

**313<sup>TH</sup> Meeting**

**Erskineville Town Hall**  
**Erskineville**  
472160

**Wednesday, 12 February 2003**

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.36 pm on Wednesday, 12 February 2003.

**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 Lay:-

That the minutes of the Ordinary Meeting of Council of 18 December 2002, be taken as read and confirmed.

Carried.

**Urgency Motion – Councillor Harcourt**

At this stage it was moved by Councillor Harcourt, seconded by Councillor Lay, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, the proposed conflict with Iraq.

Carried.

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

**PUBLIC RELATIONS – POSSIBLE WAR WITH IRAQ**

- (1) That South Sydney City Council calls on the Australian Government to abide by the view of the vast majority of the Australian people not to engage in a war with Iraq and that the Prime Minister withdraw our troops from the Middle East;
- (2) That a copy of the above motion be forwarded to the Prime Minister and Leader of the Opposition.

It was moved as an amendment by Councillor Mallard, seconded by Councillor Bush, that the motion be amended by the addition of the words “and that any action be endorsed by the United Nations” after the word “Middle East” where appearing in clause 1.

Negatived.

Motion, as moved by Councillor Harcourt, carried.

Councillor Fowler requested that his name be recorded as voting against the foregoing motion.

**MINUTE BY THE MAYOR**

12 February 2003

**PUBLIC RELATIONS – DEATH OF WARREN MCNAMARA (2004380)**

It is with regret that I inform Council of the death of Warren McNamara, former Deputy Town Clerk of South Sydney Council.

Warren commenced his service with Sydney City Council in 1942, before being appointed as the Deputy Town Clerk of South Sydney Council in 1989 and retiring from Council in 1990.

It is recommended that a letter under the signature of the Mayor, offering condolences of the Council, be forwarded to his family and in lieu of flowers a donation be forwarded to The Cancer Council.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Fowler:-

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

Carried.

### **MINUTE BY THE MAYOR**

10 February 2003

### **PUBLIC RELATIONS – AUSTRALIA DAY AWARDS – CONGRATULATIONS TO RECIPIENT (2000734)**

It is with pleasure that I advise Council that on Sunday, 26 January 2003, Ms Stevie Clayton was awarded an OAM – Medal in the General Division - in the Australia Day Awards for her service to the community, particularly through contributions to the process of gay and lesbian law reform, in the field of anti-discrimination and in the areas of safety, welfare and health, including HIV/AIDS.

In recognition of Ms Clayton's achievements and honours bestowed on her, I recommend that a letter under the signature of the Mayor be forwarded to Ms Clayton extending the congratulations of Council.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE MAYOR**

10 February 2003

**PUBLIC RELATIONS – MRS LILY MAY KROHE –  
100 YEAR BIRTHDAY CELEBRATIONS (2023643)**

It is with pleasure that I acknowledge the 100<sup>th</sup> birthday of Mrs Lily May Krohe, a resident of South Sydney Council.

Mrs Krohe is currently residing at the Gertrude Abbott Nursing Home in Surry Hills and her birthday was celebrated on 31 January 2003.

Due to her birthday falling during Council's Christmas recess period, I did on behalf of Council, forward a letter of congratulations accompanied by flowers honouring this milestone.

**RECOMMENDATION:**

That confirmatory approval be given to the protocol during the Council recess period in forwarding congratulations and flowers to Mrs Krohe.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

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

Carried.

**MINUTE BY THE MAYOR**

12 February 2003

**KING STREET, NO. 174, NEWTOWN - EXTENSION OF TRADING HOURS FOR  
THE NEWTOWN HOTEL FOR NEW MARDI GRAS FUNDRAISER (U02-00789)**

The Newtown Hotel have made a request to Council to extend their trading hours on 16 February 2003 as they are holding a fundraiser for the New Mardi Gras. The proposed hours of 5.00pm to 12.00am, are two hours in excess of the current license.

Given that it is a fundraising event, the proposal would be acceptable as a one-off event providing the Licensing Police raise no objection, and providing that adequate security and event management controls are put in place, in order to protect the amenity of the local area.

**RECOMMENDATION:**

Council approve the proposal to extend the trading hours as a one-off event providing the following requirements are met:

1. No objection being raised by the Licensing Police;
2. The applicant agreeing in writing to make a formal application to Council for variations to the trading hours in future. Such applications to be lodged well in advance, allowing the Council to notify the surrounding area and fully assess the application;
3. The applicant providing Council with details of security and event management measures proposed to maintain the amenity of the surrounding areas;
4. The applicant informing the surrounding residents and businesses in writing of the proposed event and providing a contact number to call in the event of any concerns.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE MAYOR**

29 January 2003

**CONFERENCES – COMPANY DIRECTOR COURSE – 22 OCTOBER 2003,  
CANBERRA – ATTENDANCE BY THE GENERAL MANAGER (2017187)**

(At the Council Meeting, the General Manager declared an interest in this Item and did not take part in any discussions on the matter.)

A Company Director Course is to be held on Wednesday 22 October 2003 – 29 October 2003 at Hyatt Hotel, Canberra.

The course is a residential program run over a 6-day period and topics include:

- The Practice of Directorship
- Company Law: Issues for Directors
- Statutory Duties: Accounts and Reports
- Assessing Company Performance
- Contract Law: Issues for Directors
- Trade Practices
- Strategic HR
- Risk Assessment & Environmental Issues
- Strategic Direction
- Improving Board Effectiveness
- Meetings Law and Practice

As part of the General Manager's development it is deemed appropriate for him to attend this course. He has not attended any personal development courses/conferences since his appointment.

**RECOMMENDATION:**

That approval be given to the General Manager to attend the Company Directors Course from 22 October 2003 – 29 October 2003 at the Hyatt Hotel, Canberra and that registration fees, out of pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds will be available in the 2003/2004 budget.

Councillor Tony Pooley (SGD)  
**Mayor**

Moved by Councillor Shaw, seconded by Councillor Harcourt:-

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

Carried.

**MINUTE BY THE GENERAL MANAGER**

6 February 2003

**PERSONNEL - RETIREMENT OF BILL ANDREW (2028490)**

It is with regret that I announce the retirement due to health reasons, of Bill Andrew, Council's Civic Affairs Manager/Public Officer, effective from 14 February 2003.

Bill's career in local government spanned over 41 years, commencing in the Sydney City Council on 6 November 1961, where he rose through the clerical ranks to be promoted to the positions of Committee Clerk in 1982 and Senior Committee Clerk in 1984.

Following the split up of the Sydney City Council in 1989, Bill was transferred to the newly formed South Sydney City Council as the Administration Manager and later promoted in 1993 to his current position of Civic Affairs Manager/Public Officer.

Bill was a loyal, professional and humble employee whose administrative skills were “second to none” and on behalf of Council I wish him good health in retirement.

**RECOMMENDATION:**

That a letter be forwarded to Mr Bill Andrew by the General Manager expressing appreciation on his dedicated service to local government over the past 41 years.

Michael Whittaker (SGD)  
**General Manager**

Moved by the Mayor, seconded by Councillor Harcourt:-

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

Carried.

At this stage the Mayor and a number of Councillors independently thanked Bill Andrew for his help and dedicated service to Councillors in general and wished him all the best in his retirement.

**MINUTE BY THE GENERAL MANAGER**

10 February 2003

**COMMITTEES - JOINT CONSULTATIVE COMMITTEE (JCC) –  
ENDORSEMENT OF NEW CONSTITUTION (2023667)**

**Purpose**

The purpose of this report is to seek endorsement for changes to the Council’s Joint Consultative Committee (JCC) Constitution; essentially to simplify the document and modify employee representation in line with the new organisational structure.

**Background**

The JCC is a standing Committee of the Council and following its reformation in 1994 has progressed under the Chairpersonship of Councillor Christine Harcourt.

Since then it has provided an important forum for consultation throughout our workplace on a wide range of workplace issues.

The framework of the JCC together with the provision of employee and Management representation is prescribed by a Constitution that was prepared in November 1998.

Since employee representation has essentially been linked to Council's departmental structure, amendments are now necessary to the membership clause of the Constitution to accommodate changes relative to the recent organisational review adopted by Council in 2002. In addition feedback suggests that the document is too long and requires a simplified translation to assist users.

### **Consultation**

After extensive consultation with the JCC and the various Departmental Consultative Committees (DCC's) it was agreed that a new Constitution be drafted to address these issues.

A draft Constitution was presented to the JCC at its meeting held on Tuesday 3<sup>rd</sup> December 2002.

The JCC after some minor amendments to the wording of some phrases accepted the JCC Constitution as is presented in this report for Council's endorsement **(Attachment A)**.

In doing so the JCC set a timetable for the election of new employee representatives and this process has now been completed with a new JCC to take up their positions as from 4<sup>th</sup> February 2003 in accordance with the new Constitution.

These changes were communicated to the seven (7) Unions who are party to our Awards by letters dated 13<sup>th</sup> November 2002 and 9<sup>th</sup> January 2003.

The Environmental Health and Surveyors' Association of NSW (EHABSA) by letter dated 17<sup>th</sup> November 2002 advised that they are opposed to the Constitution of any Consultative Committee that allows non-union members to be representatives **(Attachment B)**.

The view verbally expressed by the Organiser for the Federated Municipal and Shire Council Employees Union of Australia (MEU) is similar to the EHABSA in that they support the model prescribed in the Local Government State Award, which provides for one (1) representative from each of the Unions who have members in the Council.

### **Summary**

In essence the proposal recommended in this report provides a simpler Constitution and minimal change to the number of employee representatives to that which previously existed.

The new Constitution encompasses all aspects of the JCC allowing greater flexibility for changes to be made within the JCC itself without taking away any consultative provisions.

It is a much simpler and straight forward document detailing the main objectives, functions and responsibilities of the Committee.

Given the size and diversity of the workforce, providing representation linked to the structural framework of the organisation continues to present itself as the best option at this time.

In addition, the Constitution and employee representation maintains the provision for all the Unions (party to our Awards) to be represented on the JCC (Clause 4 – Representation).

It is not, and never has been, the intention of the JCC to replace the vital role that the Unions play in the Industrial framework of employment relations. The JCC has however, played an important role in focusing and improving the internal communication network of the organisation.

This Constitution attempts to balance our obligations to consult with all staff together with due recognition to the Unions who are respondents to our Awards.

Taking this background into account and the views expressed from all areas the following is recommended.

### **Recommendation**

It is recommended that:-

1. the Constitution of the Joint Consultative Committee (JCC) as attached to this report (Attachment A) be endorsed by the Council;
2. the new format of employee representation and the Constitution generally be reviewed in 2004 by the JCC in accordance with Clause 14, to ensure compliance with Council's structure and strategic vision;
3. Councillor Harcourt be appointed the Chair of the JCC for a 12 month term.

