



**18 JANUARY 1999**

**Meeting No 1285**

**MINUTES** of an Extraordinary Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 4.55pm on 18 January 1999 pursuant to Notice 1/1285 dated 14 January 1999.

**INDEX TO MINUTES**

| <b><u>Subject</u></b>   | <b><u>Page No.</u></b> |
|---|------------------------|
| 1. <b>International Travel .....</b>  | <b>3</b>               |
| 2. <b>City Heritage Floorspace Bank .....</b>   | <b>5</b>               |
| 3. <b>Park House, 295-301 Pitt Street Sydney – Owners Consent to Lodge a Development Application.....</b> | <b>7</b>               |

| <u>Subject</u>   | <u>Page No.</u> |
|--|-----------------|
| 4. Termination of Lease to Success Venture Pty Ltd for Footbridge over Day Street, Sydney .....      | 8               |
| 5. Cook and Phillip Centre - Fees and Charges .....  | 8               |
| 6. City of Sydney Sculpture Walk .....   | 12              |
| 7. Report of the Special Meeting of the Planning Committee of 18 January 1999 .....                  | 9               |
| 8. George Street Upgrade Stage 4; Martin Place to Alfred Street, Tender for Construction Works ..... | 13              |
| 9. Ipoh Gardens and Assignment of 1927 Metres of Transferable Floor Space .....                      | 14              |

### **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 4.55pm those present were:-

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

### **Adjournment**

The Extraordinary Meeting of Council adjourned at 4.56pm to enable the Special Meeting of the Planning Committee to conclude.

At the resumption of the Extraordinary Meeting of Council at 5.31pm, those present were -

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

Councillor Tsang arrived at the meeting at 5.34pm during discussion on Item 1.

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

### **Apology**

Councillor Greiner extended her apologies for her inability to attend the meeting as she was overseas.

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

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

Carried.

**ITEM 1. INTERNATIONAL TRAVEL**

FILE NO:

DATE: 15/1/99

**MEMORANDUM BY THE GENERAL MANAGER**To Council:

- (A) The City has commenced planning for the 1999 New Year Celebrations with Spectak Productions. A number of concepts are under consideration for the 1999 New Year Celebrations, including the desirability of a parade of Australian-designed Chinese-made lantern boats.

Although the lanterns for the flotilla will be designed in Australia, the experts in lantern making are the people of Foshan in South China and Hai-Ning in the North. The concept proposes that the Chinese lantern-makers work in Sydney with local artists to create the flotilla over a period of four months.

In order to further develop the concept and assess which group of lantern-makers would be most appropriate to invite to Sydney to manage the construction of the lantern boat flotilla, it has been proposed that a technical member of Spectak productions travel to China, accompanied by the Deputy Lord Mayor and one City of Sydney staff member in February for 6 – 8 days.

Considering that we wish to attract the best of the lantern-makers to Sydney and that we will be seeking that the support of the Chinese government and requesting the Government sponsors the lantern-makers visit to Australia, it is appropriate that the City is represented at meetings in China. The estimated cost is \$15,000 for the two airfares, transfers, accommodation, and expenses.

- (B) The International City Management Association (ICMA) is holding its Annual Conference in Orlando from 26-29 September of this year. The theme is around city management issues in the public domain. The Conference is attended by approximately 3000 delegates from around the world.

I would like to see our Director of Living City Services, Mr Tony McGee, attend the Conference and to also visit Atlanta and New York Cities in relation to major event cleaning and street cleaning prior to our Millennium and Olympic celebrations.

The approximate cost will be \$12,500 and I expect him to be away for 10-12 days. There are sufficient funds in the Budget.

**RECOMMENDATION:**

That arising from consideration of a Memorandum by the General Manager to an Extraordinary Meeting of Council on 18 January 1999, on International Travel, it be resolved that -

- (A) Council approve the travel for the Deputy Lord Mayor and one member of staff to travel to China to further advance the planning for the 1999 New Year Celebrations with the cost of travel being met by Council;
- (B) Council approve the travel of the Director Living City Services to attend the 84th ICMA Conference in Orlando and visit up to two other cities;
- (C) authority be delegated to the General Manager to approve the travel itineraries and expenditure.

