

321ST Meeting

Erskineville Town Hall
Erskineville
497635

Wednesday, 28 May 2003

An Ordinary Meeting of South Sydney City Council was held at the Council Chambers, Erskineville Town Hall, 104 Erskineville Road, Erskineville, at 6.30 pm on Wednesday, 28 May 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.

INDEX TO MINUTES

Subject	Page No.
Confirmation of Minutes	448
Apology	448
Minute by the Mayor	448
Questions Without Notice	449
Report of Planning and Development Committee	455
Report of Planning and Development Committee (Confidential Matter)	468
Report of Community Services Committee	469
Report of Finance Committee	471
Report of Finance Committee (Confidential Matter)	477

Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 14 May 2003, be taken as read and confirmed.

Carried.

Apology

An apology for non-attendance at the meeting was received from Councillor Greg Shaw.

Moved by Councillor Harcourt, seconded by Councillor Lay:-

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

Carried.

MINUTE BY THE MAYOR

28 May 2003

**PROPERTIES – REQUEST FOR FREE USE OF PADDINGTON TOWN HALL –
PRESENTATIONS OF THE CENTENARY MEDAL –
WEEK COMMENCING 10 JUNE 2003 (P56-00410)**

A letter has been received from Ms Tanya Plibersek MP, Federal Member for Sydney, requesting the use of Paddington Town Hall for the purpose of presenting Centenary Medals to the awardees within the electorate of Sydney.

To mark the Centenary of Federation, the Commonwealth established a Centenary Medal, to be awarded to Australians who have made an important contribution to the nation and their local communities. The Governor General has recently approved awardees in NSW and Federal Members of Parliament have been requested to arrange medal presentation ceremonies.

The request is for free use of Paddington Town Hall for this ceremony, be held in the week commencing 10 June 2003, and that the normal hiring fees for Paddington Town Hall be waived.

A similar request was received from the Federal Member for Wentworth, Mr Peter King and was approved by Council on May 5, 2003.

RECOMMENDATION:

It is recommended that Council approves the free use of Paddington Town Hall, on Thursday June 12, from 8am until 12pm, by Ms Tanya Plibersek MP, Member for Sydney, for the purpose of presenting Centenary Medals to awardees within her electorate. Under the provisions of Section 356, Council agrees to forgo \$3,800, approximately, in income and costs, with additional funds to be added to the 2002/2003 donation budget 1.24.6815.16410 to cover this expenditure, but recouped from operations savings.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Furness, seconded by Councillor Lay:-

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

Carried.

QUESTIONS WITHOUT NOTICE

1.

ANTI-SOCIAL ACTIVITIES – REDFERN AREA, THE BLOCK – REQUEST FOR REPORT - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2012755)**Question:**

Last Wednesday there were reports of unrest in Redfern in the area known as the Block. I wonder if our Director of Community Living could perhaps furnish the Councillors with a report of the nature of that disturbance and also indicate through the Police what work they are doing to work with that community there, as Council is moving to within 200 metres of that site?

Answer by the Mayor:

I'll refer that question to the relevant Directors and get what information we can for you Councillor. We might also seek the advice of Council's Community Safety Officer.

2.

PLANNING – REPORTS TO STANDING COMMITTEES – ENVIRONMENTAL CRITERIA INCLUSION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2024847)**Question:**

Could a report come to Council on reviewing reports coming from the Planning and Building Department that they include environmental criteria with critical assessment rather than the three a week target driven process that appears to sacrifice quality for quantity?

Answer by the Mayor:

No, but I'll refer that question to the Director of City Environment and if he has some comments in relation to environmental factors, we'll make that available through the Councillors Information Service.

3.

HEALTH – SOUTH SYDNEY AREA – EX-INDUSTRIAL SITES - MERITS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (H51-00234)**Question:**

Could a report come to Council outlining the merits of any ex-industrial sites including petrol stations be assessed by the Total Environment Centre on their quality of soil, etc, before the Development Application be assessed?

Answer by the Mayor:

I'll refer that to the Director of City Environment for his advice.

4.

COMMUNITY SERVICES – YOUTH SERVICES - DISRUPTION - QUESTION WITHOUT NOTICE BY COUNCILLOR HARCOURT (2019574)**Question:**

Volunteers and committee members at South Sydney PCYC are concerned about recent actions and comments from the State Commander that indicate major administrative and program changes are contemplated. Would the Mayor write to the PCYC CEO, Mr Chris Gardner, seeking assurances that current, successful programs for seriously disadvantaged children in Redfern/ Waterloo are not disrupted?

Also, that open communication should be maintained with the Council and community representatives on the PCYC Committee to ensure that future

successful collaboration between youth service deliverers and South Sydney Council is maintained.

Answer by the Mayor:

Happy to do that Councillor Harcourt.

5.

ADMINISTRATION – COUNCIL'S PROPERTIES - REVENUE - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2028479)

Question:

There is a paper in front of us from the Minister for Local Government in relation to which I thought may have well been on the premise of a General Manager's minute, however I understand there is none.

