



4 SEPTEMBER 2000

Meeting No 1314

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.43pm on 4 September 2000 pursuant to Notice 11/1314 dated 31 August 2000.

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PRESENT

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

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.43pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

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

Opening Prayer (S013293)

The Lord Mayor opened the meeting with the following new prayer:

Almighty God,

We thank you for the gift of this remarkable city.

Help us to deal with the needs and aspirations of all its people with compassion and fairness

and to plan its future with wisdom and farsightedness.

Amen.

Note - The prayer formerly used by Council and previous Councils was:

Almighty God

We humbly beseech thee to vouchsafe Thy blessing upon this Council

Direct and prosper our deliberations to the advancement of Thy glory

and the true welfare of the people of our city and Australia.

Amen.

Order of Business

At this stage of the meeting, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that Item 3A of the Business Paper be brought forward and dealt with first.

ITEM 3A. DRAFT FINANCIAL STATEMENTS AND SUMMARY OF RESULTS FOR THE YEAR ENDED 30 JUNE 2000

FILE NO: S013028

DATE: 31/8/00

MEMORANDUM BY THE GENERAL MANAGER

PURPOSE

1. This report presents the draft financial statements for the twelve months ended 30 June 2000 for adoption by Council.

BACKGROUND

2. Council adopted the 1999/00 budget on 28 June 1999.
3. The adopted recurrent income budget for 1999/00 was \$132.6M and the recurrent expenditure budget was \$95.3M.
4. For the year ended 30 June 2000 actual income was \$142.3M and actual expenditure \$110.7M giving an operating result of \$31.6M before capital grants, profit on disposal of assets of \$1.4M and extraordinary items of \$15.9M. When capital grants, the profit on disposal of assets and extraordinary items are taken into account the change in net assets resulting from operations is \$48.9M.
5. Annual operating income and expenditure for the year ended 30 June 2000 is summarised in the following table:

Operating (\$M)	<u>Annual</u>	
	<u>Budget</u>	<u>Actual</u>
Income	132.6	142.3
Expenditure	(95.3)	(93.6)
Operating Surplus	<u>37.3</u>	<u>48.7</u>
<i>Before Depreciation & Financing</i>		
Depreciation	(14.1)	(14.9)
Financing	(2.1)	(2.2)
Operating Surplus	<u>21.1</u>	<u>31.6</u>
<i>Before Capital Grants</i>		
Capital Grants	-	-
Gain/(Loss) on disposal of P&A	-	1.4
Extraordinary Items	(5.0)	15.9
Net Surplus	<u>16.1</u>	<u>48.9</u>
	=====	=====

6. The main movements in the operating result between 1998/99 and 1999/00 were:

Income (\$M):

- Rates	4.7
- Domestic Waste Services	0.5
- Parking Station-Kent St	- 2.5
- Recoverable Works Fees	0.7
- Interest Revenue	-1.7
- External Infrastructure Projects	2.1
- Dev Contribution George St	2.8
- S61 Contribution	-0.7

Expenditure (\$M)

- Employee Costs	1.2
- Workers Compensation	-1.5
- Contracts	-0.4
- Depreciation	3.0
- Legal Expenses	-1.1
- Government Authority Charges	-0.9
- Other Events/Projects Costs	-0.6
- Recital Hall Operations	-0.5

7. Plant & Assets expenditure for 1999/00 is summarised below:

Plant & Assets (\$M)	<u>Annual</u>	
	<u>Budget</u>	<u>Actual</u>
	7.6	7.2

8. Capital Works expenditure for 1999/00 is summarised below:

Capital Works (\$M)	<u>Annual</u>	
	<u>Budget</u>	<u>Actual</u>
	55.1	56.2

9. The General Manager at the Quarter 4 review briefed Council on the 1999/00 Capital Works program and Council has been constantly kept up to date through regular briefings.
10. The draft financial statements submitted for approval are included as Attachment A. Once approved they become final, subject to any material concern, if any, of the auditor that Council may wish to address. Preliminary audit clearance has been obtained on the statements and the final Audit Certificate and Reports will be issued by the Auditor General, to Council, concurrently with Council's approval of these statements, on 4 September 2000.
11. The draft financial statements comprise:

General Purpose Financial Report

- Operating Statement
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows

Special Purpose Financial Report

- Operating Statement of Business Activities Statement of Financial Position of Business Activities.

12. The preparation of a Special Purpose Financial Report was a new requirement in 1998/99 arising from the National Competition Policy.
13. Notes to the accounts give supporting details, and these, together with the above statements fulfil all related statutory financial reporting requirements.
14. The draft financial statements have been prepared to comply with Statements of Accounting Concepts and applicable Australian Accounting Standards (particularly AAS 27 for Local Government), the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, and the Local Government Asset Accounting Manual.