(SGD) GREG MADDOCK  
General Manager

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 18 January 1999, on International Travel, it be resolved that -

- (A) Council approve the travel for the Deputy Lord Mayor and one member of staff to travel to China to further advance the planning for the 1999 New Year Celebrations with the cost of travel being met by Council;
- (B) Council approve the travel of the Director Living City Services to attend the 84th International City Management Association Conference in Orlando and visit up to two other cities;
- (C) authority be delegated to the Lord Mayor to approve the travel itineraries and expenditure.

Carried unanimously.

**ITEM 2. CITY HERITAGE FLOORSPACE BANK**

FILE NO: P04-0343

DATE: 15/1/99

**MEMORANDUM BY THE GENERAL MANAGER**To Council:

The transferable heritage floorspace (HFS) system has been in operation since the mid 1970s. It encourages the owners of heritage buildings to conserve and restore those buildings in consideration for an award of heritage floorspace which may then be sold to developers who are able (with consent) to incorporate that floorspace within their development in the city centre.

The price of heritage floorspace is determined by the market and has varied from as little as \$25 per square metre to as much as \$1,862 per square metre. This large variation has two effects. First, when the value of heritage floorspace is low there is little incentive for owners of heritage buildings to participate in the HFS system and therefore the ability of the City to encourage the restoration of heritage items is diminished. Secondly, if the value of heritage floorspace is unreasonably high, new development which requires HFS may be unable to proceed.

Council has previously investigated the possibility of fixing the price of HFS. However, legal advice has indicated that this is not possible.

The matter was discussed at length at the Central Sydney Planning Committee in December in relation to the State Office Block development.

I therefore propose Council establish a City Heritage Floorspace Bank and that Council purchase HFS when the price is at an appropriately low level and sells HFS when it is considered that the market price is unreasonably high in order to mitigate the large variations in the value of HFS.

Currently, the price of HFS is falling from a maximum of \$770 in 1998 to a current value of approximately \$400 m<sup>2</sup>. It would therefore appear to be an opportune time to establish such a bank.

**RECOMMENDATION:**

That arising from consideration of a Memorandum by the General Manager to an Extraordinary Meeting of Council on 18 January 1999, on City Heritage Floorspace Bank, it be resolved that:-

- (A) Council establish a City Heritage Floorspace Bank;
- (B) Council request the General Manager to prepare appropriate administrative procedures for the operation of the Heritage Floorspace Bank;

- (C) Council request the General Manager to seek appropriate advice in relation to establishing a strategy for purchasing and selling heritage floorspace;
- (D) authority be delegated to the General Manager to purchase heritage floorspace for the City Heritage Floorspace Bank at times when he considers that the price of heritage floorspace is appropriately low and to sell HFS from the Bank when he considers that the price is unreasonably high, subject to availability of funds being approved by the Lord Mayor.

(SGD) GREG MADDOCK  
General Manager

Moved by Councillor Jahn, seconded by Councillor Tsang -

That arising from consideration of a Memorandum by the General Manager to an Extraordinary Meeting of Council on 18 January 1999, on City Heritage Floorspace Bank, it be resolved that:-

- (A) Council establish a City Heritage Floorspace Bank, the purpose of which is to provide a stabilising influence on the value and supply of heritage floor space;
- (B) any profits on sale of heritage floor space may only be applied to either -
  - (i) the purchase of heritage floor space, or
  - (ii) bona fide heritage projects or programs;
- (C) Council request the General Manager to seek appropriate advice in relation to establishing a strategy for purchasing and selling heritage floorspace;
- (D) Council request the General Manager to prepare appropriate administrative procedures for the operation of the Heritage Floorspace Bank;
- (E) Council request the General Manager, after obtaining advice pursuant to clause (C) above, to prepare draft procedures for a briefing and discussion with Councillors;
- (F) authority be delegated to the General Manager to purchase heritage floorspace for the City Heritage Floorspace Bank at times when he considers that the price of heritage floorspace is appropriately low and to sell heritage floor space from the Bank when he considers that the price is unreasonably high, subject to availability of funds being approved by the Lord Mayor.

