – FORMER DEPUTY PREMIER OF NSW (2004380)**

It is with regret that I inform Council of the passing of Jack Ferguson, former Deputy Premier of New South Wales. Jack passed away in Sydney on September 17, aged 78 after a long illness.

Jack was born into a large poor family from the western suburbs. He left school at 13 to work as a bricklayer and a variety of factory jobs. During World War Two Jack enlisted in the army as soon as he was eligible and was involved in some of the toughest fighting in the jungles of Papua New Guinea.

Elected to State Parliament in 1959 Jack became the Labor deputy leader in 1973. He is best remembered for eight years as Deputy Premier and Minister for Public Works during the Wran administration from 1976 – 1984. In 1983 Jack was Acting Premier when Neville Wran stood aside during the Street Royal Commission.

Largely self-educated, Jack Ferguson will be remembered for his down-to-earth commonsense and loyalty. As minister Jack will be remembered for his brave overhaul of the Department of Public Works and the initiation of a range of projects including the Sydney Entertainment Centre, QVB and deep-water sewerage outlets which took pollution away from the Sydney beaches.

Jack is survived by his wife Mary, daughters Jenny and Deborah - both school teachers - and sons Martin, Laurie and Andrew. All three sons followed their father's political and labour movement involvement with Martin and Laurie Federal Opposition frontbench MPs and Andrew the state secretary of the Construction, Forestry, Mining and Energy Union.

**GENERAL MANAGER**

It is recommended that a letter of sympathy under the signature of the Mayor be forwarded to Mrs. Mary Ferguson expressing Council's sadness at his passing but gratitude for his many years of service to the New South Wales community.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

### **MINUTE BY THE MAYOR**

25 September 2002

#### **PUBLIC RELATIONS – *LIGHTS, CAMERA ACTION* LAUNCH, 13 SEPTEMBER 2002 – CONGRATULATIONS (2026841)**

It is with pleasure that I inform Council of the successful launch of *Lights Camera Action*, a youth employment initiative of Council, at Redfern Town Hall on Friday 13 September 2002.

Launched with much fanfare, *Lights Camera Action*, promotes our local youth in the performing arts with an emphasis on paid employment for television, print and radio commercials as well as film work.

The Nine Network's *The Today Show* ran a feature story on the project. Since the launch, one of the stars of *Lights Camera Action*, Desi Madden, gained a role in a documentary drama titled *Uncle Roy*, a stolen generation story about Roy Read, who grew up in the notorious Kinchella Boys Home.

Congratulations to the all young people involved, the local participating youth services and particularly to Council's Youth Services Coordinator, Cindi Petersen who initiated this service.

Councillor Tony Pooley (SGD)  
**Mayor**

**GENERAL MANAGER**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minute by the Mayor, be received and noted.

Carried.

At this stage, Councillor Lay also congratulated all Council Staff who were involved with Cindi Petersen in the project.

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

20 September 2002

### **ELECTIONS - LOCAL GOVERNMENT ASSOCIATION OF N.S.W. – 2002 ELECTION OF EXECUTIVE COMMITTEE (2025874)**

#### **TO COUNCIL**

A communication dated 6 September 2002, has been received from Mr G Copson, State Electoral Office about the conduct of the 2002 Election of the Executive Committee of the Local Government Association of N.S.W.

The State Electoral Office has asked that their letter and the schedule of candidates, together with details of their local government service, be placed before Council at the earliest convenience.

A copy of the letter from the State Electoral Office, schedule of candidates and their local government Service, are attached.

#### **RECOMMENDATION:**

That the minute by the General Manager dated 20 September 2002, detailing the information from the State Electoral Office about the 2002 Election of the Executive Committee of the Local Government Association of N.S.W., be received and noted.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Shaw, seconded by Councillor Lay:-

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

Carried.

**GENERAL MANAGER**

**MINUTE BY THE GENERAL MANAGER**

25 September 2002

**DONATIONS – SYDNEY 2002 GAY GAMES –  
SPONSORSHIP AND PURCHASES (2027040)**

**INTRODUCTION**

Council is a principal sponsor of the Sydney 2002 Gay Games. This report details Council's entire contribution to date, and lists three additional sponsorship items. An outline of Council's benefits as a sponsor is also included. This report aims to be the final sponsorship related report regarding the Sydney 2002 Gay Games.

**1. COUNCIL SPONSORSHIP CONTRIBUTIONS**

Since 1997 Council has contributed a total of \$421,576.70 in sponsorship to the Sydney 2002 Gay Games. This amount comprises, in kind support \$387,326.70 and cash \$34,250. The following lists the type of contribution, amounts and date the sponsorship was granted. An itemised listing of contributions is attached to this report (Attachment 1).

**A. Cash \$34,250**

\$5000 Bid for Sydney 2002 Gay Games: 23 July 1997  
\$9000 Gay Games promotion during 1998: 10 December 1997  
\$20,250 Civic Reception Paddington Town Hall: 11 October 2000

**B. Subsidised Accommodation \$291,037**

\$48,967 Free lease on Room 22 / 94 Oxford Street (December 1997 to June 2001):  
10 December 1997, 8 April 1998, 3 February 1999, 23 June 1999, 14 June 2000  
\$242,070 Free lease on shopfront 92 Oxford Street (November 2000 to December  
2002): 25 October 2000

**C. Venue Donation \$32,740**

\$4,750 Use of Paddington Town Hall for Civic Reception: 11 October 2000  
\$26,850 Use of Redfern & Paddington Town Halls: 2 June 2002  
\$1140 Use of Village Green area at Sydney Park for Opening and Closing Ceremony  
rehearsals (12 days at \$95 per day): 19 June 2002

**D. Other Donations \$63,549.70**

\$18,775 Domain Car Park parking spaces: 14 August 2002  
\$1000 Computer Hardware loan (4 computers at a value of \$250 each): 31 July 2002  
\$1000 In kind support for Gay Games promotion during 1998: 10 Dec 1997  
\$25,000 A Little Twilight Music Concert  
\$14,520 Banner poles (\$60 each pole per week x 121 poles x 2 weeks)  
\$750 Table for Council at the Moana Pacifica Gay Games fundraising dinner: 11  
September 2002.

**GENERAL MANAGER**

\$2,504.70 Advertising in the Sydney 2002 Gay Games Guide (full page / full colour):  
September 2002.

**Sponsorship Total A = \$421,576.70** (sponsorship to date)

The following requests (point 2,a, b & c) total \$19,185, which if adopted will bring Council's total sponsorship to:

**Sponsorship Total B = \$440,761.70**

## **2. ADDITIONAL SPONSORSHIP ITEMS FOR CONSIDERATION**

### **A. Venue Hire**

Council has received correspondence from the Sydney 2002 Gay Games Ltd requesting free use Paddington and Redfern Town Halls on additional dates in the lead up to and during the 2002 Gay Games Sports and Cultural Festival.

The dates, venues, events and the value of the free usage are set out below:

- ? Paddington Town Hall Gay Games Opening Ceremony Dancing Rehearsals  
In kind value: \$3,350
- ? Paddington Town Hall A Little Twilight Music Concert  
In kind value: \$5,000
- ? Paddington Town Hall A Little Twilight Music Clean up / Bump-out  
In kind value: \$3,350
- ? Redfern Town Hall Gay Games Opening Ceremony Dancing Rehearsals  
In kind value: \$900
- ? Redfern Town Hall Gay Games Basketball Technical Meeting  
In kind value: \$900

The cost of the hire of Paddington Town Hall for community organisations is:

- ? \$3,350 for a day function (including hire, set up, cleaning & staff costs); and
- ? \$5,000 for a 10 hour function (including hire, set up, cleaning & staff costs).

The daily cost of the hire of Redfern Town Hall for community groups is approximately \$900 (including hire, set up, cleaning & staff costs).

Thus, total cost to be waived for venue hire is \$13,500.

### **B. Banners**

Council has received correspondence from the Sydney 2002 Gay Games Ltd regarding the purchase of banners. The banners are approximately 5 metres x 1.4 metres, and have spacing at the bottom for the text "Proudly sponsored by South Sydney City Council". Should Council approve the purchase of the banners, the key sites for placement would be:

- ? Oxford Square (7);
- ? William Street (12);
- ? Taylor Square (16);
- ? Victoria Park (2);
- ? Erskineville Town Hall (3).

The placement of banners in these locations would require the purchasing of 40 banners at a total cost of \$4,950.

