

Living City

31 MAY 1999

Meeting No 1291

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.50 pm on 31 May 1999 pursuant to Notice 7/1291 dated 27 May 1999.

INDEX TO MINUTES

| <u>Subject</u> | <u>Page No.</u> |
|---|------------------------|
| 1. Confirmation of Minutes..... | 327 |
| 2. Minutes by the Lord Mayor - | |
| 2A. Retail Support Program..... | 327 |
| 2B. Martin Place Amphitheatre Cultural Facility | 333 |

| <u>Subject</u> | <u>Page No.</u> |
|---|-----------------|
| 3. Memorandum by the General Manager - Staff Matters | 336 |
| 4. Matters for Tabling | 337 |
| Reports of Committees - | |
| 5. Planning Committee - 24 May 1999..... | 338 |
| Reports to Council - | |
| 6. Central Sydney Local Environmental Plan 1996 Draft Amendment No.8 – Urban Form..... | 343 |
| 7. Central Sydney Development Control Plan 1996, Draft Amendment No. 13 - Notification and Advertising/ Development Standards..... | 343 |
| 8. Development Applications: Sublime Nightclub, 244-248 Pitt Street Sydney. | 344 |
| 9. Investments Held by Council as at 31 March 1999..... | 347 |
| 10. Questions - | |
| Questions On Notice | 348 |
| Questions Without Notice..... | 350 |
| 11. Motions..... | 355 |

PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors - Christopher Cotman, Kathryn Greiner, Graham Jahn, The Hon Henry Tsang MLC and Julie Walton.

At the commencement of business at 5.50 pm those present were:-

The Lord Mayor, Councillors Cotman, Greiner, Jahn, Tsang and Walton.

The General Manager, Deputy General Manager, Director City Development, Director City Projects, and Director Legal and Secretariat were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apology

Councillor John McDermott extended his apologies for his inability to attend the meeting of Council as he was in Melbourne on business.

Moved by Councillor Greiner, seconded by Councillor Tsang -

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Walton, seconded by Councillor Tsang -

That the minutes of the Council Meeting of 10 May 1999, as circulated to Councillors, be confirmed.

Carried.

ITEM 2A. RETAIL SUPPORT PROGRAM

FILE NO: S00-8717

DATE: 31/5/99

MINUTE BY THE LORD MAYORTo Council:

As colleagues will be aware, the City's street improvement program is entering its final phases. The City in conjunction with Telstra, Energy Australia and Sydney Water has carried out this work. All these works are generally proceeding according to their programs. By the end of this year all, bar a small proportion, of the works will have been completed and the City will be able to benefit from the improved streetscapes, footpaths and lighting in the year 2000.

It must be remembered that the City's improvement works have been occurring at the same time as record private development and increased traffic flows into the city.

We anticipate significant benefits to Retailers arising from this. Unlike Atlanta and Barcelona, the City of Sydney will have its act together well in advance and not completed days before the Game's opening ceremony.

As I did at the height of the works last year, during the last month or so I have been visiting retailers whose properties adjoin the street improvement works. Essentially these retailers and shopfronts generally fall into three categories:

1. Branches of chain stores or larger enterprises.
2. Destination shops that are affected in a relatively minor way by such works.
3. Retailers who rely heavily on passing trade and are more significantly affected.

As a Council and roads authority, we have both a power and an obligation to do roads and pavement works. Carrying out that work always causes some inconvenience to owners and occupiers of adjoining land. Some retailers claim this extends to loss of revenue while the works are being carried out. The retailers are not entitled to a contribution from the City for loss of revenue, nor on my advice, is any compensation payable in the circumstances. By the same token, the City is not entitled to a percentage of the increase in revenue resulting from the improved street environment.

However, there may be several cases of extreme personal hardship where the consequences of our street improvement works, and the fact that they are being carried out in the context of record private development, together with increased traffic flows into the City, may have contributed to a reduced flow of customers into retailers' shops. In these circumstances, some assistance could be provided. Some property owners are assisting with rent relief during the critical periods of construction; others to date have not done so.

It is important that all property owners assist small independent retailers who are suffering personal hardship, by granting financial assistance to these tenants. Representations have been made in the past and will continue to be made to relevant property owners to this effect.

Also, I have, several weeks ago, met with the Premier and discussed the construction works in the City and he has made representations to the heads of Telstra, Energy Australia, and Sydney Water to expedite their works. Often the works by the utilities are the most time consuming element of the streetscape works. We will continue to make representations to all utilities and other companies to expedite their components of the streetscape works.

On Friday, I met with the Retail Traders Association (as I have done previously) and discussed further the problems and issues arising in the city centre.

As a consequence of that meeting, my own on-the-ground observations and discussions, I propose the following further initiatives to assist city retailers described in the Retail Support Program (Attachment 1).

A component of this program relates to financial assistance to small independent retailers demonstrating severe financial hardship. The guidelines for this are in Attachment 2.

Attached is also a schedule of projects (Attachment 3) indicating when they are likely to be completed. As colleagues will see, quite a number of the key areas will be completed in the next two months, including the Retail Core, Castlereagh Street and Market Street.

I note that an independent panel will be constituted to determine applications, and this panel will have substantial discretion.

Another component of the Program involves increased marketing of the city as a shopping destination as we move towards the completion of the upgrade later this year. The City Marketing program is an ongoing example of our commitment in this area and the "City Open" day in July, which was approved at our last meeting, will have as one of its aims the encouragement of people to visit the city and use its retail facilities. A sum of \$200,000 is to be provided, to augment the City Marketing Budget of \$600,000, for this purpose.