Amendment moved by Councillor Cotman, seconded by Councillor McDermott -

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 18 January 1999, on City Heritage Floorspace Bank, it be resolved that the General Manager prepare a detailed paper on a proposed City Heritage Floor Space Bank and that this be submitted to the Planning Committee and be exhibited prior to consideration by Council.

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.

**ITEM 3. PARK HOUSE, 295-301 PITT STREET SYDNEY – OWNERS  
CONSENT TO LODGE A DEVELOPMENT APPLICATION (L02-  
00598/1)**

Moved by Councillor Jahn, seconded by Councillor Cotman -

That arising from consideration of a report by the Project Manager, Property and Asset Management Unit to an Extraordinary Meeting of Council on 18 January 1999 it be resolved that -

- (A) approval be given to Council consent, as owner, to the lodgement of suitable development applications for the refurbishment of the ground floor facade, disabled access internal fitout of ground floor retail area and signage;
- (B) the applicant be advised that Council's approval as owner for the lodgement of the development applications in no way fetters Council's discretion relating to the assessment or determination of the development applications;
- (C) Council request the General Manager to have staff investigate the quality of the awning to see whether a more attractive awning is warranted and to do so expeditiously so that any final development application determination may deal with this question as well as matters previously lodged.

Carried.

**ITEM 4. TERMINATION OF LEASE TO SUCCESS VENTURE PTY LTD FOR FOOTBRIDGE OVER DAY STREET, SYDNEY (L02-00820)**

Moved by Councillor Walton, seconded by Councillor Cotman -

That arising from consideration of a report by the Senior Property Manager to an Extraordinary Meeting of Council on 18 January 1999 on the Termination of Lease to Success Venture Pty Ltd for a Footbridge over Day Street, Sydney, it be resolved that:

- (A) approval be given to terminate the lease;
- (B) Council's attorney be authorised to execute the Deed of Surrender and Form of Surrender of Lease to finalise the matter.

Carried.

**Declaration of Interest**

Prior to discussion on Item 5, the Chairman (the Lord Mayor) declared an interest in this item, having received advice that it does not constitute a pecuniary interest, in that he is receiving swimming coaching from one of the directors of the company awarded the tender.

**ITEM 5. COOK AND PHILLIP CENTRE - FEES AND CHARGES (S006743)**

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

That arising from consideration of a report by the Senior Project Manager, Service Planning and Policy, to an Extraordinary Meeting of Council on 18 January 1999, on Cook and Phillip Centre - Fees and Charges, it be resolved that -

- (A) Council approve the draft Schedule of Fees and Charges, as shown at Attachment B to the subject report, subject to the following amendments -
  - (i) the cost of annual membership be lowered from \$800 to \$750 and the six monthly membership be lowered from \$450 to \$430;
  - (ii) events that prevent lap swimming not be allowed without the approval of the General Manager;
- (B) authority be delegated to the General Manager to vary fees and charges for the purposes as outlined in paragraph 8 of the subject report, subject to the Lord Mayor being allowed to determine policies in this area and in relation to assignment of the pool to exclusive uses, such as school carnivals, if appropriate.

Carried.

At this stage of the meeting, in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, the Council resolved that the order of business be altered such that Item 7 of the Business Paper be brought forward.

**ITEM 7. REPORT OF THE SPECIAL MEETING OF THE PLANNING COMMITTEE OF 18 JANUARY 1999**

PRESENT

Councillor Graham Jahn  
(Chairman)

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

At the commencement of business at 3.52pm those present were -

Councillors Cotman, Jahn, McDermott, Tsang and Walton.

**Adjournment**

The Special Meeting of the Planning Committee adjourned at 3.53pm to enable a briefing of Councillors to conclude.

At the resumption of the Special Meeting of the Planning Committee at 4.26pm, those present were -

Councillors Cotman, Jahn, McDermott, Tsang and Walton.

**Apology**

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

Moved by Councillor Jahn, seconded by Councillor McDermott -

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

Carried.

**Adjournment**

At 4.54pm the Special Meeting of the Planning Committee adjourned to enable an Extraordinary Meeting of Council to commence.

At the resumption of the Special Meeting of the Planning Committee at 4.57pm, those present were -

Councillors Cotman, Jahn, McDermott, Tsang and Walton.