Michael Whittaker (SGD)  
**General Manager**

Attachment A. Constitution of the Joint Consultative Committee (JCC)



# South Sydney City Council

## Joint Consultative Committee Constitution 2003

### 1. Name

The name of the consultative committee shall be the Joint Consultative Committee (JCC).

### 2. Objective

To provide a forum for regular consultation between Council, management and employees to achieve:

- positive cooperation in workplace reform to enhance efficiency and productivity of the Council;
- enhanced career opportunities for employees with access to more fulfilling, varied and better paid work.

### 3. Functions

To advise Council, management and employees about issues affecting staff referred to the JCC, such as but not limited to, the following;

- implementation of the new Awards;
- training and education
- consultation and communication
- job redesign;
- hours of work.

The Committee shall be an advisory body to Council, management and employees. It does not have the power to implement decisions and it is not a forum to resolve individual grievances/personal disputes.

### 4. Representation

- a) The size and composition of the JCC shall be representative of Council's workforce providing a fair balance of representation across Council's organisational structure.

Where this employee membership does not provide representation for a Union which is party to Council's Awards, the size of the JCC may be increased to provide such representation.

b) Employee Representation

Department	Wages	Salaried	Relief
City Environment	0	2	2
Community Living	0	1	1
City Works	5	1	6
Corporate Services	0	1	1
<b>Total</b>	<b>5</b>	<b>5</b>	<b>10</b>
		<b>10</b>	<b>10</b>

c) Management Representation

General Manager or Nominee  
Directors as required  
Industrial Manager or Nominee

d) Council Representation

Nominated Councillor or Deputy Mayor as Chairperson  
Mayor or Nominee  
Councillors as Observers

**5. Election of Employee Representatives and Term of Office**

- a) Employee representatives shall be elected for a term of 12 months.
- b) Once elected, employee representatives must regularly attend and participate in meetings of their departmental consultative committee.

**6. Chairperson**

The chairperson will be appointed by Resolution of Council.

The Chairperson or nominee shall preside at all meetings and shall ensure that all decisions of the Committee are considered.

The term of office shall be 12 months.

**7. Support Services**

Management shall provide a meeting place and clerical assistance for the committee.

**8. Training**

All members of the JCC should undergo appropriate training and education.

**9. Meetings**

Meetings should be held monthly and the committee shall regulate the time and place of each meeting

The chairperson may call a special meeting of the Committee, with at least 24 hours notice.

Minutes shall be prepared and distributed within one week after each meeting.

**10. Information and Advice for Committee**

The Committee shall have access to all relevant information within Council's resources and records that are necessary for it to effectively discharge its responsibilities.

The Committee shall be bound to maintain the confidentiality of information submitted to it, where such information relates to the personnel records of Council.

The Committee may set up sub committees to assist in performing its function.

**11. Departmental Consultative Committees**

The Committee encourages the establishment of Departmental Consultative Committees (DCC's) for the purpose of consultation and discussion. DCC's should meet on a monthly basis.

**12. Attendance of non members**

The Committee, may at its discretion subject to business needs, request or invite non member observers and advisers to attend meetings of the Committee to facilitate exchange of information and to provide specialist advice.

**13. Employee Representatives Communication with Constituents**

Employee representatives on the Committee shall, with their manager's concurrence, have reasonable time allowed to discuss with their constituents matters which directly affect them provided there is no interruption or adverse impact on work routines.

**14. Changing the Constitution**

The JCC shall review the Constitution each 12 months and amend where necessary to reflect changes to the organisational structure or any other changes deemed necessary to the Constitution.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

That the minute by the General Manager, be deferred to the next Finance Committee meeting to be held on 19 February 2003.

Carried.

**MINUTE BY THE GENERAL MANAGER**

11 February 2003

**DONATIONS – MULTI-CULTURAL DISABILITY ADVOCACY  
ASSOCIATION OF N.S.W. (2028246)**

On 23 January 2003, a minute by the Director of Community Living was approved under the Mayor's Delegated Authority supporting the request by pledging a donation of \$500 to the above organisation, towards the production of a billboard poster in braille, subject to ratification by Council at its next meeting.

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

**RECOMMENDATION:**

That Council donates an amount of \$500 to the Multi-Cultural Disability Advocacy Association of N.S.W. with additional funds to be added to the 2002/2003 donation budget 1.24.6815.16410 to cover this expenditure, but recouped from operational savings.

Michael Whittaker (SGD)  
**General Manager**

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

At the request of Councillor Lennon, the Mayor asked that an A4 copy of the poster be forwarded to all Councillors for their information.

### **Urgency Motion – Councillor Mallard**

At this stage it was moved by Councillor Mallard, seconded by Councillor Fowler, that permission be hereby granted by Council to bring forward business of which due notice has not been given, namely, requesting that a urgent report be submitted regarding the lease arrangements, contracts and subsequent sale of Council owned properties at Nos. 129-135 Parramatta Road, Broadway.

Carried.

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

### **LEASING – PARRAMATTA ROAD, NOS. 129-135, BROADWAY – SYDNEY MORNING HERALD ARTICLE, MONDAY 10 FEBRUARY 2003**

That the General Manager prepares an urgent and thorough report relating to the historic and current dealings about the lease arrangements, contracts and subsequent sale of Council owned properties Nos. 129 – 135 Parramatta Road, Broadway (as report ‘Council’s rental gravy train’ in the Sydney Morning Herald of Monday February 10, 2003) for consideration by Council at its next meeting. That upon consideration of the report the Council makes a decision whether or not to refer the report to the ICAC for investigation. That the Council makes all files, leases, sale contracts and other documents relating to these properties available for public scrutiny at no charge or impediments and not subject to Freedom of Information requests.

It was moved by the Mayor, seconded by Councillor Lay, that the motion be amended by the deletion of all the words after “Council” where appearing in the fifth line of the motion and the insertion in lieu thereof of the words “at its next Finance Committee meeting”.

Motion, as amended, carried.

At the request of Councillor Lay, the Mayor asked that a legal opinion be supplied at the Committee meeting.

## QUESTIONS WITHOUT NOTICE

1.

**QWN – 12 FEB 03  
ABANDONED PLANS TO DEMOLISH AND REDEVELOPMENT OF  
ERSKINEVILLE PUBLIC HOUSING ESTATE - QUESTION WITHOUT  
NOTICE BY COUNCILLOR FURNESS**

**Question:**

When the Deputy Premier announced that the government had abandoned plans to demolish and redevelop the Erskineville public housing estate he promised a letter confirming this announcement to tenants. As this letter had not arrived, could you contact Andrew Refshauge requesting he provide this letter as soon as possible?

**Answer by the Mayor:**

I am happy to do that.

2.

**QWN – 12 FEB 03  
RUBBISH AROUND BINS AT THE INTERSECTION OF SHEPHERD  
STREET AND BROADWAY, CHIPPENDALE - QUESTION WITHOUT  
NOTICE BY COUNCILLOR FURNESS**

**Question:**

Large amounts of rubbish are frequently to be found dumped around the bins in Peace Park and the street closure at the former intersection of Shepherd Street and Broadway, Chippendale.

Could the bins be emptied more frequently and/or increasing their size considered? I also suspect restaurants are dumping waste in these locations and I am aware of at least one restaurant recently fined for doing so. Can increased enforcement also be conducted?

**Answer by the Mayor:**

I will certainly refer all those issues to the Director of City Works for him to respond to you.

3.

**QWN – 12 FEB 03  
EL-ALAMEIN RESERVE, ROSEBERY - QUESTION WITHOUT NOTICE BY  
COUNCILLOR FURNESS**

**Question:**

I have received a complaint regarding the state of El Alamein Reserve in Rosebery, which I will table. Could this matter be investigated?

**Answer by the Mayor:**

Happy to have that issue investigated.

4.

**QWN – 12 FEB 03  
CLOSURE OF WOOLLOOMOOLOO HEALTH AND FITNESS CENTRE,  
WOOLLOOMOOLOO - QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON**

**Question:**

Residents in Woolloomooloo and Kings Cross are rather concerned at our Community facilities being closed without any notification. Could the Director of Community Living please comment on why the Woolloomooloo Health and Fitness Centre closed?

Why wasn't anyone notified?

**Answer by the Director of Community Living:**

Mr. Mayor through you. There is significant amount of work happening there, as there are going to be new toilets, so that we are going to be able to separate the children under the new Child Protection Legislation.

We are creating a whole new youth and Children's areas so that they are separate. The Gymnasium had to be closed as it is going to be a construction site. I will be putting all the details together and it will be circulated in the Councillors Information Service.

5.

**QWN – 12 FEB 03  
CHEMICALS (ROUND UP) USED BY SOUTH SYDNEY COUNCIL AT  
SYDNEY PARK - QUESTION WITHOUT NOTICE BY COUNCILLOR  
LENNON**

**Question:**

To the Director of City Works, I believe that at South Sydney Council we have won awards and milestones for approach to environment. It is true that the chemicals round-up etc., have been used by South Sydney's Council's staff on Sydney Park? Is that the case?

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

I'm not privy to exactly what insecticides are used but Round-up is certainly used by Council. Round-Up is not a dangerous herbicide as I understand it but I am happy to provide information on the chemical make up and other things for this insecticide.

At this stage Councillor Lennon moved an urgency motion in respect of the information that is coming to light about the connections between lymphomas and these Round-up chemicals. The staff in the Botanical Gardens when they touch any of these things, use masks etc. that Council will be liable now that information is passed on. Since we have environmental awards for our contractors that our own staff phase out using Round-up in the next three months and when people do use that stuff in the three month period that they use masks and consult with the Botanical Garden staff.

The Mayor ruled the urgency motion out of order.

6.

**QWN – 12 FEB 03  
REMOVAL OF ILLEGAL SIGN OUTSIDE THE REX HOTEL - QUESTION  
WITHOUT NOTICE BY COUNCILLOR LENNON**

**Question:**

Could the Rex Hotel developers be told that their illegal signs are in breach of their Development Application. Could they be removed from outside the building just like Miltiplex who still have their illegal signs in the area and the workers stop parking in the Council carpark which is for the Community workers that they have closed the Centre and now closing the library.

**Answer by the Mayor:**

I will refer those two issues to the Director of City Environment.

7.

**QWN – 12 FEB 03  
AMENDMENTS TO FOOTWAY POLICY IN THE SOUTH SYDNEY COUNCIL  
AREA - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON**

**Question:**

Could the Footway policy be amended to include book stands in South Sydney Council Area?

**Answer by the Mayor:**

I will refer that matter to the relevant Officer and if appropriate, a report will come to Committee.

