

**310<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
454844

**Wednesday, 20 November 2002**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.33 pm on Wednesday, 20 November 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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### **Confirmation of Minutes**

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

That the minutes of the Ordinary Meeting of Council of 23 October 2002, be taken as read and confirmed.

At the request of the Mayor, and by consent, the minutes were amended by the deletion of pages 1212 to 1217, these pages containing the confidential items of the Finance and Planning and Development matters that were dealt with in the Committee of the Whole at the Council Meeting on 23 October 2002.

The reason these pages were excised from the Minutes was so that they could be clarified and submitted to the next Council Meeting for confirmation.

Carried.

At this stage it was moved by Councillor Lennon, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, that Council Ordinance Officers refrain from harassing the people at the Victoria Park Tent Embassy and respect their right to peaceful law abiding protest and that the Mayor and interested Councillors meet with the Embassy people on site.

The Mayor considered this not to be of an urgent nature and was not dealt with.

### **Leave of Absence - Councillor Gregory Shaw**

A request was received from Councillor Shaw for leave of absence from the next Planning and Development Committee Meeting to be held on 27 November 2002.

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

That leave of absence be granted to Councillor Shaw for leave of absence from the next Planning and Development Committee Meeting to be held on 27 November 2002.

Carried.

### **MINUTE BY THE MAYOR**

20 November 2002

### **PUBLIC RELATIONS – DEATH OF MRS. JOAN RUSSELL – CONDOLENCES (2004380)**

It is with regret that I inform Council of the death of Joan Russell aged 78 years, a long time resident of Waterloo, who died after being on life support in Royal Prince Alfred Hospital.

Mrs. Russell lived in the area for 25 years and performed volunteer work at the local Aboriginal Community Centre. She will be missed by her community.

**RECOMMENDATION:**

That a letter under the signature of the Mayor be forwarded to her daughter Elaine and family expressing the condolences of Council.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Shaw, seconded by Councillor Lay:-

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

Carried.

**MINUTE BY THE MAYOR**

20 November 2002

**PUBLIC RELATIONS – DEATH OF ERNEST HOENIG –  
CONDOLENCES (2004380)**

It is with regret that I inform Council of the death of Ernest Hoenig, father of the Mayor of Botany Bay City Council, Councillor Ron Hoenig.

Ernest, who lived at Rosebery, had been ill for a long time and was 81 years of age at the time of his death.

**RECOMMENDATION:**

It is recommended that a letter under the signature of the Mayor, offering the condolences of the Council, be forwarded to the Mayor of Botany Bay City Council.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

### **COMMITTEE OF THE WHOLE MEETING**

At this stage and at 6.51 pm, it was moved by the Mayor, seconded by Councillor Shaw:-

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

Minute by the Mayor – Meeting with Federal Minister for Police (2028002);

It was moved by Councillor Mallard, seconded by Councillor Lay, that all remaining items that are to be considered as Press and Public Excluded, that is:-

#### **FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

Personnel – Cleaning – Street Sweeping Restructure – and a minute dated 20 November 2002, that was circulated to all Councillors prior to the Council Meeting commencing (2003078) (Item No. 1 Finance Confidential Matter);

Signs – Traffic – Provision of Signposting Services for a 12 Month Period 2002/2003 – Acceptance of Tender (2027614) (Item No. 2 Finance Confidential Matter);

#### **PLANNING AND DEVELOPMENT COMMITTEE (CONFIDENTIAL MATTERS)**

Pymont Bridge Road, Nos. 2 – 50, Camperdown – Masterplan Lots 4, 5 and 7 (Item No. 1 Planning and Development Committee Confidential Matter) (U01-01143).

-be dealt with also in the Committee of the Whole meeting.

Carried.

It was moved by Councillor Furness, seconded by Councillor Lennon, that all the beforementioned items (Confidential Matters) not be dealt with in closed Council, but in open Council.

The Mayor then put the matter of all the Confidential Matters being dealt with in open Council, to the vote.

Amendment Negatived.

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

Carried.

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

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

During the Committee of the Whole meeting, Councillor Lennon left the meeting at 7.18 p.m. and returned at 7.30 p.m.

Councillor Fowler left the Committee of the Whole meeting at 7.30 p.m. prior to its termination and did not return, but was present at the re-convening of the Council meeting.

At 7.35 pm the Council Meeting resumed.

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

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

### **MINUTE BY THE MAYOR**

20 November 2002

### **PUBLIC RELATIONS – MEETING WITH FEDERAL MINISTER FOR POLICE – ATTENDANCE BY MAYOR AND GENERAL MANAGER (2028002)**

The reason for the press and public being excluded in this matter is in accordance with Section 10A(2)(c) of the Local Government Act, 1993, which states “information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business”.

In relation to this matter a minute by the Mayor dated 20 November 2002, was circulated to all Councillors prior to the Council Meeting commencing and was press and public excluded.

That Council approve the Mayor and General Manager attending a meeting with the Minister for Federal Police and/or his staff, and report back to Council on the discussions.

Councillor Tony Pooley (SGD)  
**Mayor**

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

Carried.

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

**PERSONNEL – CLEANING – STREET SWEEPING RESTRUCTURE – AND A MINUTE DATED 20 NOVEMBER 2002, THAT WAS CIRCULATED TO ALL COUNCILLORS PRIOR TO THE COUNCIL MEETING COMMENCING) (2003078) (ITEM NO. 1 FINANCE CONFIDENTIAL MATTER)**

That the recommendation as contained in the reports by the Director of City Works dated 6 and 20 November 2002, be approved and adopted.

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(c) of the Local Government Act, 1993, which states, "information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business".

**SIGNS – TRAFFIC – PROVISION OF SIGNPOSTING SERVICES FOR A 12 MONTH PERIOD 2002/ 2003 – ACCEPTANCE OF TENDER (2027614) (ITEM NO. 2 FINANCE CONFIDENTIAL MATTER)**

That the recommendation as contained in the report by the Director of City Works dated 6 November 2002, be approved and adopted.

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(g) of the Local Government Act, 1993, which states, "advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege".

**DEVELOPMENT APPLICATION - PYRMONT BRIDGE ROAD, NOS. 2 – 50, CAMPERDOWN – STAGE 1 MASTERPLAN LOTS 4, 5 AND 7 – MASTERPLAN APPLICATION (U01-01143) (ITEM NO. 1 PLANNING AND DEVELOPMENT COMMITTEE CONFIDENTIAL MATTER)**

That the recommendation as contained in the report by the General Manager dated 6 November 2002, be approved and adopted.

(Councillor Lennon requested that her name be recorded as voting against the foregoing decision in respect of the Pyrmont Bridge Road matter.)

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

## **MINUTE BY THE GENERAL MANAGER**

14 November 2002

### **PROPERTIES - CIVIC ADMINISTRATION CENTRE AT TNT TOWER NO. 2, NO. 1 LAWSON SQUARE, REDFERN – CONFIRMATION OF LEASING ARRANGEMENTS (2013555)**

#### **EXECUTIVE SUMMARY**

As Power of Attorney for Council, John Hilton executed the lease of TNT Tower 2, No. 1 Lawson Square Redfern on Wednesday, 6 November 2002.

John Hilton's Power of Attorney was granted in 1990 under the Local Government Act 1919, and the lessor's solicitor had some concern on this. The solicitor requested that Council ratify the authority of John Hilton as Council's Power of Attorney Book 3029 No. 339. That is the first recommendation of this report.

Additionally, the lease arrangement is for 4 years with a 2-year option at \$1.5m per year and Council should confirm this. Further details are in the relevant file. This is the second recommendation of this report.

#### **RECOMMENDATION:**

That in regard to the leasing arrangements for TNT Tower 2, No. 1 Lawson Square, Redfern, Council confirms the:

- (1) Power of Attorney of John Hilton to execute this lease.
- (2) Lease arrangement for 4 years with a 2-year option at \$1.5m per year.

#### **DETAILED REPORT**

##### **Background**

- (1) John Hilton's Power of Attorney was initially approved by Council on 12 December 1990, under the Local Government Act 1919, and was reconfirmed by Resolution of Council 22 September 1993, under the Local Government Act 1993.

Council's Legal Officer has verbally advised that John Hilton's Power of Attorney is still properly authorised.

At the signing of the lease, John Hilton, David Cochrane and the solicitor representing Council from Abbott Tout, all agreed to arrange for Council to ratify John Hilton's Power of Attorney authority.

- (2) At its meeting on 23 October 2002, Council approved the recommendation of the report dated 10 October 2002, which was:
- (a) The General Manager enters into negotiations with Kimberley Securities Ltd, in relation to their Option 3 to relocate the Administration operations within Tower 2, No. 1 Lawson Square Redfern.
  - (b) A Development Approval is to be submitted for the fitout of Tower 2 and the One-Stop-Shop on the ground floor.
  - (c) A Development Approval is to be submitted for the fitout of the hospital site for offices to relocate some of the staff to that area.

and added:

the General Manager confirmed to Councillors present that he would liaise with staff regarding any fitout of the Administration Centre.

After subsequent negotiations with the lessor, Council officers agreed on the 4-year lease with a 2-year option at \$1.5m per year rent.

**Strategic Outcomes:**

One of Council's adopted Sustainable Development strategies is:  
Increase revenue by economically focused Property Management.

Another strategy within City Works is:  
Seek to achieve new integrated Council Administrative Centre and (community) function centre. This project helps achieve both these strategic outcomes.

**Delegation of Outcomes:**

I currently do not have delegated authority to approve these matters.

**Financial Implications:**

Funds for the rent will be made available in future budgets.

**Executive Recommendation:**

That in regard to the leasing arrangements for TNT Tower 2, No. 1 Lawson Square, Redfern, Council confirms the:

- 1) Power of Attorney of John Hilton to execute this lease.
- 2) Lease arrangement for 4 years with a 2-year option at \$1.5m per year.

Michael Whittaker (SGD)  
**General Manager**



Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

## **MINUTE BY THE GENERAL MANAGER**

18 November 2002

### **PLANNING - TAYLOR SQUARE – OXFORD, FLINDERS AND BOURKE STREETS, DARLINGHURST / SURRY HILLS – QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2023657)**

#### **BACKGROUND**

Community concern over the removal of the large Eucalyptus saligna (Sydney Blue Gum) was formally raised through a Question Without Notice by Cllr Amanda Lennon at the Council meeting of 25 September 2002. A response outlining the reasons for the removal of the subject tree was submitted to Council at the meeting of 23 October 2002 with an additional report that was prepared in response to a letter from Julia Perry and petition of 228 Signatures to save the Sydney Blue Gum. Both of these reports are attached to this report as Attachment G.