PROPOSAL

15. It is proposed that the attached draft 1999/00 financial report be adopted by Council.

OPTIONS

16. There are no options available.

CRITICAL DATES

17. Under the Local Government Act 1993, unless an extension is granted to a council under section 414 or to the council's auditor under section 416, a council must be audited within 4 months after the end of the year to which they relate. No extension has been sought.

POLICY IMPLICATIONS

18. There are no policy implications.

FINANCIAL IMPLICATIONS/FUNDING CERTIFICATES

19. Council generated a change in assets from operations of \$48.9M for the twelve months ending 30 June 2000.
20. The net operating surplus of \$48.9M for the twelve months ended 30 June 2000 is added to the accumulated equity which, after transfers to and from reserves, amounts to \$283.8M at 30 June 2000.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

21. Not applicable.

CONSULTATION

22. Finalisation of these draft financial reports has involved consultation throughout Council.

RELEVANT LEGISLATION

23. Section 419 (1) of the Local Government Act requires that “as soon as practicable after a council receives a copy of the auditors reports:
- (a) it must fix a date for the meeting which it proposes to present its audited financial reports, together with the auditor’s reports, to the public; and
 - (b) it must give public notice of the date so fixed.”
24. Section 418 (2) of the Local Government Act requires that “The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor’s reports are given to the council.”
25. Section 418 (4) of the Local Government Act requires that “Copies of the council’s audited financial reports, together with the auditor’s reports, must be kept available at the office of the council for inspection by members of the public on and from the date on which public notice of the holding of the meeting is given and until the day after the meeting (or any postponement of the meeting)”.

CONCLUSION

26. The draft financial report for the twelve months ended 30 June 2000 is submitted for approval. It shows a net change in assets from operations for the period of \$48.9M.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to Council on 4 September 2000, on Draft Financial Statements and Summary of Results for the Year Ended 30 June 2000, it be resolved that Council:-

- (A) adopt the Financial Statements for the twelve months ended 30 June 2000;
- (B) authorise the Lord Mayor, the Deputy Lord Mayor, the General Manager and the Finance Manager to sign the General Purpose Financial Report; and
- (C) authorise the Lord Mayor, Deputy Lord Mayor, the General Manager and the Finance Manager to sign the Special Purpose Financial Report.

(SGD) GREG MADDOCK
General Manager

Note - At this stage of the meeting the Council agreed that leave be granted to Mr Bob Sendt, NSW Auditor General, to address the Council on the Draft Financial Statements and Summary of Financial Results for the Year Ended 30 June 2000.

Mr Sendt, as Council's auditor, then briefly addressed Council on the Financial Statements for the Year Ended 30 June 2000.

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

That arising from consideration of a Memorandum by the General Manager to Council on 4 September 2000, on Draft Financial Statements and Summary of Results for the Year Ended 30 June 2000, it be resolved that:-

- (A) Council adopt the Financial Statements for the twelve months ended 30 June 2000, as circulated to Councillors;
- (B) Council authorise the Lord Mayor, the Deputy Lord Mayor, the General Manager and the Finance Manager to sign the General Purpose Financial Report;
- (C) Council authorise the Lord Mayor, Deputy Lord Mayor, the General Manager and the Finance Manager to sign the Special Purpose Financial Report;
- (D) to enable Councillors to perform reasonable due diligence as per responsibilities set out in Section 232 of the Local Government Act 1993, a briefing of Councillors be held with the General Manager, Finance Manager and the Auditor to review the Financial Statements for the twelve months ended 30 June 2000, after the public exhibition period.

Carried unanimously.

Note - Following discussion the Lord Mayor, Councillor Turnbull, the General Manager and the Finance Manager signed the Financial Statements for the City of Sydney for the period ended 30 June 2000.

At the conclusion of Item 3A, the Chairman (the Lord Mayor) thanked the Auditor General, Mr Bob Sendt, and his staff for their efforts and co-operation to ensure the auditing of the Financial Statements prior to the Olympics period.

The Chairman (the Lord Mayor), also thanked the General Manager and his staff for their efforts in assisting in the completion of the audit within the short timeframe, and expressed confidence that a healthy result would be achieved also at the end of the current year and that the City would be debt-free by 2003.

The General Manager thanked the Auditor-General and his officers who had worked very hard to complete the work in the time available, and acknowledged the work of Council staff who had prepared the documentation for audit.

ITEM 1. CONFIRMATION OF MINUTES

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That the minutes of the meeting of Council of 14 August 2000, as circulated to Councillors prior to the Council meeting on 4 September 2000, be confirmed.

Carried.

ITEM 2. UPGRADING OF PRINCE ALFRED PARK

FILE NO: S013157

DATE: 31/8/00

MINUTE BY THE LORD MAYORTo Council:

With the City's expanded residential population, the Council has provided new and improved recreation and community facilities for its residents. The Ultimo Community Centre and King George V Recreation Centre are new facilities. The Pymont Community facility was re-built to better provide for resident needs. In addition, Council has created a new 2.2 hectare Cook & Phillip Park with indoor aquatic and recreation facilities, outdoor basketball court and community rooms and craft room with kitchen and BBQ facilities and linked the park to Cathedral Square on College Street with the Boomerang Walk.

