

322ND Meeting

Erskineville Town Hall
Erskineville
499970

Wednesday 11 June 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, 11 June 2003.

PRESENT

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

Councillors - Peter Furness, Christine Harcourt, Jill Lay, Gregory Shaw.

NOTE: Councillors Bush, Fowler and Lennon arrived at 6.31 p.m. and Councillor Mallard arrived at 6.32 p.m.

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Confirmation of Minutes

Moved by Councillor Furness, seconded by Councillor Harcourt:-

That the minutes of the Ordinary Meeting of Council of 28 May 2003, be taken as read and confirmed.

Carried.

MINUTE BY THE MAYOR

11 June 2003

**PUBLIC RELATIONS – DEATH OF RAYMOND DOUGLAS RICHARDSON –
COUNCIL EMPLOYEE – CONDOLENCES (2004380)**

It is with regret that I inform Council of the death of Raymond Douglas Richardson at the age of 57 years after suffering a heart attack on Sunday, 8 June 2003.

Raymond commenced duties as a labourer in the Park's Division of South Sydney Municipal Council in 1976 and reached the position of Council Worker Grade 5 in this Council operating from Sydney Park Nursery. He was also a long time resident of Abercrombie Street, Redfern.

Ray's other duty from time to time was to act as the Mayor's Orderly in place of Norm Cook at Erskineville Town Hall and to also assist at Mayoral functions.

He will be sadly missed by his friends and fellow workmates.

It is recommended that a letter under the signatures of the Mayor and General Manager and a floral arrangement be forwarded to his sister, Fay expressing the condolences of Council.

Councillor Tony Pooley (SGD)
Mayor

Moved by Councillor Lay, seconded by Councillor Shaw:-

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

Carried.

MINUTE BY THE GENERAL MANAGER

10 June 2003

**COUNCILLORS – PAYMENT OF MAYOR/COUNCILLORS FEES
FOR 2003/2004 PERIOD (2004430)**

The Local Government Remuneration Tribunal pursuant to Section 241 of the Local Government Act, 1993, has made a determination under Section 234 with respect to the annual remuneration fees payable to Mayors/Councillors of Local Councils for the period from 1 July 2003 to 30 June 2004.

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

The fees allocated for Category 1 Councils for the 2003/2004 period are as follows, namely:-

	MINIMUM	MAXIMUM
Councillor/Member Annual Fees	\$8,555	\$15,970
Mayor/Chairperson	\$18,185	\$42,430

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

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

Council must pay the same fee for each Councillor.

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

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

Funds have been provided for the Mayor and Councillors fees in the 2003/2004 Budget.

The question of the fixing of annual fees for the Mayor and Councillors for the period from 1 July 2003 to 30 June 2004, is submitted for the determination of Council.

RECOMMENDATION:

- (1) That Council recommends the maximum salary be paid to the Mayor and Councillors.

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.

It was moved by the Mayor, seconded by Councillor Harcourt, that the motion be amended by the addition of a clause (2) to the recommendation, namely:-

- (2) That in accordance with Section 249(5) of the Local Government Act, 1993, the Deputy Mayor be paid an annual fee of \$4,200 for the period July 2003 to June 2004, at the rate of \$350 a month, and that the Mayoral allowance be reduced by this amount.

Motion, as amended, carried.

Councillors Fowler and Mallard requested that their names be recorded as voting against the foregoing motion.

QUESTIONS WITHOUT NOTICE

1.

LEASING – ERSKINEVILLE OVAL - RENEWAL - QUESTION WITHOUT NOTICE BY COUNCILLOR FURNESS (5264950)

Question:

The lease on Erskineville Oval terminated on 31 December 2002 and has been operating on a month-to-month basis since. It has been previously reported that the matter was to be brought to Council around March. Can you advise when this matter will be coming to Council?

Answer by the Mayor:

I can't, but I will find out from the Director of City Works.

Answer by the Director of City Works:

I can't give you a specific time, but I will undertake to bring something forward by the end of July. The Officers involved on this sort of work have been tied up on the boundaries matters work.

2.

**TRAFFIC – ERSKINEVILLE ROAD AT ALBERT STREET, ERSKINEVILLE –
MEDIAN STRIP INSTALLATION - QUESTION WITHOUT NOTICE BY
COUNCILLOR FURNESS (2022926)****Question:**

I understand there are plans to install a narrow median strip on Erskineville Road at its intersection with Albert Street to prevent illegal right turns from Albert Street into Erskineville Road. Can you advise when this will occur?

Answer by the Mayor:

My understanding, Deputy Mayor, is that it was discussed at Committee last week and a guarantee was that it would be done in association with the re-asphalting of Erskineville Road.

3.

**STREETS – MARSHALL STREET, NO. 61 - RESTORATION - QUESTION
WITHOUT NOTICE BY COUNCILLOR HARCOURT (2023469)****Question:**

May I have a brief written report on the reasons why the footpath opening outside No. 61 Marshall Street, Surry Hills, cannot be filled and made safe immediately?

Answer by the Mayor:

I'm sure we can organise that report for you.

4.

**DEVELOPMENT – CONSERVATION – ROSEBERY - LISTING - QUESTION
WITHOUT NOTICE BY COUNCILLOR LAY (2015740)****Question:**

Could Council staff please advise what steps would be necessary to Heritage List the suburb of Rosebery as has been done with Haberfield? I have been asked to seek this advice by a number of Rosebery residents.

Answer by the Mayor:

I'll refer that question to the Director of City Environment for a response to be published through the Councillors Information Service.

5.

PLANNING – S.E.P.P. 10 – LOW COST RENTAL ACCOMMODATION - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2026448)**Question:**

Over the last five years, how many blocks of flats has Council approved under S.E.P.P. 10 for strata? How many have attained the necessary State Government concurrence approval under S.E.P.P. 10? What is the total amount collected by South Sydney under this system as contribution taxes?

In relation to new development how often has Council negotiated affordable housing within the new development and how many has Council from these negotiations? Have these properties been sourced by allowing a Floor Space Ratio Bonus?

Answer by the Mayor:

I'll refer those questions to the Director of City Environment and have that information provided to you.

6.

ELIZABETH STREET, NOS. 862 – 870, WATERLOO – PROPOSED DEVELOPMENT - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2024144)**Question:**

Is it possible that the Planner meet with the Zetland residents about the proposed development at No. 862 Elizabeth Street, Waterloo, as it is in a heritage area, within the next four to six weeks?