My question is that in relation to that I would ask you in this context of the schedules that he has pointed out in here that he has asked that we examine the works of this Council in relation to the investment properties, so that the Department can ascertain whether there would be such detrimental affects to the revenue of South Sydney Council in that it could not continue to function.

My question to yourself is that this is not the real issue and surprising that such an esteemed public servant as Mr Payne should be asking it, but the real issue is not these properties because these properties as are noted have been conditioned by resolutions of this Council for a number of reasons. They could be community, financial and social so you could, Mr Mayor, write to the Minister and possibly even to the Director General of Local Government to explore their meanings of the real functions within the timeframe of the Carr Government, possibly of what are the real functions of local government?

Answer by the Mayor:

No. I won't write to the Minister for Local Government to ask what the Carr Government thinks is the meaning of local government. I have responded to that letter because that was the letter that was received by me yesterday afternoon. The request is not for us to do that undertaking as I'm sure you realise Councillor Fowler, but rather a representative of the Department of Local Government and as I've indicated in the letter we will co-operate with that inquiry .

6.

MOTOR VEHICLES – COUNCIL’S BUSES – PODIATRY SERVICES – COLLECTION OF PATIENTS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2029042)**Question:**

Yesterday I had the pleasure of attending a luncheon at the Salvation Army Neighbourhood Centre at Waterloo as a guest of Peter Godkin, the new Manager, and had discussions with some of the patrons of the establishment. Some of the elderly ladies asked me is the Council considering having the Council bus call by to pick up those in need for transport to our podiatry service at the nearby Kepos Street Activity Centre? The question is could that be investigated?

Answer by the Mayor:

Happy to explore that.

7.

LANDMARKS – HERITAGE PLAQUES – BUILDINGS - DEMOLITION - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2023809)**Question:**

Has Council in place standard conditions for heritage plaques as has been recommended by various Councils when there has been a demolition of buildings or change of usage?

Answer by the Mayor:

I'm unable to answer that question Councillor Fowler, either the Director of City Environment could answer now or we seek that information for you and provide it through the Councillors Information Service.

8.

LANDMARKS – HISTORICAL MARKERS – BUILDINGS - ATTACHMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (L51-00014)**Question:**

Could a report be prepared by South Sydney Council and the City of Sydney Officers to have some effect of placing of those plaques on the buildings, particularly that have been resolved by this Council and have had some affect on the change on the social and architectural heritage that has been displaced by that development? I'm particularly concerned that Council has had a policy in relation to development and some of those policies have not been effected

in resolutions in Development Applications that have in these areas which Council has lost.

Answer by the Mayor:

Happy to explore that issue, as well as part of the response as part of the previous question.

9.

PLANNING – GREEN SQUARE – STRATEGY PLANS – LIGHT RAIL AND E-RETAILING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2028216)

Question:

The various documents that will go on exhibition tonight in regards to Green Square, I believe are an indictment of the very narrow views this State Government has on planning. I'm going to request, Mr Mayor, that you write to the Ministers for State Development, Transport, Planning and Roads to seek an explanation as to the lack of any real planning on best practice principles, particularly as it relates to transport planning such as light rail as well as the assessment of current European transport planning's acceptance of e-retailing and its impact on car parking on-site as well as roadside parking patrols.

Answer by the Mayor:

I'll look forward to you asking me that question Councillor Fowler, but I suggest that by doing it by way of substantive motion would be a more appropriate way to deal with such a matter.

10.

PLANNING – COLLINS STREET, SURRY HILLS – REDEVELOPMENT POTENTIAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (P54-00126)

Question:

Can a report come to Committee during the exhibition period on the redevelopment potential including the assessment of the height and commercial zoning of the Collins Street properties?

Answer by the Mayor:

I'll certainly seek some advice in relation to that matter and will get back to you on it.

11.

PLANNING – GREEN SQUARE – LANEWAYS - REINSTATEMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2028216)**Question:**

Can a report on the reinstatement of the Victorian laneway system/network within the Green Square Masterplan be brought to Council as it relates to the Alexandria Industrial Estate which has been denoted as future Open Space within the Plan?

Answer by the Mayor:

I'll seek some advice on that and see whether such a report can be provided to Councillors.

12.

TRAFFIC – EASTERN DISTRIBUTOR – ELIZABETH STREET AND BOURKE ROAD – CLEARWAYS – RE-EVALUATION - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2001350)**Question:**

Changes to the one way/two system and the opening of the Eastern Distributor have changed traffic flow through the Green Square Masterplan area. The clearway conditions applied to Bourke Road before the junction of Elizabeth Street and Bourke Road need to be evaluated. Trucks now use this as a rat run.

Can the clearway issue be placed on the Traffic Committee agenda?

Answer by the Mayor:

I'll certainly put that issue to Council's Traffic and Design people and we will advise you of their advice.

13.

PUBLIC RELATIONS – BUILDINGS – DEMOLITION – PHOTOGRAPHING - ARCHIVING - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2028686)**Question:**

Can the Director of City Environment consider as a matter of urgency the photographing and archiving buildings prior to demolition? This question was first raised two and a half years ago with no action yet taken.