The City will commence construction of Andrew Boy Charlton Pool in mid 2001 based on the design by Ed Lippmann that won the City's architectural competition for this historic pool. As a result of community consultation in the Ultimo/Pymont area the need for a 50 metre swimming pool has been established to cater for the local population's needs. The Council has committed over the next 3-4 years to build the Ultimo Aquatic Centre project.

With a commitment to new aquatic and recreation facilities for its expanding residential population, the future use of the Prince Alfred Park Pool and the facilities contained in Prince Alfred Park require a strategic approach that recognises the needs of residents and visitors, particularly young people. The existing Prince Alfred Park Swimming Pool itself is an outdoor 50m pool constructed in 1954 after the Exhibition Building was demolished and an open air ice rink and swimming pool were provided for active recreation.

The recently completed Allen Report into Existing and Proposed Aquatic Centres in the City of Sydney concluded that Prince Alfred Park Pool be closed or a new/refurbished pool be developed. It identified that the majority of users of the Prince Alfred Park Pool originated from the suburbs of East Sydney, Surry Hills, Darlinghurst, Redfern and Waterloo. In relation to demand the Allen Report concluded that both Prince Alfred Park and Andrew Boy Charlton Pool patronage is heavily dependent on good weather. With the redevelopment of ABC Pool, the report concludes that PA Pool will need a major capital injection if it is to remain open. Any redevelopment should be aligned to provide greater synergies with other sporting/recreational activities that take place in the park.

The Prince Alfred Park Pool is unheated and requires substantial and costly maintenance each year. There has been a decline in use of the pool over the last 3 years in the face of competition from the recently heated and refurbished Victoria Park Pool and the new aquatic centre at Cook and Phillip Park. The pool operated at a substantial deficit in 1999/2000.

Prince Alfred Park also provides six synthetic surface fully illuminated tennis courts managed for the past ten years by Jensen's on behalf of the City. The Coronation Centre is located adjacent to the basketball court and children's play area. This Centre is currently unoccupied but in reasonable repair and has a variety of possible uses, including a café serving park users and those playing tennis and basketball.

It is appropriate and timely to prepare a new Plan of Management for the Prince Alfred Park with an emphasis on active uses. The Allen Report recommends redevelopment of the Park as an integrated recreational precinct including existing community and sporting facilities and new proposals targeting young people.

Specifically, the plan should review the role of the Coronation Centre and recognise the additional two tennis courts currently being planned to be placed adjacent to the existing tennis courts. Council will recall as part of the compensation arrangement with SRA for the loss of some parkland as a direct consequence of the construction of the new Airport rail-link, an additional two tennis courts are now to be provided.

A review of the Park Management Plan provides the opportunity to strategically consider other facilities and services to deliver on priority areas identified in the City's draft Social Plan and related documents such as the Allen Report and the Recreation and Community Services Strategic Blueprint.

In particular, the review should explore ways to cater for the young people who live, work, study and visit our city. Approximately 30% of the city's resident population is aged 12 to 24 years. The largest proportion of young people live in Central or City South. A great deal of information has been collected and integrated into the City's Social Plan that can form the basis for consultation with young people on their recreation, leisure and other support needs. This includes investigating the feasibility of specific youth spaces that may include skateboard/roller blade areas and other recreational and social facilities such as additional basketball courts and a youth cafe.

The removal of the existing pool may present an opportunity to return a substantial amount of the area to parkland. The development of a smaller aquatic facility such as a heated 25m outdoor pool could be incorporated with existing and new tennis and basketball facilities and operated under commercial management in the same way as the current tennis courts are managed. A small amount of car parking should be provided for users to discourage random access and parking within the park. This could be achieved in the vicinity of the Coronation Centre.

In the preparation of the Plan of Management, legal restrictions as a consequence of the Park being Crown Land will need to be explored. Permissible use of the site, particularly as it might relate to parking facilities and the use of facilities for young people, such as a skateboard park, should be considered when preparing of the Plan of Management. I propose that during the process there would be ample opportunity for public consultation.

RECOMMENDATION:

I propose that Council resolve as follows:

- (A) That the plan of management for Prince Alfred Park be reviewed to achieve a consolidation of active uses on the northern edge (including tennis and basketball courts, a skateboard ramp and a 25 metre swimming pool), some limited ancillary car parking, and the restoration and enhancement of the rest of the park for passive uses including the swimming pool site.
- (B) That a draft Plan of Management be submitted to Council by March 2001 for public exhibition and public comment, as well as a current DA for any new works required on the site.
- (C) That upon adoption of the Plan of Management and approval of the DA, Council invite private sector tenders for the construction and management of the sports facilities, (including a skateboard ramp) subject to Council's contribution not exceeding \$2m including the building of a skateboard ramp and restoration of the existing swimming pool site.
- (D) That Council aim to let the tender by the end of 2001.