### **C. Signage**

Council has been contacted by the Sydney 2002 Gay Games Ltd regarding the purchase of signage for Gay Games sponsors. Signage opportunities are available at sporting and cultural events, parties and opening / closing ceremonies. Signs will be in full colour and occur in three sizes: Marquee Size: \$125, Large: \$105, and Small: \$75.

Signage for the Opening Ceremony is considerably more expensive, with costs varying between \$3,200 and \$7000 per sign. Due to the cost it is not recommended that Council purchase signage for the Opening Ceremony.

Should Council approve the purchase of signage, the following events should be considered:

- ? "Corroboree", Gay Games Closing Ceremony at Fox Studios, November 2.
- ? Welcome Party at Fox Studios, November 2.
- ? Women's Party at Fox Studios, November 6.
- ? Men's Party at Fox Studios, November 7.
- ? Farewell Party at Fox Studios, November 9.
- ? Display of the International AIDS Memorial Quilt at SCEG Darling Harbour, November 3-5.
- ? Aerobics competition at Paddington Town Hall, November 3 – 5.
- ? Dancing competition at Sydney Town hall, November 3 – 6.
- ? Physique competition at SCEG, Darling Harbour, November 3 – 5.

The placement of signage in these locations would total \$735.

## **3. SPONSORSHIP BENEFITS**

**A.** South Sydney Council will be acknowledged as a "major sponsor" of the Sydney 2002 Gay Games in the following:

- ? In all relevant publications any marketing material produced by Sydney 2002 including the official program, sponsor recognition signage and free standing banners relevant to the conduct or promotion of the Sydney 2002 Gay Games.
- ? On the homepage of the Sydney 2002 website.
- ? On all email communications to the 30,000+ Sydney 2002 registrant database.

**B.** Access to the Gay Games IV intellectual property including the use of the Gay games marks and related insignia.

**C.** Tickets to major sporting and cultural festival events, including:

- ? One corporate box (seating 12) and ten VIP tickets for the Opening Ceremony.
- ? Hospitality for 20 VIP's at the Closing Ceremony.
- ? Six opening night tickets to a range of cultural festival events.

- ? Thirty “reserved seating” tickets across a range of ticketed sporting events.
- ? Ten tickets to the “Welcome Party”.
- ? Ten tickets to the “Farewell Party”.

**D.** Signage, including access to venue signage (at sponsor’s own cost).

**E.** Database / Relational Marketing, including indirect access to Gay Games IV registrant database on two occasions.

**Please Note:** Sponsorship attracts GST.

In regard to GST the Sydney 2002 Gay Games Ltd. will issue a tax invoice, to South Sydney City Council showing the value of the benefits provided by the Sydney 2002 Gay Games Ltd. to Council, including the value of the GST.

South Sydney City Council will provide a tax invoice to the Sydney 2002 Gay Games showing the value of the sponsorship in kind and cash, provided by South Sydney City Council to the Sydney 2002 Gay Games Ltd., including the value of the GST.

It is envisaged that the corresponding GST will be the same. Tax invoices will be exchanged within the same timeframe.

**This report has been reviewed by the Chief Financial Officer.**

## **RECOMMENDATION**

### **VENUE HIRE**

**(a)** That Council approve free use of Paddington and Redfern Town Halls in the lead up to and during the 2002 Gay Games Sports and Cultural Festival as part of Council’s sponsorship of the Gay Games. Details are set out below;

<b>DATE</b>	<b>VENUE</b>	<b>EVENT</b>
<b>Thursday 31 October 2002</b>	<b>Paddington Town Hall</b>	<b>Gay Games Opening Ceremony Dancing Rehearsals</b>
<b>Friday 1 November 2002</b>	<b>Redfern Town Hall</b>	<b>Gay Games Opening Ceremony Dancing Rehearsals</b>
<b>Saturday 2 November 2002</b>	<b>Redfern Town Hall</b>	<b>Gay Games Basketball Technical Meeting</b>
<b>Sunday 3 November</b>	<b>Paddington Town Hall</b>	<b>Gay Games Concert A Little Twilight Music</b>

**GENERAL MANAGER**



<b>Monday 4 November</b>	<b>Paddington Town Hall</b>	<b>Gay Games Concert A Little Twilight Music Clean up / Bump-out</b>
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Under the provisions of Section 356, Council agrees to forgo \$13,500 in income and costs for Paddington and Redfern Town Halls to support a number of events to be undertaken by the 2002 Gay Games Sports and Cultural Festival.

### **BANNERS**

**(b)** That Council approve the purchase of 40 banners for the Sydney 2002 Gay Games, at a cost of \$4,950 with funds to be added to the 2002/3 donations budget (code: 1.24.6815.16410 project no. 62026.801) to cover this expense.

### **SIGNAGE**

**(c)** That Council approves the purchase of signage for Council at a total cost of \$735, at events listed below:

- ? "Corroboree", Gay Games Closing Ceremony at Fox Studios, November 2.
- ? Welcome Party at Fox Studios, November 2.
- ? Women's Party at Fox Studios, November 6.
- ? Men's Party at Fox Studios, November 7.
- ? Farewell Party at Fox Studios, November 9.
- ? Display of the International AIDS Memorial Quilt at SCEG Darling Harbour, November 3-5.
- ? Aerobics competition at Paddington Town Hall, November 3 – 5.
- ? Dancing competition at Sydney Town hall, November 3 – 6.
- ? Physique competition at SCEG, Darling Harbour, November 3 – 5.

Funds to be added to the 2002/3 donations budget (code: 1.24.6815.16410 project no. 62026.801) to cover this expense.

### **SPONSORSHIP AND PURCHASE TOTALS**

**(d)** That Council acknowledges that adoption of recommendations a, b, and c, will take Council's sponsorship of the Sydney 2002 Gay Games to **\$440,761.70**.

### **TAX INVOICE**

**(e)** That South Sydney City Council will issue a tax invoice to the Sydney 2002 Gay Games showing the value of the sponsorship in kind and cash, provided by South Sydney City Council to the Sydney 2002 Gay Games Ltd., including the value of the GST.

That the Sydney 2002 Gay Games Ltd. will issue an equivalent tax invoice, to South Sydney City Council showing the value of the benefits provided by the Sydney 2002 Gay Games Ltd. to Council, including the value of the GST.

Tax invoices will be exchanged within the same timeframe.

**LIMIT OF SPONSORSHIP**

**(f)** That Council limits sponsorship of the Sydney 2002 Gay Games to **\$440,761.70 (+GST)**, as noted in recommendation (d).

Michael Whittaker (SGD)

**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

25 September 2002

**DONATIONS - THE ANNUAL N.S.W. ABORIGINAL RUGBY LEAGUE  
KNOCKOUT - DONATION AND USE OF REDFERN TOWN HALL (2011377)**

The La Perouse Panthers & Narwan Eels, Armidale, as winners of the Sydney and Country versions of the 2001 NSW Annual Aboriginal Rugby League Knockout are co-hosting the 2002 Knockout utilising Redfern and Erskineville Ovals on the long weekend 5/6/7 October 2002. These two facilities have been used in previous years for the conduct of the event which attracts between 40 and 50 teams from all over New South Wales. The event generates financial benefits to the businesses of Redfern and surrounding areas and fosters understanding and cooperation between the communities of South Sydney.

This Knockout competition does not require development approval because it is ancillary to the intended use of these open space areas and is endorsed under the relevant provisions of the Local Government Act. It should be noted that the organised playing of rugby league at both Redfern Oval and Erskineville Oval is the established prime use, and is specifically mentioned in the respective Plans of Management.

Casual booking fees are applicable to the use of Redfern Oval at this time and the use of Erskineville Oval is regarded as a sub-licence to South Sydney Juniors. The hosting clubs have specifically asked that Council waives these fees and assists with cleansing and the removal of rubbish.

I propose that the cost of these fees and provision of services be waived as a gesture of in-kind support for the tournament. This in-kind support is estimated at \$3,000 (including \$1,530 for three days of hire charge) and can be treated as a Section 356

**GENERAL MANAGER**

donation and absorbed within existing operational budgets. Conditions of Use of the facilities are to comply with the attached "Park Use Conditions".

**Recommendation:**

That approval be granted to:-

- 1) the La Perouse Panthers and Narwan Eels Rugby League Clubs, as co-hosts, for the use of Redfern and Erskineville Ovals on the weekend of 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> October 2002 for the 2002 Annual NSW Aboriginal Rugby League Knockout competition, subject to the "Parks Use Conditions" accompanying this report;
- 2) the provision of in-kind support under Section 356 of the Local Government Act 1993, for the waiving of booking fees and for the provision of cleansing and rubbish removal services associated with the event being provided at an estimated value of \$3,000.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Lennon, seconded by Councillor Shaw:-

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

Carried.