At the Council Meeting on 23 October 2002, the following resolution was made:

- (1) An independent consultant do an assessment of the design and cost of retaining the subject tree.**
- (2) Whether the subject tree would survive, if retained, taking into consideration that motor vehicles would be running over its roots.**
- (3) The matter be referred back to the Finance Committee for consideration following the consultants assessment.**

This report is submitted as a General Manager's Minute directly to Council rather than to the Finance Committee for consideration as resolved to prevent further delays to the construction works and consequent cost to Council.

Following the Council Resolution of 23 October 2002, quotations were called and two independent consultants were engaged. A Quantity Surveyor was engaged to assess the cost of retaining the tree and an Arborist was engaged to assess the design with regards to the affect on the health of the subject tree.

The Quantity Surveyor that was engaged was Davis Langdon Australia. Adrian Fisher who is an Associate of the company prepared the cost assessment of retaining the subject tree.

The Arborist that was engaged to assess the design and its impact on the health of the subject tree was Peter Castor of Tree Wise Men.

## **COMMUNITY INVOLVEMENT**

Julia Perry, the resident who has been representing the interests of petitioners in favour of the retention of the subject tree has been informed of developments since the Council Meeting of 23 October 2002.

Council Officers met with Julia Perry on Monday 4 November 2002 to inform her of their intention to engage an independent arborist and independent Quantity Surveyor, and the process involved prior to reporting back to Council. Julia Perry had previously issued the project coordinator with a list of three of her preferred independent consultants. These consultants were all Landscape Architectural firms however the project team thought it would be more appropriate to engage specialist consultants for the specific assessments required. This was explained to Julia Perry at the meeting and she made no objection to the decision.

Julia Perry accompanied by another resident Martin Daly then attended the site meeting held with the arborist and witnessed the inspection of the subject tree. At this meeting an alternate design option to that previously suggested by Julia Perry (Attachment A) was suggested by Martin Daly this design option involves a one way eastward traffic link between Bourke and Forbes allowing more space to remain unaltered around the subject tree (Attachment B).

Following the suggestion of this new option by Martin Daly the independent consultants briefs were expanded to involve the assessment of two alternative design options to the adopted and contracted design.

## **DESIGN OPTIONS**

Council is asked to consider three design options for the Bourke / Forbes Street link in the area around the subject tree. These design options are attached to this report and are as follows:

### **Attachment A:**

**OPTION A: TWO WAY LINK BETWEEN BOURKE AND FORBES  
(DIVIDED CARRIAGEWAY)**

### **Attachment B:**

**OPTION B: ONE WAY EASTWARD LINK FROM BOURKE TO FORBES**

### **Attachment C:**

**OPTION C: ADOPTED DESIGN IN CURRENT CONSTRUCTION CONTRACT (TWO WAY  
SINGLE CARRIAGEWAY)**

**SUMMARY OF IMPLICATIONS OF DESIGN OPTIONS:**

OPTION	DESCRIPTION	ADDITIONAL COST	IMPACT ON HEALTH OF TREE	IMPACT ON OPEN SPACE DESIGN	PROJECT COMPLETION DATE	APPROVALS
<b>Option A</b>	Two way traffic link between Bourke and Forbes St with divided carriageway	\$93,000.00	Likely to stress tree and cause dieback in canopy, and long term deterioration and possibly death.	Tree location reduces visibility for both pedestrians and vehicles. The plaza area to the south of the tree has been reduced and there is more road pavement.	3 JULY 2002	Traffic Committee approval required and Council confirmation following. Traffic Management Plan required if RH turn cannot be made out of Foley St.
<b>Option B</b>	One way eastward link from Bourke Street to Forbes Street	\$213,000.00	Increase in soil volume will reduce stress around tree base and provide for new root development.	Reduces flexibility for vehicles. Creates large shared zone to Foley Street. Reduces the amount of 'surveillance' from passing vehicles.	10 JULY 2002	Traffic Committee approval required and Council confirmation following. Traffic Management Plan should not be required as is minor change and matches existing.
<b>Option C</b>	Currently contracted - Two way link between Bourke Street and Forbes Street -single carriageway requiring removal of subject tree.	\$0	Tree to be removed.	Optimum options for both pedestrians and traffic.	18 JUNE 2003	No Further Approvals Required

**NB:**

It should be noted that the traffic flow as specified in the Eastern Distributor LAIP for the Bourke St./ Forbes St. link is for a two way traffic flow. This traffic flow could be changed to one-way traffic flow following public advertising under S.116 of the Roads Act and traffic committee approval. It is anticipated that no traffic or accessibility problems should be caused by this change, although there could be a limited reduction in kerbside parking spaces

Another factor that may influence the long term viability of the tree is the trenching due to service utility upgrades, particularly the relocation of 2 existing Energy Australia Substations and the installation of one new substation.

Additional reasons for the recommended removal of This factor could not be assessed by the engaged independent consultants in the available timeframe as Energy Australia have yet to finalise the amount of works required in the area.

**RECOMMENDATION:**

That Council receives and notes the information contained in the above report and Attachments that approval is given to:

- (1) Proceed with Option A - Attempt to retain the subject tree *Eucalyptus saligna* (Sydney Blue Gum) by instructing the consultant to redesign and document in accordance with Option A; AND Allocate additional funds of \$93,000 (GST excl.) (\$9,300 – Revenue, \$83,700 – Section 94) to 2002/2003 Works Program – Taylor Square Environmental Streetscape - Budget Ref. 45-101.

OR:

Proceed with Option B - Attempt to retain the subject tree *Eucalyptus saligna* (Sydney Blue Gum) by instructing the consultant to redesign and document in accordance with Option B; AND Allocate additional funds of \$213,000 (GST excl.) (\$21,300 – Revenue, \$191,700 – Section 94) to 2002/2003 Works Program – Taylor Square Environmental Streetscape - Budget Ref. 45-101.

OR:

Remove the subject tree and construct Taylor Square Upgrade in accordance with the adopted Concept Design Plan and Development Application.

- (2) Allocate additional funds for the independent reports referred to in this report in the amount of \$7,000.

Michael Whittaker (SGD)

**General Manager**

Moved by the Mayor, seconded by Councillor Harcourt:-

Option (C) in Item No. 1 in the recommendation be approved, namely:-

Remove the subject tree and construct Taylor Square upgrade in accordance with the adopted Concept Design Plan and Development Application;

- (2) Allocate additional funds for the independent reports referred to in this report in the amount of \$7,000.

Following discussion on the matter, it was moved by Councillor Harcourt, seconded by Councillor Shaw, that the motion be put.

Carried.

Motion, as moved by the Mayor, carried.

(Councillors Bush, Fowler, Lennon and Mallard requested that their names be recorded as voting against the foregoing motion.)

## **MINUTE BY THE GENERAL MANAGER**

18 November 2002

### **FINANCE - PRESENTATION OF COUNCIL'S AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2002 (2019711)**

On 23 October 2002 Council formally adopted the audited Financial Reports and the Auditor's Reports for the year ended 30 June 2002.

At that meeting Council also gave notice that it would present these reports to the Public, as required under Section 419(1) of the *Local Government Act 1993*, at its Council meeting of 20 November 2002.

The required 7 days public notice of this meeting has been given, as required under Section 418 of the *Local Government Act 1993*.

The public notice flier and the Financial Statement Summary, as required under Section 418(3)(b) of the *Local Government Act 1993*, has been placed on display at all Council Libraries, Town Halls and One-Stop-Shop. A full set of the audited Financial Reports and Auditors Reports was also made available at each of these locations.

The public notice also advises that any person may make submissions to Council with respect to the audited Financial Reports or to the Auditor's Report. Any submission must be made in writing and lodged with Council by 27 November 2002, (*to date no submissions have been received*).

#### **RECOMMENDATION:**

1. Council, in accordance with Section 419(1) of the *Local Government Act 1993*, presents its Financial and Auditor's Reports for the year ended 30 June 2002 , and

2. Council advises that as per Section 420(1) and (2) of the *Local Government Act 1993*, any person's wishing to make submissions in respect of these reports may do so, but submissions must be made in writing and lodged with Council by 27 November 2002.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

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

20 November 2002

#### **FINANCE – JOINT INITIATIVE BY SOUTH SYDNEY CITY COUNCIL AND SYDNEY CITY COUNCIL – CANCER RESEARCH – JOINT MESSAGE TO RATEPAYERS (5275977)**

South Sydney City Council has been approached by Sydney City Council to establish a joint initiative associated with cancer research.

Sydney City Council is seeking the endorsement of a joint letter signed by the Mayor and Lord Mayor to be forwarded to South Sydney ratepayers urging them to support cancer research.

Sydney City Council will meet all costs associated with the mail out and the proposed letterhead will have both logos of Councils with the joint signatures of the Mayors.

South Sydney will not provide to Sydney City Council the addresses of our ratepayers and Council will ensure security of this database in dealing with the direct mail company.

The initiative is of significant value because of its importance to the community and also that a number of cancer research programs operate from Medical Institutions within our City.

#### **RECOMMENDATION:**

That Council endorse the distribution of a joint letter supporting cancer research under the signatures of the Mayor of South Sydney and the Lord Mayor of Sydney.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Negatived.

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

That the matter be deferred and referred to the Finance Committee for consideration of the proposed brochure and further information.

Carried.

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

20 November 2002

#### **ADMINISTRATION – MANAGEMENT PLAN CONFERENCE, 16 NOVEMBER 2002 – ADOPTION OF DECISIONS (2009377)**

On Saturday 16 November 2002, South Sydney Council held a Management Plan Conference in which 10 decisions were recommended to be forwarded to Council for adoption, namely:-

1. That Council endorse the establishment of Strategy Development Areas as presented at the Management Plan Conference.
2. That approval be given to the establishment of an Environment and Health Branch under the control of the City Environment Department.
3. That approval be given to the establishment of a Law Enforcement Branch under the control of the City Environment Department.
4. That Council adopt the organisational structure of the Community Development Department subject to the renaming of that Department to either "City Life" or "Community Living".
5. That Council Officers provide more options in their reports submitted to Council to assist Councillors in their decision making.