(SGD) COUNCILLOR FRANK SARTOR
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 4 September 2000 on Upgrading of Prince Alfred Park, it be resolved that -

- (A) the plan of management for Prince Alfred Park be reviewed to achieve a consolidation of active uses on the northern edge (including tennis and basketball courts, a skateboard ramp and a 25 metre swimming pool), some limited ancillary car parking, and the restoration and enhancement of the rest of the park for passive uses including the swimming pool site;

- (B) a draft Plan of Management be submitted to Council by March 2001 for public exhibition and public comment, as well as a current Development Application for any new works required on the site;
- (C) upon adoption of the Plan of Management and approval of the Development Application, Council invite private sector tenders for the construction and management of the sports facilities, (including a skateboard ramp) subject to Council's contribution not exceeding \$2m including the building of a skateboard ramp and restoration of the existing swimming pool site;
- (D) Council aim to let the tender by the end of 2001;
- (E) a briefing be provided for Councillors on the report by the Allen Consulting Group into Existing and Proposed Aquatic Centres in the City of Sydney;
- (F) Council investigate liability and insurance issues with regard to skateboard ramps.

Carried unanimously.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 4/9/00

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its Meeting on 4 September 2000 is a confidential Memorandum by the General Manager on St Peters Tip Issues arising out of ICAC Report.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Note - a copy of the Confidential Memorandum by the General Manager, referred to in the subject Minute by the Lord Mayor, was circulated to all Councillors.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That consideration of this matter be deferred to the end of the meeting and dealt with at "Confidential Items".

Carried.

ITEM 3B. UPDATE ON GOLDSPAR PROCEEDINGS

FILE NO: S008782

DATE: 31/8/00

MEMORANDUM BY THE GENERAL MANAGERTo Council:

Attached is a report from the Acting Director Legal and Secretariat providing an update in relation to proceedings involving Goldspar.

Recommended that this report be received and noted.

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a Memorandum by the General Manager to Council on 4 September 2000 on Update on Goldspar Proceedings, it be resolved that the Memorandum be received and noted.

Carried.

ITEM 3C. OLYMPIC ARRANGEMENTS ACT - AUTHORISATION TO EXERCISE ENFORCEMENT POWERS UNDER PART 7

FILE NO: S012175

DATE: 29/8/00

MEMORANDUM BY THE GENERAL MANAGERTo Council:

On 24 July 2000, in accordance with section 27 of the *Olympic Arrangements Act 2000*, Council resolved to prohibit the sale or distribution of articles during the Games period (2 September 2000 to 29 October 2000 inclusive) on or from any public place within the City's local government area and within 3 kilometres of certain sites (including each of the Olympic Live sites, the marathon and triathlon routes and major transport nodes) without the approval of Council. The areas covered by the resolution are called "Council controlled areas."

It is now necessary to authorise the relevant Council officers to exercise the powers necessary to effectively enforce section 27. In particular, authorised officers will be entitled to direct persons acting in contravention of section 27 to remove the articles from the Council controlled area, to seize articles from a person who fails to comply with such a direction and to issue a penalty notice to a person who has acted in contravention of section 27. These powers are set out in Part 7 of the *Olympic Arrangements Act* and in particular in sections 27 and 29.

Consistent with the existing delegations concerning issues of law enforcement, it is proposed that authority to exercise the powers contained in Part 7 be delegated to:

1. General Manager;
2. Director, Living City Services;
3. Group Manager of City Care;
4. Manager, City Services, Regulatory & Compliance;
5. Manager, Law Enforcement, Parking Enforcement and Security;
6. Area Co-ordinator, City Care;
7. Area Co-ordinator, Law Enforcement/Parking; and
8. all officers employed as City Care officers in the area of law enforcement.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to the meeting of Council on 4 September 2000 on the Olympic Arrangements Act – Authorisation to Exercise Enforcement Powers Under Part 7, it be resolved that Council delegate authority to exercise the powers conferred by Part 7 of the *Olympic Arrangements Act 2000* to the following officers of Council:

General Manager
Director, Living City Services
Group Manager, City Care
Manager, City Services, Regulatory & Compliance
Manager, Law Enforcement, Parking Enforcement & Security
Area Co-ordinator, City Care
Area Co-ordinator, Law Enforcement/Parking
City Care Specialist – Law Enforcement
City Care Officer – Law Enforcement

(SGD) GREG MADDOCK
General Manager

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That arising from consideration of a Memorandum by the General Manager to Council on 4 September 2000, on Olympic Arrangements Act - Authorisation to Exercise Enforcement Powers under Part 7, it be resolved that Council delegate authority to exercise the powers conferred by Part 7 of the *Olympic Arrangements Act 2000* to the following officers of Council:

General Manager
Director, Living City Services
Group Manager, City Care
Manager, City Services, Regulatory & Compliance
Manager, Law Enforcement, Parking Enforcement & Security
Area Co-ordinator, City Care
Area Co-ordinator, Law Enforcement/Parking
City Care Specialist – Law Enforcement
City Care Officer – Law Enforcement

Carried.