**PETITIONS**

1. Councillor Furness tabled a petition with approximately 86 signatures appended from residents of inner City Sydney opposing any further development which will be against the interest of the residents and the environment.

Received.

2. Councillor Furness tabled a petition with approximately 94 signatures appended from residents of the South Ward requesting that South Sydney Council uphold the spirit of proposed conservation area for the Village of Erskineville by opposing any future development that compromises residential and community amenity.

Received.

**GENERAL MANAGER**

3. Councillor Lennon tabled a joint letter from Caffiend Café and Wedge Café dated 25 September 2002, requesting the elected Councillors of South Sydney to discuss and implement a compensation package to help ease the pain and suffering that has been caused by the work carried out at Llinkelly Place.

Received.

4. Councillor Harcourt tabled a petition with approximately 22 signatures appended from residents of surrounding streets of the development at Nos. 50 – 56 Marshall Street, Surry Hills, objecting to the proposal to allow for Kendall Street to become a means of vehicle access where such access already exists.

Received.

### **Letters Tabled**

1. Councillor Bush tabled a letter concerning traffic congestion in Huntley Street and Bourke Road and Collins Street and Bourke Road, Alexandria.

Received.

2. Councillor Lennon tabled two letters from Wedge Café and Caffiend Café, respectively, concerning the Llinkelly Place development.

Received.

### **QUESTIONS WITHOUT NOTICE**

1. **TRAFFIC – ROAD SAFETY CAMPAIGN – SAFETY INTERSECTIONS ON BIKE ROUTES - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2018533)**

#### **Question:**

I have received an e-mail from Members of Mass Bugs outlining a number of safety intersections on our bike routes that have significant safety implications. I would like to table those sites and ask that they be referred to the safety committee as a matter of emergency.

**GENERAL MANAGER**

**Answer by the Mayor:**

I will have a look at those sites and refer them to Mr Donley for advice.

2.

**COMMUNITY – COMMUNITY CONSULTATION, EMAIL SITE, ZETLAND – REQUEST FROM ZCAG - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2022351)**

**Question:**

I also have a request from ZCAG with a number of questions that have arisen from the recent consultation on the Email site. I was wondering if we could have those answered by staff?

**Answer by the Mayor:**

I will refer that to Mr Dearsley.

3.

**STREETS – STATUS OF SYDNEY WATER MAINS UPGRADE – DARLINGHURST AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (S56-00950)**

**Question:**

Residents of Victoria Street , Hughes Street, Manning Street, Tusculum Avenue, and Challis Avenue, Potts Point, are suffering a huge amount of disruption as Sydney Water replaces the water mains. Could Council have a report on the status of these major works?

**Answer by the Mayor:**

I am happy to provide whatever information we can get and supply that information through the C.I.S.

4.

**STREETS – SYDNEY WATER UPGRADE – REPLACEMENT OF EXCAVATED FOOTPATHS AND ROADWAYS – DARLINGHURST AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2022966)**

**Question:**

In relation to the Sydney Waterworks, unfortunately Sydney Water has excavated large areas of footpaths and roadways. This includes all the newly laid footpaths on Victoria Street, Tusculum Avenue, and Manning Street, Potts

Point. Will these new paths be totally rebuilt, who will pay and what co-ordination between SSCC and Sydney Water has been involved?

**Answer by the Mayor:**

I will ask the Director of City Works to provide that information and respond to you as soon as possible.

5.

**STREETS – HUGHES STREET, POTTS POINT – RESIDENT ACCIDENT ON MANHOLE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2009591)**

**Question:**

I would like to table a letter from Ms Denise Lonsdale regarding a nasty fall she had on Hughes Street, Potts Point. Ms Lonsdale slipped on a large TELSTRA manhole cover. This is not the first fall at this location. Could a Council Officer investigate the site as a matter of urgent importance and rectify this dangerous situation?

**Answer by the Mayor:**

I will refer that to the Director of City Works.

6.

**COUNCILLORS – COUNCILLOR PETER FURNESS – OFFER OF EMPLOYMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (A54-00013)**

**Question:**

Could Councillor Furness inform the Council whether he has been offered employment or had discussions regarding employment of some form with the NSW Labor State Government or State Government Department of related body?

**Answer by Councillor Furness:**

I have no idea what you are talking about.

7.

**PLANNING – FORBES STREET MARKET PROPOSAL – REPORT TO COMMITTEE - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2024213)**

**Question:**

Arising from the discussions at the Oxford Street Reference Group meeting last night, please may we have a report on the proposal for a market at Forbes Street on Taylor Square to present to the Reference Group at its next meeting on October 22<sup>nd</sup>?

**Answer by the Mayor:**

I will endeavour to ensure that the report is available for the next Oxford Street Reference Group and then perhaps it could be referred to the next committee after that for Councillors' information.

8.

**STREETS – SYDNEY WATER UPGRADE, DARLINGHURST AREA – LIAISING WITH STATE GOVERNMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2022966)**

**Question:**

Following on from Councillor Mallard's question regarding Sydney Water we need to co-ordinate much better. Can you liaise with the State Government and obtain more realistic outcomes?

**Answer by the Mayor:**

I am sorry if I was not explicit, but I did endeavour to suggest that as soon as we had that information it will be conveyed to the Councillors and then it may subsequently appear in the C.I.S.

9.

**STREETS – MCLACHLAN AVENUE, NO. 66, DARLINGHURST - REPAIRS TO FOOTPATH FOLLOWING CONSTRUCTION WORK - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2013591)**

**Question:**

My question relates to the construction regarding No. 66 McLachlan Avenue, Darlinghurst.

Were they expected to repair the footpath after the construction? If not, why not and could we fix up the footpath? The waste services people co-ordinate their waste services with the three buildings out the back.

**GENERAL MANAGER**

**Answer by the Mayor:**

I will refer that to the Director of City Works.

10.

**PARKS – TAYLOR SQUARE RE-DESIGN - ENVIRONMENTAL STUDY – COMPLIANCE WITH GET IT GREEN POLICY - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025480)**

**Question:**

Has an environmental study been done on the Taylor Square design and does it measure up to our own Get It Green Policy? Has the Preservation Officer been consulted about the removal of the one large habitat tree in that area?

**Answer by the Mayor:**

I am fairly confident that Council has had an environmental assessment of the design and I dare suggest that Council's Tree Preservation Officer was advised, but I will take some information from Mr Wilcoxon.

**Director of City Works:**

That is generally correct, however I do not have that information on hand. In general terms the removal of the tree in that Northern Sector was certainly always going to be part of the design process and the tree preservation aspect of it was considered.

11.

**PARKS – MASTERPLAN FOR TAYLOR SQUARE – OWNERSHIP OF COPYRIGHT - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2025480)**

**Question:**

Does Council own the intellectual copyright of the MASTERPLAN for Taylor Square? And I understand this is correct. Because it was our original purchase 12 months ago. Therefore it would be able for Council to amend that MASTERPLAN, because the fine designing of the traffic zone for Foley Street, Darlinghurst, together with the removal of those trees on the northern part of the intersection of Forbes and Bourke Streets have gone to the Tree Preservation Officer. But the issue is a 40 year old Cumberland Plain Blue Gum, which sits south of that intersection. There is considerable concern for the property holders and residents that Council should be maintaining that tree and when I look at the design of the MASTERPLAN there is no encumbrance of Council to assess that. My question is in light of the MASTERPLAN. Have



Council got the right to amend it? Because at the meeting last night we were informed by an employee of Council that we have no right to amend it.

**Answer by the Mayor:**

I am happy to seek that information and I will provide that information to you.

12.

**PARKS – TAYLOR SQUARE MASTERPLAN – PLAN DONE TO SCALE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2025480)**

**Question:**

While we are amending the Masterplan, could we have the diagram done to scale?

**Answer by the Mayor:**

I am not certain we have yet concluded we are going to amend the Masterplan. We are going to seek information on it and I will endeavour to find out what is possible in relation to the provision of scale diagrams.

13.