RECOMMENDATION:

That arising out of the Lord Mayoral Minute to the Council Meeting of 31 May, 1999, that the Council resolve as follows;

- A. That Council endorses the Minute by the Lord Mayor and approves the Retail Support Program described in Attachment 1 and Guidelines for Personal Assistance provided in Attachment 2.
- B. That the General Manager exhibits the Retail Support Program as part of the 1999/2000 Corporate Plan and re-submits the Retail Support Program for Council's further consideration at the time the Corporate Plan is re-submitted to Council.
- C. That the General Manager be authorised to take all necessary steps to implement the Program, subject to compliance with legislative requirements.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Jahn -

That arising from consideration of a Minute by the Lord Mayor to Council on 31 May 1999, on Retail Support Program, it be resolved that -

- (A) Council endorse the Minute by the Lord Mayor and approve the Retail Support Program described in Attachment 1 to the subject Minute by the Lord Mayor and Guidelines for Personal Assistance provided in Attachment 2 to the subject Minute by the Lord Mayor;
- (B) the General Manager exhibit the Retail Support Program as part of the 1999/2000 Corporate Plan and re-submit the Retail Support Program for Council's further consideration at the time the Corporate Plan is re-submitted to Council;
- (C) authority be delegated to the General Manager to take all necessary steps to implement the Program, subject to compliance with legislative requirements.

Amendment moved by Councillor Greiner, seconded by Councillor Cotman -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That arising from consideration of a Minute by the Lord Mayor to Council on 31 May 1999, on Retail Support Program, it be resolved that -

- (A) Council recognise the distress caused by the footpath program;
- (B) Council recognise that a civic gesture is necessary to reinstate Council's integrity with its stakeholders;
- (C) Council implement a six months rate relief program to landlords who agree to pass on rent relief to their tenants;
- (D) the General Manager be requested to investigate ways to hasten the footpath project.

The amendment was lost on the following show of hands -

Ayes (2) Councillors Cotman and Greiner

Noes (4) The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

The motion was carried unanimously.

The Retail Support Program and the Guidelines for Applications for Personal Assistance, as referred to in the subject Minute by the Lord Mayor, are as follows -

RETAIL SUPPORT PROGRAM

- 1 Continue to vigorously pursue Utilities (eg Telstra, Energy Australia) to eliminate avoidable delays, and highlight any inaction on their part;
 - 2 Accelerate projects to better schedule where feasible;
 - 3 Continue close consultation with affected retailers on a one to one basis to address their specific problems;
 - 4 Resume and re-focus the On the Go advertising campaign to provide information on streetscape works of direct relevance to retailers and shoppers;
 - 5 Allocate a maximum of \$500,000 for support of small retailers demonstrating severe personal hardship directly attributable to streetscape works, provided that their property owners also provide significant rent or other relief to the applicant retailer;
 - 6 Allocate a further \$200,000 for City promotion and advertising support to inform and encourage shoppers from late July, and re-focus \$600,000 City marketing budget to support this, all such expenditures to be approved by the General Manager only;
 - 7 The City Open Day approved by Council at its last meeting will be focussed so as to assist City retailers.
-

GUIDELINES FOR APPLICATIONS FOR PERSONAL ASSISTANCE

This is a partnership package proposed by the City of Sydney for Council and major property owners to jointly help retailers who are suffering personal financial hardship. The package is available by way of financial support to small independent retailers. The Guidelines for allocating money to this group are set out below.

1. Applications will be assessed and determined by an independent panel comprising Greg Maddock (General Manager) as Chairman, John Gowing (CEO of Gowings), Michael Collins (President of Institute of Valuers) and John Mulally (Senior lawyer with KPMG-Legal).
 2. Financial support is only available to small independent retailers currently suffering severe personal financial hardship associated with a combination of circumstances particularly including the streetworks immediately adjacent to their shops, identified in the Lord Mayor's Minute of 31 May, 1999.
 3. Financial support will only be available in cases where it can be demonstrated to the panel that the retailer has also received appropriate rent or other relief from their lessor or property owner.
 4. Payments are not compensation for loss of trade or revenue. They are to help overcome personal financial hardship. Severe personal hardship must be demonstrated.
 5. Any payments are in the nature of ex-gratia payments and will be made on the clear understanding that they are not compensation for losses, nor, in any way, an admission of liability for costs or losses incurred by the retailers in any way associated with the City street works.
 6. Applicants will be required to present documentation to support their applications and must provide full disclosure, as required by the panel. The panel may establish more detailed criteria which are not inconsistent with these guidelines.
 7. Applications will be invited through newspaper advertisements.
 8. The City will allocate \$500,000 for the Retail Support Program. This amount is a maximum amount and may not be fully committed by the panel in its full discretion.
 9. Any decisions of the panel are final, and not appealable and it is for the panel to decide in its unfettered discretion, whether the criteria are satisfied in a particular case.
-

Extension of Time

During discussion on Item 2A, pursuant to the provisions of Clause 22(3) of the Local Government (Meetings) Regulation 1993, it was -

Moved by Councillor Tsang, seconded by Councillor Walton -

That Councillor Greiner be granted an extension of time of two minutes to speak on this matter.

Carried.

Moved by Councillor Tsang, seconded by Councillor Walton -

That Councillor Cotman be granted an extension of time of two minutes to speak on this matter.

Carried.

Moved by Councillor Jahn, seconded by Councillor Walton -

That the Chairman (the Lord Mayor) be granted an extension of time of four minutes to speak on this matter.

Carried.

Moved by Councillor Walton, seconded by Councillor Jahn -

That the Chairman (the Lord Mayor) be granted a further extension of time of three minutes to speak on this matter.

Carried.

Call to Order

During discussion on this matter the Chairman (the Lord Mayor) called Councillor Greiner to order on three separate occasions for interrupting the meeting.