ITEM 4. MATTERS FOR TABLING

Moved by Councillor Turnbull, seconded by Councillor Farr-Jones -

That the Disclosure of Pecuniary Interests returns be received and noted.

Carried.

ITEM 5. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 28 AUGUST 2000

FILE NO:

DATE: 29/8/00

PRESENT

Councillor Fabian Marsden
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 6.03 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.14 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 28 August 2000 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following -

RETAIL ADVISORY COMMITTEE (S012209)

5.1

That arising from consideration of a report by the Chief Clerk Secretariat to the Community Services, Small Business and Tourism Committee on 28 August 2000, on Retail Advisory Committee, it be resolved that the minutes of the meeting of the Retail Advisory Committee held on 18 July 2000, as shown at Attachment A to the subject report, be received and noted.

Carried.

IMROC GENERAL MEETING (S006921)**5.2**

That arising from consideration of a report by the Deputy General Manager to the Community Services, Small Business and Tourism Committee on 28 August 2000, on Inner Metropolitan Regional Organisation of Councils (IMROC) General Meeting, it be resolved that the precis of the IMROC General Meeting held on 16 August 2000, as shown as Attachment A to the subject report, be received and noted.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 28 AUGUST 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 6.15 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

Order of Business

The Planning Development and Transport Committee resolved, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

4. Central Sydney Development Control Plan 1996 - Draft Amendment on Design Excellence and Competitive Processes - Report on Submissions
5. Status Report - Development Application: Phillip Lane, Sydney
6. Development Application: 387 George Street, Sydney
7. Development Application: 589-593 George Street, Sydney (Sunlord)
8. Department of Urban Affairs and Planning Referral: Development Application - 171-193 Gloucester Street, The Rocks
3. Draft Amendment No. 11 to Central Sydney Development Control Plan 1996 (Section 8 - Signage)
1. Progress Report on Development Applications
2. Access Committee

The meeting of the Planning Development and Transport Committee concluded at 8.00 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 28 August 2000 be received, and the recommendations set out below for Items 6.1 to 6.4 inclusive, and Item 6.6 be adopted, with Items 6.5 and 6.7 being noted and Item 6.8 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)

6.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 28 August 2000, in relation to Progress on Development Applications, it be resolved that the report be received and noted.

Carried.

ACCESS COMMITTEE

6.2

That arising from consideration of a report by the Chief Clerk Secretariat to the Planning Development and Transport Committee on 28 August 2000, on Access Committee, it be resolved that the minutes of the meeting of the Access Committee held on 13 June 2000, as shown at Attachment A to the subject report, be received and noted.

Carried.

DRAFT AMENDMENT NO. 11 TO CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (SECTION 8 – SIGNAGE) (S013058)

6.3

That consideration of this matter be deferred to the meeting of Council on 4 September 2000.

Carried.

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

Note - Mr Graham Jahn addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT ON DESIGN EXCELLENCE AND COMPETITIVE PROCESSES - REPORT ON SUBMISSIONS (S009696)

6.4

That consideration of this matter be deferred to the meeting of Council on 4 September 2000.

Carried.

Note - This matter was dealt with by Council as Item 9 on the Business Paper.

Note - Mr John Richardson, Mr Greg Crone and Mr Graham Jahn addressed the meeting of the Planning Development and Transport Committee on Item 6.4.

PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Items 6.5 and 6.7 were determined by the Planning Development and Transport Committee under delegated authority.

Carried.

The subject matter of Item 6.6 was listed separately on the Business Paper for Council's consideration.

STATUS REPORT - DEVELOPMENT APPLICATION: PHILLIP LANE, SYDNEY (D2000/00428)

6.5

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a Status Report by the Specialist Planner to the Planning Development and Transport Committee on 28 August 2000 in relation to Development Application D2000/00428 made by Lend Lease Development Pty Ltd for upgrading work to Phillip Lane, Sydney, it be resolved that:-

- (A) the Status Report be received and noted;
- (B) consideration of the subject development application be deferred to a future meeting of the Planning Development and Transport Committee, to enable the applicant to submit the final scope and cost of works to enable a full and proper assessment of the proposal, and to enable the objectors to the proposal to address the Committee; and

- (C) the applicant be requested to submit the revised scope and cost of the works, and owner's consent for the external lighting, within 21 days of this resolution.

Carried.

Note - Mr Terry Daly addressed the meeting of the Planning Development and Transport Committee on Item 6.5.

Note - The Planning Development and Transport Committee noted that Mr Daly had forwarded correspondence on this matter to the members of the Planning Development and Transport Committee and to the Director City Development, for consideration.