The Special Meeting of the Planning Committee concluded at 5.08pm.

Report of the Special Meeting of the Planning Committee

Note - The following matter was submitted from the Special Meeting of the Planning Committee to the Extraordinary Meeting of Council on 18 January 1999 for determination.

**DEVELOPMENT APPLICATION: 248-252 GEORGE STREET, SYDNEY: GEORGE PATTERSON HOUSE (D1998/05350)**

Moved by Councillor Jahn, seconded by Councillor Walton -

That arising from consideration of a report by the Specialist Planner to a Special Meeting of the Planning Committee on 18 January 1999, in relation to Development Application D98-05350 made by Crone Associates Pty Ltd for the site at 248-252 George Street, Sydney for the conservation and adaptive re-use of the heritage remains of George Patterson House and the Tanks Stream Building and the construction of a boutique hotel including restaurants, function areas, bars, night clubs, 37 hotel guest rooms and 2 hotel suites, it be resolved that:-

- (A) Authority be delegated to the Lord Mayor, after consultation with the Chairman of the Planning Committee, to determine the application subject to the satisfactory design resolution of the new tower building and the Tank Stream building, including external plant, services and telecommunications, and any consent determining such issues as hours of trading, security and the upgrade of street lighting.
- (B) The applicant be permitted to undertake preliminary construction works on the site prior to the determination of the application subject to the requirement of clause (C) below. Such works shall be limited to the following:
  - (i) construction of hoarding;
  - (ii) site maintenance and clearing excluding demolition and excavation; and
  - (iii) stabilisation the building facades.

The applicant is to submit a report to the General Manager for approval detailing the extent of preliminary site works to be undertaken prior to the commencement of any on-site work.

- (C) The applicant be advised that any application for preliminary site works involving the construction of a hoarding or a facade retention system will be subject to the following requirements:

Application for hoarding and scaffolding in a public place

- (i) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:

- (a) architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoardings (September 1997) and the Interim Policy for Temporary Protective Structures;
- (b) structural hoarding plans in duplicate and a certification prepared and signed by an appropriately qualified practising structural Engineer and repeated for each revision issued to Council;
- (c) evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of works on the site.

Application for retention of facade

- (ii) A separate application is to made to Council for approval of the facade retention/stabilisation system, where the existing facades are to be retained from the public way. Detailed calculations verifying structural stability and a dilapidation survey carried out by a Structural Engineer are to be submitted for Council's approval.
- (D) The applicant is to amend the proposal to comply with the following requirements:
- (i) a second means of egress shall be provided to the tower section (Levels 5 to 9) of the premises as required by Clause D1.12 of the Building Code of Australia to provide adequate egress;
  - (ii) the glazed roof to the garden bar shall be limited to 20% of the roof area and be setback a minimum of three metres from adjoining properties as required by Clause 3.6 of Specification C1.1 of the Building Code of Australia to provide separations and protection to adjoining properties; and
  - (iii) the existing windows to the southern elevation which are located on the common boundary do not comply with provision of natural light for residential portion of building as required under Clause F4.1 of the Building Code of Australia.

OR

An alternative solution is to be submitted to the satisfaction of Council prior to the issue of a construction certificate to address the matters (i)-(iii) above. Any alternative solution should be accompanied by the following information:

- (a) details of the performance requirements that the alternative solution is intended to meet; and
  - (b) details of the assessment methods used to establish compliance with those performance requirements.
- (E) The objectors be notified of the final determination of the application.

Carried.

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

Mr David Brown  
Mr Merrill Barker  
Mr Phillip Winter

Mr Greg Crone  
Mr John Mageros  
Mr Justin Hemmes

**ITEM 6. CITY OF SYDNEY SCULPTURE WALK (L01 - 00148)**

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

That arising from consideration of a report by the Curator Sydney Open Museum to an Extraordinary Meeting of Council on 18 January 1999, on the City of Sydney Sculpture Walk, it be resolved that -