Answer by the Mayor:

I'm happy for the representatives of ZCAG to contact me and we'll endeavour to provide whatever information we can. We don't have an application before us. It has been withdrawn. I will refer the allegation that there is activity on that site to the Director of City Environment so that investigations can be undertaken of that issue.

7.

TREES – CORNER OF CLEVELAND STREET AND BOURKE STREET, SURRY HILLS - REMOVAL - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2022831)**Question:**

The large Sydney gum tree that used to be on the corner of Cleveland Street and Bourke Street, Surry Hills, that was cut down last week, can we have a full report on what actually happened there?

Answer by the Mayor:

I will ask the Director of City Works to prepare a report on the alleged illegal removal of the tree on the corner of Cleveland Street and Bourke Street, Surry Hills.

8.**FINES – PROCEDURE – GARBAGE AND PARKING - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (F52-00012)****Question:**

I refer to infringement notice V1243780 issued against a residential property owner. It has previously been the procedure to issue a warning to residents for the presentation of domestic refuse, why in this case was this procedure not followed? Can I have a report on the number of infringements issued on parking and garbage and from anecdotes from residents Council appears to only use its powers under the regulations now to raise revenue?

Answer by the Mayor:

We will certainly provide a report in relation to Precinct 15. I can indicate that Council has conducted a detailed programme attempting to advise residents of the need for them to appropriately present their rubbish. It appeared over a succession of weeks in Council columns. We also did letter drops in a number of areas and we have the safety of staff to consider and a recent Occupational Health and Safety report drew Council's attention to a number of issues, but we will endeavour to provide that information in a report.

9.**PUBLIC RELATIONS – AMALGAMATIONS - MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014956)****Question:**

Have you or the General Manager had meetings with Mayors or the Minister for Local Government regarding amalgamation with surrounding Councils?

Answer by the Mayor:

No.

10.

PUBLIC RELATIONS – AMALGAMATIONS - MEETINGS - QUESTION WITHOUT NOTICE BY COUNCILLOR FOWLER (2014956)**Question:**

If, as I understand from information that I have received, internal meetings have been staged, why have these been enacted without any direction or resolution of Council?

Answer by the Mayor:

Refer to the previous answer.

11.

ADMINISTRATION – COUNCIL FILES – TRANSFER TO SYDNEY CITY COUNCIL - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2028479)**Question:**

Have all files relevant to parks and open space areas in the former North Ward been transferred to the City of Sydney? I'm advised not.

Particularly:

- Files on consultation process undertaken regarding Fitzroy Gardens, Llankelly Place, Springfield Gardens and Plaza
- Files on negotiations to purchase RTA land on the corner of Stanley Street and Bourke Street, East Sydney
- Files on closure and fencing of small pocket park on Palmer Street, near Oxford Street intersection

Answer by the General Manager:

The answer is no. Not all files have been transferred across at this point in time. There is every intention to transfer every file associated with the North Ward that is in the City area, transferring across those files to the City of Sydney. Under the State Records Act we need approval from the State Government to transfer those files across even though a decision has been made to transfer the geographical area. A request has gone from me to the State Government to authorise that particular documentation to the City of Sydney. Once that authorisation comes through, the files will be transferred across to the City of Sydney.

12.

PARKS – TAYLOR SQUARE - STATUS - QUESTION WITHOUT NOTICE BY COUNCILLOR MALLARD (2028859)**Question:**

We have all received form e-mails and letters about Taylor Square. Since the Taylor Square Reference Group has been postponed, could we have a report on the timetable and status of the Taylor Square redevelopment.

Answer by the Mayor:

Yes, a report will be provided in the very near future and put it through the Councillors Information Service.

13.

PLANNING – REZONING – EUSTON ROAD AND BURROWS ROAD, ST. PETERS – LAND BETWEEN - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (P54-00126)**Question:**

A delegation of owners made representations to Council with regard to the rezoning to (10e) the land between Euston Road and Burrows Road, St. Peters, adjacent to Sydney Park. The matter was set aside to be studied in the new budget year.

Could the Director of City Environment investigate requirements for the monies and study needed to investigate the issue?

Answer by the Mayor:

I will refer your question to the Director of City Environment and get you some advice.

14.

DEVELOPMENT – APPLICATIONS MATTERS – BRINGING TO COUNCIL - PROCEDURE - QUESTION WITHOUT NOTICE BY COUNCILLOR BUSH (2001991)**Question:**

Could the Director of City Environment clarify the policy of bring Development Applications to Council outside the mainstream that is, the policy being the requests of three Councillors or a written request by the applicant to the General Manager?

Answer by the Mayor:

No, the Director of City Environment cannot do that. I'm happy to clarify that for you as I have already done by e-mail on at least two Management Conferences that I have participated in. As part of this Council it was resolved that in order for a Development Application to be brought to Council, it required either five objectors or three Councillors. That remains the Policy, there has been no change.

Comment by Councillor Bush:

Mr Mayor, I think you are missing the bit I'm suggesting, or by written request by the applicant to the General Manager which is part of the same policy.

Answer by the Mayor:

I don't believe that is part of the same Policy, however that aspect of your question I will get checked.

15.

ADMINISTRATION – BOUNDARY CHANGES – SLANDEROUS ACCUSATIONS - QUESTION WITHOUT NOTICE BY COUNCILLOR LENNON (2028479)**Question:**

The residents of the North Ward, Kings Cross and Darlinghurst, are rather concerned with the new boundary changes. We have been through quite a few and having been to three public meetings and meetings at the Sydney Town Hall. There is an awful lot of accusations against South Sydney from the City of Sydney saying that we have done this and done that and they are quite slanderous. We feel they are inaccurate and this new City of Sydney boastfully goes on about how committed to community consultation. They've committed seven million dollars not to this time asphalt we are getting granite and are chopping down the trees and the comments are quite slanderous about South Sydney.

I would really like you to look quite clearly at what they are saying about our area, including our General Manager and the rest of it. I would recommend that our staff look through, particularly the first five items that they have put through in their new Committee that they put together last week and all they do is bash South Sydney. When I look across at the faces and I remember seeing these faces as part of South Sydney, the borders have changed, but in the best interest of residents and community of the inner city, please can you research some of the slander that is going on and look after the community of our area?