DEVELOPMENT APPLICATION: 387 GEORGE STREET, SYDNEY (D2000/00264)

6.6

That consideration of this matter be deferred to the meeting of Council on 4 September 2000.

Note - This matter was dealt with by Council as Item 10 on the Business Paper.

Note - Mr Peter Georges and Mr Peter Shepherd addressed the meeting of the Planning Development and Transport Committee on this matter.

Note - The Planning Development and Transport Committee requested that a site inspection of the subject site be undertaken prior to the meeting of Council on 4 September 2000.

DEVELOPMENT APPLICATION: 589-593 GEORGE STREET, SYDNEY (SUNLORD) (D2000/00393)

6.7

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 28 August 2000 in relation to Development Application No. 2000/00393 made by Starray Pty Ltd for the site at 589-593 George Street Sydney, for change of use of an approved tenant car park (see Development Application 1999/00423) to a public car park, it be resolved that the application be refused for the following reasons: -

- (1) The proposed development is not an acceptable development in the City Centre zone of Central Sydney Local Environmental Plan 1996, in particular the proposal does not comply with the following stated objectives of that Plan -

- (a) Clause 11(e) to encourage the orderly development of land and resources within Central Sydney;
 - (b) Clause 12(f) the protection and enhancement of the quality and amenity of public areas of Central Sydney - the parks, places, streets and lanes;
 - (c) Clause 12(j) the development of Central Sydney with regard to the principles of ecologically sustainable development;
 - (d) Clause 12(l) the maximisation of use of public transport, walking and cycling for trips to, from and within Central Sydney;
 - (e) Clause (m) the provision of a high quality pedestrian environment.
- (2) The proposed car park is not acceptable in respect to the Design Excellence requirements of Central Sydney Local Environmental Plan 1996 under clause 28D, as the proposed car park has not been specifically designed for use as a short-stay, public car park.
- (3) The proposal is not a permissible use under clause 48A, Central Sydney Local Environmental Plan 1996 in respect to the following criteria:-
- (a) the existing public car park is not retained within the approved building (see DA No. 1999/00423) to be amended by the subject proposal and therefore the proposal is not permissible under clause 48A(4);
 - (b) the proposal is not acceptable in respect to the criteria of clause 48(6), in particular the following objectives of that clause:-
 - (i) clause 48A(6)(a) does not prejudice attaining the objectives of this part [Part 6 Car Parking controls of CSLEP 1996];
 - (ii) clause 48A(b) does not encourage commuter car parking nor reduce the proportion of public transport users travelling to the city each day;
 - (iii) clause 48A(6)(g) is not likely to cause or increase adverse pedestrian impacts or local or citywide vehicular traffic impacts;
 - (iv) clause 48A(6)(h) in the opinion of the consent authority is likely to cause or contribute to an unacceptable level of vehicle saturation of intersections in the vicinity or an unacceptable reduction of environmental capacity of roads in the vicinity of the public car park.
- (4) The shared nature of the approved basement level car park, between tenant and public car parking, makes this space unsuitable for a short-stay, public car park given the requirements of clause 5.2 Central Sydney Local Environmental Plan 1996.
- (5) The proposal would adversely impact on the heritage significance of Douglass Lane and part of Eagar Street (within the laneway system behind the subject site) which is a schedule 3 Townscape Item and Heritage Streetscape under Central Sydney Heritage Local Environmental Plan 2000.

- (6) The proposal does not comply with Central Sydney Development Control Plan 1996, in particular with the following provisions –
- (a) Lanes (CI 3.1);
 - (b) Midblock connections (CI 3.2);
 - (c) Design & location of on-site parking (CI 5.1);
 - (d) Disabled car parking (CI 5.3).
- (7) The proposal is not acceptable in respect to The City of Sydney Policy for the Management of Laneways in Central Sydney dated October 1993.
- (8) The proposal adversely impacts on the pedestrian amenity of Eagar Street, Douglass Lane and Eagar Lane, as it would promote greater vehicular use of this place and conflicts between vehicles and pedestrians.
- (9) The proposal is not considered to be in the public interest.

Carried.

PART “A” (CONTINUED) - DETERMINED BY COUNCIL

**DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:
DEVELOPMENT APPLICATION - 171-193 GLOUCESTER STREET, THE
ROCKS (O2000/00050)**

6.8

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 28 August 2000, in relation to the referral from the Department of Urban Affairs and Planning of a Development Application from Sydney Harbour Foreshore Authority for 171-193 Gloucester Street, The Rocks, it be resolved that -

- (A) the submission at Attachment A to the subject report be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration, subject to being amended to support a tower form subject to it being limited in scale to comply with the (former) Sydney Cove Authority development brief;
- (B) authority be delegated to the Chair of the Planning Development and Transport Committee to approve the amended submission prior to it being forwarded to the Department of Urban Affairs and Planning.