ITEM 2B. MARTIN PLACE AMPHITHEATRE CULTURAL FACILITY

FILE NO: S00-5022

DATE: 31/05/99

MINUTE BY THE LORD MAYOR**To Council:**

As part of City of Sydney refurbishment at Martin Place, a new Performance Space is to be located on the terrace above the Lloyd Rees Fountain.

A key objective in designing the new performance space is to preserve the open view between Macquarie Street and Pitt Street, as this is central to the design concept of the space.

The new performance space at Martin Place has been designed with a retractable roof. This can be raised or lowered electronically.

To ensure the integrity of the new design and space at Martin Place is maintained, restrictions will be placed on the operations of the Performance Space to control the use of the retractable roof and limit the occasions on which it affects the vista of Martin Place. The retractable roof structure is only to be used for weather protection.

The following conditions will be imposed on use of the Performance Space at Martin Place:

The Performance Space will only be operated:

1. One day per week at lunch times for a maximum of two hours, the exact period to be chosen based on the requirements of the event concerned. Such uses may be part of a regular lunch time entertainment program for city workers and visitors or may be staged by outside organisations.
2. A summer program of entertainment will be developed for a series of Friday evening concerts at Martin Place, between 6pm and 8pm. This will enhance the evening vibrancy and culture of the City, attracting City workers and residents to Martin Place on Friday evenings.
3. It is acknowledged that the amphitheatre at Martin Place has traditionally supported a range of non-Government community activities. It is important that uses that may potentially involve the retractable structure be minimised.
4. Uses not involving the roof structure may be approved by the Manager, Cultural Affairs and Protocol.
5. The roof structure shall only be used for weather protection including wet weather, and protection from severe direct sunlight in the peak of summer. Its use must be strictly limited to preserve the vista of Martin Place.
6. It will be a core duty of the Coordinator of Martin Place, through the Manager of Cultural Affairs and Protocol, to ensure that the spirit and intent of this minute are adhered to.
7. The roof will be erected at the closest possible moment to performance. This must be within one hour prior to performance commencement.

The roof will be lowered within a maximum of one-hour following the performance.

The roof will not be raised for other purposes.

These conditions will be upheld from the date of commencement of operations of the new Performance Space at Martin Place.

RECOMMENDATION

That Council resolve:

- (a) That this be endorsed and approved as Council policy.
- (b) That the conditions of use of the new Martin Place Performance Space as outlined above be strictly adhered to, and the General Manager be directed to ensure this is the case.
- (c) That exceptions on a limited basis may be allowed with the approval of the Lord Mayor with subsequent advice of such exceptions circulated to Councillors by the Councillors Information Sheet.
- (d) That all staff note that the Council is strongly of the view that the obstruction of the Martin Place central vista must be strictly limited.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That arising from consideration of a Minute by the Lord Mayor to Council on 31 May 1999, on Martin Place Amphitheatre Cultural Facility, it be resolved that -

- (A) the subject Minute by the Lord Mayor be endorsed and approved as Council policy, subject to the addition of the following words at the end of Clause 3 -

“and the same rules apply to those organisations”.

- (B) the conditions of use of the new Martin Place Performance Space, as outlined in the subject Minute by the Lord Mayor, as amended at the meeting of Council, be strictly adhered to, and the General Manager be directed to ensure this is the case;
- (C) exceptions on a limited basis may be allowed with the approval of the Lord Mayor with subsequent advice of such exceptions circulated to Councillors through the Councillors' Information Service;
- (D) all staff note that the Council is strongly of the view that the obstruction of the Martin Place central vista must be strictly limited.

Carried unanimously.

Note - At the conclusion of discussion on this matter the Chairman (the Lord Mayor) asked the Director City Projects to provide a further report to Councillors on the safety aspects of this project.

ITEM 3. STAFF MATTERS

FILE NO: P03-00580

DATE: 27/5/99

MEMORANDUM BY THE GENERAL MANAGERTo Council:

A number of contracts with our Executive staff are coming to a conclusion. Bill Tsakalos was appointed in 1996 and his three-year contract is drawing to a conclusion. After discussions with Bill, it is my intention to renew his contract for a further one (1) year. This will extend Bill's contract to December 2000. I believe Mr Tsakalos has performed well in his role and it is my obligation to consult with Council on employment matters.

The other issue we need to consider in context, is the employment of senior staff and the timelines concerned. The current situation is:-

| | | |
|----------------|------------------------------|-------------------|
| Cliff Haynes | contract completion date ... | 30 April, 2001 |
| Sue Puckeridge | contract completion date ... | 31 December, 2000 |
| Tony McGee | contract completion date ... | 30 April, 2001 |
| John Kass | contract completion date ... | 30 April, 2002 |

We discussed in May 1997, the desirability of maintaining senior staff through the busy and important period ahead. This has been achieved to date after a major changeover in 1996/97 and has been a topic of discussion between senior staff and myself.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 31 May 1999, on Staff Matters, it be resolved that Council offers no opposition to the extension of the employment contract of Mr Tsakalos for a further one year.

(SGD) GREG MADDOCK
General Manager

Moved by the Chairman (the Lord Mayor), seconded by Councillor Tsang -

That arising from consideration of a Memorandum by the General Manager to Council on 31 May 1999, on Staff Matters, it be resolved that Council offers no opposition to the extension of the employment contract of Mr Tsakalos for a further one year.

Carried.

ITEM 4. MATTERS FOR TABLING

There were no annual reports for tabling for this meeting of Council.

At this stage of the meeting -

- (1) the General Manager tabled a report by the Auditor General on an audit of matters raised by Councillor Greiner.

