



---

**1 MARCH 1999**

**Meeting No 1287**

**MINUTES** of an Extraordinary Meeting of the Council of the City of Sydney held in the Finance Committee Room at the Sydney Town Hall, commencing at 5.35 pm on 1 March 1999 pursuant to Notice 3/1287 dated 25 February 1999.

**INDEX TO MINUTES**

**Subject**

**Page No.**

**Report of Committee -**

- 1. Report of the Special Planning Committee Meeting of 1 March 1999 on Central Sydney Development Control Plan 1996 (Draft Amendment)**

<u>Subject</u>	<u>Page No.</u>
<b>No. 7) - KENS Site.....</b>	<b>86</b>
<b>Memoranda by the General Manager -</b>	
<b>2. Phillip Lane, Sydney Adjoining 155-161 Macquarie Street - Proposed Lease .....</b>	<b>88</b>
<b>3. Look of the City Program - Tender 9903 - Living Colour - Floral Displays Spring 1999 and Summer 2000.....</b>	<b>89</b>

**PRESENT**

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

Councillors - Christopher Cotman, Graham Jahn, John Emmet McDermott, Henry Tsang and Julie Walton.

At the commencement of business at 5.35 pm those present were:-

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

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

**Apology**

Councillor Kathryn Greiner extended her apologies for her inability to attend the Extraordinary Meeting of Council as she was overseas.

Moved by Councillor McDermott, seconded by Councillor Tsang -

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

Carried.

**ITEM 1. REPORT OF THE SPECIAL PLANNING COMMITTEE MEETING OF 1 MARCH 1999 ON CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (DRAFT AMENDMENT NO. 7) - KENS SITE (S003357)**

PRESENT

Councillor Graham Jahn  
(Chairman)

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

At the commencement of business at 4.53 pm those present were:-

Councillors Cotman, Jahn, McDermott and Walton.

Councillor Tsang arrived at the Special Meeting of the Planning Committee at 4.57 pm during discussion on Item 1.

The Special Meeting of the Planning Committee concluded at 5.25 pm.

**Apology**

Councillor Kathryn Greiner extended her apologies for her inability to attend the Special Meeting of the Planning Committee as she was overseas.

Moved by Councillor McDermott, seconded by Councillor Tsang -

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

Carried.

Note - The following persons addressed the Special Meeting of the Planning Committee on this matter -

Mr John Li  
Mr Ian Cady

Report of the Committee

Item 1 was submitted from the Special Meeting of the Planning Committee to the Extraordinary Meeting of Council on 1 March 1999 for determination. The determination of Council is as follows:-

**CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (DRAFT AMENDMENT NO.7) – KENS SITE (S00-3357)**

**1.**

Moved by Councillor Jahn, seconded by Councillor Walton -

That arising from consideration of a report by the Senior Strategic/Residential Planner to a Special Meeting of the Planning Committee on 1 March 1999, and to an Extraordinary Meeting of Council on 1 March 1999, on Draft Amendment No. 7 to Central Sydney Development Control Plan 1996 - 'KENS' site, it be resolved that Council:

- (A) exhibit Draft Amendment No.7 to Central Sydney Development Control Plan 1996 - 'KENS' site, generally in accordance with the document at Attachment A to the subject report and that Development Control Plan 1996 Section 2.12 Design guidelines for significant sites be renumbered;
- (B) authority be delegated to the General Manager to finalise matters relating to Draft Amendment No.7 to Central Sydney Development Control Plan 1996 - 'KENS' site, for the purposes of a public exhibition in accordance with S.72 (Development control plans) of the Environmental Planning and Assessment Act 1979, and Part 3 (Development control plans) of the Environmental Planning and Assessment Regulation, 1994.

Amendment moved by Councillor McDermott, 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 report by the Senior Strategic/Residential Planner to a Special Meeting of the Planning Committee on 1 March 1999, and to an Extraordinary Meeting of Council on 1 March 1999, on Draft Amendment No. 7 to Central Sydney Development Control Plan 1996 - 'KENS' site, it be resolved that Council seek legal advice as to the effect of its contract of sale, and the negotiations which took place, on the current proposal.

During discussion Councillor Tsang foreshadowed that if the amendment moved by Councillor McDermott was lost, he would move an amendment as follows -

That consideration of this matter be deferred to the next meeting of Council.