8.

**QWN – 12 FEB 03  
NORTH WARD – OVER DEVELOPMENT – BAYS WATER CAR RENTAL  
SITE - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON**

**Question**

You know that we are very concerned with over development in the North Ward and there was a petition of over 200 signatures of people in the area trying to secure the Bays Water car rental site for open space. The overdevelopment of the Horizon and Elan justify the rates from those developments alone. Tonight we have another eight storey development up at the top of the Cross. The Cross City Tunnel has a proposal of putting in a green lip over William Street. Could the General Manager liaise with people at St. Johns and Planning NSW to negotiate doing an air swap so that we can have the green lip near St. Johns and they can have a one or two storey development on William Street?

Councillor Lennon tabled a diagram.

**Answer by the Mayor:**

I will refer this information and that question to the General Manager for him to respond accordingly.

9.

**QWN – 12 FEB 03  
RESIDENT INQUIRY – DEVELOPMENT APPLICATION (02-01367 -  
QUESTION WITHOUT NOTICE BY COUNCILLOR SHAW**

**Question:**

In response to an inquiry from a resident, can I be advised of the status of Development Application U02-01367

**Answer by the Mayor:**

I will refer that to the Director of City Environment.

10.

**QWN – 12 FEB 03  
CONGRATULATIONS – TRAFFIC MANAGEMENT TEAM – JOB WELL  
DONE - QUESTION WITHOUT NOTICE BY COUNCILLOR LAY**

**Question:**

Could congratulations be passed on to the relevant people in terms of the Traffic Management that is currently being undertaken. A number of residents including some from the Union Street area which is heavily affected towards the Erskineville road end and myself have experienced what is very well managed work.

**Answer by the Mayor:**

Happy to do that.

11.

**QWN – 12 FEB 03  
COUNCIL'S AUDIT COMMITTEE – USE OF INDEPENDENT AUDIT FOR  
ALL COUNCIL'S PROPERTY - QUESTION WITHOUT NOTICE BY  
COUNCILLOR MALLARD**

**Question:**

Last September when you were elected to the Mayoralty with the vote of the Democrat Deputy Mayor, the Labor party with his vote, abolished the Council's audit committee and rolled the duties of that stand alone committee into the Finance Committee chaired and controlled by yourself.

We are now half way through your term as Mayor and there has been no reference to any audits of Council activities to the Council. In view of the Herald's "rental gravy train" allegations will you authorise an immediate and thorough independent audit of all of Council's property dealings, leases and purchases?

**Answer by the Mayor:**

No I certainly will not, but I can assure you that Council continues to conduct internal audits and conforms to all financial regulatory requirements required of Council in all its business.

**Comment by Councillor Mallard.**

The Audit Committee and the Councillors that were elected to that Committee determined some of the areas to be audited and the question I am putting to

you is, do you think its good to have the elected representatives selecting areas to be audited? I think the latter is much more desirable for open government.

**Reply by the Mayor:**

Council has external auditors which it employs in order to review Council's business. I do not suggest that a barely functioning Audit Committee would resolve the issues that you are seeking to. Should you wish to make an alternative suggestions Councillor Mallard you have processes within Council, including a Notice of Motion to move such a suggestion.

12.

**QWN – 12 FEB 03**

**ACCESS TO FILES- BROADWAY – ‘RENTAL GRAVY TRAIN’ - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD**

**Question:**

In light of the earlier urgency motion, will you and the General Manager now give unobstructed access to the files relating to Broadway properties, the “rental gravy train” allegations to Sydney Morning Herald journalist Mr. General Ryle?

**Answer by the Mayor:**

No. On the basis of the restrictions that occurred which were conveyed to Mr. Ryle and those restrictions in the absence of legal advice, I am not prepared to alter.

13.

**QWN – 12 FEB 03**

**FENCING OFF AND LOCKING OFF – ALBERT SLOSS RESERVE IN PALMER STREET, EAST SYDNEY - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH**

**Question:**

The pocket park in Albert Sloss Reserve in Palmer Street in East Sydney has become an all day, all night shooting gallery. When the staff attend the Childcare Centre they are in danger of needles sticks. The owner of the adjoining property is currently undergoing medical treatment for a needle stick injury.

Can a report come to Committee which investigates the fencing off and locking off at night time of the Albert Sloss Reserve?

**Answer by the Mayor:**

I will refer that to the appropriate officer and we'll look at that issue. Happy to do that.

14.

**QWN – 12 FEB 03  
POLICY – CAMILLE BURNS REPORT – GREEN SQUARE - QUESTION  
WITHOUT NOTICE BY COUNCILLOR BUSH**

**Question:**

Could the Director of City Works liaise with appropriate Council Officer to initiate recording and archiving of the Green Square and surrounding areas in line with the approved policy of Camille Burns report that was to deal with industrial buildings?

**Answer by the Mayor:**

I will certainly refer that to the City Environment and if appropriate City Living as well, but certainly the relevant Officers will get your request.

15.

**QWN – 12 FEB 03  
HERITAGE FENCE – THOMSON STREET, DARLINGHURST - QUESTION  
WITHOUT NOTICE BY COUNCILLOR MALLARD**

**Question:**

Mr. Whittaker has been written to by our good friends at E.S.N.A. regarding the heritage fence in Thomson Street, Darlinghurst.

Can we have some action on this letter from the relevant Officer?

**Answer by the Mayor:**

A report will be circulated in the Councillor Information Services from the relevant Officer.

16.

**QWN – 12 FEB 03  
PROPOSED CHANGE TO DEVELOPMENT APPLICATION –19 BENT  
STREET, PADDINGTON - QUESTION WITHOUT NOTICE BY  
COUNCILLOR FOWLER**

**Question:**

Residents and ratepayers of Paddington were not notified of the proposed change to Development Application (1186/01) at 19 Bent street, in order that they would view the plans as the original Development Application notified on this property.

Can I have a report on this matter as it contravenes the DCP and Council policy?

**Answer by the Mayor:**

I will refer that to the Director of City Environment.

**REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE**

5 February 2003

**PRESENT**

**Councillor Jill Lay (Chairperson)**

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

At the commencement of business at 6.35 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 5 February 2003, be received and the recommendations set out below for Items 3 to 6, inclusive, be adopted. The recommendations for Items 1, 2, 7 and 8 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**ROSE TERRACE, NO. 10, PADDINGTON – SECTION 96 APPLICATION TO MODIFY DEVELOPMENT CONSENT FOR ALTERATIONS AND ADDITIONS TO TERRACE DWELLING (U01-00481)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

In accordance with Section 96 of the Environmental Planning and Assessment Act 1979, as amended, it has been decided to modify the consent granted by Council dated 26 September 2002, but only as it will provide for the following:

- (A) Re-word condition No. 1 to read,
- (1) The development shall be in accordance with drawing numbered 001, Issue A, Dated September 2002 and stamped and endorsed by Council,
- (B) New condition No 14 added,
- 14(a) The applicant shall submit a Stormwater Certificate in respect of the works by a suitably qualified Stormwater or **Hydraulic** Engineer confirming that the works have been carried out **to satisfactorily drain the subject site and maintain the integrity of the existing inter-allotment drainage system with respect to capacity, water volume and flow during the 1 in 20 and 1 in 100 Average Recurrence Interval.** The Certificate shall be submitted within thirty (30) days from the endorsed date of consent.
- 14(b) The applicant shall submit a Building Certificate in respect of the works by a suitably qualified person **confirming compliance with the Building Code of Australia (BCA) and the structural integrity of adjoining buildings, including any rectification works that are required.** The Certificate shall be submitted within thirty (30) days from the endorsed date of consent.
- (C) New condition No. 15 added,
15. The applicant shall rectify **all non-compliances with the BCA together with any** damage caused to No.12 Rose Terrace arising from works so far associated with Development Consent U01-00481 **dated 22 November 2001.**

***A Work Program outlining details of rectification works as agreed to by both land owners shall be submitted to Council within seven (7) days from the endorsed date of Certifiers report as referred to in Condition No.14 of this consent or any other such period as agreed to by the adjoining owner and***

***Council. The work program shall demonstrate that all rectification works will be completed within a 30 day time period.***

- (D) Investigate inter-allotment drainage provisions for inclusion in the current review of DCP 1997.

It was moved by Councillor Fowler, seconded by Councillor Mallard, that the application be deferred to the next Planning and Development Committee meeting to be held on 19 February 2003.

At this stage it was requested for a show of hands.

Negatived on the show of hands 4 to 5.

Motion, as moved by Councillor Lay, carried.

2.

**ABERCROMBIE STREET, NO. 370, DARLINGTON – USE GARAGE AREA AS LOUNGE/DINING AREA IN CONJUNCTION WITH THE EXISTING HOTEL (U02-00460)**

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Shaw:-

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by Denis Callahan (owner), to use the garage space as part of the lounge/dining area of the hotel, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with drawing held on Council file number U02-00460 and stamped by Council on 7 May 2002, subject to compliance with the conditions below;
  - (2) That no live entertainment shall be provided on the premises without first obtaining approval under the Local Government Act 1993;
  - (3) That the use of the premises shall not give rise to:
    - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
    - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The

source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,

- (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (4) That the hours of operation shall be restricted to between 10.00am to 10.00pm Mondays - Saturdays; and 11.00am to 10.00pm Sundays;
- (5) That the rear roller door shall be bricked in, in accordance with development consent reference U01-01230, within 3 months from the endorsed date of this consent;
- (6) 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 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;
  - (c) That the underside of all timber floors including beams and columns shall be constructed of materials having resistance to the incipient spread of fire to the above floor of one hour;
  - (d) That the discharge from exits shall comply with D1.10 of the BCA;
  - (e) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;
  - (f) That portable fire extinguishers shall be installed in the kitchen area adjacent to the cooking appliances;
  - (g) That a fire blanket complying with the requirements of AS3504 shall be provided in the kitchen adjacent to the cooking appliances;

- (h) That hose reels shall be installed throughout the building in accordance with the requirements of E1.4 of the BCA and AS2441;
  - (i) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
  - (j) That a system of emergency lighting shall be installed throughout the building in accordance with the requirements of E4.2, E4.3, E4.4 of the BCA and AS2293.1;
  - (k) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
  - (l) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
  - (m) That all essential fire safety measures shall be extended to cover the proposed area and a final fire safety statement being submitted to Council prior to the proposed area being used;
- (7) That the applicant shall submit a Waste Management Plan to the satisfaction of the Director of City Environment that outlines the quantity of waste and the manner in which it will be sorted, stored and collected. Waste collection times and locations shall be designed to minimise noise levels for surrounding residential properties and details of which are to be submitted within sixty (60) days from the endorsed date of consent.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.
- (C) That Council's City Works Department investigate the need for a "No Parking" sign along Wilson Lane, Darlington the results of which shall be reported back to the Planning and Development Committee.