Answer by the Mayor:

Don't need to answer that question Councillor Bush, because it was dealt with at the Green Square briefing last week.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

21 May 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 Fowler:-

That the Report of the Planning and Development Committee of its meeting of 21 May 2003, be received and the recommendations set out below for Items 1 and 2, be adopted. The recommendations for Items 3 to 6, inclusive, having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

ROTHSCHILD AVENUE, NOS. 57 – 61, ROSEBERY – ERECT A MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENT CONTAINING 97 DWELLINGS, RETAIL SPACE AND 2 AREAS OF BASEMENT CAR PARKING (U02-01081)

(A) That Council resolve to refuse the combined Masterplan/Development Application for the demolition of existing structures and the erection of 4 buildings containing a total of 97 apartments, 883sqm of non-residential floor space and two basement car parking areas for the following reasons, namely:-

- (1) That the proposal does not comply with the Design Quality Principles contained within Part 2 of State Environmental Planning Policy No. 65;

- (2) That the proposal is inconsistent with Clause 21E(1)(d) of South Sydney Local Environmental Plan 1998 (“the LEP”) due to its adverse impact on residential amenity;
- (3) That the proposal is inconsistent with the Green Square Planning Principles specified under Clause 27B of the LEP in that with the proposal does not *“benefit, in a physical... environmental manner, the existing communities within South Sydney”*;
- (4) That the proposal does not satisfy the intent of Clause 28 of the LEP – Built environmental design principles as the proposal is an overdevelopment of the site that is not compatible with the scale and design of neighbouring development;
- (5) That the proposal is unacceptable having regard to the fact that the floor space ratio exceeds that permissible in Part E Section 2.2 of South Sydney Development Control Plan (DCP);
- (6) That the proposal does not comply with Part E Section 5.1 of South Sydney Development Control Plan (DCP) as the proposal will adversely affect the amenity of the internal courtyards and the southern adjoining residential neighbour in terms of overshadowing;
- (7) That the proposal, in particular, Building D will have a detrimental impact upon the amenity of the southern adjoining residential properties in terms of visual bulk and massing;
- (8) That the proposal does not comply with Part E Section 2.1 and 2.3 of the DCP in that it is not compatible with adjoining development in relation to height, bulk and scale;
- (9) That the proposal does not comply with Section 3.2.1 of the Green Square DCP in that the proposal does not relate to the existing Rosebery Precinct and results in a loss of amenity for surrounding residents;
- (10) That the proposal does not comply with Part E Section 4.1 of South Sydney Development Control Plan (DCP) and Section 3.2 of Part G: Special Precincts – Green Square in DCP 1997 as the proposal will adversely affect the amenity of the southern adjoining residential neighbour in terms of overlooking and a loss of privacy;
- (11) That the proposal is not consistent with the Disability Discrimination Act, Part 4 Clause 4.4 of DCP 1997 and Council’s Equitable Access Design Policy, in that the ‘Soho’ apartments do not provide disabled access or facilities at ground floor level.

- (12) That in view of the above, the proposal is not in the public interest.
- (B) That those who made a submission with respect to the proposal be notified of Council's decision.

Carried.

2.

AMY STREET, NO. 40, ERSKINEVILLE – REVIEW OF APPLICATION TO REFUSE DEMOLITION OF A WEATHERBOARD COTTAGE AND ERECT TWO X THREE STOREY RESIDENTIAL TERRACES – DEVELOPMENT APPLICATION

- (A) That Council refuses to grant its consent pursuant to s82A of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Andrew Gruesdon with the authority of Neil Hoar to demolish the existing cottage and erect two residential terraces, for the following reasons, namely:-
 - (1) That the proposal does not comply with the aims, objectives and requirements of South Sydney Local Environmental Plan 1998, specifically:
 - (a) Residential 2B zone objectives detailed in Clause 12, as the proposal is not in character with the surrounding built environment and detracts from the amenity enjoyed by nearby residents;
 - (b) Clause 22 as the height and design of the development is not sympathetic to the Heritage Conservation Area; and
 - (c) Clause 28 as the proposal does not reinforce or enhance the setting, streetscape and character of the locality, and is incompatible with the scale and design of neighbouring development.
 - (2) That the proposal does not comply with the vision, objectives and outcomes of the Strategy for a Sustainable City of South Sydney.
 - (3) That the proposal does not comply with the objectives and prescriptions of South Sydney Development Control Plan 1997 – Urban Design, specifically:
 - (a) Part E, Section 2.2 of DCP 1997 in regard to the 5.2m height control, with the additional height contributing to the proposal's excessive height and bulk as viewed from the public way;

- (b) Part E, Section 2.3 of DCP 1997 in regard to the floor space control of 1:1, with the additional floor space contributing to the proposal's excessive height and bulk as viewed from the public way;
 - (c) Part E, Section 5.1 of DCP 1997 - Urban Design in regard to maintenance of solar access to southern properties;
 - (4) That the proposal does not comply with the objectives and prescriptions of South Sydney Development Control Plan 1998 – Heritage Conservation, specifically that the proposal is non-compliant with Clause 4.2 New Development – Infill Principles of DCP 1998 (Heritage Conservation) as the proposal is unsympathetic within the immediate site context;
 - (5) That approval of the application is not in the public interest.
- (B) Advise those people who made a submission of Council's decision in this matter.