6. That the functions of Finance Division, Organisational Development Department and Corporate Services Department be incorporated into one department to be known as Sustainable Practices be re-affirmed (it was approved in the Organisational review dated 13 March 2002).
7. That the letter, as per draft presented by the General Manager at the weekend conference, regarding the borrowing of funds, be forwarded to the Director General of the Department of Local Government.
8. That all briefings organised prior to Council Meetings be important matters for Councillors and that those briefings presented be timely in relation to the matters being submitted to Council.
9. That a newsletter be established to inform Councillors and staff of any movement of employees within or outside the organisation. Such newsletter to include new arrivals to the organisation and their positions.
10. That Council continue in its effort to ensure that the movement of its Administration Centre to the TNT Building is of a benefit to elected members, staff and the community.

In relation to Item 4, Council will need to make a decision with respect to the renaming of the Community Development Department.

**RECOMMENDATION:**

That the recommendations as detailed in the abovementioned minute by the General Manager dated 20 November 2002, be approved and adopted.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the minute by the General Manager, be approved and adopted, and that the new name of the Community Development Department be Community Living as proposed in Item No. 4 in the report.

Negatived.

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

That the matter be referred back to the General Manager and then to Committee for consideration.

A show of hands was requested.



Amendment carried 5 votes to 4.

## **MINUTE BY THE GENERAL MANAGER**

20 October 2002

### **PLANNING – GREEN SQUARE – AFFORDABLE HOUSING – CITY WEST HOUSING INVOLVEMENT (2022778)**

#### **1.0 EXECUTIVE SUMMARY**

Council, in adopting the revised Green Square Affordable Housing Development Control Plan at its meeting of 14 August 2002, also resolved:

That a further report be submitted by the appropriate Council Officer regarding the expenditure of the Green Square Affordable Housing Contribution and the City West Programming and that also a further report include the development of Affordable Housing with Co-op Housing.

This report addresses the expenditure of affordable housing contributions collected in Green Square through affordable housing levies. The information presented in this report had been previously reported to Council at its meeting of 5 June 2002. This report provides a further update on the levies collected to date.

The matter of Co-op Housing will be the subject of a further report to Committee. This matter will be dealt with as part of the proposed Council-wide *Affordable Housing Strategy*. The Strategy, based on the *Housing Needs Study* adopted by Council in July 2002, will define Council's role in meeting the un met housing needs of the local community. It will include an analysis of different social housing models, including community and Co-op housing and outline Council's role in facilitating the provision of new affordable housing units. The Strategy is scheduled for adoption by Council's *Homelessness, Marginal and Affordable Housing Committee* in February 2003, and then submitted to Council for adoption in March 2003.

#### **2.0 RECOMMENDATION**

That:

- (a) Council receive and note the contents of this report.
- (b) The Director of City Environment provide through the Councillors Information Service quarterly updates of the amount of affordable housing

contributions levied and funds collected as a consequence of development within the Green Square Redevelopment Area.

### **3. DETAILED REPORT**

#### **3.1 Payment of Affordable Housing Contributions**

All development within Green Square (other than development expressly exempted by LEP 1998 such as minor development and community housing) is required to provide affordable housing. This requirement is enforced through a condition of development consent. In providing affordable housing an applicant may elect to pay a monetary contribution, equivalent to the cost of building units on site. At present the monetary contribution is \$27.30/sq.m. of the total floor area of non-residential development and \$81.90/sq.m. of the total floor area of residential development.

Before the granting of any construction certificate, the applicant must provide evidence to Council of payment of the contribution or that a satisfactory bank guarantee, to the value of the required contribution has been lodged with the Department of Planning. The affordable housing condition of consent will be satisfied when payment of the required monetary contribution has been made. Evidence that this has occurred is required before the granting of any occupation certificate.

Once contributions are paid they are deposited into the City South Affordable Housing Operating Account, administered by the Office of Community Housing, Department of Housing. Council's role in the process is to ensure, as the consent authority, that appropriate affordable housing conditions are imposed on development application in accordance with South Sydney LEP 1998, and, together with PlanningNSW, that appropriate procedures are in place to ensure contributions are ultimately deposited in the City South Affordable Housing account.

Funds collected will only be released to 'recommended non-profit community housing providers' following receipt of an acceptable business plan, in accordance with the business plan, and where a provider continues to meet performance and accountability requirements.

Contributions are transferred to the community housing organisation for management and construction of affordable dwellings in accordance with the principles of Schedule 4 of South Sydney LEP 1998 and the Green Square Affordable Housing DCP.

#### **3.2 Administration and management of the affordable housing contributions**

The Office of Community Housing, a division of the Department of Housing is responsible for negotiating resources for the community housing sector, administering and allocating those resources, overseeing the accreditation, registration and monitoring of community housing providers and developing

and monitoring asset management strategies for the community housing sector.

Non-profit community housing organisations will manage and deliver affordable housing obtained through contributions. Community housing organisations include non-profit incorporated associations, companies or co-operatives (registered under the Cooperatives Act) with a charter to manage housing for low to moderate income and special needs households. All community housing organisations who wish to manage affordable housing need to be accredited and registered.

Currently City West Housing Pty. Ltd. (CWH) is the only 'recommended community housing provider' identified by the Office of Community Housing to provide affordable housing in Green Square. Under these terms, CWH is able to receive title to affordable housing units or receive monetary contributions for the provision of affordable housing. Other community housing providers may be added in the future by the Office of Community Housing. These providers are:

- ✍ responsible for prudent and cost effective use of funds for construction, delivery and management of the affordable housing;
- ✍ accountable to government through the Office of Community Housing to ensure that the funds are expended and used in accordance with the affordable housing principles and objectives set out in South Sydney LEP 1998 and the DCP.

### **3.3 Accountability and City West Housing**

Recommended community housing providers are accountable to the Office of Community Housing, Department of Housing and are required to provide:

- ✍ annual audited financial statements in a prescribed form;
- ✍ three year rolling business plans annually updated;
- ✍ a statement of social and financial objectives which specify the broad policies on targeting of housing resources, allocation and rental policies, tenancy management, expenditure of income, financial reporting and sale of assets. This statement will address the issue of private developers' contributions in order to ensure that the monies collected as contributions are spent for the provision, improvement or management of affordable housing within a realistic timeframe; and
- ✍ provision of annual data in a prescribed form including income profiles, household profiles, rent charged etc.

All 'recommended community housing providers' will be required to supply a statement of organisational principles which contains a provision that in the event of failure by the organisation to meet its objectives and performance requirements, leading to the organisation being wound up, the organisation's assets will be transferred either to another 'recommended community housing provider' or to the Land and Housing Corporation, on behalf of the Office of Community Housing.

A copy of CWH 2002/03 Business Plan is available on file. An extract of the Business Plan included in Attachment 1 outlines the company's involvement in Green Square. The Plan is currently being finalised for submission to Ordinary and Preference Shareholders for approval.

CWH is a non-profit organisation incorporated under the Corporation Law and independent from, but accountable to, the State Government. The company has an expertise-based Board, with social housing, finance, asset management and housing production skills. Board members include:

Barry Glover (Chairman)  
Beverly Houterman  
David Johnston  
Herb Shields  
Deborah Dearing (Director of Social Housing)  
Catherine Tracey (Director of Social Housing)  
Sarah Jones (Tenant Director)

The profile of four of these Directors is attached to this minute. The last three in the above list have recently been appointed, and a profile was not available at the time of printing of this report.

CWH has two classes of shares, Ordinary and Preferential. The Government retains the ownership of the assets through the Treasurer and Minister for Housing as ordinary shareholders, with power to intervene or recall the assets in the event of failure by the entity to meet its objectives and performance requirement. The preferential class shareholders are drawn from the community and industry and are responsible for the appointment, selection and removal of the directors of CWH. Council has accepted CWH's invitation to become a Preferential Shareholder. Council's General Manager has nominated the Green Square Project Manager to be Council's representative. Council's Assistant Social Planner (Housing) represents Shelter NSW as a preferential shareholder.

As a preference shareholder, Council holds the right to select, appoint and remove directors, and would be required to make key decisions within the framework of the business plan. Preference shareholders are kept informed of progress on all developments undertaken by CWH, and as a group can influence decisions on their planning and management.

CWH is required to report on a quarterly and annual basis to the Ordinary and Preference Shareholders the total contributions received for the current year and the cumulative amount since the inception of the program. These figures are also reported to Parliament by the Auditor General. Twice yearly CWH reports to Treasury the five-year forecast for income expected from developer contributions and the application of that forecasted income to the company's development program. This is then reported to the Member of Parliament representing the area in which development occurs.

All three parties involved in the provision of affordable housing in Green Square, ie PlanningNSW, Council and CWH, keep individual registers of contributions levied and due/paid. These registers are cross-checked regularly by relevant officers within these organisations (the Green Square Social Planner and Green Square Project Manager within Council).

The status of these registers in terms of contributions levied and funds deposited into the City South Affordable Housing Operating Account, has been reported to Councillors within the context of affordable housing in Green Square. However, as no regular Councillor reporting procedure has been established, it is recommended that quarterly reports be provided by the City Environment Department through the Councillor Information Service.

Once affordable housing funds are transferred to recommended providers (CWH being the only registered provider at present), the Office of Community Housing prepares summary reports for Council from information collected from recommended providers to satisfy Council that contributions continue to be used for the purpose for which they were collected.

### **3.4 Expenditure of Affordable Housing Contributions by City West Housing**

Initial funding to City West Housing Pty. Ltd. for the provision of affordable housing units came from a government grant of \$1.3 million to part finance initial land purchase. The actual construction works and purchase of additional sites are supported by developer contributions levied under the affordable housing provisions of South Sydney Local Environmental Plan 1998.

By mid-October 2002, affordable housing contributions amounting to \$12.1 million in cash have been received and were deposited in the South Sydney Affordable Housing Operating account held by the Central Corporate Services Unit, PlanningNSW. PlanningNSW currently holds bank guarantees to the value of \$2.9 million, which are expected to mature in the next two years. These contributions have been collected from the time the Green Square affordable housing scheme came into force in May 1999. To date, no funds have yet been used for the construction of affordable housing as contributions actually paid had not until recently reached an amount that could be utilised by CWH to produce units.