Carried.

## 3.

**CITY ROAD, NO. 1001, CAMPERDOWN – CONSTRUCTION OF NEW PLANT ROOM, LOADING DOCK, BABY POOL, ENTRY PERGOLA, POOL COVER STORE, LANDSCAPING AND NEW SUBSTATION (U02-01282)**

- (A) That the Council grants its consent under the Environmental Planning and Assessment Act, 1979 to the development application submitted by South Sydney Council with the consent of the Department of Land and Water Conservation as owner, for alterations and additions to provide for a new plant room, a new wading pool, a loading dock, entry pergola and pool cover store including tent structures, fences and landscape areas and installation of a new electricity substation in respect of the Victoria Park Aquatic Centre at 1001 City Road, Camperdown, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with the Development Application dated 18 November 2002 and the associated Statement of Environmental Effects dated August 2002, stamped and endorsed by Council, subject to the following conditions;
  - (2) That all relevant sections of the BCA shall be complied with;
  - (3) 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;
  - (4) 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;
  - (5) 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;
  - (6) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
  - (7) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;

- (8) That all residential building work shall comply with the Home Building Act 1989 in relation to contract of insurance;
- (9) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (10) That the requirements of the Work Cover Authority shall be complied with;
- (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 the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (13) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (14) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (15) That all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
- (16) That the demolition work shall comply with Australian Standard 2601-1991;
- (17) That if the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage;
- (18) 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;

- (19) That the applicant be advised that this application has not been assessed for compliance with the Building Code of Australia;
- (20) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (21) That Construction, containerisation and handling of garbage and recyclables shall be in accordance with Council's "Waster Management – Minimisation Fact Sheets". Details to be submitted with the application for a Constructions Certificate;
- (22) That the use of the premises shall not give rise to:
  - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (23) That all liquid chemical storage areas shall be bunded and constructed in accordance with Environment Protection Authority guidelines;
- (24) That details of the exact name, quantity, location, method of storage and packaging of any material covered by the

Dangerous Goods Act, 1975 whether licensed under that Act or not, shall be submitted to the Work Cover Authority and approval obtained before any associated work is commenced;

- (25) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (26) 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;
- (27) 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;
- (28) That a detailed landscape plan and specification for the site in accordance with the approved DA landscape plan shall be prepared by a qualified Landscape Architect, be submitted to the Certifying Authority with the application for a Construction Certificate. The Landscape Plan shall nominate:
- (i) Materials and Finishes -Plans, sections and schedules to indicate type, extent, layout, setout, installation requirements of all hardworks and surface finishes (i.e. lighting, walls, paving, furniture, fixtures, fences, disabled access) including the relationship to adjoining finishes in accordance with the approved DA landscape plan. Garden walls and edging are to be masonry or approved material that compliment the architecture and character of the development.
  - (ii) Levels and Drainage- Plans, details and or sections indicating existing and proposed nominal levels, stairs and ramps for disabled access, fall arrows, inlet pits, sub surface drainage, swales or detention points.
  - (iii) Planting Plan- Plan and schedules indicating layout, location, species, size at installation, staking requirements and numbers

of each species. Details of ground preparation, soil mix and staking/ tree guards. Mulch to be hardwood chip at 75mm depth. Planting layout and massing shall be in accordance with the approved DA landscape plan. Minimum requirements for planting to be as follows:

Material	Mature Height	Min. Spacing	Min. Size
Trees			75L (2.0m tall)
Shrubs	>3.0m	1/4m <sup>2</sup>	10L
Shrubs	1.0-3.0m	1/2m <sup>2</sup>	5L
Groundcovers	<1.0m	6/ per m <sup>2</sup>	150mm pot

- (29) That the applicant shall submit to the Certifying Authority an annual maintenance program for landscape works. A copy is to be supplied to the Body Corporate/ contractor/owner for ongoing maintenance of the site;
- (30) 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;
- (31) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (32) 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);

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

No BDD is applicable.

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

Granting unconditional consent would not be in the public interest.

Carried.

4.

**CROWN STREET, NOS. 587 – 591, SURRY HILLS – ALTERATIONS AND ADDITIONS TO UPPER LEVELS OF CROWN HOTEL, CHANGE OF USE TO MOTEL AND PROVISION OF ADDITIONAL BAR FACILITIES – DEVELOPMENT APPLICATION (U01-01054)**

That the matter be deferred as requested by the applicant in fax dated 4 February 2003, and that a report be submitted to the next Committee on the following namely:-

- (1) detailing proposed works that are to occur, including the bonuses;
- (2) issues in relation to setback as per the original plans;
- (3) intensification of use of the proposed bar on the first floor.
- (4) All previous reports and resolutions in relation to this application.

Carried.

5.

**LAWSON SQUARE, NO. 1, AND GIBBONS STREET, NOS. 7 – 9, REDFERN – USE OF THE PREMISES FOR COUNCIL'S ADMINISTRATIVE SERVICES, FITOUT, ALTERATIONS AND ADDITIONS, AND PARTIAL USE OF THE GIBBONS STREET CAR PARK – DEVELOPMENT APPLICATION (U03-00010)**

- (A) That Pursuant to section 80 of the Environmental Planning and Assessment Act 1979 Council grant its consent to Development Application No U03-00010, submitted by Brett James McKechnie of Kimberley Securities Limited to use the premises at No 1 Lawson Square Redfern for Council's administrative centre, including alterations, additions and fitout and to utilise 156 car parking spaces within the existing car park at Nos 7-9 Gibbons Street Redfern, subject to the following conditions, namely:-

- (1) That this approval relates to project no 202.120.10 drawing nos DA 01-14 dated 06.01.03 and drawn by PTW Architects, except as modified by conditions of consent;
- (2) That no approval is given or implied for part of the pedestrian bridge shown at the south west corner of level 2 on project no 202.120.10 drawing no DA 05 dated 06.01.03 and drawn by PTW Architects;
- (3) That the applicant shall ensure that Council's waste strategy is communicated to all staff and appropriate measures put in place to ensure all waste is appropriately dealt with, particularly recycling in accordance with the Environment Goal of Council's Strategy. Details shall be submitted with the Construction Certificate;
- (4) That in order to minimise the impact of the proposed development on the town centre of Redfern, all staff shall be encourage to use available public transport to come to work and limit access to driver only private vehicles
- (5) That bicycle storage facilities shall provided for staff and visitors at a rate of 1/20 staff (in the form of class 1 lockers) and a minimum of 5 bicycle rails provided at a secure location at grade close to the entrance to the One Stop Shop. Details shall be provided with the Construction Certificate;
- (6) That a minimum of 100 car spaces shall be available at all times at the car park at 7-9 Gibbons Street for the use of staff and councillors and this facility is only to be accessed via a security system;
- (7) That the hours of operation of the Council shall be as follows:  
  
Monday-Friday 7am - 6pm  
Saturday 8am - 2pm  
Council and Committee Meetings 6pm - midnight
- (8) That a sign informing the public of public hours of operation shall be located at the front entrance doorway to the customer service area and visible to pedestrians on the footpath;
- (9) That this consent shall lapse after a period of two years from the date this consent became effective, unless the development to which it relates is commenced. A written application can be made to the Council before the period ends, for an extension of one year (which involves a fee);
- (10) That noise from construction/demolition activities associated with the development shall have regard to the guidelines contained in

the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:

(i) Construction periods of 4 weeks and under:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed to any sensitive noise receiver.

(ii) Construction periods greater than 4 weeks and not exceeding 26 weeks:

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed to any sensitive noise receiver.

NOTE: the above noise levels are applicable for construction hours of:

Monday to Friday, 7.00am to 5.00pm

Saturday, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of council;

- (11) That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 6.00am and 9.00pm 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 if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of a public place

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

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

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

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

- (13) That a sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- (a) building work carried out inside an existing building, or
  - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (14) That all relevant sections of the BCA shall be complied with;
- (15) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
- (16) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (17) That all glazed assemblies shall comply with clause B1.4(h) of the BCA;
- (18) That the non-required stairways/ramps/escalators shall comply with the requirements of D1.12 of the BCA;
- (19) That access for people with disabilities shall be provided in accordance with Part D3 of the BCA;
- (20) That the required non-fire isolated stairways in this building having a rise in storeys of more than two shall be constructed in accordance with D2.3 of the BCA;
- (21) That electricity and telecommunication services shall not be installed in a required non-fire-isolated exit or in any corridor, hallway lobby or the like leading to a required exit unless they are enclosed by non-combustible construction or a fire protective covering in accordance with D2.7 of the BCA;

- (22) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;
- (23) 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;
- (24) That steel bollards shall be provided outside the stair entry doors to prevent vehicles from blocking the egress from the stairs;
- (25) That the efficient coverage and operation of any fire fighting equipment or egress requirements shall not be impaired by the partitioning layout;
- (26) That the unobstructed width of the path of travel to an exit within the Chamber on level 1 shall be no less than 1m in accordance with D1.6 of the BCA;
- (27) That seating nos. 1 and 2 shall be removed on levels nos. 3, 6, 7 and 10, as the unobstructed width of the path of travel to an exit is less than 1m as required under D1.6 of the BCA, thereby not providing the required alternative means of egress as required under D1.5 of the BCA;
- (28) That seating no's 1, 2, 3 and 4 shall be removed on level no.4, as the unobstructed width of the path of travel to an exit is less than 1m as required under D1.6 of the BCA , thereby not providing the required alternative means of egress as required under D1.5 of the BCA;
- (29) That all essential fire safety measures shall be extended to cover the proposed area, to be constructed, and all system being certified to comply with all codes and the BCA;
- (30) That all essential fire safety measures shall be extended to cover the proposed area, to be constructed, and all system being certified to comply with all codes and the BCA;
- (31) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of F1.7;

- (32) 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;
- (33) 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;
- (34) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (35) 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);
- (36) 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;
- (37) That all thermal detectors excluding those in wet areas and kitchens with approved smoke detectors shall be removed to provide enhanced early warning for all occupants of a fire, all work to comply with relevant requirements of AS 1670;
- (38) That a manual call facility to each level shall be provided to provide a means of alerting all occupants of an emergency within the premises (to AS 2200);
- (39) That upgrade and provide certification that the hydrant and booster facility and the fire hose reels comply with current requirements excluding the requirement to locate the hydrants within the fire stair;
- (40) That signage and block plans to the booster facility shall be provided so that it is readily identifiable by responding Fire Brigade units;
- (41) That a system of smoke management shall be provided including a system of stair pressurisation and fire dampers to each floor to ensure that the passage of occupants in an emergency is not compromised by untenable atmospheres; works to meet with relevant requirements of AS 1668 Part 1;