Moved by Councillor Walton, seconded by Councillor Cotman -

That the report by the Auditor General be received and noted.

Carried.

Petitions

- (2) Councillor Jahn tabled a petition, signed by approximately 102 persons, objecting to the introduction of the Central Sydney Local Environmental Plan 1996 Draft Amendment No 8 - Urban Form in the Haymarket area.

Moved by Councillor Jahn, seconded by Councillor Tsang -

That the petition be received and noted and considered later in this Council meeting in conjunction with Item 5.2 on the Report of the Planning Committee of 24 May 1999, namely, Central Sydney Local Environmental Plan 1996 Draft Amendment No 8 - Urban Form.

Carried.

- (3) Councillor Greiner tabled two petitions, one signed by approximately 94 concerned citizens in the City, and the other signed by approximately 457 City retailers, in relation to Council's footpath widening construction program.

Moved by Councillor Cotman, seconded by Councillor Jahn -

That the petitions be received and noted.

Carried.

ITEM 5. REPORT OF THE PLANNING COMMITTEE - 24 MAY 1999

PRESENT

Councillor Graham Jahn
(Chairman)

Councillors Christopher Cotman, Kathryn Greiner, John Emmet McDermott, Henry Tsang and Julie Walton.

At the commencement of business at 6.10 pm those present were -

Councillors Cotman, Greiner, Jahn, McDermott, Tsang and Walton.

Councillor Tsang left the meeting of the Planning Committee at 7.38 pm during discussion on Item 7 and returned at 7.42 pm at the commencement of discussion on Item 2.

Councillor Tsang left the meeting of the Planning Committee at 9.00 pm at the conclusion of discussion on Item 4 and did not return.

Order of Business

The Planning Committee resolved, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt within the following order -

9. Development Applications: Sublime Nightclub, 244-248 Pitt Street Sydney
7. Development Application: DUAP Referral - Bond Stores 5, 6 & 7 and Pottinger Street Terraces, Walsh Bay
2. Central Sydney Local Environmental Plan 1996 Draft Amendment No. 8 - Urban Form
4. Wyldefel Gardens, Potts Point - Request for Eligibility for an Award of Heritage Floor Space
1. Progress Report on Development Applications
3. Central Sydney Development Control Plan 1996 (Amendment No. 4)
5. Shaping our Cities - The NSW Government's Planning Strategy for the Greater Metropolitan Region of Sydney, Newcastle, Wollongong and the Central Coast
6. Central Sydney Development Control Plan 1996, Draft Amendment No. 13 - Notification and Advertising/Development Standards
8. Development Application: Department of Urban Affairs and Planning Referral: Pyrmont Arms Hotel 42-44 Harris Street, Pyrmont

Report of the Committee

Moved by Councillor Jahn, seconded by Councillor Walton -

That the Report of the Planning Committee of its meeting of 24 May 1999 be received, and the recommendations set out below for Items 5.1 to 5.6, inclusive, and Items 5.8 and 5.9 be adopted, with Item 5.7 being dealt with as shown immediately following that Item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

5.1

That arising from consideration of a report by the Manager Development to the Planning Committee on 24 May 1999, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 DRAFT AMENDMENT NO. 8 – URBAN FORM (S006408)

5.2

That consideration of this matter be deferred until the meeting of Council on 31 May 1999.

Carried.

Note - This item was dealt with by Council as Item 6 on the Business Paper.

Note - Mr Hans Hallen, Mr Michael Goldrick and Ms Catherine Chung addressed the meeting of the Planning Committee on this matter.

Note - On behalf of Dr Spencer Wu, a petition objecting to further reduction of the floor space ratio in relation to Area B was tabled at the meeting of the Planning Committee.

Note - At the request of the Planning Committee, a copy of the submission by Mr Hans Hallen was circulated separately to Councillors.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (AMENDMENT NO. 4) (P04-00432)

5.3

That arising from the consideration of a report by the Senior Strategic/Residential Planner to the Planning Committee on 24 May 1998, on Amendment No.4 to Central Sydney Development Control Plan 1996, it be resolved that Council adopt Amendment No.4 to Central Sydney Development Control Plan 1996, as shown in Attachment A to the subject report and as further amended at the meeting of the Planning Committee.

Carried.

WYLDEFEL GARDENS, POTTS POINT - REQUEST FOR ELIGIBILITY FOR AN AWARD OF HERITAGE FLOOR SPACE (S008288)

5.4

That arising from consideration of a report by the Heritage Specialist to the Planning Committee on 24 May 1999, in regard to the request to consider Wyldefel Gardens for eligibility for an award of heritage floor space under section 7.1.1 (a) of Central Sydney Development Control Plan (DCP) 1996, it be resolved that -

- (A) the request to depart from the eligibility criteria in section 7.1.1(a) of Central Sydney DCP 1996 for Wyldefel Gardens at 8a Wylde Street not be supported;
- (B) the applicant be advised accordingly;
- (C) the question of the eligibility of Schedule 1 buildings outside the existing zones be considered as a broader policy issue.

Carried.

Note - Ms Jenny Porter addressed the meeting of the Planning Committee on this matter.

SHAPING OUR CITIES - THE NSW GOVERNMENT'S PLANNING STRATEGY FOR THE GREATER METROPOLITAN REGION OF SYDNEY, NEWCASTLE, WOLLONGONG AND THE CENTRAL COAST (S008207)

5.5

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Committee on 24 May 1999, regarding *Shaping Our Cities*, it be resolved that Council receive and note the report regarding *Shaping Our Cities*.

Carried.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996, DRAFT AMENDMENT NO. 13 - NOTIFICATION AND ADVERTISING/ DEVELOPMENT STANDARDS (S007532)

5.6

That consideration of this matter be deferred until the meeting of Council on 31 May 1999.