Answer by the Mayor:

If those papers are publicly available, I will refer them to the General Manager and see if it is appropriate for Council to make a response.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

4 June 2003

PRESENT**Councillor Jill Lay (Chairperson)****Councillors – John Fowler, Peter Furness, Greg Shaw**

At the commencement of business at 6.42 pm, those present were -

Councillors – Fowler, Furness, Lay, and Shaw

Apology:

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

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

That the Report of the Planning and Development Committee of its meeting of 4 June 2003, be received and the recommendations set out below for Items 2 and 3, be adopted. The recommendations for Items 1, 4 and 5 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

MOORE PARK ROAD, NO. 352, PADDINGTON – ALTERATIONS AND ADDITIONS TO BOARDING HOUSE INCLUDING A CHANGE OF USE TO RESIDENTIAL FLAT BUILDING WITH ENLARGEMENT OF REAR GARAGE (U01-00406)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (1) That the Council rescind the development consent of 9 April 2003;
- (2) That Council:-

- (A1) pursuant to the provision of Section 80 (3) of the Environmental Planning and Assessment Act, 1979, Council granted its deferred commencement consent to the development application submitted by Locboard Developments Pty Ltd, for alterations and additions to a boarding house including a change of use to a residential flat building with enlargement of rear garage at land known as No. 352 Moore park Road, Paddington, 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:-
- A revised facade which reflects the facades of adjacent terraces by incorporating design elements, features, balustrading, parapets, ornaments, materials, colour, finishes, entrance steps, openings, reflective and representative of the original façade and in keeping with the overall character of the conservation area.
- (A2) The applicant must satisfy to the Council evidence sufficient to enable it to be satisfied of the matters in Part A1 within (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 stages development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act, 1979 be issued subject to the following:
- (1) That plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted with the Construction Certificate:
- (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) That noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operation Act, 1997;
 - (d) That vertical separation between openings in external walls shall be provided by construction that is non-

combustible and having a fire resistance level of at least 60/60/60 and in accordance with C2.6 of the BCA;

- (e) Balustrade shall comply fully with the requirements of Clause D.2.16 of the BCA;
- (f) That entrance doorways to all sole occupancy units at each floor level shall be protected by self-closing or automatic closing -/60/30 fire doors in accordance with the requirements of C3.11 of the BCA;
- (g) That an opening in a wall providing access to a ventilating pipe, garbage or other service shaft shall be protected in accordance with the requirements of C3.13 of the BCA;
- (h) That the services passing through a floor shall either be installed in shafts with construction having a fire resistance level of > or protected in accordance with C3.15 of the BCA;
- (i) That the proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1.3-(3) of the BCA;
- (j) 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;
- (k) That the rooflights or the like shall comply with Specification C1.1-3.6 of the BCA;
- (l) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
- (m) That new stairways and ramps shall be at least 1000mm in width which shall be increased as required in accordance with D1.6 of the BCA and shall have a minimum unobstructed vertical clearance throughout of 2000mm with goings and risers for stairs in accordance with D2.13 of the BCA and shall be provided with balustrades and handrails in accordance with D2.16 and D2.17 of the BCA respectively;
- (n) That 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;

- (o) That the private stairs shall be provided with goings and risers in accordance with D2.13 of the BCA and balustrades in accordance with D2.16 of the BCA;
- (p) 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;
- (q) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
- (r) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS2444;
- (s) That hose reels shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (t) That hydrants shall be installed throughout the building in accordance with the requirements of E1.3 of the BCA and AS2419.1;
- (u) 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;
- (v) That a suitable automatic fire detection and alarm system shall be installed to comply with E2.2 of the BCA;
- (w) 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;
- (x) That clothes washing and drying facilities shall be provided in accordance with the requirements of F2.1 of the BCA;
- (y) That all damp and weatherproofing provision shall be in accordance with Part F1 of the BCA;

- (z) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (aa) That natural light and ventilation shall be provided in accordance with requirements of Part F4 of the BCA;
 - (bb) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
 - (cc) That the walls between flats or units shall be constructed of materials having weighted sound reduction indices in accordance with F5.4 of the BCA;
 - (dd) That the walls dividing a bathroom, laundry or kitchen in one flat from a habitable room in an adjoining flat shall have a weighted sound reduction index of not less than 50 requirements of F5.5 of the BCA;
 - (ee) That the floors between the flats shall be constructed of materials having weighted sound reduction index of not less than 45 in accordance with the requirements of F5.3 of the BCA;
 - (ff) That the external walls must be so constructed as to prevent rain or dampness penetrating to the inner parts of a building in accordance with the requirements of F1.4 of the BCA;
 - (gg) That the door to a fully enclosed sanitary compartment shall comply with the requirements of clause 3.8.2.2 of the BCA;
 - (hh) That all glazed assemblies shall comply with clause B1.4(h) of the BCA;
 - (ii) That all relevant sections of the BCA shall be complied with;
- (2) 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 in accordance with the approved plan prior to the foundation excavations being commenced;
 - (3) 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;

- (4) That existing and proposed stormwater details and certificate shall be submitted with the Construction Certificate;
- (5) 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 work;
- (6) That the requirements of the Work Cover Authority shall be complied with;
- (7) 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 3.0pm on Saturdays and no work shall be carried out on Sundays or public holidays;
- (8) That the 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;
- (9) That the building/demolition work shall comply with the Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- (10) That the existing building shall be maintained in a stable condition during construction and/or demolition work to Council's approval;

- (11) That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
 - (12) 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;
 - (13) That the demolition work shall comply with the Australian Standard 2601-1991;
 - (14) 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;
 - (15) That if an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (Note) The owner of the adjoining allotment of land is not liable for any part of the cost carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land and in this condition, allotment of land includes a public road and any other public place;
- (16) The applicant shall enter into a Deed of Agreement with Council or a community housing organisation operating in the area and registered with the Department of Housing, prior to the release of the occupation certificate, to mitigate the loss of low cost housing resulting from the proposed development. The Deed shall specify:
 - (a) the amount of monetary contribution to be paid by the applicant;

- (b) how the contribution will be allocated by Council or the housing organisation for the purposes of providing low cost housing in the local area;
 - (c) when the contribution will be allocated; and
 - (d) that the contribution shall be paid by the applicant in full prior to the issue of the occupation certificate.
 - (e) Costs associated with preparation of the Deed shall be borne by the applicant;
- (17) The existing front fence is to be retained and any repairs are to match the original detailing. The front gate is to be repaired and reinstated to match that of No. 348. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate.
- (18) A detailed test be carried out to determine whether the paint on the sandstone base of the front fence can be removed without damaging the sandstone. If the paint stripping process is likely to cause damage then the wall is to be painted in a colour to match as closely as possible the original sandstone. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (19) The tessellated tile path in front of the existing building and the tiled section at the base of the entrance steps be retained. Any repairs are to match original details. Details are to be provided to the Principle Certifying Authority prior to the release of the construction certificate;
- (20) The balustrading of the second floor front balcony facing Moore Park Road is to be of metal construction matching that of the first floor to maintain consistency and in keeping with the overall character of the conservation area. Details are to be submitted with the Construction Certificate;
- (21) The balustrading on the third level balcony be of masonry construction, not of glass, so that it reads as a parapet in keeping with the character of adjoining terraces which all have parapets. Details are to be provided to the Principle Certifying Authority prior to the release of the Construction Certificate.
- (22) The external colour scheme of the proposed buildings is to comprise predominantly earthy tones in keeping with the overall character of the conservation area. Details are to be provided with the Construction Certificate;
- (23) An archival record of the existing building be prepared and submitted to Council prior to demolition or commencement of works whichever is the earliest. The record is to include scaled floor plans of the existing building, a chronological history of the