CWH has secured a parcel of land within the Victoria Park site for the development of 16 residential units, which will form the first affordable housing development in Green Square. Contracts were exchanged in June 2001 with Landcom at a full purchase price of \$1.45 million. CWH lodged with Council in August 2002 a development application to construct the 16 units. Subject to finalising title on the site and development approval, CWH intends to commence development by January 2004 with the building projected for completion/occupation by July 2005. Given an expected inflation in land prices, CWH is actively searching for sites in the Green Square area for future development.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Lay, seconded by Councillor Shaw:-

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

Negatived.

It was moved by Councillor Furness, seconded by Councillor Lay, that the matter be deferred and referred to the Finance Committee for consideration.

Carried.

### **QUESTIONS WITHOUT NOTICE**

1.

#### **PUBLIC RELATIONS – TREE PRESERVATION ORDERS – OWNERSHIP OF TREES - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (201299)**

##### **Question:**

Several years ago Council stopped issuing permits for the lopping of trees to anyone other than the owner of that tree. Ownership is currently understood to be vested in the owner of the property on whose land most of the roots of that tree exist.

Could legal advice be sought to clarify the question of ownership of trees? Does, for instance, a property holder own that part of a tree which protrudes over their property and are they therefore entitled to apply for and be granted a permit for that part of the tree in their possession?

##### **Answer by the Mayor:**

I would suggest we should seek some legal advice in relation to that matter. Perhaps the Director of City Environment can help us.

##### **Answer by the Director of City Environment:**

Thank you Mr Mayor. I think your comments are appropriate and we should seek legal advice.

2.

**MEETINGS – PUBLIC HOUSING ERSKINEVILLE – REQUEST TO WRITE TO THE MINISTER FOR HOUSING AND THE LEADER OF THE OPPOSITION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2011706)**

**Question:**

Mr Mayor, following Monday's announcement by the Deputy Premier and Minister for Housing, Andrew Refshauge that the Erskineville public housing estate would be retained, could you write to him, as well as the NSW Leader of the Opposition, John Brogden, seeking written commitment that any future proposal will:

- (a) not involve an increase in the density of housing on the site;
- (b) comply with Council's planning controls;
- (c) preserve public open space;
- (d) allow tenants to remain in the area during and after construction;
- (e) be primarily for the purpose of upgrading the current housing?

**Answer by the Mayor:**

No, Councillor Furness, I think that should be done by way of a Substantive Motion.

3.

**ROYAL SOUTH SYDNEY HOSPITAL SITE – COUNCIL'S COMMITMENT TO HEALTH CARE FACILITIES ON HOSPITAL SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2022242)**

**Question:**

Could a report be provided in the Councillors Information Service detailing Council's exact commitments in relation to the health care facilities at the Royal South Sydney Hospital site, especially in regards to:

- (a) the increase in the size of the hydrotherapy pool and number and standard of changing rooms;
- (b) general aged care facilities;
- (c) a general medical practice;
- (d) an increase in the hours of operation of these facilities as compared with current operations;
- (e) the continuation of these services and facilities during any construction?

**Answer by the Mayor:**

I will seek that information for you.

4.

**COUNCIL – MEETINGS – GENERAL MANAGERS MINUTES - REQUEST TO BE MADE AVAILABLE TO PUBLIC PRIOR TO COUNCIL MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2002586)**

**Question:**

The General Manager's Minutes are not available to the public. Is there an opportunity for this to be rectified?

**Answer by the Mayor:**

I don't know if that is the case, but I will seek some advice from the General Manager.

**Answer by the General Manager:**

General Manager's Minutes are usually dealt with on the day and are brought forward for your consideration. If they are adopted, then those things become Minutes which become available to the public.

**Councillor Lennon:**

Could we put them in the foyer with the other documentation for people to pick up when they come in?

**Answer by the General Manager:**

Happy to make those ones which aren't Press and Public Excluded, available.

5.

**PLANNING – DCP 1997 – URBAN DESIGN – REVIEW OF POLICY – FENCING AND GATING - NORTH WARD. - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2027620)**

**Question:**

The North Ward is having a lot of problems with fences being put up everywhere. We have two illegal fences that Council is investigating at Ithaca Road and Onslow Avenue. The steps going down to Elizabeth Bay are now being fenced off. The pedestrian ways and accesses in the inner city have got to be maintained.

As a matter of urgency, could we look at and amend the D.C.P. to the effect of fencing and gating all the areas in the North Ward?



**Answer by the Mayor:**

No, we can't, but given the circumstances that you used was one that came to Council and was overwhelmingly supported. When we get the advice in relation to the other two matters that you were referring to, I am happy to consider whether an amendment is required.

**Councillor Lennon:**

I have already spoken to the Director of City Environment and have the report here, perhaps I can pass it on and have it distributed to the other Councillors.

**Answer by the Mayor:**

I am happy to have that report distributed.

6.

**COMMUNITY SERVICES – AGED SERVICES – PROPOSED WEEKEND COMMUNITY BUS TRIPS – TAYLOR SQUARE TO FITZROY GARDENS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2005334)**

**Question:**

Could Council's Safety Committee investigate the opportunity of using one of our community buses to go from the top of Taylor Square up Forbes Street to Fitzroy Gardens on a Friday and Saturday night?

**Answer by the Mayor:**

I am happy to refer that to the Community Safety Committee.

7.

**PUBLIC RELATIONS – DETAILING COUNCIL'S ADVERTISING BUDGET - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2004421)**

**Question:**

Can a report be published detailing where Council spends its advertising budget and what the criteria is used for accessing which avenues result?

**Answer by the Mayor:**

I'll seek some advice on that matter and have the information published in the Councillors Information Service.

8.

**LANDSCAPING – TAYLOR SQUARE – REDEVELOPMENT –  
REPLANTING AND RELOCATION OF FLOWERS AND ANGOPHORA  
TREE - QUESTION WITHOUT NOTICE BY COUNCILLOR (S57-00035)**

**Question:**

In line with South Sydney's commitment to the environment and sustainability, could Council be informed what happened to the flowering and Angophora tree at the top of Taylor Square today?

**Answer by the Mayor:**

I will seek that information and have it published in the Councillors Information Service.

9.

**STREETS - TAYLOR SQUARE REDEVELOPMENT – REMOVAL OF  
EXISTING FENCES - QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON (S57-00035)**

**Question:**

People are also concerned that bulldozers have knocked down fences which are already there.

**Answer by the Mayor:**

I will seek information for you in relation to the fences.

10.

**EAST SYDNEY TECHNICAL COLLEGE - PROPOSED REMOVAL OF THE  
“FASHION SCHOOL” - QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON (2006037)**

**Question:**

Could Council please investigate the State's plan to move the fashion school from East Sydney Technical College?

**Answer by the Mayor:**

I am certainly not prepared for Council to investigate the matter, but I will seek whatever information is available from the State Government and report that information through the Councillors Information Service.

11.

**DONATIONS – COMMUNITY GRANTS PROGRAM – POLICY REGARDING CRITERIA FOR DONATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2015191)**

**Question:**

With such tight control on the Community Grants Scheme, is there a policy on how much goes to other statutory bodies and is there a different criteria for other State agencies as opposed to community groups?

**Answer by the Mayor:**

I don't believe it. The most detailed information in relation to Council's budget is in the Management Plan. If there is any additional material to be provided, it will be supplied in the Councillors Information Service.

12.

**MEETINGS – PUBLIC HOUSING ERSKINEVILLE ESTATE – REQUEST FOR CONGRATULATORY LETTER FROM MAYOR - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (2011706)**

**Question:**

I am sure that we are all elated by the decision of the Minister for Housing to abandon the redevelopment of the Erskineville Estate. Could the Mayor pass on Council's congratulations to the members of SEE (Save Erskineville Estate) and also thank the Minister for meeting and listening to tenants concerns. It is obvious that these meetings allowed the Minister to hear first hand the issues and make the appropriate decision.

**Answer by the Mayor:**

I publicly congratulated the Minister in a Press Release which I put out today. I am happy to distribute it to Councillors and I will certainly pass on the congratulations of Council to the Convenor of SEE (Save Erskineville Estate).

13.

**STREETS – REPORT ON RATE REDUCTIONS FOR RESIDENTS WHO INSTALL SENSOR LIGHTING - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (5277995)**

**Question:**

Some time ago I asked that Council investigate the possibility of Council assisting residents to install sensor lighting to the front of private dwellings where trees etc result in the significant reduction in street light penetration. One possible option suggested was a rate reduction which I believe is the

method employed by Botany Council where residents mow and maintain the nature strips outside their homes.

Could this matter be investigated as there are many streets in South Sydney where large street trees result in dark footpaths?

**Answer by the Mayor:**

I recall your question Councillor Lay and I will seek an answer for you.

14.

**COMMUNITY SERVICES – PROPOSED CHANGES TO REDFERN STATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY (P54-00001)**

**Question:**

At the ATP (Australian Technology Park) Community Liaison Committee meeting last Monday residents raised the issue of the open space area next to Redfern Railway Station in Gibbons Street. Station staff indicated that the Lawson Street administration would be moving across to Gibbons Street and residents are concerned that this would impact on the open space between the station and the Watertower.

Could the Mayor or relevant staff contact State Rail to see whether there are any changes planned for Redfern Station?

**Answer by the Mayor:**

Happy to make that enquiry.

15.

**PERSONNEL – SAFETY – AWARENESS OF ANTI TERRORISM THREATS – PROPOSED BRIEFINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2028000)**

**Question:**

Mr Mayor, my question is to the General Manager. In light of the increased warnings about potential acts of terrorism in Australia and as we are an inner City Council would you consider a program of briefings conducted by Police experts for Council's staff (particularly outdoor and cleansing staff) on maintaining awareness of terrorism threats and how to identify and respond to any situations they may encounter in their day to day work for the Council and community? I think the community would like to know that our hard working street sweepers, parking police or parks maintenance are maintaining a higher level of vigilance and awareness of anything out of the ordinary on our streets.

**Answer by the General Manager:**

Yes.

16.

**PLANNING – REQUEST TO PREPARE A DCP FOR HOMELESS, CRISIS AND HOSTEL ACCOMMODATION - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2025801)**

**Question:**

My question is to the Director of City Environment. Is it possible for Council planning staff to prepare a DCP specific to homeless, crisis and hostel accommodation? If possible such a DCP could include anticlustering provisions to allow for broader distribution of these services, maximum accommodation and comprehensive plans of management.

**Answer by the Director of City Environment:**

Yes, it is certainly possible for staff to investigate that and report back through the Councillors Information Service.

17.