Carried.

Note - This item was dealt with by Council as Item 7 on the Business Paper.

DEVELOPMENT APPLICATION: DUAP REFERRAL - BOND STORES 5, 6 & 7 AND POTTINGER STREET TERRACES, WALSH BAY (01999/00020)

5.7

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 24 May 1999, in relation to the Development Application DA 58-03-99 from the Department of Urban Affairs and Planning for the development of Pottinger Street and Bond Stores 5, 6 and 7 made by Walsh Bay Finance Pty Ltd, it be resolved that:

- (A) the report by the Specialist Planner be received and noted;
- (B) a copy of the submission contained at Attachment F to the subject report (as amended at the meeting of the Planning Committee) be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the development application;
- (C) a copy of the recommended conditions contained at Attachment G to the subject report (as amended at the meeting of the Planning Committee) be forwarded to the Department of Urban Affairs and Planning for incorporation into the development consent should the Minister approve the development application.

Amendment. At the request of Councillor Jahn and by consent the motion was amended by the addition in the second line of Clause (C) of the words "and at the meeting of Council" following the words "Planning Committee".

Motion, as amended by consent, carried.

Note - Mr Gavin Carrier and Mr Malcolm Scholl addressed the meeting of the Planning Committee on this matter.

DEVELOPMENT APPLICATION: DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL: PYRMONT ARMS HOTEL 42 – 44 HARRIS STREET, PYRMONT (O1999/00025)

5.8

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 24 May 1999, in relation to the referral from the Department of Urban Affairs and Planning of a Development Application made by Hynes Urban Planners for the site known as the Pyrmont Arms Hotel, 42 - 44 Harris Street, Pyrmont for demolition of the Pyrmont Arms Hotel and construction of a seven storey mixed use development with two levels of basement car parking, it be resolved that the submission at Attachment A to the subject report be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration.

Carried.

DEVELOPMENT APPLICATIONS: SUBLIME NIGHTCLUB, 244-248 PITT STREET SYDNEY. (D1999-00061 & D1999-00060)

5.9

That consideration of this matter be deferred until the meeting of Council on 31 May 1999.

Carried.

Note - This item was dealt with by Council as Item 8 on the Business Paper.

Note - The Director City Development was requested to prepare a revised recommendation incorporating the amendments discussed at the meeting of the Planning Committee.

Note - Mr Peter Thompson, Mr A Rubenstein and Mr Simon Page addressed the meeting of the Planning Committee on this matter.

ITEM 6. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 DRAFT AMENDMENT NO.8 – URBAN FORM (S006408)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Manager Planning Policy to the Planning Committee on 24 May 1999 and to Council on 31 May 1999, on Draft Amendment No.8 to Central Sydney Local Environmental Plan 1996, it be resolved that Council -

- (A) receive and note this report on Draft Amendment No.8 to Central Sydney Local Environmental Plan 1996 and the Central Sydney Planning Committee's deferral of this matter;
- (B) request that further work on the 'Design Excellence' clause and the implications for the heritage floor space market be undertaken;
- (C) in view of the economic impact study contained in the subject report, that Council request the Central Sydney Planning Committee to maintain the status quo for the Haymarket area;
- (D) request that further work be undertaken in considering how the Master Plan design excellence proposals would work in relation to the Government tender processes which require a design tender on sites controlled by the consent authority.

Carried.

ITEM 7. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996, DRAFT AMENDMENT NO. 13 - NOTIFICATION AND ADVERTISING/ DEVELOPMENT STANDARDS (S007532)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Planning Committee on 24 May 1999 and to Council on 31 May 1999, regarding Draft Amendment No. 13 to *Central Sydney Development Control Plan 1996*, it be resolved that Council:

- (A) prepare Draft Amendment No. 13 to *Central Sydney Development Control Plan 1996*, generally in accordance with the proposed draft that is Attachment A to the subject report, subject to an amendment providing for notification, in respect of both commercial and non-commercial development, to known occupiers of adjoining land;
- (B) exhibit Draft Amendment No. 13 to *Central Sydney Development Control Plan 1996*, generally in accordance with the proposed draft that is Attachment A to the subject report;

- (C) authorise the Lord Mayor to make editorial amendments (if required) to Draft Amendment No, 13 to *Central Sydney Development Control Plan 1996*, prior to exhibition; and
- (D) recommend that the Department of Urban Affairs and Planning be requested to prepare a development control plan that includes similar provisions to those in Attachment A to the subject report and to involve Council in this process.

Carried unanimously.

Declaration of Interest

Prior to discussion on Item 8 Councillor Cotman declared that his previous employer, for whom Councillor Cotman still undertakes some advisory work, owns the building which contains the premises, the subject of this application, but is not a party to the application. Councillor Cotman left the Council Chamber at 7.40 pm, and was not present during discussion or voting on this item, returning at 7.55 pm, during Question Time.

ITEM 8. DEVELOPMENT APPLICATIONS: SUBLIME NIGHTCLUB, 244-248 PITT STREET SYDNEY. (D1999-00061 & D1999-00060)

Moved by Councillor Jahn, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Committee on 24 May 1999 and a supplementary report by the Specialist Planner to Council on 31 May 1999, in relation to -

- (A) Development Application D98-00061 made by Vince Squillance and Associates for the basement level of 244-248 Pitt Street Sydney for extension of the trading hours of the existing tavern to allow for 24 hour trading, it be resolved that consent be granted subject to the following conditions: -
 - (1) Development must be in accordance with Development Application No. D/DX/99/00061 dated 1 February 1999 and information dated 23 December 1998 prepared by Vince Squillace and Associates Pty Limited and as amended by the following conditions:
 - (2) The premises may operate 24 hours per day, on Thursday, Friday, Saturday and Sunday, for a period of 1 (one) year from the date of this consent or a change of licensee (which ever comes first). Prior to the lapsing of this consent, the applicant may lodge an application for the continuation of the use between these hours. Consideration of extension of 24-hour operation of the premises will be based on, inter alia, the performance of the tavern operator in relation to compliance with the development consent conditions and Council's policies that may apply, any complaints received and any views expressed by the Police.