- development of the site and a photographic record. The photographic record is to be prepared in accordance with the NSW Heritage Office guidelines and is to include black and white archival quality 35mm photographs, coloured photographs, proof sheets, negatives, and photographic location of reference sheets. Details are to be provided to the Principle Certifying Authority prior to the release of the Construction Certificate;
- (24) All windows on the western elevation must be of obscure glass. Details are to be provided with the Construction Certificate.
- (25) All residents of the development must be advised that they will not be eligible for parking permits.
- (26) That the applicant shall remove the encroaching balcony and shade structure over the public way in Leinster Street confirmation of which shall be submitted with the Construction Certificate;
- (27) That the applicant shall ensure that all stormwater connections will be perpendicular from the building line to Council's kerb and details of confirmation of which shall be submitted with the Construction Certificate;
- (28) That before erecting any hoarding, an application must be made to the Director of Public Works and Services for a Builders Hoarding Permit (for approval under Part 9 Division 3, Roads Act, 1993). No excavation shall be carried out on the public way beneath or adjacent to the hoarding without the approval of the Director of Public Works and Services;
- (29) 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.
- (30) 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;
- (31) 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;

- (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 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) That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approved 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, such as a directory board or notice board, where it can easily be observed and read by persons entering the building;
- (36) 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 details of which are to be submitted with the Construction Certificate;
- (37) That the applicant shall accept responsibility for all costs associated with the design, construction, alteration, adjustment, relocation or restoration of any works on the public way including kerb, gutter, pavement, footpath paving, landscaping, street furniture, signage, drainage and public utility services. The reinstatement of any damaged kerb and gutters are to be in materials similar to those existing. Such works are to be carried out by Council's workforce unless otherwise agreed in writing by the Director of Public Works and Services;

- (38) 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;
- (39) 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;
- (40) That the applicant shall provide a fully automatic irrigation system to all landscape areas and turf in common landscape areas. Hosecocks / QCV's installed in private landscape areas are to be at a minimum one per 80m² of landscaped area.

The owner / applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities;

- (41) 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;
- (42) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves etc) at any time and details of which to be confirmed with the Construction Certificate.
- (43) 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;
- (44) That a garbage/recycling storage facility shall be located within the site at street level in a position 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;
- (45) 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;
- (46) That prior to issuing a Construction Certificate, it will be necessary to lodge with Council a fee of \$8,580.00 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 there is no damage to the public way. A written request shall be made to the Council for the return of the deposit;

- (47) 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 \$1,200, or first instalment (as applicable), can be paid to the Council, providing that a completed levy payment form accompanies the payment;

- (48) Part A

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

Contribution Category	Amount
Open Space: LGA Works Programme	\$166
Open Space: New Parks	\$744
Accessibility And Transport	\$5
Management	\$12
Total	\$926

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 - 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 / before the use is commenced or the release of the Occupation Certificate whichever occurs first. (Delete as applicable)

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;

- (48) 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	\$247

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 2002/03.

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.

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

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.

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, descent, 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.

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

Carried on the show of hands 5 votes to 4.

2.

ELIZABETH STREET, NOS. 862 – 874 AND BOURKE STREET, NO. 1021, WATERLOO – DEMOLITION OF THE EXISTING WAREHOUSE BUILDINGS AND SHOPS TO ERECT A MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENT CONTAINING 79 DWELLINGS, 5 RETAIL UNITS AND 2 LEVELS OF BASEMENT CAR PARKING – DEVELOPMENT APPLICATION (U02-00400)

That the application be withdrawn as requested by the applicant in letter dated 4 June 2003.

Carried.

3.

FLINDERS STREET, NOS. 1 – 5, SURRY HILLS – INTERNAL ALTERATIONS TO EXISTING MEDICAL CLINIC AT FIRST FLOOR LEVEL TO CREATE A NEW HOTEL INCLUDING LICENSE FOR PLACE OF PUBLIC ENTERTAINMENT (U02-00884)

- (A) That the Council grants its consent pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Ranglen Investments Pty Ltd., for internal alterations to existing medical clinic at first floor level to create a hotel

including a license for a Place of Public Entertainment at land known as Nos. 1-5 Flinders Street, Surry Hills, subject to the following conditions, namely:-

- (1) That the development shall be generally in accordance with plans numbered 010306/01 – 01306/4, subject to compliance with the conditions below;
- (2) That the hours of operation shall be restricted to between 9.00am – 12.00 midnight daily;
- (3) That no people (commonly known as "spruikers") shall be on the property or the public way, publicising the use of the premises;
- (4) That a separate development application shall be submitted at the appropriate time for any proposed signs;
- (5) 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;
- (6) 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;
- (7) That it shall be the responsibility of the operator of the premises to ensure that patrons, upon leaving the premises and the surrounding area, do so in a timely and non-disruptive manner. In this regard prior to issuing a Construction Certificate a revised Plan of Management shall be submitted for approval which outlines the strategies to be undertaken to ensure compliance with this condition;
- (8) 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;
- (9) 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 to ensure that the plans are suitably endorsed. The levy, to the value of \$150 (or 0.2% of the total cost of construction at the time of submission of the construction certificate whichever is the greater), or first installment (as applicable), can be paid to the Council, providing that a completed levy payment form

accompanies. For staged construction certificate the levy may be based on the value of the works covered by that Certificate;

- (10) That the size of the window and doorway openings upon the Bourke and Flinders Street facades shall not be altered;
- (11) The acoustic panels in the bar area shall be installed in such a manner that they are reversible, so they can be removed in the future if the level of reverberation control is no longer required;
- (12) That all internal areas not provided with adequate natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and AS1668;
- (13) That noise from patrons, amplified music, business activities, live entertainment, plant and machinery associated with and emitted from the proposed first floor hotel / bar / Place of Public Entertainment shall comply with the following criteria:
 - (a) The L_{A10} noise level emitted from the premises shall not exceed 5dB above the background L_{A90} sound level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the boundary of the nearest affected residential premises. The background sound level shall be measured in the absence of noise emitted from the proposed first floor hotel / bar / Place of Public Entertainment.