- (A) in respect of the project by Fiona Hall at Site 15, Lawn 62, Council endorse the project;
- (B) in respect of the sculpture by Romauld Hazoume, Council reject the proposal;
- (C) in respect of the artwork by Joseph Kosuth at Site 1, College Street Terrace, Council defer a decision on the matter and request the following -
  - (i) circulation to Councillors of the text, together with explanations of the origins of the text and its relevance to the site;
  - (ii) further work be carried out to assess the appropriateness of stainless steel on the pathway;
  - (iii) further investigation of alternative texts, with options being presented to Council;
- (D) in respect of the artwork by Kimio Tsuchiya at Site 8, Yurong, Council endorse the proposal;
- (E) authority be delegated to the Lord Mayor and the General Manager to approve the commissioning of these projects if funding becomes available;
- (F) authority be delegated to the General Manager to make the appropriate contractual and implementation arrangements with respect to these projects after they are approved for commissioning;
- (G) any funds required for the design development or artists fees associated with these projects be drawn from the Open Museum allocation, if required; and
- (H) in relation to the site at Martin Place, it be noted that -
  - (i) a prototype of the artwork for Martin Place will be presented to Councillors;

- (ii) Council's commitment to the artists and expenditure on the project will be limited to the prototype until Council determines otherwise;
- (iii) the tender documentation for the Martin Place street upgrade works is to request costings with and without artwork.

Carried.

### **Closed Meeting**

At 6.45pm, 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) and (d)(i) of the Local Government Act 1993 to discuss Item 8 on the agenda as this matter comprises 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 and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;
- Section 10A (2)(d)(ii) of the Local Government Act 1993 to discuss Item 9 on the agenda as this matter comprises 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;

and it be 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 8 and 9 were then dealt with by Council while the meeting was closed to the public.

### **ITEM 8. GEORGE STREET UPGRADE STAGE 4; MARTIN PLACE TO ALFRED STREET, TENDER FOR CONSTRUCTION WORKS (D02-01716/1)**

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

That arising from consideration of a report by the Deputy Director, City Projects to an Extraordinary Meeting of Council on 18 January 1999, on George Street Upgrade Stage 4, Tender for Construction Works, it be resolved that:

- (A) endorse the project budget as outlined in Paragraph 20 of the subject report;
- (B) Council accept the lowest tender of Multiplex Constructions Pty Ltd for the Main Tender civil works for the sum of \$10,497,481;

- (C) Council accept the tender of Multiplex Constructions Pty Ltd for the construction of communications infrastructure for the sum of \$1,315,194;
- (D) authority be delegated to the General Manager to authorise the Department of Public Works and Services to contract Multiplex Constructions Pty Ltd to carry out the works.

Carried.

### **Declaration of Interest**

Prior to discussion on Item 9, Councillor McDermott declared an interest in this item in that he is a shareholder of a company which has an interest in a Strata Unit Owners' Corporation which has an interest in transferable heritage floor space.

### **ITEM 9. IPOH GARDENS AND ASSIGNMENT OF 1927 METRES OF TRANSFERABLE FLOOR SPACE (D02-01710/2)**

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

That arising from consideration of a report by the Manager, Property and Assets to an Extraordinary Meeting of Council on 18 January 1999, on Ipoh Gardens and Assignment of 1927 Metres of Transferable Floor Space, it be resolved that:-

- (A) in accordance with clause 23.3 of the Agreement to Lease of the Capitol Theatre dated 3 March 1992, Council consent to the sale to Permanent Trustee Australia Limited of 1927 metres of transferable floor space as set out in the subject report;
- (B) the Deed of Transfer be finalised by Council solicitors and executed by Council;
- (C) authority be delegated to the General Manager to investigate and negotiate the alternative of accepting transferable floor space in lieu of cash (with a commensurate increase in the quantum of sale by Ipoh Gardens in this case) and the general question of changing the contract with Ipoh Gardens to accept our share as transferable floor space, subject in both cases to legal advice that the City is able to receive, buy and sell heritage floor space.

Carried.

Note - Prior to the meeting being closed to the public, Councillor Cotman raised a question as a matter of concern about the intersection of Harrington and Essex Streets being in urgent need of traffic management. The Lord Mayor requested the General Manager to have the matter investigated.

At 6.50pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 15 February 1999 at which  
meeting the signature herein was subscribed.