Carried.

At this stage Councillor Mallard requested a show of hands on the vote.

Motion was carried 5 votes to 3.

3.

HENDERSON ROAD, NO. 178, ALEXANDRIA – DEMOLITION OF EXTERIOR BRICK TOILET AND CONSTRUCTION OF REAR LANE GARAGE WITH FIRST FLOOR STUDIO ABOVE (U02-00458)

- (A) That Council grants its deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Jason Diepeveen for demolition of a small brick toilet and construction of a garage with studio above with rear lane access, subject to the following conditions, namely:-
- (1) That consent shall not operate until the applicant has provided details responding to the following matters which shall be submitted within 3 months of the date of this deferred commencement consent and shall be approved in writing by the Director of City Environment prior to the lodgement of a construction certificate:
 - (a) Plans showing:
 - removal of the external staircase, balcony and wing walls;
 - access to the upper level studio via an internal staircase;

- replacement of the proposed sliding door with an obscure glass window;
 - removal of the 3 lower windows on the southern elevation;
 - replacement of the upper windows on the southern elevation with openable highlight windows 1.7m from the floor level.
- (2) That before erecting any hoarding, an application must be made to the Director of City Works for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of by the Director of City Works;
- (3) That the applicant shall submit a designed alignment levels plan, in accordance with Council's "Requirements for Alignment Levels" for approval by the City Works Department. These approved levels shall be adopted for the design of the building and other on-site works, prior to the issuing of a construction certificate. The applicant shall be responsible for the cost of preparing the plans and for payment of application fees. (Warning - to ensure that the future vehicular or pedestrian access is possible you should not fix any boundary levels, either physically or in design drawings, until the alignment levels are issued);
- (4) That prior to the commencement of any work a Road Opening Permit shall be obtained for any excavation or building works on the public way, as required under the provisions of Part 9 Division 3 of the Roads Act, 1993;
- (5) That the street number(s) shall be clearly displayed, with such number(s) being of contrasting colour and adequate size and location for viewing from the footway and roadway, prior to the issuing of an Occupation Certificate;
- (6) 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;
- (7) 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;
- (8) 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 City;

- (9) 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;
- (10) That the building, during construction and when completed, shall be designed so as to take into consideration Council's Pedestrian Safety Guidelines. The applicant shall be responsible for any costs associated with the implementation of any pedestrian safety measures such as street signs, pedestrian crossings and the like;
- (11) That the applicant shall accept responsibility for all costs associated with the design; construction; alteration; adjustment; relocation or restoration of any works on the public way including: kerb; gutter; pavement; footpath paving; landscaping; street furniture; signage; drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of City Works;
- (12) That stormwater shall not be connected to the sewerage system and shall be disposed from the site in accordance with Council's standard requirements for stormwater discharge;
- (13) That only clean and unpolluted water shall be permitted to discharge from the subject development into Council's stormwater drainage system;
- (14) That the applicant shall submit a plan to the Certifying Authority to indicate extent of landscape areas on slab / planter boxes and provide details that include a cellular drainage system, water proofing, tanking and flushing tubes in accordance with Council's Landscape Code. The minimum soil depths for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for grass;

- (15) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time;
- (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 details of the existing and proposed drainage system shall be submitted with the application for a Construction Certificate
- (18) That a certificate shall be submitted from a licensed builder or architect confirming that the design of the drainage system is in accordance with AS3500 Part 3 and "Code of Standard Requirements for the Discharge of Storm Water";
- (19) That a certificate shall be submitted at the completion of the proposed drainage system from a licensed builder or architect confirming that all work complies with the approved certified plan;
- (20) 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;
- (21) That the applicant shall comply with the following conditions or otherwise provide an alternative solution, submitted as a report to the certifying authority, illustrating how the relevant performance requirements can be satisfied:
 - (a) That the external walls with specific attention directed to proposed opening in external walls closer than 900mm from a side boundary shall be of masonry or masonry-veneer construction or having a fire resistance level of not less than 60/60/60, in accordance with Part 3.7.1.5(a) of the Building Code of Australia;
 - (b) That suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA and complying with AS 3786;
 - (c) That the stairs serving habitable rooms including external stair shall comply with 3.9.1.2(a) of the BCA and balustrades in accordance with Part 3.9.2 of the BCA;

- (d) That the floor surfaces of water closets, shower compartments and the like shall be of materials impervious to moisture and the walls shall be finished with an approved impervious finish in accordance with the requirements of Part 3.8 of the BCA;
 - (e) That all glazing materials shall comply with Part 3.6 of the BCA;
 - (f) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part 3.8.2 of the BCA;
 - (g) That natural light and ventilation shall be provided in accordance with requirements of Parts 3.8.4 and 3.8.5 of the BCA respectively;
 - (h) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.3.3 of the BCA;
 - (i) Balustrades shall be redesigned to comply fully with the requirements of Part 3.9.2 of the BCA;
 - (j) That proposed doorways window etc shall be redesigned so as not to encroach on the public way;
- (22) That all relevant sections of the BCA shall be complied with;
- (23) 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;
- (24) 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;
- (25) 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;