Prior to occupation, a suitably qualified acoustical consultant shall provide a statement to Council verifying the works detailed in the acoustical report, entitled "Acoustical Assessment of proposed alterations to existing building at 1-5 Flinders Street, Taylor Square, Surry Hills" dated 4 December, 2002 have been carried out in association with the proposed first floor hotel/bar/Place of Public Entertainment and complies with Council's development approval condition;

- (14) That the proposed first floor hotel / bar / Place of Public Entertainment shall not be used for the cooking of food unless an approved air handling system is installed to all cooking and heating appliances designed in accordance with AS1668;
- (15) That the construction, fitout and finishes of the first floor bar and sanitary facilities used by staff shall comply with the Food Act 1989 and Regulations thereunder and the National Code for the Construction and Fitout of Food Premises;

- (16) That the floor of the first floor bar shall be graded and drained to the sewer services of the premises;
- (17) That the premises shall be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia;
- (18) 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 proposed work shall be constructed in Type (A) construction in accordance with the requirements of specification C1.1-(3) of the BCA;
 - (b) That all materials, linings and surface finishes used in the building shall comply with the requirements of Specification C1.10 of the BCA;
 - (c) That an additional exit shall be provide to ensure this level in accordance with clause D1.2(d) of the BCA. The stair is to be constructed in accordance with the requirement of Section D of the BCA;
 - (d) That the unobstructed height in a required exit or path of travel to an exit shall be not less than 2000mm in accordance with D1.6 of the BCA except the unobstructed height of any doorway may be reduced to not less than 1980mm;
 - (e) That the discharge from exits shall comply with D1.10 of the BCA;
 - (f) 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;
 - (g) That exit doors shall be altered so as to open in the direction of travel and shall be recessed so as not to open over the footway and shall be readily openable without the use of keys at all times during occupancy;
 - (h) That portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS 2444;

- (i) 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;
- (j) That exit signs shall be provided in accordance with the requirements of E4.5, E4.7, E4.8 of the BCA and AS2293-1;
- (k) That directional signs where necessary shall be provided in accordance with the requirements of E4.6 and E4.8 of the BCA and AS2293.1;
- (l) That entertainment shall not be conducted on the premises until all required works are completed and an approval to conduct public entertainment has been issued;
- (m) That unobstructed access shall be provided and maintained to all exits at all times;
- (n) That handrails and balustrades in places of public entertainment shall comply with Clauses D2.16 and D2.17 of the BCA;
- (o) That all doors fitted to egress doorways shall be hung in two folds where the doorway is more than 1m in width, fitted only with 'panic' bolts where required to be secured;
- (p) That the edges of the treads of steps shall be made conspicuous;
- (q) That in any auditorium or foyer of a place of public entertainment any curtain or blind shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (r) That fabric used to cover closed-back upholstered chairs in any part of a place of public entertainment shall comply with the requirements of Specification C1.10.4(d) of the BCA;
- (s) That solid fuel burning stoves and open fire places shall not be installed in a building used as a place of public entertainment;
- (t) That the storeroom shall be separated from other parts of the building by construction having a fire-resistance level of not less than 60/60/60;
- (u) That the number of toilets within the building shall comply with the requirements of Part F2 of the BCA;

- (v) That minimum ceiling heights of rooms or spaces in buildings shall comply with the requirements of Part F3 of the BCA;
 - (w) That all internal areas not provided with natural ventilation shall be provided with mechanical ventilation in accordance with the requirements of F4.5 of the BCA and Council's Ventilation Code;
 - (x) That the number of occupants accommodated within this storey shall be attained from applying the requirements of section D and F of the BCA once it is established where and how the second exit will be constructed. Note that additional urinals will be required if the number of males accommodated are to exceed 50;
- (19) That a garbage / recycling storage facility for the proposed first floor hotel / bar / Place of Public Entertainment shall be located within the site at a level and 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;
- (20) That no garbage or industrial waste shall be placed on the public way (including footpaths, roadways, plazas, reserves, etc) at any time except as in accordance with Council's Local Approvals Policy for Commercial Waste Collection;
- (21) That the business proprietor of the proposed first floor hotel / bar / Place of Public Entertainment shall enter into a contract for the removal of trade wastes from the premises;
- (22) 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;
- (23) 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 required mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia. (If using deemed to satisfy provisions: AS1668, Parts 1 & 2);
 - (b) all proposed and altered mechanical ventilation systems: STANDARD REQUIREMENT - Building Code of Australia.

(If using deemed to satisfy provisions: AS1668, Parts 1 & 2);

- (c) the garbage room: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (d) the recycling storage area: STANDARD REQUIREMENT - SSCC Waste Management / Minimisation Facts Sheets;
 - (e) sanitary facilities: STANDARD REQUIREMENT - Building Code of Australia, Part F;
 - (f) 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;
- (24) That appropriate closed circuit digital camera surveillance and recording equipment is installed to monitor activities of all entry points to the Hotel (including the Bourke Street entry);
 - (25) That all security video tape/disc recordings are to be retained for a period of no less than 14 days before being reused or destroyed. Any video tape/disc recording must be handed to police upon request;
 - (26) That security staff shall use hand held clicker devices to count the numbers of patrons utilising the premises to comply with the Place of Public Entertainment numbers;
 - (27) That security staff shall be employed at a ratio of not less than 100 patrons to one security officer.
- (B) That the person(s) who made representations in respect of the proposal be advised of Council's decision.

Carried.

4.

ELIZABETH STREET, NOS. 647 – 649, WATERLOO – USE OF PREMISES AS A COMMERCIAL BROTHEL (U02-01060)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

- (A) That Council refuse the application for the following reasons, namely:-
- (1) That the proposal does not comply with the aims and objectives of South Sydney Local Environmental Plan 1998;
 - (2) That the proposal does not comply with the objectives and prescriptions of the South Sydney Sex Industry Policy;
 - (3) That the proposal does not comply with the Disability Discrimination Act in relation to providing access for persons with a disability;
 - (4) That the proposal is inappropriate, particularly in relation to the proximity of other Brothels within the surrounding context;
 - (5) That the proposal will unreasonably impact upon the amenity of surrounding residential properties.
 - (6) Approval of the application is not in the public interest.
- (B) That those who made a submission with respect to the proposal be notified of Council's decision.

Negatived.