**STREETS – MCLACHLAN AVENUE, NO. 66, DARLINGHURST - RESIDENT CONCERNS REGARDING FOOTPATHS AND CONSTRUCTION HOURS - QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW (2013591)**

**Question:**

I would like to table a letter from Mr Warwick Lund who is a resident of No. 66 McLachlan Avenue, Darlinghurst. He has asked a number of the same questions, as Councillor Lennon and a few others. Could I have a response circulated in the C.I.S.?

**Answer by the Mayor:**

I will pass that to the relevant Officer and ensure a response is printed in the C.I.S.

14.

**CLEANING – RUSHCUTTERS BAY AREA - CLEANING OF PEDESTRIAN ROUTES – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023845)**

**Question:**

The pedestrian walk way from the footbridge to Rushcutters Bay is going to be cleaned up. Could we look at the pedestrian routes in the North Ward and look after them as a lot of them are being ignored?

**Answer by the Mayor:**

I will seek some advice in relation to that and come back to you.

15.

**DEVELOPMENT – STEWART STREET, NO. 99, PADDINGTON – USE AS COMMERCIAL PREMISES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U02-00717)**

**Question:**

A Development Application for commercial usage as a hairdresser at No. 99 Stewart Street appears to have not come to Committee and has appeared to have been signed off by a report under delegation to an Officer. As this is a commercial usage in a 2B residential zone, could I have a report as to the status of that DA, and if that matter has not been dealt with, believe it should come to a Committee and could I also have a report that states what delegations exist to approve of commercial DA's within 2B residential Zones that are accessed and delegated below management level and do not come to Committee?

**Answer by the Mayor:**

I will refer those questions to the Director of City Environment.

16.

**DEVELOPMENT – WILLIAM STREET, NO 57, REDFERN - REVIEW OF APPLICATION – QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (U01-01287)**

**Question:**

You will recall visiting a property at No. 57 William Street, Redfern, that has a gazebo which is being assessed as a structure and while there were no objections from any of the surrounding property holders nor objections from the Councillors, the department preferred to refuse it on the grounds that it was a structure. This matter is to go to the Land and Environment Court on

objection from the applicant and has a date in December. Could this matter be reviewed by Council and report back to either the Legal Committee or the Planning and Development Committee?

**Answer by the Mayor:**

My recollection was that a Ward Councillor, myself and Councillor Harcourt have concerns that the nature of the building was such that it lent itself to habitation. I am happy to seek additional information in relation to that matter and provide you with a response.

17.

**ANTISOCIAL ACTIVITIES – POLICING PARKING OFFICERS STRATEGIES – CURRENT PRACTICES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2025750)**

**Question:**

Council has appointed a large number of Parking Ordinance Officers. This policy presence has been eagerly awaited and been congratulated by the community generally. Yet, where there are illegal activities such as hawkers on the footpath, what action is Council taking? Do the Officers ring other Ordinance Officers from Council to investigate the transgression or do they take action in relation to other ordinances Council are responsible for? Could I have a report outlining current management and strategies for the policing presence of Council's Parking Ordinance Officers?

**Answer by the Mayor:**

I will seek what information I can in relation to that matter and report back to you.

18.

**PROPERTIES – SOUTH SYDNEY HOSPITAL SITE – EXPRESSIONS OF INTEREST TO COMMUNITY GROUPS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022242)**

**Question:**

Many community groups have made inquires to the usage of Council's South Sydney Hospital site. Can the Mayor advertise expressions of interest to community groups for interim use of the available space?

**Answer by the Mayor:**

My understanding is that we do not yet own the site. I'll seek some advice to the broader question and report back.

19.

**PLANNING – GREEN SQUARE - STRATEGY PLANS – AFFORDABLE HOUSING LEVY TO CITY HOUSING WEST - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022778)**

**Question:**

All developments that are meeting occupancy in Green Square have paid 3% affordable housing levy to City Housing West. Who are they? What accountability do they have, when and how is this money spent?

**Answer by the Mayor:**

I will refer that question to the Director of City Environment to provide the relevant information.

20.

**PARKS – VICTORIA PARK POOL CAR PARK – BREAK-INS IN CAR PARK – POSSIBLE PLACEMENT OF SECURITY CAMERAS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2021714)**

**Question:**

The number of window smashing and car break-ins at the Victoria Park car park have reached plague proportions. Can Council Officers investigate some methodology to abate this crime spree? Cameras could be a solution?

**Answer by the Mayor:**

I will refer that question to the Director of City Works.

21.

**LEGAL – DEFAMATORY STATEMENTS AGAINST COUNCILLORS – PRESS RELEASE BY COUNCILLOR - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (L53-00036)**

**Question:**

A PRESS RELEASE BY COUNCILLOR FURNESS CLAIMED:

- (A) It is also true the South Sydney Community Independent John Fowler particularly John Bush have even outdone Vic Smith in their dealing with developers.
- (B) John Bush actively pushed for a 25 Storey Tower on the former Children's Hospital site in Camperdown, is responsible for an 18 storey

tower in Erskineville and other over developments that is St Margaret's Hospital in Surrey Hills amongst others.

- (C) That Councillors Fowler, Bush and their Liberal Colleague, Councillor Mallard, have also thwarted initiatives that I have put forward to better provide environmental outcomes and make the development assessment process more transparent.
- (1) Could a report be prepared referring to the minutes that resolved those DA's and the voting numbers that gave those DA's approvals? I believe Councillor Mallard, Fowler and myself as well as former Councillor Smith have been defamed by this press release and I will be telling the press now. Could I have the numbers of the vote, because it was 7-2 and we have been signalled out as the only Councillors who voted.
- (2) Further, I believe Council has been defamed in this instance and I think this has reference and should be sent off for legal advice.

**Answer by the Mayor:**

- (1) The answer to that question is no. You can go through the minutes yourself and seek whatever information you like in relation to any developments that have been approved by the Council.
- (2) I will seek some advice in relation to that matter.

**22.**

**LEGAL – DEFAMATORY STATEMENTS AGAINST COUNCILLORS –  
PRESS RELEASE BY COUNCILLOR – SYDNEY VILLAGE SITE -  
QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (L53-00036)**

**Question:**

Can you seek legal advice in relation to Councillor Furness's press release with defamed decisions of this Council in relation to the Sydney Village Site for the development and the pre-arranged and organised development that was part of the Children's Hospital West Development Application which was in a proses of a MASTERPLAN which was also voted for by the ALP with the support of other Councillors?

**Answer by the Mayor:**

I will certainly refer the press release to the General Manager and seek some advice for you.

## REPORT OF THE FINANCE COMMITTEE

18 September 2002

### PRESENT

**The Mayor, Councillor Tony Pooley (Chairperson)**

**Councillors – John Bush, Christine Harcourt and Shayne Mallard.**

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

The Mayor and Councillors – Bush, Harcourt and Mallard.

Moved by the Chairperson (the Mayor, Councillor Pooley), seconded by Councillor Harcourt:-

That the Report of the Finance Committee of its meeting of 18 September 2002, be received and the recommendations set out below for Items 1 to 5, inclusive, 7, 8, 10, 11, 13, 14, 16 and 17, be adopted. The recommendations for Items 6, 9, 12 and 15 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

#### **CLEANING - GRAFFITI REMOVAL OPERATION – IMPLEMENTATION (2015700)**

That:-

- (1) the planned graffiti removal operation be endorsed by Council;
- (2) a further report be submitted to Finance Committee detailing the outcome of Council's application for access to the Community Service Orders Scheme.

(DCW Report 5/9/02)

Carried.

**GENERAL MANAGER**

2.

**PLANT AND ASSETS - CANCELLATION OF BACKHOE LOADER TENDER AND SUBSTITUTION WITH THE PURCHASE OF TWO MINI EXCAVATORS (2020971)**

That approval be given to:-

- (1) the cancellation of the tenders for the supply and delivery of one (1) Backhoe Loader;
- (2) the approval to call tenders for the purchase of two (2) Mini Excavators at approximately \$69,000 each and one 4 tonne trailer (similar to existing trailer 3145) at a cost of approximately \$10,000;
- (3) the disposal at auction of Case 580 SK Backhoe Loader, Asset No. PLT0606;
- (4) the revoting of \$130,000 which was allocated for the purchase of the Backhoe Loader to enable the purchase of the two Mini Excavators and trailer (Budget Reference 2500-132).

(DCW Report 9.9.02)

Carried.

3.