- (26) That existing and proposed stormwater details and certificate shall be submitted and approved prior to the commencement of any building work;
- (27) 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;
- (28) That the requirements of the Work Cover Authority shall be complied with;
- (29) 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;
- (30) That the requirements of the Work Cover Authority shall be complied with;
- (31) That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
- (32) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;
- (33) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
- (34) 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;
- (35) That the demolition work shall comply with Australian Standard 2601-1991;
- (36) 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;
- (37) 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;

- (38) 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;

NOTE: The applicant and/or employees, agents or subcontractors may be liable to prosecution under the Environmental Planning & Assessment Act, 1979 for a breach of a condition, or Protection of the Environment Operations Act, 1997 for a pollution offence if sediment, including soil, excavated material, building materials or other materials are allowed to fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways or be

placed in a position where any of the aforementioned may occur which results in, or is likely to result in pollution. The applicant shall ensure that its employees, agents or subcontractors provide and maintain sediment control measures and suitable site practices to protect the stormwater system or waterways from the ingress of sediment. A warning notice shall be erected on the site in a clear and conspicuous position and is available from Council.

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

At the request of Councillor Lay, and by consent, the motion be amended by the addition of the following words to clause (1)(a) to the recommendation after the words "wing walls", namely, "and the reduction in the length of the building by 0.5m to 7m".

Motion, as amended, carried.

4.

PLANNING – HOUSEKEEPING REVIEW OF SECTION 94 PLAN – MODIFICATION TO NEW BOUNDARIES (2026862)

- (1) That Council resolve to place on public exhibition draft Section 94 Contributions Plan 2003 at *Attachment B* for a period of 28 days.
- (2) That Council commence a review of *Section 94 Contributions Plan – Multi Function Administration Centre* adopted on 10 June 1998 to be adjusted to the new boundaries and revised to reflect Council's current plans for future Administration Facilities.

(DCE Report 14.5.03)

Carried.

5.

PLANNING – GREEN SQUARE TOWN CENTRE MASTERPLAN AND DRAFT LOCAL ENVIRONMENTAL PLAN & SUPPORTING STUDIES – PUBLIC EXHIBITION (2028216)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (1) That Council publicly exhibit for a period of six weeks the Green Square Town Centre Masterplan, draft Local Environmental Plan and supporting studies submitted by the South Sydney Development Corporation, as a means of gaining public comment on the plans.

- (2) That Council advise the Director General of the Department of Planning of Council's resolution to exhibit the Draft Green Square Town Centre plans and request the Director to issue a Certificate under Section 65 of the Environmental Planning and Assessment Act to enable public exhibition of the plans.
- (3) That the Council note that further work is required in refining the documents during the exhibition period which may inform and amend the final plans. The areas requiring further work are identified in the report, including:-
- Built form maximum heights in relation to aviation controls;
 - Practical application of ESD provisions;
 - Stormwater management and urban design relating to the town centre;
 - Social infrastructure;
 - Heritage controls and provisions;
 - Essential Infrastructure and Essential Land – ensuring flexibility in implementation associated with development and minimising Council liability's
 - Assessment of traffic impacts in the area and measures to manage these impacts.
- (4) That, further to Council's resolution of 26 February 2003 concerning revised monetary rates under the bonus floorspace scheme, and in order to ensure parity with the application of the Green Square Town Centre Development Rights Scheme, Council:
- (a) endorse the rate of \$275 per sq.m. (including GST) for retail floorspace, to benchmark the minimum value of public domain works packages sought in the Green Square Redevelopment Area, excluding the Town Centre, and
- (b) adopt that a change in use in the Green Square Redevelopment Area, excluding the Town Centre, from retail land use to residential land use will incur the differential rate of \$200 per sq.m. (including GST).
- (5) That any reference to "Implementation Entity" in the Green Square Town Centre Masterplan, Draft LEP and supporting documents be construed as a reference to "Project Control Group", and that to avoid confusion, appropriate changes in the documents to correct the wording be made prior to the documents being released for public exhibition;
- (6) That the Green Square Town Centre Masterplan, Implementation Plan and supporting documentation, prior to being placed on public exhibition, be amended where necessary to reflect the amendments suggested by GSCT (with the exception of the matters discussed in points v & vi in this report) made to the draft Green Square Town Centre Local Environmental Plan;

- (7) That the draft LEP, prior to being placed on public exhibition, be amended as follows to:
- (a) Correct the clause referencing errors identified in section “vii. Minor Amendments” of this report.
 - (b) Insert at the end of Clause 27KH (4) the following,

“In this sub-clause the reference to small scale premises means premises of generally no more than 200 sq.m in gross floor area”.
 - (c) Insert at the end of Clause 27KH the following,

“(11) Notwithstanding sub-clauses (1) and (3) of this clause, the Council may grant consent to development that would result in a different building height and/or building envelope from that shown on a Development Plan to the extent required to accommodate the gross floor area occupied by a community centre.”

Carried.

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

6.