Amendment. At the request of Councillor Turnbull, and by consent, the motion was amended by deletion of the entire motion and substitution of the following new motion:

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 28 August 2000, in relation to the referral from the Department of Urban Affairs and Planning of a Development Application from Sydney Harbour Foreshore Authority for 171-193 Gloucester Street, The Rocks, it be resolved that the Revised Draft Submission to the Department of Urban Affairs and Planning (incorporating amendments requested by the Planning Development and Transport Committee at its meeting on 28 August 2000), as circulated to Councillors prior to the Council meeting, be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration.

Motion, as amended by consent, carried.

ITEM 7. REPORT OF THE SPECIAL MEETING OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 4 SEPTEMBER 2000

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho and Fabian Marsden.

At the commencement of business at 4.20 pm those present were -

Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The Special Meeting of the Planning Development and Transport Committee concluded at 4.45 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Special Meeting of the Planning Development and Transport Committee of its meeting of Monday 4 September 2000 be received, and the recommendations set out below for Items 7.1 and 7.3 be adopted, with Item 7.2 not being dealt as no report was presented on this matter.

Carried.

The Committee recommended the following -

PART "A" - DETERMINED BY COUNCIL

RESPONSE TO THE CROSS CITY TUNNEL ENVIRONMENTAL IMPACT STATEMENT (S00 6159)

7.1

That arising from consideration of a report by the Manager Transport and Access to the Special Meeting of the Planning Development and Transport Committee on 4 September 2000, on the Response to the Cross City Tunnel Environmental Impact Statement, it be resolved that Council:

- (A) approve the submission, as circulated to Councillors at the Special Meeting of the Planning Development and Transport Committee -
 - (i) except sections 9 and 10 of the report; and

- (ii) as amended at the Special Meeting of the Planning Development and Transport Committee on 4 September 2000

and forward it to the Roads and Traffic Authority and the Department of Urban Affairs and Planning as the Council's initial response to the Environmental Impact Statement for the proposed Cross City Tunnel;

- (B) require preparation of a thorough work in progress report within eight weeks for consideration by the Planning Development and Transport Committee, dealing in greater detail with the following issues:
 - (i) changes in air quality throughout the City of Sydney;
 - (ii) whether there will be increased levels of pollutant emissions on the western side of the city, Darling Harbour and Pyrmont-Ultimo, and if so, to what degree and of what kind; and what means of reducing or eliminating these emissions are available;
 - (iii) feasibility and effect of tunnel filtration on air quality and capacity to remove pollutant emissions;
 - (iv) effect of Cross City Tunnel on air quality in Pyrmont and Ultimo, in light of available data from monitoring air quality in Pyrmont and Ultimo;
 - (v) assessment of reasonableness of the underlying assumptions wind modelling was based on in the EIS.

Carried unanimously.

Note - Mr John Hutchinson and Mr Robin Graham addressed the special meeting of the Planning Development and Transport Committee on Item 7.1.

DEVELOPMENT APPLICATION: STATUS REPORT ON 144-150 LIVERPOOL STREET AND 21-25 HARGRAVE STREET SYDNEY (D/00/00497)

7.2

The Planning Development and Transport Committee noted that no report on this matter had been presented and this matter was not discussed.

STAGE 1 DEVELOPMENT APPLICATION: 107-121 QUAY STREET, HAYMARKET (D2000/00550)

7.3

That arising from consideration of a report by the Specialist Planner to the Special Meeting of the Planning, Development and Transport Committee on 4 September 2000 in relation to Stage 1 Development Application D2000/00550 made by Marchese+Partners

for the site at 107-121 Quay Street Haymarket, and 1 Bijou Lane Haymarket, for demolition of the existing building and construction of a new 16 level mixed use (residential/retail) building including 4 levels of basement car parking, it be resolved that:-

- (A) a competitive design process that facilitates design excellence be held at Stage 2 in accordance with the provision of Clause 28D of Central Sydney LEP 1996 having regard to the design issues raised in the subject report and detailed in the conditions of consent;
- (B) the applicant be requested to formulate amended building envelopes, if appropriate, which are more capable of addressing the design issues raised in this report. The amended building envelopes can be considered by the consent authority in parallel with the Stage 2 development application; and
- (C) consent be granted under Section 80(4) of the Environmental Planning and Assessment Act 1979 for Stage 1 development for the building envelope, building bulk, building height, building setback, site footprint, basement car parking/vehicle servicing provisions, vehicle access/egress/circulation and preliminary landscape and public domain plans, subject to the following conditions -

Conditions to be complied with prior to lodgement of a Stage 2 Development Application

APPROVED DEVELOPMENT

- (1) The Stage 2 development application must be in accordance with Stage 1 Development Application No. D2000/00550 dated 30 June 2000 and Statement of Environmental Effects, titled Staged Development Application under S.80(4) EPA Act, 1979 – Residential/Retail Building, 107-121 Quay Street, Haymarket prepared by Metroplan, dated June 2000 and the following drawings:-