**PUBLIC RELATIONS – COMMUNITY ASSISTANCE TO PARKES COUNCIL – PROPOSED FUNDRAISER - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2028001)**

**Question:**

Mr Mayor, could Council Officers make contact with our unofficial sister city of Parkes and enquire regarding any assistance the community of South Sydney can provide to alleviate their suffering in the drought? I am considering that we could launch a fundraising appeal amongst our ratepayers to directly assist Parkes?

**Answer by the Mayor:**

I think that is an excellent suggestion and we will investigate. There are some practicable issues and I acknowledge that you mentioned it to me earlier.

18.

**PARKS – WATER CONSERVATION – MEASURES TAKEN BY COUNCIL TO DROUGHT AND WATER RESTRICTIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (P52-00110)**

**Question:**

My question is to the Director of City Works, could you prepare a report for the Councillors Information Service on measures taken by Council in response to the drought and water restrictions?

**Answer by the Mayor:**

I think there is some recent information about that Mr Wilcoxon?

**Answer by the Director of City Works:**

Yes, we can put that in this week's Councillors Information Service.

19.

**ADMINISTRATION - DELEGATED AUTHORITIES – POWER OF ATTORNEY – NUMBER OF INTERNAL APPOINTEES - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (A53-00020)**

**Question:**

Is it usual for a public authority with a clear legal identity such as Council to have more than one person noted with Power of Attorney. By my notation we now have the General Manager, Mr Hilton, Mr Conroy and Mr Andrew. Can legal advice be sought?

**Answer by the Mayor:**

I would have to seek that information for you Councillor Fowler, which I am happy to do and report back to you.

20.

**PERSONNEL - RESIGNATION – UNDERTAKING OF EXIT INTERVIEWS. - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P53-00036)**

**Question:**

At the recent Management Review Meeting the institution of exit interviews for staff was discussed. Can a report be prepared that introduces this valuable management tool and can it report on recent resignations being a result of Councillors' involvement in the execution of management actions?

Was the recent resignations of Safety and Gay and Lesbian Community Consultation Officers related to actions by any Councillor?

**Answer by the Mayor:**

I will seek some advice from the General Manager. I am concerned about privacy implications. I understand the information you are seeking, but I do understand that we approach exiting employees on the basis that the information won't be available.

**Answer by the General Manager:**

Under the Local Government Act, I am responsible for the employees. They do have certain privacy rights. We do undertake exiting interviews. Those Officers you mentioned interviews have been completed and finally, no reasons were given by those persons resignation from the organisation as a result of any Councillor interaction.

21.

**PARKING – RESTRICTIONS – CHECK AND REPLACE SIGNAGE – O’DEA AVENUE, ZETLAND - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2001261)**

**Question:**

Can Council Officers check and replace where appropriate and police parking control signage on O’Dea Avenue, Zetland as illegal parking is creating a traffic bottle neck even outside peak hour?

**Answer by the Mayor:**

Happy to assist with any traffic movement in O’Dea Avenue, Zetland.

22.

**ADMINISTRATION – ABANDONED VEHICLES – POSSIBLE USE OF BY TERRORISTS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2028056)**

**Question:**

Considering the announced terrorist alert albeit for a level of “to be aware but not alarmed” can the legal Officer seek powers through the appropriate act for the removal after a period of “reasonable notice” (say 2 or 3 working days?) of abandoned vehicles?

There are abandoned vehicles in the Streets of Darlinghurst that have been there for months. In explanation, in Bali, we saw the remote detonation by widely available telephone technology of secreted incendiary devices. In this

city, nearly 2000 abandoned vehicles are removed from the streets but after notification that leaves them on the street for weeks and sometime months, some of these are not registered under the Act, in this state of expired interstate registrations. Conceivably these could be a method for a terrorist attack in tourist destinations of Manly, Waverley and the inner city Councils.

So given this, can the matter be investigated both to the Police Ministry, legal Counsel and Local Government with some urgency in order to give Local Government clear directions and abilities to remove what is an eyesore with an environmental dangers such as leaking oil etc and what may be a method of disrupting the "good working" of our cities?

**Answer by the Mayor:**

That is an excellent suggestion Councillor Fowler and I will ensure all your requests are investigated.

23.

**WELFARE – COMMUNITY ASSISTANCE TO DROUGHT VICTIMS - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2024647)**

**Question:**

I had a question prepared regarding drought relief, however, what I hope to initiate is holidays for children of drought affected Rural areas. Can additional information be sought into what Councillor Mallard has suggested regarding the effects and costs on the homeless people?

**Answer by the Mayor:**

I am happy to expand the investigation in relation to Councillor Mallard.

Could I suggest this to you, that the issues of provisions of holidays for children, most recent research is that they don't want go. In times of family stress caused by outside factors they prefer to stay with their families.

24.

**TRAFFIC – LOCAL AREA TRAFFIC SCHEME – ERSKINEVILLE PRECINCT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2022926)**

**Question:**

Given the Community concern in Erskineville and also South, Erskineville and development amongst the existing Traffic Management having been initiated in the LATM's in 1983 and 1987, can Council arrange a Public Meeting in the new year to which Council Officers can be present with the current plans?



**Answer by the Mayor:**

I will certainly get some advice on that for you on that and I will report back to you before the end of the year.

**25.**

**PUBLIC RELATIONS – COMMUNITY SAFETY – COUNCIL PROCEDURES  
- QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2012702)**

**Question:**

There was a Senior citizen knocked down by a bike in Waterloo. Could we check Council's procedures for safety in this area?

**Answer by the Mayor:**

I am unable to do that at this moment as police are conducting a formal investigation. Following the completion of that investigation in general terms I am prepared to seek some information about the incident.

**26.**

**TREES – PROPOSED DECORATIVE LIGHTING OUTSIDE WATERLOO  
SHOPPING CENTRE - QUESTION WITHOUT NOTICE BY COUNCILLOR  
BUSH (T53-00133)**

**Question:**

I have a request from proprietors at the Waterloo shopping centre to have fairy lights installed in the trees outside the Waterloo shopping area.

**Answer by the Mayor:**

I will look at investigating that and might seek some advice from the local Police.

27.

**COMMUNITY SERVICES – PROPOSED AFFORDABLE HOUSING SOUTH SYDNEY AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2026035)**

**Question:**

My last question is directed towards affordable housing in relation to us beautifying our own collection.

**Answer by the Mayor:**

You can certainly raise it when it comes to full Committee next week.

28.

**COMMITTEES – MIGRANT ADVISORY COMMITTEE – PROPOSAL TO SEEK FUNDING OF ENGLISH LANGUAGE COURSES FOR REFUGEES - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2026036)**

**Question:**

In light of comments made by the Federal Minister for Local Government in Alice Springs, and discussions within a workshop, Could Council Officers prepare a proposal and seek funding for the provision of intensive English language courses for refugees, people on temporary protection visas and other recent migration to our area who would have benefited from the classes formerly provided to migrants.

**Answer by the Mayor:**

Happy to have that investigated and refer to the Multi Cultural Committee to seek there advise.

29.

**COMMITTEES – COMMITTEES FOR AUSTRALIAN TECHNOLOGY PARK – COUNCILLOR REPRESENTATION - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (2019953)**

**Question:**

The Committee established by Andrew Refshage in relation to the Australian Technology Park that all three ward Councillors serve on it, but it still seems only Councillor Lay receives notice of meetings. Could the Sydney Harbour Foreshore Authority be contacted again and inform them there are three ward Councillors?

**Answer by the Mayor:**

I am advised, Councillor Furness that following the last time you asked that Council did inform them but I am happy to reiterate that request to Sydney Harbour Foreshore Authority.

**REPORT OF THE FINANCE COMMITTEE**

13 November 2002

**PRESENT**

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

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

At the commencement of business at 6.51 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 13 November 2002, be received and the recommendations set out below for Items 1 to 14, inclusive, be adopted. The recommendations for Items 15 and 16 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – SEPTEMBER 2002 (2027491)**

That Council gives confirmatory approval for the schedule of payments accompanying the report of the Chief Financial Officer dated 14 October 2002, details of which are contained in the relevant file.

Carried.

2.

**PROPERTIES – BROWN STREET HALL, NEWTOWN - APPLICATION FOR FREE USE – 8 DECEMBER 2002 – LESBIAN INC (LINC) (P56-00416)**

That arising from consideration of a report by the Director of Community Development dated 25 October 2002, Council approves the free use of Brown Street Hall, Newtown, by LINC (Lesbians Inc), for the purpose of conducting an Annual General Meeting on 8 December 2002, from 1.00 pm to 7.00 pm and under Section 356 of the Local Government Act, 1993, Council agrees to forego \$350 in income and \$400 in costs.

Carried.

3.

**MEMBERSHIPS – SYDNEY COASTAL COUNCILS GROUP – RENEWAL OF MEMBERSHIP - CONTRIBUTION FOR 2002/2003 FINANCIAL YEAR (2024238)**

That for the reasons set out in the report by the Acting Director of City Works dated 16 October 2002, Council maintains its membership of the Sydney Coastal Councils Group and approves payment of the annual membership contribution, including GST, for 2002/2003 in the amount of \$9665.70 for which non-specific funds are available in the 2002/2003 Budget Estimates, (account No. 1.51.3220.16655.0).

Carried.

4.

**TRAFFIC – PROVISION OF LINE MARKING SERVICES FOR A 12 MONTH PERIOD 2002/2003 – ACCEPTANCE OF TENDER (2027613)**

That for the reasons set out in the report by the Director of City Works dated 30 October 2002, approval be given to accept the tender for the Provision of Linemarking Services within the South Sydney City Council area from Menai Linemarking Services Pty Ltd, in accordance with the schedule accompanying the before mentioned Director's report, of rates for a period of 12-months, with an option of a further two months subject to satisfactory performance. Funds for this material are included in Departmental estimates for all relevant programs.

Carried.

5.

**STREETS – EASEMENTS – COMPULSORY ACQUISITION - LEASING – PART MITCHELL ROAD, ALEXANDRIA, ABERCROMBIE AND WATTLE STREETS, CHIPPENDALE – TRANSGRID (2026230, 2026231)**

That further to the report by the Director of City Environment dated 10 October 2002, resolution of Council of 23 October 2002 and arising from consideration of a report by the Director of City Environment dated 4 November 2002, approval be given to:-

(i) the deletion of part (1)(a)(ii) being:

“Lease of land \$17,100 p.a. (including GST) and subject to annual increases in accordance with the Consumer Price Index (All Ordinaries) Sydney, commencing from the date of the compulsory acquisition is Gazetted to the 30 June 2003 and then month by month as determined by the General Manager.”