**LEASING - RENEWAL OF LEASE AGREEMENT BETWEEN COUNCIL AND THE BOY'S BRIGADE PROPERTY NOS. 402-404 RILEY STREET, SURRY HILLS (L02-00120)**

That arising from consideration of a joint report by the Director of Corporate Services and the Director of Community Development dated 17 July 2002, approval be given to renew the lease from 1 October 2002 with the Boys' Brigade of premises Nos. 402 – 404 Riley Street, Surry Hills for a term of 5 years with an option for a further term of 5 years for the same rental of \$200 per annum, under the same terms and conditions as indicated in the Schedules accompanying the beforementioned report and including the Amended Schedules for the existing lease.

Carried.

4.

**CONFERENCES - CHRIS NATIONAL USER CONFERENCE, 30 OCTOBER TO 1 NOVEMBER 2002, - ADELAIDE, SOUTH AUSTRALIA – ATTENDANCE BY COUNCIL REPRESENTATIVES (2005049)**

That arising from consideration of a report by the Director of Organisational Development dated 26 August 2002, approval be given to:-

**GENERAL MANAGER**

- (1) the recruitment Officer attending the 4<sup>th</sup> National CHRIS user Conference to be held between October 30 and 1 November 2002, inclusive in Adelaide, South Australia;
- (2) monies for the conference, registration, airfares and accommodation being utilised out of the relevant departments existing funds in the 2002/2003 Estimates;
- (3) any reasonable expenses incurred, including out of pocket expenses, be paid on the production of receipts.

Carried.

5.

**CONFERENCES – AUSTRALASIAN URBAN & REGIONAL INFORMATION SYSTEMS ASSOCIATION (AURISA) - 25-30 NOVEMBER 2002, ADELAIDE, SOUTH AUSTRALIA - ATTENDANCE BY COUNCIL REPRESENTATIVES (2016500)**

That approval be given to Mr Greg Livingstone and Mr Bill Eberhart attending AURISA/ISA 2002 in Adelaide, South Australia, between 25-30 November 2002, for which funds, including out of pocket expenses, are available in the 2002-2003 Revenue Estimates Account Code 1.44.2620.12105.0.

(DCE Report 5/9/02)

Carried.

6.

**LICENSING - FOOTWAY - RENTAL REBATE GUIDELINES - ADOPTION (2025626)**

That arising from consideration of a report by the Director of City Environment dated 26 August 2002, approval be given to the adoption of the guidelines accompanying the beforementioned report for the rental abatement of affected footway licences.

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

- (a) the removal of gender biased references outlined in the Rental Abatement Guidelines accompanying the beforementioned report.

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

**GENERAL MANAGER**



- (b) that any such decisions be referred to the Finance Committee for determination.

Carried.

7.

**WELFARE – MEALS ON WHEELS – DIRECT DEBIT FOR CLIENT PAYMENTS (W51-00039)**

That the joint report by the Director of Community Development and Chief Financial Officer dated 20 August 2002, in respect of the use of Centrepay-Centrelink Direct Debit Facility for Meals on Wheels clients, be received and noted.

Carried.

8.

**MOTOR VEHICLES - COMMUNITY BUS SCHEME - QUARTERLY REPORT - APRIL-JUNE 2002 (M56-00080)**

That arising from consideration of a report by the Director Community Development dated 29 August 2002, confirmatory approval be given to the excess motor vehicles' use costs (\$7057.60), for the period April-June 2002 as listed in Table 1 accompanying the before mentioned report, being treated as donations and charged against Section 356 of the Local Government Act, 1993, for the 2002/2003 budgetary period.

Carried.

9.

**PARKS - REDFERN PARK, - AUSTRALIANS FOR NATIVE TITLE AND RECONCILIATION – REQUEST FOR FREE USE, AND INKIND SUPPORT 12 OCTOBER 2002 (2025737)**

That arising from consideration of a report by the Director of Community Development dated 5 September 2002, Council support the 5th anniversary of ANTaR by providing the following in kind support: free use of Redfern Park on 12 October, 2002, authorising the Mayor to speak on Council's commitment to Reclaiming Rights and Reconciliation, and assisting to publicise the event.

It was moved by the Mayor, seconded by Councillor Shaw, 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 Director of Community Development dated 5 September 2002, be received and noted, and that a further report be submitted to Council regarding their request.

Motion, as amended by consent, carried.

10.

**CELEBRATIONS - GAY GAMES 2002 - CITY HUB INFORMATION STALL, HYDE PARK NORTH, 1-8 NOVEMBER 2002 (2020152)**

That for the reasons set out in the report by the Director of Community Development dated 12 September 2002, Council is unable to accept the offer by the 2002 Gay Games to have an information stall at the City Hub area in Hyde Park North from Friday, 1 to Friday 8 November 2002 due to lack of funds, however Council notes that Council Officers are investigating other ways of disseminating this information, without cost to Council.

(DCE Report 9.9.02)

Carried.

11.

**LICENSING - SURREY STREET, NO. 116, DARLINGHURST - PROPOSED FOOTWAY LICENCE (AMENDMENT) (201258)**

That approval be given to:-

- (a) the amendment of the Approval of Council dated 13 March 2002 by replacing plan No. S4-130/642B with Plan No. S4-130/642C:
  - ? Licence area 4.5m<sup>2</sup>, 4 tables, 8 chairs.
  - ? Hours of operation 10.00 a.m. - 10.00 p.m. 7 days per week.
- (b) the erection of suitable signage to ask patrons to be considerate of their neighbours.

(DCE Report 9.9.02)

Carried.

12.

**DONATIONS - PORT JACKSON DISTRICT COUNCIL OF P & C ORGANISATIONS – REQUEST FOR SUPPORT FOR CONFERENCE (2025737)**

This matter was submitted to Council without recommendation

Moved by Councillor Furness, seconded by Councillor Lay:-

That arising from the report by the Director of Community Development dated 4 September 2002, approval be given to the Port Jackson District of P & C Organisation being given the amount of \$1,000 to be funded from the Redfern/Waterloo Priority Worker Project towards their annual conference.

Carried.

13.

**STREETS – QUEEN STREET, NOS. 161-219, BEACONSFIELD AND CORNER OF COLLINS STREET - ROAD CLOSURE AND SALE - ADVERTISING (U01-000745)**

That approval be given to advertising and action to be taken for the proposed closure and sale of part of the splay at the intersection of Queen Street and Collins Street, Beaconsfield, as shown stippled on Plan No. S6-280/269 accompanying the Director's report and in accordance with the Policy for the proposed closure and sale or lease of roads, adopted by Council on 27 August 1997, and a further report be submitted to Council at the end of the advertising period.

(DCE Report 9.9.02)

Carried.

14.

**DONATIONS – WALLA MULLA FAMILY AND COMMUNITY SUPPORT - REQUEST TO USE UNSPENT FUNDS UNDER 2001/2002 ANNUAL COMMUNITY GRANTS PROGRAM (2027207)**

That arising from consideration of a report by the Director of Community Development dated 9 September 2002, approval be given for Walla Mulla Family and Community Support to put the unspent funds (\$1,022.44) allocated under the 2001/2002 Annual Community Grants Program for the Young Women's Camp towards the annual Youth Snow Camp.

Carried.

15.

**DONATIONS - ERSKINEVILLE PUBLIC SCHOOL - REQUEST FOR DONATION TO ASSIST WITH FUND RAISING DAY (2025737)**

This matter was submitted to Council without recommendation.

It was moved by Councillor Furness, seconded by the Mayor, that Council approve the amount of \$640 to assist in the distribution of flyers.

(DCD Report 12.9.02)

Carried.

16.

**PROPERTIES - REDFERN TOWN HALL - REQUEST FOR FREE USE –  
26 SEPTEMBER 2002 - SURRY HILLS NEIGHBOURHOOD CENTRE  
(P56-00410)**

That approval be given to Surry Hills Neighbourhood Centre for the free use of Redfern Town Hall on 26 September 2002, under the provisions of Section 356 of the Local Government Act 1993, and Council agrees to forgo \$40 in income and \$50 in costs, to allow Surry Hills Neighbourhood Centre to conduct their meeting to organise their Forum.

(DCD Report 13.9.02)

Carried.

17.

**ELECTIONS - WARD BOUNDARIES - REVIEW (2021700)**

That the report by the Director of Corporate Services dated 9 September 2002, in respect of the number of electors in each Ward of South Sydney Council, be received and noted.

Carried.