- (3) Under awning lighting shall be provided to the entry to the premises to the satisfaction of the Director of City Development prior to the commencement of the 24-hour operation.
- (4) The applicant shall prepare and submit a Security Management Plan which specifies security patrols, surveillance and other security and response methods, security management of the public and private domain within and surrounding the site and adoption by the licensee/operator of the premises of Council's Code of Practice for Licensed Premises and participate in Council's Accord with Licensed Premises. The Plan shall be approved by Council, prior to the issue of a Place of Public Entertainment Approval.
- (5) The use of the premises must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
 - (f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

- (6) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council and that security staff remain on the premises or the immediate vicinity for no less than 30 minutes after the premises have closed. The Management is to employ private security staff to ensure that this condition is complied with.
- (7) Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (8) The removal of recycled bottles and glasses shall only occur between 7.00 a.m. and 8.00 p.m. weekdays and 9.00 a.m. and 5.00 p.m. weekends and public holidays, to avoid noise disruption to the surrounding area.
- (9) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.
- (10) The nightclub proprietor shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises at all times.
- (11) The nightclub proprietor shall provide a system ensuring no pass-outs are provided to patrons within the premises after 12 midnight.
- (12) The nightclub proprietor shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (13) In addition to Council's daily street sweeping and cleansing operations, the nightclub proprietor shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (14) When the maximum licensed numbers for the premises are reached (including staff and patrons) a notice shall be placed on the premises' front door advising that the premises are full and it is not possible for patrons to enter the premises. The security guards/door persons managing entry to the premises shall, when the maximum capacity of the premises is reached, advise all patrons outside the premises that it is full and disperse any residual patrons queuing in Pitt Street.

- (15) The Nightclub proprietor shall constantly monitor any queuing outside the premises and take active steps to alleviate queuing in public places.
- (16) Food shall be available for purchase by patrons of the premises at all times.
- (B) Development Application D98-00060 made by Vince Squillance and Associates for the basement level of 244-248 Pitt Street Sydney for an increase in the capacity of the premises from 400 to 750 people of the existing tavern in conjunction with 24 hour trading, it be resolved that Council concur with the advice provided by the Director City Development and that authority be delegated to the General Manager to determine the application.

Carried.

ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 31 MARCH 1999 (A02-00360)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Walton -

That the report by the Management Accounting Officer to Council on 31 May 1999, on Investments Held by Council as at 31 March 1999, be received and noted.

Carried.

ITEM 10. QUESTIONS ON NOTICE

TRUCK ROUTES (S006648)

1. By Councillor McDermott -

Question

Lord Mayor, I have received a number of complaints from Pymont and Ultimo residents about the heavy use of Allen Street for trucks engaged in construction work.

Has Council reviewed its arrangements as regards truck routes since they were introduced some time ago?

Answer by the Lord Mayor

I have asked the Director City Development to assess whether the truck routes are still appropriate in respect to current construction sites and to take appropriate action.

PUBLIC TRANSPORT IN PYRMONT (S006648)

2. By Councillor McDermott -

Question

Lord Mayor, residents in the Pymont and Ultimo area, especially since the influx of new residents and despite the introduction of Light Rail, complain that public transport servicing Pymont/Ultimo is inadequate.

Is it possible for Council to ascertain what the future plans of State Transit are with regard to introducing improvements?

Answer by the Lord Mayor

When you asked this question previously, Councillor McDermott, I stated in reply that not only was the Light Rail in operation but that further bus services had been introduced and that there is also a ferry stopover. I invited you then to submit any specific concerns to the Director City Development.

PARKING (S006648)

3. By Councillor McDermott -

Question

Lord Mayor, the residents of Pymont are continuing to grapple with the dearth of parking in their area. I am informed that there are number of areas where parking restrictions "come off" at 7 or 8 o'clock at night and casino patrons utilise them to the detriment of residents who arrive home after an outing and have nowhere to park their cars.

There are instances, so I am informed, of this quite close to the Casino whilst there are 24 hour parking restrictions further afield. I am informed that very few if any changes have been made since the move from the old Casino.

Would you undertake to have these arrangements re-surveyed on behalf of the residents?

Answer by the Lord Mayor

It is my understanding that there are 24 hour restrictions in the streets surrounding the casino. If you have specific information about streets in close proximity to the casino where this does not apply, then please make that information available and I will arrange for an examination of any problems.

BOTTLE COLLECTION SERVICES (S006648)

4. By Councillor McDermott -

Question

Lord Mayor, it seems that bottle collection services in the city have a penchant for breaking bottles (as they collect them), possibly for the purpose of taking up less space in their trucks, and that this creates considerable irritation for residents who are attempting to sleep.

Is it not possible for Council to restrict the throwing and smashing of bottles when collection takes place between, say, 9.00pm and 8.00am?

Answer by the Lord Mayor

I have asked the General Manager to address this issue and to ensure that the matter of noise minimisation, by regulating the hours of removal of bottles and glass for recycling, is dealt with in the proposed accord with licensed premises that is being developed.