(ii) the insertion of the following as the new part (1)(a)ii):

Lease of land \$17,100 p.a. (including GST) and subject to annual increases in accordance with the Consumer Price Index (All Ordinaries) Sydney, commencing from a date to be determined, following the resolution of traffic issues in accordance with condition (d) in the report by the Director of City Environment dated 10 October 2002, to the 30 June 2003 and then month by month as determined by the General Manager.”

Carried.

6.

**FINANCE – OUTSTANDING SUNDRY DEBTORS AS AT 30 SEPTEMBER 2002 (2027857)**

That the report by the Chief Financial Officer dated 10 October 2002 on the balance of outstanding sundry debtors as at 30 September 2002, be received and noted.

Carried

7.

**FINANCE – ACCOUNTS – RECONCILIATION WITH BANK STATEMENTS FOR PERIOD ENDED 30 SEPTEMBER 2002 (2027473)**

That the report by the Chief Financial Officer dated 10 October 2002, certifying completion of the Bank Reconciliation for the period ending 30 September 2002, be received and noted.

Carried.

8.

**SPORTS - CYCLING – PARKS – COMMUNITY AND ROAD EDUCATION SCHEME (CARES) FACILITY, SYDNEY PARK, NOS. 410 – 416 SYDNEY PARK ROAD, ALEXANDRIA – TENDERS FOR CONSTRUCTION – ACCEPTANCE (2025070)**

That arising from consideration of a report by the Acting Director of City Works dated 9 October 2002, approval be given to the acceptance of the tender submitted by Belmadar Constructions to carry out the construction of the C.A.R.E.S. Facility at Nos. 410-416 Sydney Park Road, Alexandria, for the lump sum price of \$1,174,712 (including GST) and the provision of \$160,188 as a contingency for unforeseen works, funds of \$1,363,000 are currently available in the 2002/20003 Works Programme (Project No. 21025).

Carried.

(At the Finance Committee meeting Councillor Bush requested that his name be recorded as voting against the foregoing motion.)

9.

**DONATIONS – AUSTRALIA DAY SSROC - BOTANY BAY REGATTA (2011320)**

That arising from consideration of a report by the Director of Community Development dated 4 November 2002, Council grant \$500 towards the annual SSROC Australia Day Botany Bay Regatta, with funds to be added to the donations budget 1.24.6815.16410 to support this request and a Councillor or Council representative be nominated to be on-board to watch the start of the Navigator's Cup on Saturday 18 January 2003.

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

Carried.

10.

**COMMITTEES - LOCAL GOVERNMENT REMUNERATION TRIBUNAL – SUBMISSION FOR CATEGORY REVIEW 2003/2004 (2004430)**

That Council not make a submission for re-categorisation of its status to the Local Government Remuneration Tribunal, in view of its past experience of being refused.

(At the Finance Committee meeting Councillor Bush requested that his name be recorded as voting against the decision of the Committee.)

Carried.

11.

**DOMAIN CAR PARK – AUSTRALIA DAY COUNCIL OF NSW  
“MOTORFEST” DISPLAY – AUSTRALIA DAY, 26 JANUARY 2003 –  
REQUEST FOR DISCOUNTED USE (2005208)**

That arising from consideration of a report by the Director of City Environment dated 14 October 2002, Council grants approval for free entry to the Domain Car park for vehicles associated with the Australia Day Council of NSW “Motorfest” display on 26<sup>th</sup> January 2003, from 5.30 am – 9.30 am, subject to Council’s additional operating costs of \$500 being met by the Australia Day Council.

Carried.

12.

**PROPERTIES - WILSON BROTHERS SITE – LOUIS STREET, HUGO STREET AND CAROLINE STREET, REDFERN - UPDATE ON PROGRESS OF PROJECT, CONFIRMATION OF PROJECT BUDGET - APPROVAL TO CALL TENDERS FOR CONSTRUCTION OF PARK AND BUILDING REFURBISHMENT (2025653)**

That for the reasons set out in the report by the Director of City Works dated 5 November 2002, approval be given to:-

- (1) call tenders for construction of the Wilson Brothers Building Refurbishment and Park Construction as a combined tender package at an estimated cost of \$2,952,000;
- (2) additional funds of \$1,812,000 being allocated to the Wilson Brothers Building Refurbishment and Park Construction in the 2003/2004 Works Program. This amount includes \$100,000 estimated to be required for fittings and furniture;
- (3) increase the contingency amount for the design consultancy contract with MDA from \$11,175 to \$20,000 to cover any unresolved variation claims and further unforeseen design services during the construction stage.

Carried.

13.

**PERSONNEL - SALARY SACRIFICE – POLICY - ADOPTION (2026611)**

That arising from consideration of a report by the Director of Organisational Development dated 4 November 2002, approval be given to the policy for the provision of Salary Sacrifice as set out in Attachment A accompanying the beforementioned report, for inclusion in the Policy and Procedure Manual, subject to the deletion of all the words in brackets where appearing at point 3 on page 2 of the beforementioned report under the heading “Leaseback Fees

– 1<sup>st</sup> April 2003”, and the insertion in lieu thereof of the following new words, namely, “(Subject to any outcomes of an amended Vehicle Policy that may arise as a result of the Fleet Consultant’s report.)

Carried.

14.

**DONATIONS - THE CHARLEY BEAR FOUNDATION – “CAROLS BY CANDLELIGHT”, EVELEIGH STREET, REDFERN – REQUEST FOR SUPPORT (2027954)**

That the recommendation as contained in the report by the Director of Community Development dated 6 November 2002, be deleted and the following new recommendation be inserted in lieu thereof, namely:-

That arising from a report by the Director of Community Development dated 6 November 2002, Council agrees to the donation of \$1,000 to the Charley Bear Foundation Christmas event, “Carols by Candlelight” on Sunday, 1 December 2002, at Eveleigh Street, Redfern.

Carried.

15.

**PROPERTIES – REDFERN TOWN HALL – REDFERN PUBLIC SCHOOL PARENTS AND CITIZENS ASSOCIATION – REQUEST FOR FREE USE, 26 NOVEMBER 2002 (P56-00410)**

A letter dated 12 November 2002, from the Redfern Public School Parents and Citizens Association was tabled and circulated at the meeting, requesting free use of Redfern Town Hall on 26 November 2002.

The recommendation of the Committee was to approve the application.

That arising from consideration of a report by the Director of Community Development dated 18 November 2002, approval be given to the free use of Redfern Town Hall on Tuesday, 26 November 2002 from 6.30 – 9.30 p.m., by Redfern Public School – Parents and Citizens Association and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$195 in income and \$170 in costs, to allow Redfern Public School – Parents and Citizens Association to conduct their meeting.

Carried.



16.

**PUBLIC RELATIONS – BALI TRAGEDY – EASTERN SUBURBS FAMILIES  
– BENEFIT DINNER, 7 DECEMBER 2002 – SPONSORSHIP OF TABLE  
(2019355)**

An invitation was tabled and circulated at the meeting, inviting Council to sponsor a table at the benefit dinner to be held on 7 December 2002, at Darling Harbour.

This matter was submitted to Council without recommendation.

Moved by Councillor Mallard, seconded by Councillor Harcourt:-

That arising from consideration of a report by the Director of Community Development dated 18 November 2002, Council grants \$1,500, plus \$150 GST (total \$1,650) towards the purchase of a table of ten for the Bali Families Benefit Dinner, with funds to be added to the donations budget 1.24.6815.16410 to support this request and a family representative of the Council employee injured in Bali is invited to attend the dinner on Saturday 7<sup>th</sup> December 2002.

Carried.

The Finance Committee Meeting terminated at 7.20 p.m.

**REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTERS)**

**WEDNESDAY 13 NOVEMBER 2002 AT 6.33 PM**

**PRESENT**

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

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

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

The Mayor and Councillors – Bush, Harcourt and Mallard.

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

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

The Committee **recommends** the following:-

1.

**PERSONNEL – CLEANING – STREET SWEEPING RESTRUCTURE**

Approved as recommended by the Director of City Works in the report dated 6 November 2002.

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(c) of the Local Government Act, 1993, which states “information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business”.

2.

**SIGNS – TRAFFIC – PROVISION OF SIGNPOSTING SERVICES FOR A 12 MONTH PERIOD 2002/2003 (2027614)**

Approved as recommended by the Director of City Works in the report dated 6 November 2002.

The Finance Committee (Confidential Matters) Meeting terminated at 6.50 p.m.

The before mentioned matters were dealt with in the Committee of the Whole Meeting.

See Page No. 1356 for the decision.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

13 November 2002

**PRESENT**

**Councillor Christine Harcourt (Chairperson)**

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

At the commencement of business at 7.21 pm those present were -

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 13 November 2002, be received and the recommendations set out below for Items 1 to 6, inclusive, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**PUBLIC RELATIONS – “REFUGEE WELCOME ZONE” – ESTABLISHMENT – SOUTH SYDNEY CITY COUNCIL AREA - REQUEST FROM REFUGEE COUNCIL OF AUSTRALIA (2027965)**

That arising from consideration of a report by the Director of Community Development dated 29 October 2002, it be resolved that South Sydney City Council supports the request from the Refugee Council of Australia and declares the City of South Sydney a “Refugee Welcome Zone”.

It was moved by Councillor Furness, that the words “Declaration” and “religious” where appearing in the Refugee Welcome Zone Declaration document accompanying the before mentioned Director’s report, be deleted.

Motion lapsed through want of a seconder.

Substantive motion carried.

2.

**COMMITTEES - THE SOUTH SYDNEY COMMUNITY SAFETY PLAN – DEVELOPMENT OF PROJECT PLAN – ENDORSEMENT – NEW COMPLETION DATE (2024229)**

That for the reasons set out in the report by the Director of Community Development dated 30 October 2002, Council endorses the project plan for the development of the South Sydney Community Safety Plan including the proposed new completion date, i.e. 30 June 2003.

Carried.

3.

**COMMITTEES – COMMUNITY SAFETY COMMITTEE - TERMS OF REFERENCE – AMENDMENT (2024229)**

That arising from consideration of a report by the Director of Community Development dated 30 October 2002, it be resolved that Council:-

- (1) approves the proposed changes to the Community Safety Committee's Terms of Reference, including the function and membership of the Committee;
- (2) accepts the new Terms of Reference document that reflects the new Terms of Reference for Council's Community Safety Committee.