The Finance Committee Meeting terminated at 7.08 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

18 September 2002

**PRESENT**

**Councillor Christine Harcourt (Chairperson)**

**The Mayor, Councillor Tony Pooley and Councillors – John Bush and Shayne Mallard**

At the commencement of business at 7.09pm those present were -

**GENERAL MANAGER**

The Mayor and Councillors:- Bush, Harcourt and Mallard

Moved by the Chairperson (Councillor Harcourt), seconded by The Mayor-

That the Report of the Community Services Committee of its meeting of 18 September 2002, be received and the recommendations set out below for Items 2-6, inclusive, be adopted. The recommendation set out below for Item 1 having been dealt with as shown immediately following such Item.

Carried.

The Committee **recommended** the following:-

1.

**COMMUNITY FACILITIES - ROZELLE HOSPITAL – CLOSURE, SALE AND RE-DEVELOPMENT OF CALLAN PARK – LETTERS OF OBJECTION TO NSW MINISTER FOR HEALTH (2027617)**

This matter was submitted to Council without recommendation.

It was moved by Councillor Shaw, seconded by Councillor Harcourt:-

That the report by the Director of Community Development dated 11 September 2002, be received and noted.

Negatived.

It was then moved by Councillor Bush, seconded by Councillor Fowler, that the Mayor write to the Minister for Health advising that South Sydney Council does not endorse the sale of any land, or the winding down of any health services on the site and that the site remain public open space.

Carried.

2.

**PARKS - LAWRENCE HARGRAVE RESERVE, KINGS CROSS – OPTIONS FOR USE - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P52-00065)**

That arising from consideration of a report by the Director of City Works dated 5 September 2002, approval be given to:-

- (1) the funding for the preparation of a structural report of the adequacy of the Kings Cross Parking Station to support additional loadings be considered with other projects for inclusion in the 2003/2004 Works Program;

- (2) the consideration of a proposal to further develop the open space above the Kings Cross Parking Station known as Lawrence Hargrave Reserve be deferred until after the preparation of the said structural report.

Negatived.

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

That the matter be deferred until construction on the Gazebo and Sebel townhouse sites has been completed and they are occupied.

Motion, as amended by Councillor Lennon, carried.

**3.**

**CELEBRATIONS - GAY GAMES 2002 – UPDATE – QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2020152)**

That the information contained in the report by the Director of Community Development dated 11 September 2002, in respect of the Sydney 2002 Gay Games, be received and noted.

Carried.

**4.**

**PUBLIC RELATIONS - ART IN SIGHT – NOS. 28 – 54 LOUIS STREET, REDFERN- COMMISSION FOR REDFERN MULTIPURPOSE COMMUNITY FACILITY (2021371)**

That arising from consideration of a report by the Director of Community Development dated 4 September 2002, approval be given to the third Art in Sight commission occur at Nos. 28-54 Louis Street, Redfern, with funds available in the priority works budget 2002 (budget code: 6300 22001) to cover this expenditure.

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

- (1) That the matter be deferred until the building is further advanced;
- (2) That the matter be referred to the Cultural Committee.

Motion, as amended by consent, carried.

5.

**CELEBRATIONS - KINGS CROSS FESTIVAL – KINGS CROSS ARTS GUILD – REQUEST FOR POSTERS IN JC DECAUX BUS SHELTERS (2020709)**

That for the reasons set out in the report by the Director of Community Development dated 5 September 2002, it be resolved that Council:-

- (1) does not agree to support the request from the Kings Cross Festival to use the 132 smaller poster spaces for which Council has exclusive usage as it conflicts with the use by Council for its “Look Right” road safety promotional campaign;
- (2) notes when the Festival was advised of its grant of \$5,000 to support the 2002 festival meant it was further advised it was not eligible to receive any further funding either in cash or kind from Council;
- (3) resolves not to extend the use of the 132 smaller poster spaces to outside community groups given Council’s needs and limited resources.

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

- (1) that Council receive and note the report by the Director of Community Development dated 5 September 2002;
- (2) that Council invite the Kings Cross Festival to install advertising in all available JC Decaux bus shelters located in the North Ward until the commencement of the Gay Games.

Motion, as amended by Councillor Mallard, carried.

6.

**COMMUNITY SERVICES - MULTICULTURAL ADVISORY COMMITTEE – NEW REPRESENTATION FROM RESIDENT AND COMMUNITY ORGANISATIONS (2026036)**

That arising from consideration of a report by the Director of Community Development dated 9 September 2002, approval be given to Council’s new Multicultural Advisory Committee comprising the community representatives as outlined in the before mentioned report.

Carried.

The Community Services Committee Meeting terminated at 7.16 p.m.

**GENERAL MANAGER**

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

18 September 2002

**PRESENT**

**Councillor Jill Lay (Chairperson)**

**Councillors – John Fowler, Peter Furness, Amanda Lennon and Greg Shaw**

At the commencement of business at 6.33 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw.

**Note:** Councillor Mallard was in attendance at the meeting as an observer for Items 3,4 and 5

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

That the Report of the Planning and Development Committee of its meeting of 18 September 2002, be received and the recommendations set out below for Items 1, 3 and 6, be adopted. The recommendations for Items 2, 4, 5 and 7 to 10, inclusive, having been dealt with as shown immediately following such Items.

Carried

The Committee **recommended** the following:-

1.

**BOTANY ROAD, NOS. 201-211, WATERLOO – TO USE PREMISES FOR THE STORAGE AND RETAILING OF CHRISTMAS PRODUCTS, INVOLVING BUS TOURS – SECTION 82A REVIEW OF REFUSAL OF CONSENT TO DEVELOPMENT APPLICATION (U00 – 00954)**

That the application for a Section 82A Review, be refused and the previous decision of Council of 12 December 2001 be upheld.

(DCE Report 11.9.02)

Carried.

During discussions on this matter, Councillor Fowler made a derogative comment towards the Acting Statutory Planning Manager.

Councillor Lay asked that he withdraw and apologise unreservedly.

Councillor Fowler apologised and withdrew his remark unreservedly.

**GENERAL MANAGER**



2.

**MARSHALL STREET, NOS. 50-56, SURRY HILLS – ADAPTIVE RE-USE OF A WAREHOUSE FOR THE PURPOSES OF A RESIDENTIAL CONVERSION TO 7 RESIDENCES AND A SEMI-BASEMENT CAR PARK, PART DEMOLITION AND RECYCLING OF MATERIAL IS INVOLVED - DEVELOPMENT APPLICATION (U02-00357)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

(A) That the Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Dale Jones-Evans Pty Ltd, with the authority of Basking Sun Pty Ltd, Sandluck Pty Ltd and Concord Property Holdings Pty Ltd, to convert a commercial building to seven town houses, subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Director of Planning and Building prior to lodging an application for a Construction certificate:
  - (a) An agreement has been executed for the carrying out of public domain works by the applicant/developer to a value of \$84,600, in accordance with condition (6);
  - (b) Provision of details of colours and materials of all facades;
- (2) That development shall be generally in accordance with plans A0.01 to 08, A1 01 to 07, A2 01 to 06, and A301 and 02, all dated 27 March 2002, and amending screening and balustrade details dated 21 September 2002 except where amended by the following conditions of this consent;
- (3) That no part of the works shall project over the footpaths of Prospect Street or Marshall Street;
- (4) That a dilapidation report of adjoining properties shall be carried out prior to the commencement of any demolition, excavation or construction work;
- (5) That the garage door shall be a panel lift rather than a roller door;
- (6) That in order to earn bonus floor space in excess of the maximum specified in DCP 1997, that the developer/applicant execute an agreement undertaking to provide public domain improvements in the vicinity of the site to a value of \$84,600, such works to be determined in consultation with the Council's

**GENERAL MANAGER**

Public Works Department and detailed in the agreement. This work may include the carrying of improvements in the Fred Miller Park;

- (7) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$14,190 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;
- (8) 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 \$4,600, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (9) 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:
  - (a) external finishes to walls;
  - (b) roofing;
  - (c) balcony treatment;
  - (d) windows and doors;

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

- (10) That the Council notes that the granting of consent to the provision of openings in the walls on the southern boundary does not grant or imply any rights to light or air across that boundary or limit the owners of adjoining property in any rights in the redevelopment of their own land;
- (11) That the applicant shall be responsible for the redesign and reconstruction of the Kendall Street gutter crossing;
- (12) That no business use of any unit other than a use which complies with the definition of home business shall be carried on unless development consent has been granted;
- (13) That a maximum of 8 off-street car parking spaces shall be provided and, except where elsewhere stipulated, each space

shall be a minimum of 5.4m x 2.6m or 5.5m x 2.5m, with a minimum headroom of 2.2m and the layout of the parking area and ramps shall comply with the relevant Australian Standards and Council's Development Control Plan No 11;