- (42) That a list of all the statutory fire safety measures included in the building on a schedule of essential services shall be submitted and all services certified and listed on an annual fire safety statement;
- (43) That all doors leading to an exit and from an exit shall comply with the requirements of the Building Code of Australia and that the doors are so tagged are readily identifiable and the tags are not painted or concealed;
- (44) That certification shall be provided that the existing installed sprinkler system is capable of performing to the required standards and is listed on the premises essential services;
- (45) That exit signage and emergency lighting shall function correctly and that an exit is visible from all points on a floor;
- (46) That an audit on all required fire safety measures installed within the building and such remedial works shall be undertaken to ensure that those required measures are capable of operating/performing to at least the standard for which the measure was originally designed and implemented;
- (47) That an audit of all electrical wiring in the building, shall be undertaken make good any electrical hazards and ensure that the electrical installation serving the premises is in sound condition;
- (48) That all doors leading to the required exits, including final doors, shall be openable by single handed action in accordance with the requirements of D2.21 of the BCA. Barrel bolts, locking snibs and padlocks are not permitted;
- (49) Ensure that the openings in the fire wall within the basement level shall be restored to fire resistant doors and all penetrations thereto suitably sealed with fire resistance material pursuant to Part C of the BCA;
- (50) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (51) 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;

- (52) 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;
- (53) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (54) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (55) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (56) That the demolition work shall comply with Australian Standard 2601-1991;
- (57) That the applicant shall submit of a statement from a suitably qualified consultant with energy efficiency experience verifying that the building incorporating the new fitout will achieve an energy consumption target of at least, or equivalent to a 4-star rating under the Australian Building Greenhouse Rating Scheme;
- (58) The applicant shall also submit a statement indicating that the Green Power will be sourced (subject to availability) for the whole building prior to occupation;
- (59) The applicant shall also submit a statement indicating that water saving devices, fittings sanitary fixtures will replace all existing fitting and sanitary fixtures such as:
- sensor operating flushing units for urinals,
  - the installation of 6/3 litre dual flush toilets cisterns and pans;
  - flow regulators to wash hand basins,
  - sensor activated taps for hand basins, and
  - AAA rated showerheads and appliances.
- (B) That the General Manager advise Councillors on any future public domain improvements in the area surrounding the Council building by possible means of landscaping, paving, furniture, public art and including possible displays and exhibitions in the customer service area and adjacent external walls where possible and as shown on the Redfern-Waterloo Public Domain Plan in the DCP.

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

Carried.

6.

**CARILLON AVENUE, NO. 90, NEWTOWN – USE OF LEVEL 1, BUILDING 5 OF THE SYDNEY UNIVERSITY VILLAGE AS A DELICATESSEN, CAFÉ AND GENERAL STORE (U02-01031)**

- (A) That the Council, as the consent authority, grants its consent under Section 80(1) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Multiplex, with the authority of Sydney University, to use Level 1 of Building 5 as a deli/cafe/general store associated with the student accommodation at 90 Carillon Avenue, Newtown, subject to the following conditions, namely:-
- (1) That the development shall be generally in accordance with plans numbered DA02A DATED September 2002 and drawn by PM of Nextspace Pty Ltd and Statement of Environmental Effects prepared by Tuscan Camperdown Pty Ltd and endorsed with Council stamp 01031/02, 17 September 2002, and Plan of Management for Building 5, as endorsed by Council stamp, subject to compliance with the following conditions, subject to compliance with the conditions below;
  - (2) That the hours of operation, the receipt of shall be restricted to between 6.00am and midnight, Mondays to Saturdays and 7.00am to 11.00pm Sundays;
  - (3) That deliveries to the premises by way of trucks and the like shall not occur outside the hours of 7.00am to 5.00pm daily;
  - (4) Where there is any inconsistency between the conditions of this consent and the Plan of Management referred to in Condition 1m, the conditions of consent will prevail to the extent of the inconsistency;
  - (5) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$660 in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (6) 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 \$470, or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (7) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (8) That gaseous emissions from the development shall comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations thereunder;
- (9) That the use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health;
- (10) That a separate garbage /recycling storage facility for commercial use shall be located within the site at street level in a position approved by Council's Health Services Manager that can be accessed by a commercial contractor. 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;
- (11) That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (12) That the use of the premises shall not give rise to:
  - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;

- (13) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:
- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (d) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all food preparation and storage areas: STANDARD REQUIREMENT - National Code for the Construction and Fitout of Food Premises & the Food Act 1989 and Regulations thereunder;
  - (e) the layout, disposition and method of installation of fixtures and fittings together with wall, floor and ceiling finishes of premises used for the purpose of skin penetration (includes acupuncture, tattooing, skin piercing, beauty treatment & hairdressing): STANDARD REQUIREMENT - Requirements of the Public Health Act 1991 and Local Government Act, 1993 and Regulations / thereunder (guidance may also be obtained from Skin Penetration Guidelines and fact sheets);
  - (f) the method of achieving adequate natural light and ventilation to all habitable rooms: STANDARD REQUIREMENT - Building Code of Australia Parts 3.8.4 and 3.8.5 (Class 1) and Building Code of Australia Part F;
- (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 all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Works Zone;
- (16) That 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);

- (17) That all relevant sections of the BCA shall be complied with;
- (18) That the use of the office area shall be ancillary to the use of the premises;
- (19) That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
- (20) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (21) That the proposed signage shall;
  - (a) not flash, move, be animated, scintillate or be decorated with rotating flashing lights at any time without the consent of the Council;
  - (b) not have attached apparatus to provide any sound;
  - (c) be neatly affixed to the building (any damage caused shall be promptly repaired with matching materials);
  - (d) not cover any architectural features or windows;
  - (e) not carry a message(s) which is offensive;
- (22) That proposed signage shall not comprise commercially based material and shall be limited to identification purposes only;
- (23) That all liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water;
- (24) That the proposal shall comply with AS 4282 – Control of the obtrusive effects of outdoor lighting;
- (25) The construction, fitout and finishes of the premises shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;
- (26) That designated wash hand facilities be provided in all food preparation areas, or areas where food handlers hands are likely to be a source of contamination, and be provided with an adequate supply of warm potable water supplied under pressure and mixed through a common outlet;
- (27) That an adequate supply of soap or other item that may be used to thoroughly clean hands, together with an adequate supply of single use towels (including container for used towels) or other

effective hand drying facility, is provided at or near each hand washing facility;

- (28) That a separate garbage /recycling storage facility for commercial use shall be located within the site at street level in a position approved by Council's Health Services Manager that can be accessed by a commercial contractor. 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 business proprietor shall enter into a contract for the removal of trade waste from the premises;
- (30) That the use of the premises shall not give rise to:
  - (a) Transmission of 'offensive noise' to any place of different occupancy, and,
  - (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, and,
  - (c) A sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Industrial Noise Policy;
- (31) That the premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (32) That the premises shall not be used for the cooking of food unless an approved air handling system is installed to the cooking appliances designed in accordance with AS1668;
- (33) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
  - (a) 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;

- (34) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (35) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (36) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (37) That the requirements of the Work Cover Authority shall be complied with;
- (38) 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;
- (39) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (40) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (41) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (42) That the demolition work shall comply with Australian Standard 2601-1991;

NOTE 1:

The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees,

agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

NOTE 2:

Prior to the commencement of food handling operations, the food business must notify the NSW Health Department of the following information, including:-

- Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
- The nature of the food business; and
- The location of all food premises of the food business within the jurisdiction of NSW Health

You may notify the NSW Health Department via the Internet on [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or hard copy using the attached notification.

Failure to notify the NSW Health Department may result in a penalty not exceeding \$2,750.

NOTE 3:

Your attention is drawn to the requirements of the Smoke-Free Environment Act 2000, which prohibits smoking in all enclosed public spaces. An enclosed public space means a place having a ceiling or roof and, except for doors and passageways, completely or substantially enclosed, whether permanently or temporary. Under the Act there is an onus of responsibility on both individual and occupiers of premises to refrain from and prevent smoking within defined smoke-free areas (some exemptions do apply).

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.

Carried.

7.

**WILLIAM STREET, NOS. 238-242, POTTS POINT – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF AN EIGHT STOREY MIXED USES BUILDING WITH SEVEN LEVELS OF RESIDENTIAL ABOVE GROUND FLOOR RETAIL (U02-00738)**

That pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, Council grants its deferred commencement consent to the development application submitted by B.F.G.S Pty Ltd, with the authority of Mr & Mrs G. Geradis, to demolish the existing buildings and erect an eight storey mixed uses building, with ground level retail/commercial and residential behind and above at 238-242 William Street, Potts Point, subject to completion of the following, namely:-

- (1) That the consent shall not operate until the applicant has provided details responding to the following matters, which shall be approved in writing by the Executive Manager - Assessments prior to lodging an application for a Construction certificate:
  - (a) To qualify for a floor space bonus in accordance with the South Sydney Development Control Plan 1997- Urban Design, the owner shall design, construct and meet all costs associated with public domain works associated with the development, as outlined in the Deed of Agreement to be prepared in consultation with Council's Public Works Approvals Manager, and to the value of \$266,057;
  - (b) An awning shall be provided along the southern facade of the building in accordance with the requirements of DCP 1997. The costs of the awning shall be offset from the works outlined at Condition 1(a) of this consent;
  - (c) An archaeological assessment is to be prepared prior to the release of the construction certificate. This report shall include recommendations concerning archaeological monitoring of the demolition process;
  - (d) An archival record of the existing buildings, including measured drawings and photographs, is to be prepared in accordance with NSW Heritage Office Guidelines and submitted to Council's satisfaction prior to the release of the construction certificate. One copy of the record is to be lodged with Council and another with the NSW State Library;
  - (e) An interpretative strategy is to be developed for the site, in consultation with a qualified and experienced archaeologist, utilising the history of the site and additional information uncovered from any archaeological investigation of the site. The interpretative strategy should be submitted to Council's satisfaction, prior to the release of the construction certificate;

- (f) Visual relief is to be introduced to the proposed high blank wall at street level at Brougham Lane, such as modulation of the wall, a textured surface, some form of artwork, or a combination of these methods. Details are to be provided to Council's satisfaction prior to the release of the construction certificate. The purpose of this condition is to create visual interest in the streetscape and to prevent graffiti;
- (g) The residential/visitor entrance shall be flush with the facade of the building and the passageway through to the lift be widened to 2 metres with appropriate lighting and security facilities to ensure the safety of residents of, and visitors to, the building;
- (h) Details shall be submitted (coloured elevations to an appropriate scale), including proposed materials, colours and finishes in respect to the following:-
  - (i) external finishes to walls.
  - (ii) roof features.
  - (iii) balcony treatment.
  - (iv) windows and doors visible from the street.
- (i) The applicant shall submit a Vehicle and Pedestrian Traffic Management Plan for the construction and demolition period to be approved by Council and the Local traffic Committee. The Plan shall provide information regarding traffic restrictions including details on the location of off-street parking for construction workers, emergency access, pedestrian protection, traffic impacts, traffic routes;
- (j) That the applicant shall submit a Waste Management Plan for the residential and retail/commercial components of the development to be approved by Council. The Plan shall provide information regarding storage, sorting, disposal, recycling and location of facilities within the building;
- (A2) The applicant must provide to the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within twelve (12) months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- (B) Upon compliance with the requirements of Part A1, a full consent will be issued, subject to the following conditions:-
  - (1) That the development shall be generally in accordance with plans numbered A01b-A05b, inclusive dated July 2002 and drawn by Baker Kavanagh Architects subject to compliance with the conditions below;

- (2) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$27,300 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 instalment 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 \$6,000, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;
- (4) That as a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and South Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	\$12,374

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being the December Quarter 2001/02.