At the Council Meeting it was moved by Councillor Harcourt, seconded by Councillor Lay, that the before mentioned Director's report be amended on page 3 of the subject report under the heading "South Sydney Council", namely:-

One position will be maintained on the Committee for elected Councillors from South Sydney City Council plus all Councillors to attend, if interested. Additionally, three positions will be maintained for Council's community Safety Officer, Community Services Manager and a representative of Council's City Works Department. From this group, voting rights will rest only with the **Councillor who is the chairperson of the Committee.**

Amendment, as moved by Councillor Harcourt, carried.

4.

**COMMITTEES – THE REDFERN WATERLOO COMMUNITY SAFETY PLAN – DEVELOPMENT OF PROJECT PLAN – ENDORSEMENT (2024229)**

That arising from consideration of a report by the Director of Community Development dated 24 October 2002, Council endorses the project plan for the development of the Redfern Waterloo Community Safety Plan.

Carried.

5.

**WELFARE – SOCIAL PLANNING – FINDINGS OF HOMELESSNESS RESEARCH BY COLIN ROBINSON SOCIAL RESEARCH LTD (2024647)**

That arising from consideration of a report by the Director of Community Development dated 31 October 2002, it be resolved that Council:-

- (1) receive and note the findings of the homelessness research prepared by Colin Robinson Social Research Ltd, which will be used to develop Council's Homelessness Strategy;
- (2) endorses lobbying the State Government on the following key homelessness issues, including:
  - (a) that the State Government must continue to resource case management and outreach services to address the needs of homeless people;
  - (b) that the State Government must ensure that appropriate crisis, transitional and long-term housing options are developed for homeless people, in conjunction with targeted and well-resourced support services;
  - (c) that the State Government develop a comprehensive Homelessness Strategy that identifies roles and funding sources for the relevant government agencies and non-government organisations involved in addressing homelessness;
- (3) approve the preparation of a submission to the Minister for Housing, the Hon. Dr Andrew Refshauge, MP, to be signed by the Mayor;
- (4) endorse the distribution of this report to services working with homeless people and to the broader community through placement of the report on Council's website.

Carried.

**6.**

**PLANNING - GREEN SQUARE SOCIAL PLANNING FRAMEWORK –  
ENDORSEMENT (2027867)**

(Also listed as Item No. 2, Planning & Development Committee)

That arising from consideration of a joint report by the Director of City Environment and the Director of Community Development dated 30 October 2002, it be resolved that Council:-

- (1) receive and note this report;
- (2) endorse the Green Square Social Planning Framework.

Carried.

The Community Services Committee Meeting terminated at 7.50 p.m.

## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

13 November 2002

### PRESENT

**Councillor Jill Lay (Chairperson)**

**Councillors - John Fowler, Peter Furness, Amanda Lennon, Greg Shaw**

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

Councillors – Fowler, Furness, Lay, Lennon and Shaw

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

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

Carried.

The Committee **recommended** the following:-

1.

**WILLIAM STREET, NO. 57, REDFERN – MATTER PREVIOUSLY DETERMINED BY COUNCIL BY REFUSING APPLICATION – DEVELOPMENT APPLICATION (U01-01287)**

That Council continues without prejudice discussions with the applicant to attempt to resolve the issues in regard to the proposed development.

(DCE Report 21.10.02)

Carried.

2.

**PLANNING – GREEN SQUARE SOCIAL PLANNING FRAMEWORK – DRAFT PROPOSAL (2027867)**

(Also listed as Item No. 6 on the Community Services Paper)

That Council:-

(1) Receive and note this report;

- (2) endorse the Green Square Social Planning Framework.

Joint report by DCE and DCD dated 30 October 2002.

Carried.

**3.**

**BELMORE STREET, NO. 18, SURRY HILLS – OPERATION AS A  
BACKPACKERS HOSTEL – DEVELOPMENT APPLICATION (U02-00749)**

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Fowler:-

- (A) That Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by the owner Mr B Strachan for the operation of a backpackers hostel at No.18 Belmore Street, Surry Hills for the following reasons namely:-
- (1) That the proposal is not consistent with objectives (a) and (h) of the Mixed Use 10 Zone as contained within South Sydney Local Environment Plan 1998, having regard to land use compatibility with the surrounding area and the nuisance generated by non-residential development, such as that related to operating hours, noise, vehicular and pedestrian traffic;
  - (2) That the proposal is not consistent with Clause 37 of South Sydney Local Environment Plan 1998 as the proposal will reduce the available residential housing stock in the area, is not secondary to an on-site residential use, will have an adverse impact on the amenity of surrounding residences and is not consistent with the objectives of the Mixed Use 10 zone;
  - (3) That the proposal is not consistent with Clause 43 of South Sydney Local Environment Plan 1998 as the proposal will have an adverse impact on the residential amenity of a primarily residential street;
  - (4) That the proposal is not consistent with the planning intent of Part F, Clause 4.1 of DCP 1997 relating to traditional mixed use zones the proposed use is not a low intensity small scale activity, exceeds 25% of the floor space and is incompatible with the predominantly residential character of the street;
  - (5) That the proposal is not in the public interest.

- (B) That the people who made a submission in respect of the matter, be advised of Council's decision
- (C) That the use shall cease within 28 days from the date of this notice, or Council will instigate legal proceedings with respect to the matter.

Carried.

4.

**PROSPECT STREET, NO. 88, ERSKINEVILLE – ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT THE REAR GROUND FLOOR – DEVELOPMENT APPLICATION (U02-00967)**

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Furness:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Michael Bonfa (Owner) to construct a rear wall and internal works for a kitchen and bathroom to the existing dwelling at the rear ground floor, subject to the following conditions, namely:-
  - (1) That the development shall be generally in accordance with plans A.01 and dated 6 September 2002, except as conditioned elsewhere;
  - (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$330 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
  - (3) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
    - (a) That the external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
    - (b) That the separating walls shall be of construction with a fire resistance level of not less than 60/60/60 and



commence at the footings or ground slab and must extend to the underside of a non-combustible roof cladding or not less than 450mm above a roof with a combustible roof-cladding, in accordance with Part 3.7.1.8 of the BCA;

- (c) That any sarking-type material used in the roof of the Class 1 building shall have a flammability index of not more than 5, in accordance with Part 3.7.1.9 of the BCA;
- (d) That all glazing materials shall comply with Part 3.6 of the BCA;
- (e) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;
- (f) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
- (g) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
- (h) That clothes washing, drying and cooking facilities shall be provided in accordance with the requirements of Part 3.8.3 of the BCA;
- (i) That all damp and weatherproofing provisions shall be in accordance with Part 3.8 of the BCA;
- (j) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
- (k) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
- (l) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation complying with requirements of 3.8.5 of the BCA;
- (m) That the separating walls between class one dwellings shall be constructed of materials having weighted sound reduction index and impact sound resistance in accordance with Part 3.8.6 of the BCA;

- (n) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of Part 3.3.4 of the BCA;
  - (o) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
- (4) 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;
  - (5) That existing and proposed stormwater details and certificate shall be submitted and approved by the Principals Certifying Authority prior to the commencement of any building work;
  - (6) That structural drawings and certificate from a Council registered structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted to Council prior to commencement of work;
  - (7) That all relevant sections of the BCA shall be complied with;
  - (8) That the proposed side boundary wall shown on the approved plans shall not be built as a party wall but the proposed extension shall be wholly located within the boundaries of the allotment unless the written consent of the adjoining owner is submitted to Council;
  - (9) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
  - (10) That the building work must not be commenced until the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority and
    - (ii) has notified the Council of the appointment;
  - (11) 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;
  - (12) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be

commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;

- (13) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (14) That the existing building shall be maintained in a stable condition during construction and/or demolition;
- (15) 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;

- (16) That where a structural member is subject to attack by subterranean termites provision shall be made for Termite Risk Management in accordance with part 3.1.3 of the BCA;
- (17) That a flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (18) 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);

- (19) 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;
- (20) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City Works 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 City Works;
- (21) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
- (22) 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;
- (23) 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;
- (24) 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;
- (25) 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);

- (26) That the owner of No. 88 Prospect Street, Erskineville prepare a dilapidation report for the adjoining properties being numbers 86 and 90, Prospect Street, Erskineville prior to the issue of the Construction Certificate;

Note: That legal proceedings against the applicant for prosecution for the unauthorised work, will be instigated immediately.

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

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

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

Carried.

5.

**ELIZABETH STREET, NO. 666, WATERLOO - TO AUTHORISE THE EXISTING USE OF PREMISES AS A COMMERCIAL BROTHEL – DEVELOPMENT APPLICATION (U01-00888)**

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the application submitted by Trayjon Catering with the authority of Rhett Butler for permission to use the subject premises as a commercial brothel, be deferred for conditions of approval to be drafted.

Carried.

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

6.