- (14) That the parking spaces shall be allocated on the basis of 7 for residents and 1 for visitors (appropriately line-marked and labelled prior to issuing an Occupation Certificate);
- (15) That the visitor space shall be shown as common property in any strata subdivision and shall not be sold or allocated for the specific use of any person or unit;
- (16) That two bicycle lockers shall be provided in the basement for the use of residents;
- (17) Prior to the issue of a Construction Certificate for above ground works or works not directly ancillary to a remediation process, a Site Audit Statement prepared by an EPA accredited site auditor pursuant to the Contaminated Land Management Act 1997, is to be submitted to Council clearly demonstrating that the site is suitable for the intended use under this consent. Conditions imposed on the Site Audit Statement shall form part of this consent. However, in circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of inconsistency and an s96 application pursuant to the Environmental Planning & Assessment Act 1979 will be required;
- (18) NOTE: Prior to the execution of remedial works, attention is directed to obligations imposed on the applicant to the consent (or successor/s) pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and planning instruments applicable to the works including State Environmental Planning Policy No. 55 and Councils adopted Development Control Plan - Contaminated Land;
- (19) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (20) That the basement car park shall be mechanically ventilated in Accordance with the Australian Standards 1668 Parts 1 & 2;
- (21) That all internal rooms not naturally ventilated shall mechanically ventilated in accordance with The Building Code of Australia;
- (22) That hazardous and/or industrial waste arising from the demolition/operational activities shall be removed (generated) and/or transported in accordance with the requirements of the

Environment Protection Authority and the NSW WorkCover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act, 1997
  - (b) Protection of the Environment Operations (Waste) Regulation 1996
  - (c) Waste Avoidance and Recovery Act 2001
  - (d) New South Wales Occupational Health & Safety Act, 2000
  - (e) New South Wales Construction Safety Act, 1912 (Regulation 84A-J Construction
  - (f) Work Involving Asbestos or Asbestos Cement 1983)
  - (g) The Occupational Health & Safety Regulation 2001
  - (h) The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996;
- (23) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;
- (24) That activity from demolition and construction shall not cause "offensive noise" as defined under the Protection of the Environment Operations Act 1997;
- (25) That the use of the premises shall not give rise to:
- (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, f(LA90) noise level in the absence of the noise under consideration by frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (26) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:

- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (d) 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:
- (e) That the openings in the external wall/s shall be protected by wetting sprinklers or -/60/30 fire doors or -/60/- fire windows or fire shutters or by construction having an FRL of not less than -/60/- in accordance with the requirements of C3.2, C3.3 and C3.4 of the BCA with specific attention directed to the proposed southern external walls;
- (f) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (g) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (h) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (i) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (j) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (k) That all glazing materials shall comply with Part 3.6 of the BCA;
- (l) That the discharge from exits shall comply with D1.10 of the BCA;

- (m) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;
- (n) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (o) That all doors serving as required exits or forming part of a required exit and any door, shutter, grille or the like which is installed in a path of travel to a required exit, shall comply with the requirements of D2.19, D2.20 and D2.21 of the BCA;
- (p) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
- (q) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
- (r) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (s) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
- (t) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (u) That smoke hazard management shall comply fully with the requirements of Part E.2.2 of the BCA;
- (v) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;

- (w) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
  - (x) That all damp and weatherproofing provisions shall be in accordance with Part F1 of the BCA;
  - (y) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
  - (z) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
  - (aa) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
  - (bb) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
  - (cc) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
  - (dd) That the door openings to the stairways connecting the car park level to the residential units shall be protected by self closing -/60/30 fire doors;
  - (ee) That the ballustrades shall comply fully with the requirements of Clause D.2.16 of the BCA;
- (27) That all relevant sections of the BCA shall be complied with;
- (28) 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;
- (29) 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;

- (30) 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;
- (31) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (32) 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;
- (33) 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;
- (34) That the requirements of the Work Cover Authority shall be complied with;
- (35) 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;
- (36) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (37) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (38) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (39) 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;
- (40) That the demolition work shall comply with Australian Standard 2601-1991;
- (41) That if the soil conditions require it:



- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (42) 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

(Note) 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 and in this condition, allotment of land includes a public road and any other public place;

- (43) 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 or 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.

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

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

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

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

This clause does not apply to:

- (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (45) That all vehicles must enter and exit the driveway in a forward direction at all times. All vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads;
  - (46) That the applicant shall delete the proposed driveway in Kendall Street;
  - (47) That applicant shall delete the visitors car space;
  - (48) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
  - (49) That the applicant shall remove the encroachment over the public way at the corner of Marshall Street and Prospect Street;
  - (50) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
  - (51) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees.  
(Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);

- (52) That the applicant shall apply to the Director of City Works for the allocation of a street number. Council will then inform all the relevant authorities. Upon issue of the street number they shall be clearly displayed, being of contrasting colour and adequate size and location for viewing from the roadway;
- (53) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (54) That the owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of Planning and Building and so that the opening of any doors of such substation shall not intrude upon the public way;
- (55) 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;
- (56) 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;
- (57) 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;
- (58) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;

- (59) 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;
- (60) That before entering a purchase/ lease/ occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (61) That the applicant shall submit a Vehicle and Pedestrian Traffic Management Plan, for the construction and demolition period, to be approved by Council prior to the release of the Construction Certificate. The Plan shall provide information regarding parking restrictions, emergency access, pedestrian protection, traffic impacts, traffic routes etc;
- (62) That the applicant shall provide off-street parking for construction workers. The location of these spaces should be indicated on the plans submitted with the Construction Certificate;
- (63) 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;
- (64) 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 Public Works and Services;
- (65) 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;
- (66) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;

- (67) That any connection to Council's stormwater drainage pit and/or stormwater pipeline shall have a positive covenant imposed on the land title. The wording of this covenant shall be in accordance with that provided by Council. (Please contact the Traffic and Design Branch on 9288 5472 for further information).
- (68) A separate application for works on the public way related to the connection shall be made to Council pursuant to section 68 of the Local Government Act, 1993. Approval shall be obtained prior to the issue of the Construction Certificate.
- (69) The applicant shall be responsible for payment of application fees and the full cost of work, as well as the lodgement of security deposits, public liability insurance and the positive covenant;
- (70) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;
- (71) That the applicant shall submit to the Certifying Authority an annual maintenance program for landscape works. A copy is to be supplied to the Body Corporate/ contractor/owner for ongoing maintenance of the site;
- (72) That the Certifying Authority (Council or private) shall arrange for a qualified Landscape Architect to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. Landscape works are to be fully completed prior to the issue of an Occupation Certificate;
- (73) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (74) 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);
- (75) That a garbage /recycling storage facility shall be located within the site at street level in a position approved by Council's Waste Services Manager that can be accessed by a kerbside collection service. Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waste

Management - Minimisation Fact Sheets". Details to be submitted with the application for a Construction Certificate;

- (76) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (77) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (78) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans.

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

- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That the Council's Traffic Committee investigate the replacement of the existing "no parking" sign opposite the existing vehicular entrance in Prospect Street with a "no stopping" sign.

Carried.

**3.**

**DARLINGHURST ROAD, NOS. 111-139, POTTS POINT – EXTENSION OF OPERATING HOURS – DEVELOPMENT APPLICATION (U02-00622)**

**NOTE:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously refused by the Planning and Development Committee under delegation for the reasons in the report by the Director of City Environment dated 24 August 2002.

Carried.

**GENERAL MANAGER**

4.

**TRAFFIC – SYDNEY SIGHTSEEING PTY LTD – PRIVATE TOURIST BUS SERVICE – DARLINGHURST, POTTS POINT AND WOOLLOOMOOLOO - DEVELOPMENT APPLICATION (2013597)**

That Council resolves to refuse the proposed Sydney Sightseeing Pty Ltd tourist bus service within the South Sydney LGA for the following reasons:

- (a) its operation will adversely impact on the amenity of the streets along the route,
- (b) it will introduce more vehicles into the constrained road network and contribute to increased traffic congestion and
- (c) it will contribute to increased air and noise pollution in South Sydney.

(DCW Report 10/9/02)

At the request of Councillor Shaw, and by consent, that the motion be amended by the deletion of the whole of the resolution and the insertion in lieu thereof of the new resolution, that the matter be deferred for a briefing of all Councillors.