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

- (A) That Council resolves to grant a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 to the development application submitted by Wanchock Kongsittichai to use the premises as a commercial brothel, subject to compliance with the conditions below, namely:-
- (1) That the development be carried out in accordance with plans and details submitted to council and contained with file U02-01060;
 - (2) That the premises operate between the hours of 10.00am-8.30pm Monday to Friday and 10.00am-6.00pm Saturday and Sunday;
 - (3) That consent is for a trial period of one year within which the operator must demonstrate compliance with the consent conditions and Plan of Management;
 - (4) That the rear entrance of the premises shall not be used by staff or clients at anytime;
 - (5) That the rear deck of the premises shall not be used as part of the operation of the brothel;

- (6) That the brothel windows overlooking the rear lane be fitted with non-transparent material;
- (7) That the premises provide an additional bathroom for the sole use of staff as indicated on the plans (dated February 27 2003);
- (8) That the premises provide a client lounge within the premises;
- (9) That the premise has a maximum of three working rooms;
- (10) That the premises have a maximum of three sex work staff and one manager;
- (11) That the premises demonstrate to Council their compliance with the Plan of Management to Council within one month of the commencement of consent;
- (12) That the operation of the premises must comply with the Plan of Management at all times. Council shall be advised in writing, and shall give its consent to any modification of the Plan of Management including changes to the Management of the premises;
- (13) That the premises shall provide regular access to, and facilities for sexual health services to deliver outreach and health educational workshops;
- (14) That no person employed by the premises being spruikers, concierges, managers, receptionists, security guards, door person, sex worker, bouncers, valet or any other staff, be allowed at any entrance, first floor verandahs or any area outside the premises at any time;
- (15) That the operation of the premises as another different type of sex industry premises be the subject of a separate development application;
- (16) That no sex worker under the age of 18 shall work on the premises;
- (17) That a safe and accessible staff room in a non-working area be provided with appropriate facilities (fully equipped bathroom, food and beverage preparation areas) for staff on breaks which is separate to the client lounge/viewing area;
- (18) That a staff noticeboard be clearly displayed in the staff room and that the noticeboard should be used solely for the display of health educational material and a list of the contact details of relevant health and sexual health services for sex work staff;

- (19) That the workplace shall provide a Sex Workers Health Resource Folder made available to all sex work staff and be located in the staff room at all times that the workplace is in operation;
- (20) That the workplace shall provide workers who do not have adequate English skills and/or who have low literacy skills with health resources in appropriate format and languages;
- (21) That the premises comply with NSW WorkCover and NSW Health's Health and Safety Guidelines for Brothels;
- (22) That the premises maintain and display in the Staff Room a Workers Compensation Insurance Policy for the premises;
- (23) That the balcony 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;
- (24) That the first floor entrance and kitchen doorways shall be redesigned to comply fully with the requirements of Part D of the BCA
- (25) That the ceiling beneath the first floor of the premises shall be constructed of material having resistance to the incipient spread of fire of one hour
- (26) That the stairway serving the first floor level shall be separated from the ground floor area by construction having a minimum fire resistance of 60/60/60
- (27) That a suitable smoke/fire alarm system shall be installed throughout the premises doorways to all first floor rooms shall be protected by self closing solid core doors

and the following standard conditions:

- (28) Protection of openings⁹³⁰⁷
- (29) Signage on doors⁹⁴²⁴
- (30) Ceiling heights of rooms or spaces (class 2 to 9)⁹⁶¹²
- (31) Mechanical ventilation (class 2 to 9)⁹⁶¹⁵

- (32) Number of toilets to be provided⁹⁶⁰⁸
- (33) Portable fire extinguishers be installed⁹⁵⁰¹
- (34) Fire blanket be installed⁹⁵⁰³
- (35) Emergency lighting⁹⁵¹⁸
- (36) Exit signs⁹⁵¹⁹
- (37) Compliance with BCA⁹¹⁰⁴
- (38) Construction Certificate required(a) / Works not to be commenced(b) Works not to be commenced(c)⁹¹⁵⁵
- (39) Comply with the WorkCover Authority⁹¹⁰⁵
- (40) Construction hours⁹¹⁵¹
- (41) Building/demolition noise control⁹¹⁵⁶
- (42) Maintain existing building in a stable condition⁹¹⁵⁷
- (43) Issue of occupation certificate⁹¹⁰¹

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

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

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

Carried on the show of hands 5 votes to 4.

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

5.

PLANNING – ASHMORE STREET INDUSTRIAL ESTATE STEERING COMMITTEE (2028449)

This matter was submitted to Council without recommendation.

Moved by Councillor Lay, seconded by Councillor Harcourt:-

That Council:-

- (1) nominate the three South Ward Councillors as members of the Committee and that Councillor Lay be Chair of the Committee;
- (2) resolve that this is a “sunset” Committee established expressly for the purpose of providing input into the Masterplan process through a focus group role;
- (3) approves the following individuals to be representatives on the Ashmore Street Industrial Estate Steering Committee (Focus Group):

Andrew Braddock	Representing Austcorp and adjoining Charvic P/L
Terry Griffiths	Representing community – Sydney Park Village (700 units)
Sue Lord	local resident
R. J Solomon	professional expertise
Nicholas Turner	professional expertise
Emily Welsh	landowner
- (4) advises the successful nominees and invites them to the first meeting to be held at Erskineville Town hall on Tuesday 24 June 2003 at 6.30pm.

Carried.

The Planning and Development Committee Meeting terminated at 7.10 p.m.

REPORT OF THE FINANCE COMMITTEE

4 June 2003

PRESENT

The Mayor, Councillor Tony Pooley (Chairperson)

Councillors – John Bush, Christine Harcourt and Shayne Mallard

At the commencement of business at 6.41 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 4 June 2003, be received and the recommendations set out below for Items 1 to 6, inclusive, 8,

9, 11 and 12, be adopted. The recommendations for Items 7 and 10 having been dealt with as shown immediately following such Items.

Carried.

The Committee **recommended** the following:-

1.

LICENSING – SWANSON STREET, NOS. 1 – 5, ERSKINEVILLE – PROPOSED FOOTWAY LICENCE (EXTENSION) (2022358)

That arising from consideration of a report by the Director of City Environment dated 27 May 2003, approval be given to:-

- (a) the granting of a licence to Bartony Pty Ltd, over the footway of Swanson Street adjacent to the Rose of Australia Hotel at Nos. 1-5 Swanson Street, Erskineville, as shown on Plan No S4-130/753A, accompanying the beforementioned report:-
- Licence area: 21 square metres 12 Tables 24 Chairs;
 - Hours of operation: 10.00am – 9.30pm, 7 days per week;
 - Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
 - Rental: Weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
 - Subject to the conditions in the schedule accompanying the beforementioned Director's report.
- (b) the licence in (a) above will:-
- not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
 - lapse in three months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
 - require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
 - require that any rent that falls due as a result of commencing the footway licence is paid by the due date;
 - terminate if entertainment is provided on the premises.