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

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

(6) 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.

<b>Contribution Category</b>	<b>Amount</b>
Open Space: LGA Works Programme	\$ 8,282
Open Space: New Parks	\$37,489
Accessibility And Transport	\$250
Management	\$598
<b>Total</b>	<b>\$46,619</b>

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

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

where:

C is the original contribution amount as shown above;  
 CPI2 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of payment; and  
 CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being December Quarter 2001/02.

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

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

Note: No works, including works listed in the adopted Section 94 Contributions Plan, will be off-set against monetary Section 94 Contributions without prior written approval by Council in the form of a letter referring to detailed specifications and costs. Endorsed DA and construction plans relate to the subject site

only and cannot be taken as approval to carry out any works beyond the boundary of the site.

#### Part B

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

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

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

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

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

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

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

- (7) All vehicles servicing the site shall be able to access, load, unload and manoeuvre wholly within the site and not encroach upon public roads. Current parking restrictions around the site shall not be altered for any proposed vehicle servicing the site;

- (8) The applicant shall ensure that no vehicle greater than 6 metres long shall service the site;
- (9) The applicant shall ensure that the domestic garbage storage area is of sufficient size to accommodate 7 x 240 litres sulo type bins for domestic refuse and 5 x 240 litres sulo recycling bins;
- (10) The applicant shall ensure that a suitable garbage storage area shall be provided to accommodate the anticipated number of container bins required for refuse and recycling generated by commercial tenants;
- (11) The applicant is advised that if any archaeological relics are uncovered during excavation, such work is to be immediately ceased in the area and the NSW Heritage Office contacted. Depending on the findings, an excavation permit under the NSW Heritage Act 1977 may be required before further works can be considered in that area;
- (12) The applicant shall ensure that the commercial tenants engage the services of a private waste contractor for removal of waste and recycling;
- (13) The applicant shall ensure that a roller door with a Council compatible locking device shall be installed with direct access to Brougham Lane;
- (14) The applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb;
- (15) The retail proponent of the development shall comply with the sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
- (16) No "offensive noise" as defined under the Protection of the Environment Operations Act, 1997 shall be emitted during any excavation, demolition or construction activities associated with the site;
- (17) A garbage chute system shall be installed to the building, or alternatively, a system enabling the garbage and recyclable materials to be deposited in a position which is easy to access and convenient to residents;
- (18) All internal bathrooms shall be mechanically ventilated in accordance with the requirements of the Building Code of Australia;
- (19) Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects

of the development shall be submitted and approved by Council or a certifying authority prior to the commencement of work:

- (a) all proposed and required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
  - (b) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (c) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
  - (d) the garbage chute: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
- (20) That prior to the commencement of demolition/construction activities an Environmental Management Plan (EMP) shall be developed and submitted to Councils Department of Health and Community Services for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site,
  - (b) Measures to suppress odours and dust emissions,
  - (c) Soil and sediment control measures,
  - (d) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos,
  - (e) Community consultation;
  - (f) Risks, safeguards and contingencies for all phases of development.
- (21) 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;
- (22) Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operation Act, 1997;

- (23) The premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
- (24) Prior to the collection of approved plans and specifications, it shall be necessary to lodge with Council a fee of \$380 for the stormwater connection to Councils system and no work shall be commenced until the fee is paid;
- (25) Before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of Public Works and Services;
- (26) 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);
- (27) 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;
- (28) The owner shall dedicate to the appropriate electricity authority, free of cost, an area of land adjoining the street alignment to enable an electricity substation to be established, if such is required, the size and location of which is to be in accordance with the requirements of the appropriate electricity authority and the Director of City Environment and so that the opening of any doors of such substation shall not intrude upon the public way;
- (29) That any excavation below the footpath level adjacent to the street alignment shall require shoring in accordance with Council's Shoring Policy;
- (30) The street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;

- (31) During demolition, excavation and building work, the public way shall not be obstructed by building materials or materials from the site in any way;
- (32) That should the applicant wish to utilise 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;
- (33) That prior to the release of the Construction Certificate, the applicant shall make a further application to the Director of Public Works and Services for the provision of the necessary vehicular footway crossing, and also bear the cost of that crossing. A similar process shall be followed for the reinstatement of the footpath where any existing crossings adjacent to the site are no longer required. The applicant shall accept responsibility for the cost of construction of any consequential roadworks in the nature of kerb, guttering, paving and drainage. Such approval is required under the Roads Act, 1993. The work shall be done by Council unless other arrangements are approved in writing by the Director of Public Works and Services;
- (34) 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;
- (35) That before entering a purchase/ lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building and owners of individual units once on-sold, that residents are not eligible to participate in on-street resident parking schemes. A sign to this effect shall be located in a prominent place, to Council's satisfaction, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (36) 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;
- (37) 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;

- (38) 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;
- (39) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (40) No garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (41) 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);
- (42) 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;
- (43) That details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate;
- (44) That stormwater drawings shall be accompanied with a compliance certificate to the certifying authority, certifying that the design is in accordance with AS3500 Part 3 and Code of Standard Requirements for the discharge of stormwater;
- (45) That a certificate shall be submitted at the completion of the proposed drainage system from a registered certifier confirming that all work complies with the approved certified plans;
- (46) That all relevant sections of the BCA shall be complied with;
- (47) 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;

- (48) 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;
- (49) 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;
- (50) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (51) That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to commencement of work;
- (52) That a building or part of a building shall not be occupied until a occupation certificate has been issued in respect of the building or part;
- (53) That the requirements of the Work Cover Authority shall be complied with;
- (54) 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;
- (55) That building/demolition work in connection with the proposed development shall only be carried out between the hours of 7.00 am and 5.00 pm on Mondays to Fridays, inclusive, and 7.00 am and 3.00 pm on Saturdays and no work shall be carried out on Sundays or public holidays, where applicable, these restrictions do not apply to the maintenance of site cranes nor to the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane:
  - (a) mobile cranes operation from the roadway shall not be accepted as a method of constructing the proposed buildings;

- (b) for special operations, such as the hoisting of plant and equipment or the erection and dismantling of on-site tower cranes, which warrant the on-street use of mobile cranes outside the approved hours of building work, permits shall be obtained 48 hours beforehand from the Police Traffic Branch and the Director of Public Works and Services Department;
- (56) The building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
  - (57) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
  - (58) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property;
  - (59) The demolition work shall comply with Australian Standard 2601-1991;
  - (60) That if the soil conditions require it:
    - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
    - (b) adequate provision must be made for drainage;
  - (61) 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
    - (d) (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;

- (62) That if the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed to rendered inconvenient; or
  - (b) building involves the enclosure of a public place
  - (c) a hoarding or fence must be erected between the work site and the public place.
  - (d) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (63) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place;
- (64) Any such hoarding, fence or awning is to be removed when the work has been completed;
- (65) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - (c) Any such sign is to be removed when the work has been completed.
  - (d) This clause does not apply to:
    - (i) building work carried out inside an existing building, or
    - (ii) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;
- (66) That, at completion of the building, the applicant shall lodged with Council an application to subdivide the units;
- (67) The parapet shall be reduced in a height of no less than 0.6m and setback 7m from the William Street frontage in line with the plant room of adjoining No.244 William Street. A 1.2m wide planter box shall be provided behind the revised parapet line capable of sustaining plants that will soften the structural elements of the roof. Details including scaled plans, plant species and maintenance program shall be submitted with the Construction Certificate;

- (68) The applicant shall provide and maintain a 1.2m wide planter box along the eastern perimeter of the roof terrace. Details of the planter box design, plant species and a maintenance program shall be submitted with the Construction Certificate.
- (C) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

**8.**

**STREETS – MILL AND RESHEET WORKS PROGRAM – NIGHT WORK – WILSON STREET, NEWTOWN**

(This matter is also listed as Item No. 26 on the Finance Committee Agenda.)

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (1) That as a matter of priority, an extensive review of all aspects of undertaking night works be undertaken, including:-
- reviewing alternative options to minimise the amount of night works
  - issuing of road work permits for the contractor to undertake construction works
  - notifications
  - complaint management/action procedures, be undertaken as a matter of priority
- (2) That a further report recommending updated procedures for night works and associated issues be submitted to Council on 26 March 2003;
- (3) That the RTA Transport Management Centre be advised that Council will not agree to undertake road or footway works on residential streets at night where the local amenity is likely to be affected unless emergency conditions arise;
- (4) Council advise SSROC that South Sydney City Council will not support the extension of the current contract for the supply and lay of asphaltic concrete and the milling of roads;
- (5) That all future contracts incorporate stronger conditions relating to fines and loss of bonds where breaches of contractual responsibilities occur;

- (6) That a responsible officer known as "The Superintendent" be always on duty to oversee all after hours works and activities and the name and contact details be advised to Councillors and Senior Management;
- (7) That Council advise all service authorities working in the South Sydney L.G.A. on the footpaths and roads that are under this Council's care and control to give a minimum of seven days notice in writing of intended works and including Work Plans that demonstrate that all pedestrians, residents, businesses and traffic have been adequately catered for, and further that Council be advised, on a three monthly basis, of all planned activities in the public way.

(DCW Report 5.2.03)

Carried.

The Planning and Development Committee Meeting terminated at 7.30 p.m.

### **Welcome to Cr Peter Woods, Ex-President of Local Government & Shires Association**

At this stage the Mayor welcomed the former President of the Local Government and Shires Association, Cr Peter Woods to the Council Meeting.