The amendment moved by Councillor McDermott was lost on the following show of hands -

Ayes (2) - Councillors Cotman and McDermott

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

Councillor Tsang then moved his foreshadowed amendment, seconded by Councillor McDermott.

A show of hands on the amendment moved by Councillor Tsang resulted in an equality of voting as follows -

Ayes (3) - Councillors Cotman, McDermott and Tsang

Noes (3) - The Chairman (the Lord Mayor), Councillors Jahn and Walton

The amendment was declared not carried.

A show of hands on the motion moved by Councillor Jahn resulted in an equality of voting as follows -

Ayes (3) - The Chairman (the Lord Mayor), Councillors Jahn and Walton

Noes (3) - Councillors Cotman, McDermott and Tsang

The Chairman (the Lord Mayor) exercised his casting vote in favour of the motion.

The motion was declared carried.

### **Closed Meeting**

At 5.45 pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

- Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 2 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
- Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 3 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 2 and 3 were then dealt with by Council while the meeting was closed to the public.

**ITEM 2. PHILLIP LANE, SYDNEY ADJOINING 155-161 MACQUARIE STREET - PROPOSED LEASE (S00-7301)**

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

That arising from consideration of a Memorandum by the General Manager to an Extraordinary Meeting of Council on 1 March 1999, on Phillip Lane, Sydney Adjoining 155-161 Macquarie Street - Proposed Lease, it be resolved that -

- (A) the subject Memorandum by the General Manager be received and the contents noted;
- (B) approval be given to the closure of that part of Phillip Lane shown on the plan attached to the subject Memorandum by the General Manager at Attachment B, pursuant to section 34 of the Roads Act 1993;
- (C) subject to (B), approval be given to the lease of the above closure area to Lend Lease Developments Pty Ltd and Ranec Pty Ltd for a term of 99 years from the date of execution of the lease at a once up premium of \$1,500,000.00;
- (D) the execution of all relevant documents by the Council's attorney

Carried unanimously.

Note - The Memorandum by the General Manager on Phillip Lane, Sydney Adjoining 155-161 Macquarie Street - Proposed Lease, was circulated to all Councillors.

**ADDITIONAL MATTER FOR COUNCIL**

FILE NO:

DATE: 1/3/99

**MINUTE BY THE LORD MAYOR**

To Council:

Attached for consideration by Council at its Extraordinary Meeting on 1 March 1999 is a confidential Memorandum by the General Manager on Look of the City Program - Living Colour - Floral Displays Spring 1999 and Summer 2000.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

**ITEM 3. LOOK OF THE CITY PROGRAM - TENDER 9903 - LIVING COLOUR - FLORAL DISPLAYS SPRING 1999 AND SUMMER 2000 (S007113)**

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

That arising from consideration of a Memorandum by the General Manager to an Extraordinary Meeting of Council on 1 March 1999 on LIVING COLOUR Design Installation and Maintenance of Floral Displays Spring 1999 and Summer 2000 - Tender 9903, it be resolved that -

- (A) Council reject all tenders;
- (B) authority be delegated to the General Manager to negotiate a contract package of works to the value of \$1,000,000 with John Patrick Pty Ltd / CityWIDE / Floriana and it be noted that it is not appropriate to readvertise or invite fresh tenders as the current tender has adequately sourced the market and a new tender would be unlikely to yield a different result;
- (C) the design detail of the proposal be further refined, including the location, number and design of planters, and the proposal be submitted to a briefing of Councillors;
- (D) Council's attorney be authorised to execute all contract documentation.

Amendment moved by Councillor McDermott, 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 Memorandum by the General Manager to an Extraordinary Meeting of Council on 1 March 1999 on LIVING COLOUR Design Installation and Maintenance of Floral Displays Spring 1999 and Summer 2000 - Tender 9903, it be resolved that consideration of this matter be deferred to a future meeting of Council to permit further negotiations to take place.

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Cotman and McDermott

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

The 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 McDermott.

Motion carried.

Monday 1 March 1999

90

Note - The Memorandum by the General Manager on Look of the City Program - Tender 9903 - Living Colour - Floral Displays Spring 1999 and Summer 2000, as referred to in the Minute by the Lord Mayor, was circulated to all Councillors.

At 5.55 pm the meeting concluded.

Chairman of a meeting of the Council of the City of Sydney held on 29 March 1999. These minutes were subsequently confirmed on April 1999.