(c) the execution of all-relevant documents and plans by Council's Attorney.

Carried.

2.

LICENSING – MITCHELL ROAD, NO. 38, ALEXANDRIA – PROPOSED FOOTWAY LICENCE (NEW) (2028409)

That arising from consideration of a report by the Director of City Environment dated 27 May 2003, approval be given to:-

- (a) the granting of a licence over the footway of Mitchell Road adjacent to the Organic Produce Restaurant at No. 38 Mitchell Road, Alexandria, as shown on Plan No. S4-130/893, accompanying the beforementioned Director's report:-
- Licence area: 6.9 square metres, 2 Tables, 6 Chairs;
 - Hours of operation: 10.00am-5.00pm Monday to Saturday inclusive;
 - Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
 - Rental: Weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
 - Subject to the conditions in the schedule accompanying the beforementioned Director's report.
- (b) the licence in (a) above will:-
- not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
 - lapse in 12 months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
 - require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
 - require that any rent that falls due as a result of commencing the footway licence is paid by the due date;
 - terminate if entertainment is provided on the premises.

- (c) The execution of all relevant documents and plans by Council's Attorney.

Carried.

3.

**(1) CLEANING – ROLL OUT OF 120 LITRE MOBILE GARBAGE BINS TO SINGLE OCCUPANCY DWELLINGS - FINANCIAL IMPLICATIONS
(2) SECONDMENT OF ENVIRONMENTAL HEALTH OFFICER, CITY ENVIRONMENT DEPARTMENT (2000996)**

That for the reasons set out in the report by the Director of City Works dated 27 May 2003, approval be given to:-

- (1) prepare and advertise a tender for the manufacture, supply, assembly, distribution and operating lease of 120-litre Mobile Garbage Bins for the staged roll out of the new service;
- (2) secondment of an Environmental Health Officer (City Environment) with the appropriate training and experience to act in the position of Temporary Waste Audit Officer (12 months) to assist with the operational issues associated with the distribution of the new bins and implementation of the new service.

Carried.

4.

PLANNING – ERSKINEVILLE ROAD, NOS. 78 – 94 AND BALDWIN STREET, NO. 3A, ERSKINEVILLE PARKING AREA – LAUNCH OF CAR SHARING SERVICE IN SOUTH SYDNEY (2029065)

That the Council support in principle a trial of a car sharing program in the Newtown/Erskineville area run by CarShare Australia Pty Ltd at Nos. 78 – 94 Erskineville Road and No. 3a Baldwin Street, Erskineville Parking Area, subject to the following conditions, namely:-

- (1) That the Council formalises its relationship with the Roads and Traffic Authority regarding the use of the subject site at Erskineville, most likely through the establishment of a formal lease agreement;
- (2) That the Council, in formalising its relationship with the Roads and Traffic Authority, provides support for CarShare Australia to also obtain a formal lease agreement with the Roads and Traffic Authority for the use of 2 spaces at the subject site for a maximum period of 1 year. It is envisaged that a possible solution may be one whereby Council has a lease agreement with RTA for the use of 28 of the 30 existing spaces at the subject site, and CarShare Australia has a separate lease agreement with RTA for the use of 2 spaces for the first year. After that

time the leasing arrangements would be revisited, in part based on the experience of the trial, which would include consideration of expanding to 4 spaces;

- (3) That CarShare Australia would not be permitted to reserve or mark any spaces in the subject car park until such time as formal lease agreements had been established between CarShare Australia and RTA, and South Sydney City Council and RTA for the management of the site;
- (4) That an objective independent assessment and review of the scheme be undertaken during the trial period, and that CarShare Australia pursue the establishment of a private car park site for use once the business becomes viable;
- (5) That discussion occur with the R.T.A. and Car Share Australia of Council leasing the two car parking bays as being a better option.

Carried.

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

At this stage and at 7.20 p.m., Councillor Fowler left the Council Meeting and returned at 7.22 p.m. whilst this matter was still being discussed.

5.

STREETS – ROADWORKS – ERSKINEVILLE ROAD – ASPHALTING OF ROAD AT NIGHT (2028698)

That for the reasons set out in the report by the Director of City Works dated 27 May 2003, Council endorse the carrying out of the upcoming road asphalt works in Erskineville Road between Angel Street and Prospect Street at night-time.

Carried.

6.

LICENSING – ERSKINEVILLE ROAD, NOS. 35 – 37, ERSKINEVILLE – PROPOSED FOOTWAY LICENCE (NEW) (2028069)

That arising from consideration of a report by the Director of City Environment dated 27 May 2003, approval be given to:-

- (a) the granting of a licence to Michael Slavin over the footway of Erskineville Road adjacent to the Imperial Hotel at Nos. 35-37 Erskineville Road, Erskineville, as shown on Plan No S4-130/886A accompanying the beforementioned report:-

- Licence area: 10.9 square metres 3 Tables 9 Chairs;
- Hours of operation: 1.00pm – 8.00pm 7 days per week;
- Period of the licence: 5 years under Part 9 Division 1 of the Roads Act 1993;
- Rental: Weekly per square metre (payable monthly in advance) set by the annual scale of fees and charges adopted by Council;
- Subject to the conditions in the schedule accompanying the beforementioned report.

(b) the licence in (a) above will:-

- not commence operation until the licence fee bond and public risk insurance are provided, the licensee has executed the licence agreement and written permission is issued to occupy the site;
- lapse in 12 months from the date of Council's approval if the applicant has failed to provide the licence fee bond and public risk insurance or failed to execute the licence;
- require the licensee to pay Council's legal costs and disbursements incidental in the preparation, execution and stamping of the licence agreement;
- require that any rent that falls due as a result of commencing the footway licence is paid by the due date.
- terminate if entertainment is provided on the premises.

(c) the execution of all-relevant documents and plans by Council's Attorney.

Carried.

7.