QUESTIONS WITHOUT NOTICE

RETAIL SUPPORT PROGRAM (S006324)

1. By Councillor Greiner -

Question

Lord Mayor, Council's estimate for revenue this financial year is \$137 million, of which \$83 million is drawn from rates. Why have you only promised a measly \$500,000 compensation for retailers which, in reality, is .06 percent of our rate income revenue?

Answer by the Lord Mayor

Council has not promised any compensation. Council will not promise any compensation. Council is not liable for any compensation.

The retail support program involves a total expenditure of about \$800,000. It was a non-budgeted item and it comes out of savings this year. I think that the number of retailers who may qualify for an allocation for personal hardship will be significant. The matter has been fully debated and I do not propose to re-answer questions on this tonight.

HAILSTORM RELIEF FUND (S006321)

2. By Councillor Tsang -

Question

Lord Mayor, at the last Council meeting it was agreed to donate \$50,000 towards the Hailstorm Relief Fund. I have also asked for Council's recognition of the volunteers.

- (i) Can you advise if the City has been able to make any other worthwhile donations to the victims of the April hailstorm?
- (ii) Can you advise if the City has given any formal recognition of the good work done by the Sydney/South Sydney State Emergency Services and the regional and local fire brigades?

Answer by the Lord Mayor

Deputy Lord Mayor, thank you for that question.

I am pleased to report that the City of Sydney Library, which regularly updates its library collection, recently donated 384 second hand children's books to Kensington Public School, which has been affected by hailstorm damage. Further, Council has formally recognised the work of the Emergency Services people and I shall check that the appropriate letter has been sent.

POLICE SITE AT SURRY HILLS (S006323)

3. By Councillor Jahn -

Question

Lord Mayor, may I ask the General Manager, through you, what work, if any, has been done in relation to a study which was agreed to on a number of occasions in relation to the Police site at Surry Hills? I understand that the Police are considering disposing of a portion of the site for urban redevelopment. The study was to look at the potential for public space.

Answer by the Lord Mayor

I am not familiar with where that is up to. General Manager, can you respond?

General Manager

Lord Mayor, I will respond to Councillor Jahn's question in a more formal sense when I am briefed.

Answer by the Lord Mayor (continued)

General Manager, would you report via the Councillors' Information Service where that is up to and what the program is?

GRANITE PAVING (S006324)

4. By Councillor Greiner -

Question

Lord Mayor, are you aware that the granite currently being used for Sydney footpaths has been purchased from Western Australia, shipped to Malaysia to be processed and finally being sent back to Sydney.

Why are we using a supplier from interstate and why is this material being shipped offshore to be processed?

Answer by the Lord Mayor

I don't believe that applies in many cases. I will refer that question to the Director City Projects.

Director City Projects

We have a number of sources for the stone required for projects around the City. It includes bluestone from a quarry in Victoria, black granite that is quarried in South Australia and the Austral verde that is quarried in Western Australia. There are a number of different suppliers of the granites. The basis for the selection was on the desired colour, the quality of the stone and availability.

Where it gets shipped to for cutting is left up to the individual suppliers. It depends on the size of the bulk stone coming out of the quarries and the availability of the right sorts of gang saws to give the required cut sizes. The Austral verde kerbstone is of a particular size and cross section and requires a particular kind of gang saw.

A lot of the stone is cut in Melbourne and processed in Melbourne. Some of it is sent offshore to Malaysia. Some of it, I understand, has been sent to Italy as well. The location for processing relates to the detail and levels of refinement required. For example, we are cladding the base of the Herald Fountain in Alfred Street near George Street and it is a series of curves which are very tightly radiused. It was mined in Australia and sent to Italy for the fine cutting because we do not have the technology in Australia capable of doing it.

PARKING METERS (S006325)

5. By Councillor Cotman -

Question

Lord Mayor, the parking meters in Ultimo are showing an incorrect time, thus not accurately timing those honest citizens who are putting money into the meters.

Could this problem be added to the list of difficulties with meters that are being experienced in the City of Sydney?

Answer by the Lord Mayor

Deputy General Manager, is there a new problem with the parking meters?

Deputy General Manager

I was not aware of this problem, but I will take it on board.

JOHN STREET COMMUNITY CENTRE (S006324)

6. By Councillor Greiner -

Question

Lord Mayor, I understand that there are insufficient resources and activities for senior citizens at the John Street Community Centre. Will you ask Council staff to liaise with the local senior citizens to ensure that facilities at the John Street Community Centre can accommodate their needs?

Some of the residents of Pymont are asking for afternoon tea dances and activities. There are a lot of activities for younger members of the community, but nothing much for the older people. Perhaps we could review some of the programs coming out of this Centre?

Answer by the Lord Mayor

Councillor Greiner, I ask that the Director Living City Services personally take an interest in this and through his officers investigate whether there is a deficiency in services to older people.

JAMES WATKINSON RESERVE (S006324)

7. By Councillor Greiner -

Question

Lord Mayor, would you investigate the possibility of installing a barbecue in the James Watkinson Reserve for use by the residents of Pymont Point?

Answer by the Lord Mayor

My understanding was that the Watkinson Reserve barbecue was happening anyway. At the moment, they are debating the slide. When the slide is resolved, the barbecue will be considered.

My Senior Adviser will consult with the residents of Ways Terrace.

PETITIONS (S006323)

8. By Councillor Jahn -

Question

Lord Mayor, in the petition which was tabled tonight from city retailers, are you aware that there are many duplications of the same business throughout the petition, that the same names appear beside the businesses on a number of occasions and that, by my accounting, there is nowhere near 550 retailers represented here?

Answer by the Lord Mayor

My advice is that there were only 400. I am aware that some of the people who signed that petition are very genuine in terms of our consideration earlier tonight. I am also aware that there were probably a lot of duplications and some not so relevant in terms of what Council is trying to do. It is a democracy and all sorts of people want to sign these petitions, but that will be taken into consideration by our independent panel.