**JOYNTON AVENUE, NOS. 132 – 138 AND NO. 140 AND NOS. 94 – 104
EPSOM ROAD, ZETLAND – JOYNTON AVENUE FEASIBILITY STUDY
(2024621)**

(Also listed as Item No. 9, Finance Committee)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Furness:-

That Council:-

- (1) adopt the general principles of regional and site-specific stormwater management as well as realisation of the potential floor space ratio of 2.5:1 under the DCP on Councils' Joynton Avenue and Epsom Road sites as put forward in the Feasibility Study;
- (2) defer the commencement of stage two of the Feasibility Study to allow for the integration of the masterplanning of the Joynton Avenue and Epsom Road sites with Councils' broader Green Square masterplanning objectives;

- (3) Officers prepare a Development Application incorporating a Heritage Impact Statement, seeking approval for the demolition of the remaining building façade.

(DCE & DCS Joint Report 10.5.03)

Carried.

The Planning and Development Committee Meeting terminated at 7.40 p.m.

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

WEDNESDAY 21 MAY 2003 AT 7.41 PM

PRESENT

Councillor Jill Lay (Chairperson)

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

At the commencement of business at 7.41 pm, those present were -

Councillors – Fowler, Furness, Lay, Lennon and Shaw

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

The reason that the Item is Press and Public excluded is in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, which states, “commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council”.

1.

**GREEN SQUARE – IMPLEMENTATION OF THE PUBLIC DOMAIN WORKS
IN THE TOWN CENTRE (2028216)**

(Also listed as Item No. 1, Finance (Confidential Matter) Committee)

That the recommendation as contained in the report by the Director of City works dated 15 May 2003, be approved and adopted.

Carried.

The Planning and Development Committee (Confidential Matter) Meeting terminated at 7.42 pm.

REPORT OF THE COMMUNITY SERVICES COMMITTEE

21 May 2003

PRESENT

Councillor Christine Harcourt (Chairperson)

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

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

The Mayor and Councillors - Bush, Harcourt and Mallard

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

That the Report of the Community Services Committee of its meeting of 21 May 2003, be received and the recommendations set out below for Items 1 and 2, be adopted.

Carried.

The Committee **recommended** the following:-

1.

COMMITTEES – JOSEPH SARGEANT CENTRE, ERSKINEVILLE – FUTURE DIRECTIONS FOR ERSKINEVILLE CHILDREN'S PROGRAM (2022580)

That for the reasons set out in the report by the Director of Community Living dated 13 May 2003, it be resolved that Council:-

- (1) approve the introduction of user pays for the Erskineville Children's Program from 1 July, 2003;
- (2) endorse the preferred option for a not for profit community based provider to take over the operation of the service from 1 July 2003;

- (3) approve for one of the existing Council staff members to work at the service if required, at least on a part time basis, for a period of 3 months to assist the alternate provider in taking over the service;
- (4) allow a late application for subsidised accommodation from the successful applicant for the lower floor of the Joseph Sargeant Centre from 1 July 2003, as part of the Subsidised Accommodation Program (SAP) report to be submitted to Council;
- (4)(i) note that the new SAP leases will be performance-based allowing Council to negotiate the terms and policy with the successful applicant;
- (5) approve Council staff to undertake community consultation on the preferred option, as outlined above;
- (6) note that staff are investigating the option of relocating the youth service currently operating upstairs at the Joseph Sargeant Centre, to Alexandria Park Community School. This will be subject of a further report to Council in August 2003.

At the request of Councillor Lay, and by consent, the motion be amended by the addition of a clause (7) to the recommendation, namely:-

- (7) That conditions for the selection of a not for profit community based provider include that:-
 - (a) preference be given to children residing in the local area;
 - (b) an ability to subsidise high need/or at risk children be negotiated.

Motion, as amended by consent, carried.

2.

PLANNING - STUDIES – ENDORSEMENT FOR PUBLIC EXHIBITION OF THE MASTERPLAN OPTIONS FOR THE SURRY HILLS LIBRARY AND COMMUNITY FACILITIES (2027405)

That the Director of Community Living, prior to the next Council Meeting, submit a report on the integration of the five options, namely:-

Options A and B for the St. Margaret's site and Options B, C and D for the Crown Street, Surry Hills facility, being incorporated into three Options demonstrating linkages between the two sites, for public exhibition.

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

That Council:-

- (1) endorse the exhibition of the three integrated options for a period of 28 days at Mary Street and Surry Hills Library, with a further report to be submitted to Council;
- (2) advise the public that Council's preferred option is Option 1, which includes a 2 storey library at St Margaret's and 3 storey community, child care and retail facility at Crown Street;
- (3) provide background information at the exhibition in relation to the community consultation undertaken for the project, best practise for community and library facilities, and the financial information that led to the identification of the preferred option, as per Item 2, Community Services Committee Meeting, 21 May 2003;
- (4) provide information at the exhibition that these are concepts only and that final designs will determine the mix and placement of retail, community, library and childcare spaces within these buildings.

Motion, as amended by consent, carried.

The Community Services Committee Meeting terminated at 6.47 p.m.