Motion, as amended by consent, carried.

5.

**COOK ROAD, NOS. 153-155, CENTENNIAL PARK – DEMOLISH REAR OF EXISTING DWELLINGS AND ERECT PART THREE/PART FOUR STOREY RESIDENTIAL FLAT BUILDING - DEVELOPMENT APPLICATION (U02-00770)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the Development Application be deferred pending submission of amended plans which provide an additional two parking spaces at the rear of the property and which provide pedestrian access to the rear units from the Cook Road frontage to the property.

At the request of Councillor Mallard, and by consent, the motion be amended by the addition of the following words, namely, “and that redesigns to the roof form to incorporate pitched roofs sympathetic to the federation heritage of the precinct”.

Motion, as amended by consent, carried.

At the request of Councillor Fowler, the Mayor also asked that the Rear Lane Policy of Council be taken into account in relation to this development.

6.

**OXFORD STREET, NO. 17, PADDINGTON (1<sup>ST</sup> FLOOR VERONA CINEMA BUILDING) – EXTENSION OF HOURS (UNTIL 3AM ON THURSDAY TO SATURDAY) TO THAI RESTAURANT (LA THAILAND) AND PROVISION OF LIVE ENTERTAINMENT – DEVELOPMENT APPLICATION (U02-00666)**

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by G Fares, with the authority of Shala Pty Ltd, to extend the operating hours of the La Thailand restaurant on the first floor of the Verona Cinema building to between 11 am and 3 am Thursday to Saturday and to provide public entertainment on the site, for the following reasons, namely:-
- (1) That the use, and hours of operation, would have an adverse impact on the amenity of local residents in the area by way of increased noise generation and additional constraints would be placed on car parking in the area. Consequently, the use is not consistent with the zoning objectives for the premises and in particular Section 1 (c) of Clause 13 of the South Sydney LEP 1998, which states, *“to improve the amenity and accessibility of commercial strips and centres for residents, workers and visitors in those areas”*;
  - (2) That the use and hours of operation fail to satisfy the amenity objectives and operational control performance criteria in Sections 4 and 6 of the DCP 1997;
  - (3) That the proposal would increase car dependency and traffic generation in the vicinity of the site and is inconsistent with the objectives in the Strategy for a Sustainable City of South Sydney and DCP 11;
  - (4) That insufficient information has been submitted with the application. In particular no noise assessment has been carried out by a suitably qualified acoustic expert in order to assess if the premises is capable of complying with Councils noise abatement requirements;
  - (5) That the proposal is not in the public interest.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.



7.

**KINGS CROSS ROAD, NO. 46, POTTS POINT – CONVERSION OF GROUND FLOOR STORES AND FOYER AREA TO A CONVENIENCE STORE AND COFFEE SHOP AND ERECT TWO ADDITIONAL LEVELS OF RESIDENTIAL APARTMENTS CONTAINING 2 X 1 BEDROOM UNITS AND 2 X 2 BEDROOM UNITS – DEVELOPMENT APPLICATION (U02-00354)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council as the responsible authority refuses its consent to the application submitted by Oceania Clarke Partnership P/L with the authority of Mr Nemeth to convert the ground floor stores and foyer area to a convenience store and coffee shop and erect two additional levels of residential apartments containing 2 x 1 bedroom units and 2 x 2 bedroom units, for the following reasons, namely:-
- (1) The proposed development does not comply with the FSR control of 3:1 specified under Part E of DCP 1997. The proposed FSR of 4.53:1 is excessive, and the proposal is an overdevelopment of the site;
  - (2) The proposed coffee shop and convenience store is not consistent with the objectives of the 10 Mixed Uses Zone in LEP 1998, and in particular the following objectives;
    - (a) *to allow, in appropriate circumstances, a mixture of compatible land uses such as residential, retail, commercial, light-industrial and industrial development,*
    - (g) to minimise any adverse impact on residential amenity by devising appropriate design assessment criteria and applying specified impact mitigation requirements by the use of development control plans
  - (3) The hours of operation of the convenience store/café are excessive and will adversely impact upon the amenity of the area, inconsistent with the relevant provisions of Part E of DCP 1997;
  - (4) The proposed development is out of scale with the three and four storey heritage buildings to the west. The proposal will diminish the significance of these buildings by forming the dominant element in the street, inconsistent with the heritage objectives and provisions of LEP 1998, DCP 1997 and DCP 1998;
  - (5) The proposed development does not comply with the requirements for parking under DCP 11 Transport Guidelines for Development 1996;

**GENERAL MANAGER**

- (6) That the development would result in unacceptable amenity impacts on existing and future residents on the site, through lack of access to services and facilities, such as open space, and construction noise impacts inconsistent with Parts D and E of DCP 1997;
  - (7) The proposal is not in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

Carried.

**8.**

**GREEN SQUARE – SOUTH SYDNEY DEVELOPMENT CORPORATION BOARD AND TOWN CENTRE PROJECT CONTROL GROUP – COUNCIL REPRESENTATION (2022972)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

That Council endorse:-

- (a) the appointment of Councillor Tony Pooley, Mayor of South Sydney, as Director of the South Sydney Development Corporation Board;
- (b) the appointment of Council's new Director of City Environment, Mr. Stuart McDonald as a member of the Green Square Town Centre Project Control Group, to replace Councillor John Fowler.

(GM Minute 25.9.02)

Carried.

**9.**

**GREEN SQUARE - MEMORANDUM OF UNDERSTANDING BETWEEN SOUTH SYDNEY CITY COUNCIL AND SOUTH SYDNEY DEVELOPMENT CORPORATION (2022972)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council endorse the amended Memorandum of Understanding between the Minister for Urban Affairs and Planning, the South Sydney Development Corporation and South Sydney City Council.

**GENERAL MANAGER**

Councillor Shaw moved that the motion be put.

Motion to be put, negatived.

It was moved by Councillor Lennon, seconded by Councillor Furness, that the whole of the resolution be deleted and that a briefing be held for all Councillors prior to the next Planning and Development Committee to be held on 16 October 2002.

Motion, as moved by Councillor Lennon, carried.

10.

**KING STREET, NOS. 174-176, NEWTOWN - THE "NEWTOWN HOTEL" - TO EXTEND THE HOURS OF SUNDAY TRADING - DEVELOPMENT APPLICATION (U02-00789)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

(A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Stessel Pty Ltd, with the authority of Newtown Colonial Hotel, to extend the hours of operation of the hotel on Sundays by two hours, until 12.00 midnight for the period of the Gay Games, subject to the following conditions, namely:-

(1) That the extension of hours shall be limited only to the following dates:

27 October 2002;  
3 November 2002;  
10 November 2002; and  
17 November 2002.

-after which time the hours shall revert to the existing approved hours of operation, being to 10pm, Sundays;

(2) That during the trial period the hotel shall remain open for the full hours for which application is made;

(3) That the operating hours shall not commence until such time as written evidence of consent from the Licensing Court of NSW is submitted to Council;

(4) That on each night of trading, the operator shall employ at least two security operatives from 9pm until the last person leaves the site;

**GENERAL MANAGER**

- (5) That the licensee and staff shall comply with the provisions of the hotel's Management Plan as submitted with this application and the provisions of that plan shall form a part of this consent and be enforceable as such;
- (6) That no change shall be made to the Management Plan except with the written agreement of the Council;
- (7) That a closed circuit television system shall be maintained in consistent working order and record the exterior of the hotel. All recording from the closed circuit television program are to be kept for a minimum of 1 month;
- (8) That no spruikers shall be employed in associate with the premises;
- (9) That as part of the responsibilities of the Licensee, staff and security personnel of the hotel shall:
  - (a) Remind patrons leaving the hotel to keep noise to a minimum, particularly when walking along residential streets; and
  - (b) Report to the Newtown Local Area Commend of the NSW Police Service any drug dealing or illegal activities occurring within sight of the premises;

and the following standard conditions:

- (10) Noise from licensed premises (amplified music)<sup>7015</sup>
- (11) Noise and vibration<sup>7028</sup>
- (12) Noise<sup>7030</sup>

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

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood, including adverse effects relating to traffic and parking congestion, 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.

The Planning and Development Committee Meeting terminated at 8.06 p.m.

The Council Meeting terminated at 8.53 p.m.

Confirmed at a meeting of South Sydney City Council  
held on .....2002

**CHAIRPERSON**

**GENERAL MANAGER**

**GENERAL MANAGER**