PETITIONS (S006325)

9. By Councillor Cotman -

Question

Lord Mayor, will you ensure in future that petitions put to Council are considered in a rational manner and not disparaged in debate?

Answer by the Lord Mayor

Councillor Cotman, I have always considered that all petitions should be considered very fairly, comprehensively and in a rational manner. I do not believe that, assuming you are referring to the previous question, the petitioners have in any way been disparaged.

In my answer I indicated that there were obviously a number of very genuine signatories who are relevant to our consideration tonight and, finally, the General Manager and his committee will consider the petition very carefully, as they are duty bound to do.

ITEM 11. NOTICES OF MOTION**STATE CHAMBER OF COMMERCE (S006655)**

1. Moved by Councillor Greiner, seconded by Councillor Cotman -

That in view of the unilateral decision made by the Lord Mayor to resign the Council membership from the State Chamber of Commerce, Council expresses the view that it wishes to be a member and directs the General Manager to make appropriate arrangements to rejoin this peak body.

Amendment moved by Councillor Walton, seconded by Councillor Jahn -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That Council endorse the decision to let lapse the City's membership of the State Chamber of Commerce and note that the decision was consistent with the Council's previous unanimous decision on 9 June 1992 not to seek membership of BOMA, now known as the Property Council of Australia, for the following reasons, namely -

- (A) the State Chamber of Commerce is an industry association and Council is not part of that industry - it is a level of Government;
- (B) the State Chamber's role involves lobbying all levels of Government to exercise their decision making powers to the benefit of the Chamber's members;
- (C) as a level of Government, Council has a responsibility to represent the whole of the city community, balancing the interests and views of different sectional groups so as to make decisions in the overall public interest;
- (D) membership of the State Chamber might lessen public confidence in the impartiality of the Council's decision making;
- (E) the State Chamber can and does take positions which run counter to the interests and policies of the City and its wider constituency, eg, it opposed the Section 61 levy and opposed the amendments to the City of Sydney Act relating to equitable voting rights.

The amendment was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (2) - Councillors Cotman and Greiner

The substantive motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (2) - Councillors Cotman and Greiner

Substantive motion carried.

Call to Order

During discussion on Notice of Motion No 1, Councillor Walton raised a point of order in that Councillor Greiner, in commenting that the Chairman's (the Lord Mayor's) actions were "dissembling", had committed an act of disorder.

The Chairman (the Lord Mayor) upheld the point of order and, pursuant to Clause 25(2)(c) of the Local Government (Meetings) Regulation 1993, required Councillor Greiner to withdraw and apologise for her remark.

Councillor Greiner withdrew and apologised.

RATES (S006655)

2. Moved by Councillor Greiner, seconded by Councillor Cotman -

That in recognition of the substantial losses of revenue suffered by the retailers as a result of the street widening program, I call again on the Lord Mayor to accept responsibility for his role in their loss of income and request the General Manager to grant all retailers directly affected by the street widening program six months' rate relief to landlords, to be passed on to retailers for the same six months' as rent relief.

Amendment moved by the Chairman (the Lord Mayor), seconded by Councillor Walton -

That the motion be amended by the deletion of the entire motion and the substitution of the following new motion -

That it be noted that the matter of retail support initiatives has been comprehensively dealt with at an earlier stage of the meeting and that the proposal, as outlined in Councillor Greiner's motion, is not feasible.

The amendment was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (2) - Councillors Cotman and Greiner

The substantive motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Jahn, Tsang and Walton

Noes (2) - Councillors Cotman and Greiner

Substantive motion carried.

COMMUNITY OUTREACH STRATEGY (S006652)

3. Notice of Motion by Councillor Walton -

That Council, as an extension to the valuable work of its Homeless Persons Information Centre:

- (i) plan and implement a Community Outreach Strategy to ensure that both homeless people and members of the public are aware of the services available for homeless people, and to assist homeless people to access those services;
- (ii) authorise the establishment of a Community Outreach Team as part of the Strategy;
- (iii) seek assistance from the Department of Community Services to obtain funds for the purchase of a van to enable the Community Outreach Team workers to access homeless people on the streets, and, where necessary to transport them to appropriate services such as psychiatric, accommodation, medical, and drug and alcohol services;
- (iv) as part of the Community Outreach Strategy, develop a system whereby members of the public can make a financial contribution to agencies assisting the homeless, and in return, receive a supply of information and assistance cards which they can hand to persons requesting money on the street.

Note - During discussion on this matter the content of the original Notice of Motion was varied. It was subsequently -

Moved by Councillor Walton, seconded by Councillor Greiner -

That Council, as an extension to the valuable work of its Homeless Persons Information Centre:

- (i) plan and implement a Community Outreach Strategy to ensure that both homeless people and members of the public are aware of the services available for homeless people, and to assist homeless people to access those services;
- (ii) authorise the establishment of a Community Outreach Team as part of the Strategy;

- (iii) as part of the Community Outreach Strategy, request the General Manager to source funds for the purchase of a vehicle to enable the Community Outreach Team workers to access homeless people on the streets, and, where necessary, to transport them to appropriate services such as psychiatric, accommodation, medical, and drug and alcohol services; noting however that duplication of services provided by other bodies, such as Mission Beat, should be avoided;
- (iv) as part of the Community Outreach Strategy, develop a system whereby members of the public can make a financial contribution to agencies assisting the homeless, and in return, receive a supply of information and assistance cards which they can hand to persons requesting money on the street.

Carried unanimously.

At 8.50 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 28 June 1999 at which
meeting the signature herein was subscribed.