REPORT OF THE FINANCE COMMITTEE

21 May 2003

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

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

The Mayor and Councillors – Bush, Harcourt and Mallard

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

That the Report of the Finance Committee of its meeting of 21 May 2003, be received and the recommendations set out below for Items 1 to 11, inclusive, be adopted.

NOTE: ITEM NO. 1 FINANCE COMMITTEE WAS RECOMMITTED AT COUNCIL.

Carried.

The Committee **recommended** the following:-

1.

PROPERTIES – HIRINGS – TOWN HALLS – OTHER VENUES – PROPOSED NEW FEES AND CHARGES - POLICY (2013595)

That arising from consideration of a report by the Director of Community Living dated 12 May 2003, Council:-

- (1) adopts the new Venue Hire Policy which will allow Community Groups with a request value under \$500, to be approved under delegation, by the General Manager and allows Council staff to book venues for Council events directly through the Venue Bookings Officer;
- (2) adopts the usage policy, as attached, for Paddington, Alexandria, Redfern and Erskineville Town Halls *and Brown Street Community Hall, Newtown, Sydney Park and Wilson Bros*;
- (3) notes that an operational Budget of \$5,000 be included in the 2003-2004 Community Grants Program to cover community groups applying for free use under \$500, at the discretion of the General Manager;
- (4) notes that an annual "Free Use" report will be provided to Council and an initial report on free use be provided to Councillors after six months;
- (5) notes that all applicants for 'free' or discounted use will be asked to cover actual costs (eg staff and cleaning), if they are able.

At the request of the Mayor, and by consent, the motion be amended by the deletion of dot point 2 on page 3 of the revised Draft Venue Hire Policy accompanying the beforementioned report.

Motion, as amended by consent, carried.

2.

STREETS – CHURCH STREET, NEWTOWN, ADJACENT TO NO. 156 CHURCH STREET – CLOSURE AND SALE OF PART (2026829)

That further to resolution of Council dated 5 June 2002 and arising from consideration of a report by the Director of City Works dated 28 April 2003, approval be given to:-

- (1) the closure under Part 4 Division 1 of the Roads Act 1993 of part of Church Street, Newtown as shown on Plan No. S6-280/265 and its

subsequent sale to the adjoining owners or their successors in title, subject to the conditions in the schedule accompanying the beforementioned report;

- (2) the necessary application for road closure shall be made by Council to the Department of Land and Water Conservation under the provision of the Roads Act 1993;
- (3) all adjoining owners and public utility authorities being advised of Council's decision
- (4) all relevant documents and plans being executed by Council's Attorney;
- (5) The applicant compensating Council in respect of the road area to be closed for the amount of \$175,000, not including GST.

Carried.

3.

MOTOR VEHICLES – COMMUNITY BUS SCHEME – QUARTERLY REPORT – THREE MONTHS JANUARY – MARCH, 2003 (M56-00080)

That arising from consideration of a report by the Director of Community Living dated 12 May 2003, confirmatory approval be given to the excess motor vehicles' use costs (\$5,370.60), as listed in Attachment A accompanying the beforementioned report, being treated as donations and charged against Section 356 of the Local Government Act 1993, for the 2002/2003 budgetary period.

Carried.

4.

PROTOCOL – COUNCIL STYLE MANUAL - AMENDMENTS (P57-00001)

That further to resolution of Council dated 12 February 2003 and arising from consideration of a report by the Director of Community Living dated 12 May 2003, Council notes and approves the amendments to the Style Manual and subsequently adopts it.

Carried.

5.

WELFARE – TENDER FOR THE PROVISION OF PREPACKED INDIVIDUAL COOK-CHILL MEALS FOR MEALS ON WHEELS AND BULK TRAY COOK-CHILL MEALS FOR ACTIVITY CENTRES AND COMMUNITY CENTRES – MASTER CATERING SERVICES - ACCEPTANCE (2028840)

That arising from consideration of a report by the Director of Community Living dated 12 May 2003, Council resolves to approve the acceptance of the tender for supply and delivery of Prepacked Individual Cook-Chill Meals on Wheels and Bulk Tray Cook-Chill Meals for Activity Centres and Community Centres submitted by Master Catering Services for a period of two years from 1 May 2003, with a 12 month option to extend in accordance with Council's Tender No S9005/03 and the confidential attachment to this report remain confidential in accordance with Section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Carried.

6.

CLEANING – NEWTOWN MISSION RECYCLING PROJECT – SUPPORT BY PROVIDING MOBILE GARBAGE BINS (2024428)

- (1) That 20 x Mobile Garbage Bins be provided for use by the Newtown Mission Recycling Project;
- (2) That the bins provided remain the property of South Sydney City Council.

(DCW Report 11.5.03)

Carried.

7.

PLANT AND ASSETS – CITY WORKS – SUPPLY AND DELIVERY OF TWO 1.5M3 COMPACT SUCTION SWEEPERS – TENDER - ACCEPTANCE (2020971)

That for the reasons set out in the report by the Director of City Works dated 13 May 2003, Council accept the quotation from Sweep Ex Australia for the supply of two (2) Karcher ICC 2 compact suction footway sweeping machines at a total cost of \$338,300 (GST exclusive) in accordance with Council's Specification.