## **REPORT OF THE FINANCE COMMITTEE**

5 February 2003

### **PRESENT**

**Councillor Christine Harcourt (Acting Chairperson)**

**Councillors – John Bush and Shayne Mallard**

At the commencement of business at 6.34 pm, those present were -

Councillors – Bush, Harcourt and Mallard

### **Apology:**

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

**Election of Chairperson:**

As the Chairperson was absent, nominations were called for an Acting Chairperson. Councillor Harcourt was elected as Acting Chairperson for this meeting unopposed.

Moved by the Acting Chairperson (Councillor Harcourt), seconded by Councillor Shaw:-

That the Report of the Finance Committee of its meeting of 5 February 2003, be received and the recommendations set out below for Items 1 to 8, inclusive, 10 to 13, inclusive, 15, 16 and 18 to 25, inclusive, be adopted. The recommendations for Items 9, 14, 17 and 26 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

**PROPERTIES – REDFERN AND PADDINGTON TOWN HALLS – REQUEST FOR FREE USE – H.O.P.P. – VARIOUS DATE FOR THE YEAR 2003 (P56-00410)**

- (a) That arising from consideration of a report by the Director of Community Living dated 9 January 2003, Council approves of the free use of Paddington Town Hall for 4 February 2003 and Redfern Town Hall on the first Tuesday of each month (10 occasions) for 2003 from 1-4 p.m. by Council's Healthy Older Person Program – Old Time Dance and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$4,800 in income and \$1,250 in costs;
- (b) That the actions of the Finance Committee in approving the free use of Paddington Town Hall on 4 February 2003, be confirmed.

Carried.

2.

**PROPERTIES – REDFERN TOWN HALL – REQUEST FOR USE – SOUTH SYDNEY MEN'S GROUP - VARIOUS DATES FOR THE YEAR 2003 (P56-00410)**

- (a) That arising from consideration of a report by the Director of Community Living dated 16 December 2002, Council approves of the free use of Redfern Town Hall, upper hall, on the first and third Monday of each month in 2003 from 9.45am to 11.45am, starting on 21 January 2003 (23 occasions) for Council's Healthy Older People Program – South Sydney Men's Club and under the provisions of Section 356 of the

Local Government Act, 1993, Council agrees to forgo \$690 in income and \$1,150 in costs;

- (b) That the actions of the Finance Committee in approving the free use of Redfern Town Hall, upper hall, on 21 January and 3 February 2003, be confirmed.

Carried.

**3.**

**PROPERTIES — REDFERN TOWN HALL - MULTICULTURAL DEVELOPMENT OFFICER – REQUEST FOR USE – 17 AND 24 FEBRUARY 2003 – LIVING IN HARMONY PROJECT (P56-00410)**

That Council approves of the free use of Redfern Town Hall on Monday 17 and Monday 24 February 2003, from 1.30pm - 4.00pm for Council's 'Living In Harmony' project and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo the hire fee (\$260 incl. GST) and cleaning fee (\$100) to allow the workshops to be held.

(DCL Report 23.12.02)

Carried.

**4.**

**PROPERTIES – REDFERN TOWN HALL - SOUTH SYDNEY AGED INTER-AGENCY – REQUEST FOR USE – VARIOUS DATES FOR THE YEAR 2003(2018681)**

- (a) That Council approves of the free use of Redfern Town Hall, upper hall, on the first Thursday of every second month in 2003 from 2.00pm - 4.00pm, starting on 6 February 2003 (6 occasions) the South Sydney Aged Interagency and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$180 in income and \$300 in costs;
- (b) That the actions of the Finance Committee in approving the free use of Redfern Town Hall, upper hall, on 6 February 2003, be confirmed.

(DCL Report 20.1.03)

Carried.

5.

**PROTOCOL – COUNCIL APPROVAL FOR UPDATE OF COUNCIL STYLE MANUAL (P57-00001)**

That for the reason's set out in the report by the Director of Community Living dated 8 January 2003 and the Corporate Identity document accompanying the beforementioned report, Council adopts the Style Manual dated 8 January 2003, subject to:-

- (a) page 9 of the Corporate Identity document accompanying the before mentioned report being amended so that a photo of a Councillor can be placed if requested on letterhead;
- (b) the slogan "Works for Me" be only used on banners etc. that are erected for festivals and the like, with the authority of the General Manager and not as part of Council's Corporate Image.

It was moved by Councillor Harcourt, seconded by Councillor Lay, that the motion be amended by the deletion of part (a) and (b) of the above motion and the insertion in lieu thereof of the following new amendments, namely:-

**Amendment 1:**

The *Works for me* slogan will only be used as part of promotional campaigns on flyers, posters and advertising at the discretion of the General Manager.

The *Works for me* slogan will not be used on corporate materials such as business cards, letterhead or vehicles.

**Amendment 2:**

All Councillors are to be given the option of including a photograph on their letterhead.

**RECOMMENDATION:**

That the two amendments be incorporated into the Style Manual and an updated version of the Style Manual be presented to Council for adoption.

Motion, as amended by consent, carried.

6.

**SIGNS – BANNER POLES FEES AND CHARGES INCREASE – APPROVAL (2004473)**

(At the Committee and Council meetings, Councillor Mallard declared an interest in the matter as he had an associate engaged in the negotiations and left the respective meetings and did not take part in discussions or voting on the matter.)

As there was no quorum present at the Finance Committee meeting due to Councillor Mallard's declaration of an interest in the matter, Councillors Bush and Harcourt who were present, recommended the following to Council:-

That further to resolution of Council dated 23 October 2002 and arising from consideration of a report by the Director of Community Living dated 17 January 2003, Council adopt the revised Banner Pole and Charges Policy.

Carried.

(Councillor Mallard returned to the Finance Committee after this matter was dealt with.)

As there was a quorum present the Committee recommends the following:-

7.

**CONFERENCES – AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION 2003 STATE CONFERENCE TO BE HELD AT PORT MACQUARIE, N.S.W. FROM 27 TO 30 MARCH 2003 – QUESTION OF ATTENDANCE OF COUNCIL'S REPRESENTATIVES (2010599)**

That approval be given to Councillors Christine Harcourt, Jill Lay and Amanda Lennon attending the 2003 Australian Local Government Women's Association State Conference to be held at Port Macquarie, N.S.W. from 27 to 30 March 2003, and that the registration fees and out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2002/2003 Revenue Estimates (1.51.3210.12105.0).

(A/CAM/PO Report 22.1.03)

Carried.

8.

**DONATIONS – WINDGAP FOUNDATION SUPPORTED PLAYGROUP FOR CHILDREN 0 – 5 YEARS WITH SPECIAL NEEDS – FREE USE OF JOSEPH SARGENT CENTRE, ERSKINEVILLE (2028253)**

That arising from consideration of a report by the General Manager dated 5 February 2003, Council approve the free use of the Joseph Sargent Centre, Erskineville, by the Windgap Foundation on Wednesdays from 10am - 1pm for the conduct of the Gumnut Playtherapy Group.

Carried.

9.

**DONATIONS – APPLICATION FOR FREE USE OF PADDINGTON TOWN HALL – BLUE SKIES FILM MANAGEMENT SERVICES (P56-00416)**

That the matter be deferred as requested by the applicant in fax dated 3 February 2003.

Carried.

10.

**DONATIONS – LOU'S PLACE/MISSION AUSTRALIA – FUND RAISER, 6 MARCH 2003 (2012703)**

That Council approve a donation of \$320 to Lou's Place, to assist their fundraiser with additional funds to be added to the 2002/2003 Donations Budget 1.24.6810.16410 to cover this expenditure, but recouped from operational savings.

(DCL Report 31.1.03)

Carried.

11.

**PUBLIC RELATIONS – 11<sup>TH</sup> ANNUAL LOCAL GOVERNMENT TOUCH FOOTBALL CARNIVAL – SATURDAY 15 FEBRUARY 2003 – PARKES, N.S.W. (C52-00112)**

(At the Finance Committee meeting and at the Council meeting, the General Manager declared an interest in the matter on behalf of the staff.)

That approval be given to:-

- (a) Council sponsoring a men's team and a mixed team on the weekend of Saturday 15 February 2003, in the amount of \$1,500 and that such amount be added to the Budget 2002/2003;
- (b) vehicles being made available from the City Works Department to help transport equipment to the event and to supply travel for Council staff and supporters.

(A/CAM/PO Report 29.1.03)

Carried.

12.

**CONFERENCE – INAUGURAL IULA-ASPAC REGIONAL CONGRESS HOSTED BY AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 9 TO 11 APRIL 2003, SYDNEY, N.S.W. – QUESTION OF ATTENDANCE OF COUNCIL’S REPRESENTATIVES (2016186)**

That arising from consideration of a report by the Acting Civic Affairs Manager/Public Officer dated 29 January 2003, approval be given to the Mayor, interested Councillors, the General Manager and/or his nominee, attending the Inaugural, IULA-ASPAC Regional Congress, to be held in Sydney, N.S.W. from 9 to 11 April 2003, and that registration fees, accommodation and out-of-pocket expenses for conveyance and subsistence in travelling be borne by the Council, for which funds are available in the 2002/2003 Budget.

Carried.

13.

**PUBLIC RELATIONS – SOUTH SYDNEY RUGBY LEAGUE CLUB – 2003 SEASON LAUNCH OF CLUB AT AJC FUNCTION CENTRE, RANDWICK – FRIDAY, 7 MARCH 2003 – SPONSORSHIP BY COUNCIL OF CORPORATE TABLE (2019355)**

That approval be given by Council to sponsor a table at the South Sydney Rugby League Football Club Season Launch to be held on Friday night, 7 March 2003 at the AJC Function Centre and that interested Councillors and Senior Staff be invited to attend, for which funds are available in the 2002/2003 Budget.

(A/CAM/PO Report 30.1.03)

Carried.

14.

**DONATIONS – VELOCITY II SYDNEY GAY AND LESBIAN MARDI GRAS**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Shaw:-

That Council:-

- (A) (1) supports the request from Velocity II by providing \$5,000 to the Sydney Gay and Lesbian Mardi Gras Association to fund Velocity II, with additional funds to be added to the 2002/2003 Donation Budget 1.24.6815.16410, to cover this expenditure, but recouped from operational savings. It is envisaged the funding

will cover the production costs of the event such as lighting, sound, DJ's and entertainment;

- (2) notes that Council has already provided significant support to the 2003 Mardi Gras and to the establishment of New Mardi Gras;
- (3) notes that in the coming weeks other groups such as 'Kidzone' will be approaching Council for donations for Mardi Gras festival events.

(DCL Report 29.1.03)

- (B) That the report by the Director of Community Living dated 12 February 2003 regarding information requested by Committee, be received and noted.

Carried.

15.