PUBLIC RELATIONS – THE RUGBY WORLD CUP 2003 - SUPPORT - PREMIER'S DEPARTMENT – WAIVING OF BANNER HIRING FEES (2004473)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Bush:-

That Council:-

- (1) waive the banner hire fees and one-off establishment fee to the value of \$45,800 for 95 banner poles throughout the South Sydney Council area from 26 September – 24 November, 2003 as part of South Sydney City Council's contribution to the Rugby World Cup, 2003;
- (2) should the circumstances of this request change and sponsors are secured for the Rugby World Cup banner program, then Council's contribution, in the form of waiver of banner hire fees, will be withdrawn and a new arrangement will need to be negotiated.

At the request of Councillor Mallard a show of hands was requested.

Motion negatived on the show of hands 5 votes to 4.

It was moved by Councillor Mallard, seconded by Councillor Fowler, that the following new resolution be approved, namely:-

That the Premier's Department of New South Wales, Major Venues and Rugby World Cup Co-ordination Unit, be advised that their application for the waiving of the hiring fees for the use of the banner poles during the Rugby World Cup, be refused and that a charge of half the commercial rate will be charged for the use of the 95 banner poles during the Rugby World Cup event for the period 26 September to 24 November 2003.

Carried.

8.

STREETS – STIRLING STREET, NO. 1 – 7, REDFERN – STREET ENCROACHMENT BY NEWLY ERECTED BUILDING AND PROPOSED LEASE UNDER THE ROADS ACT (U01-00182)

That for the reasons set out in the report by the Director of City Environment dated 27 May 2003, Council approve the proposed lease for five years subject to the following, namely:-

- (a) payment of the lease costs equivalent to 20 years of lease costs up front which will be non refundable;
- (b) payment of a \$30,000 bond, which will enable the release of the Strata Subdivision Plan;
- (c) release of the bond occurring once the lease agreement has been signed and any rental associated with that lease being paid;

- (d) payment by the applicant of administration, advertising and legal costs associated with the lease preparation.

Carried.

9.

RATES – NON-RATEABILITY OF LANDS WITHIN THE BOUNDARIES OF SOUTH SYDNEY CITY COUNCIL (R01-00314)

That arising from consideration of a report by the Chief Financial Officer dated 30 May 2003, land as detailed in Attachment 1 accompanying the beforementioned report, be determined as non-rateable and approval be given to the appropriate amendments to the Rate Book.

At the request of the Mayor, 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 the matter of Non-Rateability of these properties be deferred until further information has been received from the Aboriginal Housing Corporation.

Motion, as amended by consent, carried.

10.

DONATIONS – APPLICATION FOR FREE USE OF PADDINGTON TOWN HALL – FOR THE GAY AND LESBIAN RIGHTS LOBBY (P56-00416)

This matter was submitted to Council without recommendation.

Moved by the Mayor, seconded by Councillor Furness:-

That Council:-

- (1) refuse the request for the free use of the Paddington Town Hall on Thursday, 3 July, 2003, by the Gay and Lesbian Right Lobby;
- (2) offer the Gay and Lesbian Rights Lobby the free use of Redfern Town Hall. Should the Gay and Lesbian Rights Lobby accept Council's offer to use Redfern Town Hall, Council will be advised of the date and relevant fees involved."

Carried.

11.

PROPERTIES - DOUGLAS STREET, NOS. 36 – 38, REDFERN – VACANT LAND - PROPOSED PURCHASE FROM THE CENTRAL SYDNEY AREA HEALTH SERVICE (CSAHS) (2023037)

That for the reasons set out in the report by the Director of Corporate Services dated 4 June 2003, Council amend the resolution of Council of 11 September 2002 to read as follows, namely:-

That approval be given for:-

- 1(a) the purchase of land at Nos. 36-38, being Lot 1 DP 814301, Douglas Street, Redfern from the NSW Department of Health for use as Open Space for \$500,000 (exclusive of GST component) of which funds are available within the Section 94 Contributions Fund for the acquisition of land;
- 1(b) the land to be classified as “Operational” land and be used as “Park”.

Carried.

12.

ADMINISTRATION – INVESTMENT PROPERTIES – AUDIT AND EXAMINATION - DIRECTOR GENERAL DEPARTMENT OF LOCAL GOVERNMENT

That arising from consideration of a report by the General Manager dated 4 June 2003, Council:-

- (1) the report be received and noted;
- (2) reaffirm its earlier position to retain the services of Adam Seton, Ernst and Young and any other specialist assistance they may require from time to time, pursuant to Section 55(3) of the Local Government Act 1993, as a satisfactory result would not be achieved by inviting tenders.

Carried.

The Finance Committee Meeting terminated at 7.51 p.m.

REPORT OF THE FINANCE COMMITTEE (CONFIDENTIAL MATTER)**WEDNESDAY 4 JUNE 2003 AT 7.52 PM****PRESENT****The Mayor, Councillor Tony Pooley (Chairperson)****Councillors – John Bush, Christine Harcourt, and Shayne Mallard**

At the commencement of business at 7.52 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 this Item is Press and Public excluded is in accordance with Section 10A(2)(a) of the Local Government Act, 1993, which states “personnel matters concerning particular individuals”.

1.

**PERSONNEL – ORGANISATIONAL RESTRUCTURE AND CHANGE PLAN
– POST CHANGE IN SSCC BOUNDARIES (2009377)**

That the recommendation as contained in the report by the General Manager dated 30 May 2003, be approved and adopted.

The Finance Committee (Confidential Matter) Meeting terminated at 7.55 pm.

Committee of the Whole – Council Meeting

At this stage and at 7.37 p.m., it was moved by Councillor Mallard, seconded by Councillor Harcourt:-

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

**PERSONNEL – ORGANISATIONAL RESTRUCTURE AND CHANGE PLAN –
POST CHANGE IN SSCC BOUNDARIES (2009377)**

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

The Mayor and Councillors Fowler, Furness, Harcourt, Lay, Lennon, Mallard
and

NOTE: Councillor Lennon left the Committee of the Whole meeting at 7.40 p.m. and did not return.

At 7.45 p.m. the Council Meeting resumed.

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

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

**PERSONNEL – ORGANISATIONAL RESTRUCTURE AND CHANGE PLAN –
POST CHANGE IN SSCC BOUNDARIES (2009377)**

- (1) That points 1 and 2 in the report by the General Manager dated 30 May 2003, in respect of the Restructure of Council's Departments following the Boundary Changes, be approved and adopted;
- (2) Point 3 in the abovementioned report be deferred for further information;
- (3) That the report by the General Manager dated 11 June 2003 that was circulated to all Councillors prior to the commencement of the Council Meeting, be received and noted.

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

The Council Meeting terminated at 7.46 p.m.

Confirmed at a meeting of South Sydney City Council

held on 2003

CHAIRPERSON

GENERAL MANAGER