Carried.

8.

PLANT AND ASSETS – CITY WORKS – SUPPLY AND DELIVERY OF TWO REGENERATIVE AIR SWEEPERS – TENDER – ACCEPTANCE (2021971)

That for the reasons set out in the report by the Director of City Works dated 13 May 2003, Council:-

- (1) accept the quotation from Schwartze Industries Australia for the supply of two (2) A6500XL regenerative air sweepers at a total cost of \$420,300 (GST exclusive) in accordance with Council's Specification;
- (2) approval is given for vehicles 4965 and 4966 to be sold at auction.

Carried.

9.

PLANNING - JOYNTON AVENUE, NOS. 132 – 138 AND NO. 140 AND NOS. 94 – 104 EPSOM ROAD, ZETLAND – JOYNTON AVENUE FEASIBILITY STUDY (2024621)

(Also listed as Item No. 6, Planning & Development Committee)

That Council:-

- (1) adopt the general principles of regional and site-specific stormwater management as well as realisation of the potential floor space ratio of 2.5:1 under the DCP on Councils' Joynton Avenue and Epsom Road sites as put forward in the Feasibility Study;
- (2) defer the commencement of stage two of the Feasibility Study to allow for the integration of the masterplanning of the Joynton Avenue and Epsom Road sites with Councils' broader Green Square masterplanning objectives;
- (3) Officers prepare a Development Application incorporating a Heritage Impact Statement, seeking approval for the demolition of the remaining building façade.

(DCW & DCS Joint Report 10.5.03)

Carried.

10.

COMMITTEES - MEMBERSHIP – IMROC (INNER METROPOLITAN REGIONAL ORGANISATION OF COUNCILS) –TERMINATION (C57-00077)

That Council resolves to advise the President of IMROC that Council is resigning its membership of IMROC as at 30 June 2003.

(GM Minute 16.5.03)

Carried.

11.

(A) COUNCIL – MEETINGS - COMMITTEE AND COUNCIL MEETINGS – CHANGES OF STRUCTURE

(B) CODE OF MEETING PRACTICE – AMENDMENTS (2002586)

That further to resolution of Council of 31 July 2002 and for the reasons set out in the report by the General Manager dated 16 May 2003, it be resolved that Council:-

- (1) adopts a new Standing Committee structure as follows:

SUSTAINABLE DEVELOPMENT COMMITTEE

Chairperson - Mayor

All Councillors

Full delegation except where it is a matter that can't be delegated under the Act

To consider matters from the Mayor, General Manager and City Environment planning matters.

POLICY, GOVERNANCE AND SERVICES COMMITTEE

Chairperson - Mayor

All Councillors

Full delegation except where it is a matter that can't be delegated under the Act

To consider matters from the Mayor, General Manager, Community Living, City Works, City Environment and Corporate Services.

- (2) adopts a new meeting cycle as follows:

Week One:

Sustainable Development Committee

Week Two:

Policy, Governance and Services Committee

Week Three:
Council

Week Four:
Briefings and Extraordinary Meetings.

- (3) notes that meetings will continue to be held on Wednesdays at 6.30 p.m., and that this cycle will occasionally need to be adjusted to fit in with school term dates.
- (4) delegates authority to determine the meeting schedule to the General Manager.
- (5) if the above new Standing Committee structure is adopted then Council's Code of Meeting Practice would be amended accordingly and forwarded back to Council for approval.

At the request of the Mayor, and by consent, the motion be amended by the deletion of the titles for Week One and Two of the cycles in the recommendation, namely:-

- (1) Sustainable Development Committee;
- (2) Policy, Governance and Services Committee;

-and be replaced with:

- (1) Planning and Development Committee;
- (2) Finance, Community Services and Policy Committee;

-and they meet on Weeks One and Two, respectively.

Motion, as amended by consent, carried.

The Finance Committee Meeting terminated at 7.18 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)

WEDNESDAY 21 MAY 2003 AT 7.19 PM

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt, and Shayne Mallard

At the commencement of business at 7.19 pm, those present were -

The Mayor and Councillors – Bush, Harcourt and Mallard

In accordance with Section 10D of the Local Government Act, 1993, the Committee to resolve that the press and public be excluded from the meeting of the Finance Committee (Confidential 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 the Item is Press and Public excluded is in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, which states, "commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council".

1.

PLANNING - GREEN SQUARE – IMPLEMENTATION OF THE PUBLIC DOMAIN WORKS IN THE TOWN CENTRE (2028216)

(Also listed as Item No. 1, Planning and Development (Confidential Matter) Committee)

That the recommendation as contained in the report by the Director of City works dated 15 May 2003, be approved and adopted.

This matter was dealt with in the Planning and Development (Confidential Matter) Paper, see page No. 468 for decision.

The Finance Committee (Confidential Matter) Meeting terminated at 7.33 pm.

The Council Meeting terminated at 7.15 p.m.

Confirmed at a meeting of South Sydney City Council

held on 2003

CHAIRPERSON

GENERAL MANAGER