**STREETSCAPES – OXFORD STREET STREETSCAPE IMPROVEMENTS – INTERIM MEASURES – STATUS REPORT (2027630)**

That the report by the Director of City Works dated 29 January 2003 and the status report (Appendix A) accompanying the beforementioned report dated 21 January 2003 on the Oxford Street Streetscape Improvements, be received and noted.

Carried.

(Councillor Lennon requested that her name be recorded as voting against the foregoing motion.)

16.

**ADMINISTRATION – WORKS PROGRAMME – FOOTWAY RECONSTRUCTION PROGRAM (STAGE 2) (2015562)**

That Council adopts Stage 2 of the Footpath Reconstruction Programme of \$891,000 in accordance with the schedule accompanying the beforementioned report, such funds are available in the 2002/2003 Works Programme (Ref: 41.004).

(DCW Report 29.1.03)

Carried.

17.

**FINANCE – ACCOUNTS – SCHEDULE OF PAYMENTS – OCTOBER, NOVEMBER AND DECEMBER 2002 (2027491)**

This matter was submitted to Council without recommendation.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

- (A) (1) That Council give confirmatory approval for the schedules of payments for the months of October, November and December 2002, details of which are contained in the relevant file;
- (2) That Council give approval to the monthly schedule of payments being circulated in the Councillor Information Service rather than be submitted to Council each month.

(CFO Report 30.1.03)

- (B) That the additional report by the Chief Financial Officer dated 12 February 2003 circulated at the Council Meeting, be received and noted.

Carried.

18.

**PARKS – TAYLOR SQUARE UPGRADE – WATER FEATURE – PROTOTYPE - PROPOSED INSPECTION IN MELBOURNE (2015595)**

That approval be given for Michael Craven to fly to Melbourne on 2 occasions between February and April 2003 to inspect and sign off on the Water Feature currently under design development and construction for the upgrade of Taylor Square, at an estimated cost of \$1,000 for which funds are available in Project Budget Ref 22004.

(DCW Report 29.1.03)

Carried.

19.

**FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING – 30 SEPTEMBER 2002 (2015594)**

That the report by the Chief Financial Officer dated 28 January 2003 on Council's monthly investments for the period ending 30 September 2002, be received and noted.

Carried.

20.

**FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING –  
31 OCTOBER 2002 (2015594)**

That the report by the Chief Financial Officer dated 28 January 2003, on Council's monthly investments for the period ending 31 October 2002, be received and noted.

Carried.

21.

**FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING –  
30 NOVEMBER 2002 (2015594)**

That the report by the Chief Financial Officer dated 28 January 2003, on Council's monthly investments for the period ending 30 November 2002, be received and noted.

Carried.

22.

**FINANCE – MONTHLY INVESTMENTS REPORT PERIOD ENDING –  
31 DECEMBER 2002 (2015594)**

That the report by the Chief Financial Officer dated 28 January 2003, on Council's monthly investments for the period ending 31 December 2002, be received and noted.

Carried.

23.

**PROPERTIES - PADDINGTON TOWN HALL – APPLICATION FOR FREE  
USE, 8 MARCH 2003 – MUDGIN-GAL ABORIGINAL CORPORATION  
WOMEN'S CENTRE (P56-00416)**

That Council:-

- (1) approves the free use of Paddington Town Hall on Saturday, 8 March 2003, by the Mudgin-Gal Aboriginal Corporation Women's Centre and under the provisions of Section 356 of the Local Government Act, 1993, Council agrees to forgo \$6,000 in income and \$850 in costs, to enable the Mudgin-Gal Aboriginal Corporation Women's Centre to conduct their Mudgin-Gal recognition of Aboriginal Women's Awards Night;
- (2) approves a donation of \$1,000 to contribute to promotion costs of this event and that this be added to 2002/2003 Donation Budget

1.24.6815.16410, to cover this expenditure, but recouped from operation savings.

(DCL Report 23.1.03)

Carried.

## 24.

### **PARKS – VICTORIA PARK POOL – NEW OPERATIONAL PLANT AND EQUIPMENT AND TODDLERS POOL – APPROVAL TO CALL TENDERS AND ALLOCATE BUDGET (2026640)**

That Council:-

- (1) call tenders for the Construction of a New Plantroom and Toddlers Pool which includes the supply and installation of operational plant and equipment for the Victoria Park Swimming Pool, at an estimated cost of \$2.5m;
- (2) allocate funds of \$500,000 in 2002/2003 in order to commence work during pool off-season (winter) period, and that it be funded from the sources identified within the body of this report;
- (3) call separate tenders for the Supply, Installation and Commissioning of all Pumps, Filters and Associated Control Gear for the project at an estimated cost of \$800,000 (cost covered in main tender). The successful tenderer to be included in the main construction specification as a Nominated Sub-contractor.

(DCW Report 28/01/03)

Carried.

## 25.

### **LEASING - OXFORD STREET, NO. 88, DARLINGHURST, GROUND FLOOR AND BASEMENT – EXISTING USE FOR RESTAURANT/ NIGHTCLUB – ASSIGNMENT OF LEASE (L52-00166)**

That Council approve the assignment of the existing lease in respect of Council-owned shopfront and basement premises, at No. 88 Oxford Street, Darlinghurst, from Allan Stewart Millar to Laisson Holdings Pty Ltd at a rental of \$136,599.75 per annum from a date to be determined, subject to the following conditions, namely:-

- (1) That the Assignee is to provide a Bank Guarantee equivalent to three (3) months rental;
- (2) That the Assignee is to provide unconditional Personal Guarantees for the term of the lease;

- (3) That the Assignee is to provide Council with a copy of the Public Liability Insurance Policy in an amount of indemnity of not less than Ten Million Dollars indemnifying both the Council and the Assignee against any claims that may arise during the term of the lease;
- (4) That all Council administration, legal and valuation costs associated with the preparation and execution of the necessary lease documents by Council's Legal Officer, are to be borne by the Assignor;
- (5) That all relevant documents are to be executed by Council's Attorney;
- (6) That this rent is inclusive of outgoings, not particular to the Assignee's business;
- (7) That the Assignees are responsible for the payment of the Goods and Services Tax, under the terms and conditions of the existing Lease;
- (8) That any proposed alterations or Development Application for the leased premises including refurbishment, fit-outs etc. by the lessee during the term of the lease period, must first be submitted to the Property Branch Manager prior to any submission of plan etc. for any Statutory approvals;
- (9) That the Assignee is to provide Council with a copy of the trade waste contract for the removal of all rubbish generated by the Night Club operation. A fresh copy of the Trade Waste Contract is to be provided every six months;
- (10) That the Assignee is to demonstrate compliance with all current Council requirements and/or development approval conditions prior to the lease being assigned.

(DCS Report 5.2.03)

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

That the matter be deferred to the next Finance Committee meeting and a further report be submitted on the full history of the lease of the subject premises.

Motion, as amended by consent, carried.

26.

**STREETS – MILL AND RESHEET WORKS PROGRAM – NIGHT WORK –  
WILSON STREET, NEWTOWN**

This matter is also listed as Item No. 8 on the Planning and Development Committee Agenda and was dealt with in that Committee.

The Finance Committee Meeting terminated at 7.52 p.m.

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

**WEDNESDAY 5 FEBRUARY AT 7.53 PM**

**PRESENT**

**Councillor Christine Harcourt (Acting Chairperson)**

**Councillors – John Bush and Shayne Mallard**

**Apology:**

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

At the commencement of business at 7.53 pm, those present were -

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 Matter) during consideration of the undermentioned item, and further, access to correspondence and reports being withheld in respect of such Item because in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The reason that this Item is Press and Public excluded is in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, which states “commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it”.

1.

**PARKS – FROG HOLLOW RESERVE, SURRY HILLS – APPROVAL OF TENDER FOR RESTORATIONS OF O’HEARS STAIRS (2027482)**

That the recommendation as contained in the report by the Director of City Works dated 23 January 2003, be approved and adopted.

Carried.

The Finance (Confidential) Committee Meeting terminated at 7.53 p.m.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE**

5 February 2003

**PRESENT**

**Councillor Christine Harcourt (Chairperson)**

**Councillors – John Bush and Shayne Mallard**

At the commencement of business at 7.25 pm those present were -

Councillors - Bush, Harcourt and Mallard

**Apology:**

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

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

That the Report of the Community Services Committee of its meeting of 5 February 2003, be received and the recommendations set out below for Item 1, be adopted.

Carried.

The Committee **recommended** the following:-

1.

**LIBRARIES – KINGS CROSS CENTRE – PROPOSAL FOR COMPLETE CLOSURE FROM 26 FEBRUARY 2003 TO 30 MAY 2003 TO COMPLETE THE REDEVELOPMENT**

That arising from consideration of a report by the Director of Community Living dated 29 January 2003, Council approves the closure of the Kings Cross Centre including the Kings Cross Library, the Kings Cross Information Centre, the Meeting Room and the Public Toilets from 26 February to 30 May 2003 which will enable the redevelopment of the Kings Cross Centre to proceed in the quickest and safest way, subject to the Director of Community Living submitting a report prior to the Council meeting in respect of:-

- (a) the use of demountable buildings to put library items is so as to keep the library open during the remodelling process;
- (b) the nomination of suitable locations for the positioning of the demountable buildings during the remodelling process;
- (c) the cost and time constraints for the demountable proposal.

It was moved by Councillor Harcourt, seconded by Councillor Lay, that Option No. 1, ie. that the Kings Cross Library be temporarily relocated in the Reg Murphy Activity Centre in the report by the Director of Community Living dated 11 February 2003, that was circulated to Councillors prior to the Council Meeting commencing, be approved and adopted.

Negatived on a show of hands 4 votes to 5.

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

Motion lapsed through want of a seconder.

It was moved by Councillor Mallard, seconded by Councillor Bush, that Option 2 in the beforementioned report be approved and Option 3 in the beforementioned report be deferred to the next Community Services Committee meeting for a further report on the use of demountable buildings.

Motion, as amended, carried.

The Community Services Committee Meeting terminated at 7.42 p.m.

**NOTICE OF MOTION**

1.

**LEGISLATION – EQUAL AGE OF CONSENT – ERECTION OF BANNERS**

**Moved by Councillor Furness.**

That Council, in order to encourage the N.S.W. Government and opposition to legislate for an equal age of consent:

- (a) Place large banners with the words “N.S.W.: The Last State. An equal age of consent now” and Council’s logo in eight prominent locations throughout the city;
- (b) Incorporate signage on Council’s Mardi Gras float with the same wording as in part (a).

Motion lapsed through want of a seconder.

The Council Meeting terminated at 8.46 p.m.

Confirmed at a meeting of South Sydney City Council  
held on ..... 2003

**CHAIRPERSON**

**GENERAL MANAGER**