**KENDALL STREET, NOS. 1 – 7, SURRY HILLS – APPLICATION TO CONSTRUCT FLAT ABOVE EXISTING WAREHOUSE (U01-01180)**

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Shaw:-

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 A L Berriman, with the authority of A L & M F Berriman to erect a flat above an existing building subject to the following conditions, namely:-

- (1) That the consent shall not operate until the applicant has responded to the following and these have been agreed to in writing by the Director of City Environment.
  - (a) That details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes with the application for a Construction Certificate, in respect to the following:
    - (i) external finishes to walls;
    - (ii) balcony treatment;
    - (iii) windows and doors;
- and such materials shall respect and be consistent with the attributes and character of the surrounding area;
- (b) Details of covenant for encroaching balconies in accordance with condition (10);
- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$2475 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;
- (3) That prior to issuing the Construction Certificate, it will be necessary to produce evidence of the payment of the levy, or the first installment of the levy, required under the Building and Construction Industry Long Service Payments Act 1986, and ensure that the plans are suitably endorsed. The levy, to the value of \$300, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That the development shall be generally in accordance with plans numbered DA01 to DA04, issue B dated September 2001, subject to compliance with the conditions below;
- (5) Part A

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to

Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan 1998, the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Open Space: LGA Works Programme	\$654
Open Space: New Parks	\$2971
Accessibility And Transport	\$ 20
Management	\$ 48
Total	\$3692

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

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

where:

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

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

Payment shall be made before the release of the Construction Certificate

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

#### Part B

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

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

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

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

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

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

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

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

Contribution Category	Amount
Multi-Function Administration Centre	\$970

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

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



where:

Cis the original contribution amount as shown above;

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

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

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

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

- (7) That the ground floor studio shall not be used for residential purposes;
- (8) That the proposed garage shall be deleted plan from the plans submitted with the Construction Certificate as its depth is substantially below the minimum required for a motor vehicle, or a door of width not more than 1.5m be fitted to allow its use for storage of bicycles and the like;
- (9) That the existing parking space shall be retained, or be relocated so as to maintain a minimal internal depth of 5.5m;
- (10) That the applicant shall place a positive covenant on the title of the subject land to control the maintenance and insurance of the balcony/ bay window/ verandah that encroaches over Kendall Street. Details of this covenant to be supplied in an Application of Subdivision prior shall the release of the Occupation Certificate;
- (11) That 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;
- (12) 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 City Works;

- (13) 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);
- (14) 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;
- (15) 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;
- (16) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of City 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;
- (17) 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;
- (18) 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;
- (19) 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;

- (20) 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;
- (21) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge. All details of stormwater discharge shall be approved by a Council-registered stormwater certifier prior to the issue of the Construction Certificate;
- (22) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (23) 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).
- (24) That 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.
- (25) 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;
- (26) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (27) 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);
- (28) 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;

- (29) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:-
- (a) That all relevant sections of the BCA shall be complied with;
  - (b) That where a structural member is subject to attack by subterranean termites provision shall be made for protection in accordance with B1.3 of the BCA;
  - (c) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
  - (d) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of 90/90 or protected in accordance with C3.15 of the BCA;
  - (e) That all glazing materials shall comply with Part 3.6 of the BCA;
  - (f) 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;
  - (g) That new stairways 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;
  - (h) 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;
  - (i) That unobstructed access shall be provided and maintained at all exits at all times from tenancies and from public areas;
  - (j) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;

- (k) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
- (l) That natural light and ventilation shall be provided in accordance with requirements of Part F4 the BCA;
- (m) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
- (n) That this door to a fully enclosed sanitary compartment shall comply with the requirements of clause F2.5 of the BCA;
- (o) That sanitary and clothes washing facilities shall be provided in accordance with the requirements of F2.3 of the BCA;
- (30) 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;
- (31) 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;
- (32) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (33) That structural certification justifying the capacity of the existing structure to carry the proposed new loads shall be submitted the Principle Certifying Authority from a structural engineer registered with Council prior to the commencement of work;
- (34) That all residential building shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (35) That the building work must not be commenced until the person having the benefit of the development consent:
  - (i) has appointed a Principal Certifying Authority and
  - (ii) has notified the Council of the appointment;
- (36) 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;

- (37) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (38) That an application for a construction certificate, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged and no building or excavation work shall be commenced until that application has been approved and at least two days written notice of the intention to commence work has been given to the Council;
- (39) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (40) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (41) That the demolition work shall comply with Australian Standard 2601-1991;
- (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
- (43) That 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.
- (44) That flashing shall be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties;
- (45) That the building shall be provided with a solar hot water system in accordance with the requirements of DCP 1997;

- (44) That 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;
  - (45) That the west facing windows to the attic shall be obscure glazed, details of which shall be submitted with the Construction Certificate.
  - (46) That the screening around the first floor terrace shall be either timber or metal louvres fixed at a 45 degree angle in an upwards direction and shall be a maximum 1.8m in height from the base of the terrace floor. Details in this regard shall be submitted with the Construction certificate;
- (B) That the persons who made representations be advised of the Council's decision.

Carried.

(At the Council Meeting, Councillor Lennon requested that her name be recorded as voting against the foregoing motion)

7.

**MUNNI STREET, NO. 3, NEWTOWN – ALTERATIONS AND ADDITIONS INCLUDING REAR GROUND AND FIRST FLOOR EXTENSIONS – DEVELOPMENT APPLICATION (U02-00698)**

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That the Development Application submitted by Birgitte Randall, with the authority of David Meek, to carry out alterations and additions to the existing terrace including rear ground and first floor extensions, be deferred for further consultation with Council's Planner and the applicant.

Carried.

8.

**PYRMONT BRIDGE ROAD, NOS. 2 - 50, CAMPERDOWN – MINOR SECTION 96 MODIFICATION TO APPROVED DEVELOPMENT FOR THE CONVERSION OF EXISTING BUILDING (VENABLES HOUSE) TO RESIDENTIAL, ALTERATIONS AND ADDITIONS, AND THE PROVISION OF BASEMENT LEVEL CAR PARKING – DEVELOPMENT APPLICATION (U00-00946)**

**Note:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 29 October 2002.

9.

**PYRMONT BRIDGE ROAD, NOS. 2 - 50, CAMPERDOWN – MINOR SECTION 96 MODIFICATION TO APPROVED DEVELOPMENT FOR THE CONVERSION OF EXISTING BUILDING (VENABLES HOUSE) TO RESIDENTIAL, ALTERATIONS AND ADDITIONS, AND THE PROVISION OF BASEMENT LEVEL CAR PARKING - DEVELOPMENT APPLICATION (U00-00946)**

**Note:**

That pursuant to resolution of Council of 9 February 2000, this matter was unanimously approved by the Planning and Development Committee under delegation, subject to the conditions in the report by the Director of City Environment dated 29 October 2002.

Carried.

10.

**BOTANY ROAD, NOS. 282 - 288 , ALEXANDRIA – MASTERPLAN FOR A MIXED COMMERCIAL RESIDENTIAL DEVELOPMENT CONTAINING 380 SQM OF COMMERCIAL FLOOR SPACE, 33 UNITS AND OFF-STREET PARKING FOR 36 CARS –DEVELOPMENT APPLICATION (U02-00042)**

This matter was submitted to Council without recommendation:

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That the Council endorses the Masterplan “Option 4” submitted by applicant Sketchsop Architecture Pty Ltd, to erect a mixed commercial residential development with off-street parking, subject to the following recommendations, which shall be addressed prior to the issue of any consent for the development application, namely:-



- (1) That further discussions take place between the proponent and Council Officers to refine the public domain improvements proposed in return for floor space bonus on the site;
  - (2) That the car parking, bicycle parking and service requirements for the site shall comply with the requirements of Development Control Plan No. 11 – Transport Guidelines and as amended by Development Control Plan 1997 – Green Square Amendment Stage 1. In this regard the proposal shall incorporate a loading area for the use of the non-residential floor space;
  - (3) That the detailed design issues raised by the South Sydney Development Corporation (including the design of the disabled ramp at the front of the site and the elevated lobby over the through site link), shall be addressed at the Development Application stage;
  - (4) That the detailed overland flow and stormwater management issues raised by Council's Green Square Design Engineer shall be addressed at the Development Application stage; and
  - (5) That a condition be included in any consent granted requiring the submission of a dilapidation survey of the northern adjoining property before and after the demolition, excavation and construction works.
  - (6) That the proposed new development shall receive a NaTHERS rating of minimum 4 stars, details of which shall be submitted with the Development Application.
- (B) That Council advise the person who made representation in respect of the matter.

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

That the application be deferred to the next Planning and Development Committee in order that FSR Bonuses and NaTHERS Star rating being further investigated.

Carried.

The Planning and Development Committee Meeting terminated at 7.54 p.m.

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

**WEDNESDAY 13 NOVEMBER 2002 AT 7.55 PM**

**PRESENT**

**Councillor Jill Lay (Chairperson)**

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

At the commencement of business at 7.55 pm, those present were -

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

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

The Committee **recommends** the following:-

1.

**PYRMONT BRIDGE ROAD, NOS. 2 – 50, CAMPERDOWN – STAGE 1  
MASTERPLAN LOTS 4, 5 AND 7 – MASTERPLAN APPLICATION  
(U01-01143)**

To Council without recommendation.

The Planning and Development Committee (Confidential Matter) Meeting terminated at 8.03 p.m.

The before mentioned matter was dealt with in the Committee of the Whole Meeting.

See Page No. 1356 for the decision.

## NOTICES OF MOTION

1.

**BEACONSFIELD STREET, NOS. 30 – 32, ALEXANDRIA – TO CONTINUE USE OF UNIT NO. 7 AS A MECHANICAL WORKSHOP AND TAXI BASE – DEVELOPMENT APPLICATION – NOTICE OF MOTION TO RESCIND (U02-00711)**

By Councillors Bush, Fowler and Mallard.

That resolution of Council of 23 October 2002, as follows, namely:-

- (A) That the Council refuses to grant its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Smuggs Pty Ltd, with the authority of Angus Property and Development Pty Ltd and Owners Corporation of Strata Plan 62799, to use unit 7 as a taxi base and mechanical workshop, for the following reasons:
- (1) That the early morning taxi changeover and its traffic generation are incompatible with the increasingly residential nature of the surrounding area in particular Beaconsfield and Queen Streets;
  - (2) That the proposal is inconsistent with objective (c) of the Industrial 4 zone under LEP 1998 in that the proposal would detract from the amenity of residents in neighbouring localities due to the traffic and noise impacts of the early morning changeover;
  - (3) That the granting of consent would not be in the public interest.
- (B) That the persons who made representations in respect of the proposal be advised of Council's decision.

- be rescinded.

Negatived.

2.

**SPORTS – CYCLING – COMMUNITY AND ROAD EDUCATION SCHEME (C.A.R.E.S.) FACILITY – SYDNEY PARK, ALEXANDRIA – ACCEPTANCE OF TENDERS FOR CONSTRUCTION – NOTICE OF MOTION TO RESCIND (2025070)**

By Councillors Harcourt, Lay and Shaw.

That the resolution of Council of 23 October 2002, in respect of Item No. 32 on the Finance Committee regarding the Community and Road Education

Scheme (C.A.R.E.S.) Facility, Sydney Park, Alexandria – Tenders for Construction,

- be rescinded.

At the request of Councillor Lay this rescission motion was withdrawn.

Carried.

**3.**

**NORTH WARD – CIGARETTE BUTTS – COLLECTION FROM FOOTPATHS**

By Councillor Lennon.

That Council direct two staff members to collect cigarette butts from the footpaths in the North Ward on a permanent 35/hour week basis.

The Mayor ruled this Notice of Motion out of order.

The Council Meeting terminated at 9.42 p.m.

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

**CHAIRPERSON**

**GENERAL MANAGER**