Drawing Numbers	Dated	Prepared by
DA2.00	20 Jun 00	Marchese + Partners
DA2.01	20 Jun 00	Marchese + Partners
DA2.02	20 Jun 00	Marchese + Partners
DA2.03	20 Jun 00	Marchese + Partners
DA2.04	20 Jun 00	Marchese + Partners
DA2.05	20 Jun 00	Marchese + Partners
DA2.06	20 Jun 00	Marchese + Partners
DA2.07	20 Jun 00	Marchese + Partners
DA2.08	20 Jun 00	Marchese + Partners
DA2.09	20 Jun 00	Marchese + Partners
DA2.10	20 Jun 00	Marchese + Partners
DA2.11	20 Jun 00	Marchese + Partners
DA3.00	20 Jun 00	Marchese + Partners
DA4.00	20 Jun 00	Marchese + Partners
DA4.01	20 Jun 00	Marchese + Partners

DA4.02	20 Jun 00	Marchese + Partners
224.01	21.6.2000	Tramonte Jensen Pty Ltd

and as amended by the following conditions:

- (2) This approval will be valid for a period of two years from the date of the approval.
- (3) No excavation, demolition or construction shall commence in relation to this Stage 1 development application until a Stage 2 development application is approved and a construction certificate issued in respect of the substantive building.

COMPETITIVE DESIGN PROCESS

- (4) As part of the Stage 2 development application preparation, the applicant shall conduct a competitive process which facilitates design excellence in accordance with the provisions of Clause 28D of the Central Sydney Local Environmental Plan 1996. This process shall develop amended building envelope(s) which address the design conditions in this consent and provides for a detailed building design for the site.

BUILDING ENVELOPE

- (5) The building envelope is only approved on the basis that the ultimate building design will be wholly contained within the envelope and provide an appropriate relationship with Bijou Lane and neighbouring buildings, particularly the approved residential development at 93-105 Quay Street, Haymarket and the Carlton Crest hotel/carpark complex to the south of the subject development. In this regard the Stage 2 development application should demonstrate a consistency with the objectives and provisions of the Central Sydney LEP and DCP 1996.

AMENDMENTS TO BUILDING ENVELOPE

- (6) This consent amends the submitted envelope by the following:
 - (a) The street frontage height of the building to Quay Street shall be at the same level of the street frontage height of the adjacent approved development at 93-105 Quay Street, Haymarket (RL 33.4m).
 - (b) The southwestern corner of the building, adjacent to the eastern lightwell of the approved residential development (95-105 Quay Street Haymarket), must be reduced to allow natural light penetration to residential units (of the 95-105 Quay Street, Haymarket) on level 4 and above. The final design of this corner shall be submitted in the Stage 2 application.
 - (c) The setback of the building above 45 metres from Bijou Lane shall be increased to 12 metres, measured from the centre line of the road.

- (d) The deletion of the side windows/balconies on the southern elevation shall be detailed in the Stage 2 development application.

The applicant shall note that, as a result of implementing the above requirements, the final design of the development may potentially incorporate two buildings or substantial amendment to the massing of the envelope in order to achieve design excellence.

- (7) An architectural roof feature is not necessarily required by the consent authority, but if it is provided it is limited in extent as shown in the Stage 1 development application, shall comply with all the requirements of the LEP and in particular, be an integral part of the overall building design.

RESIDENTIAL AMENITY

- (8) The Stage 2 development application must provide the final design of the apartment units and they must be designed to achieve the following:
 - (a) a high degree of daylight and sun access to all apartments, including those apartments on lower levels of the building facing the internal courtyard and Bijou Lane;
 - (b) a high degree of visual and acoustic privacy (especially to those apartments likely to be affected by the possible headlight and noise problems from the adjacent Carlton Crest Hotel carpark to the south, Country Comfort Hotel and Xerox House carparks along Bijou Lane;
 - (c) the re-orientation of window/balconies for units on the eastern (Bijou Lane) elevation to the north facing Quay Street to improve the amenity of these units; and
 - (d) the objectives of the DCP relating to residential amenity, particularly in relation to number of units per floor, corridor widths, ventilation, unit size, unit mix and storage; it is noted that there are no more than 10 apartments per lift rise in this Stage 1 Development and that the lift rises are separated between Quay Street and Bijou Lane; this design is encouraged at Stage 2 for the final development application.

LOT CONSOLIDATION

- (9) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 pursuant to a Stage 2 development consent.

DEMOLITION/SITE RECTIFICATION

(10) The following conditions apply to the development:-

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.
- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
 - (i) a bank guarantee to be provided in the sum of 400,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 400,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or

- h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;
 - j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - (ii) in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

ARCHAEOLOGICAL INVESTIGATION

(11)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

- (g) In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

FLOOR SPACE RATIO

- (12) The Floor Space Ratio of the proposal must not exceed 7.98:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of the FSR, the Floor Space Area of the development is not to exceed 20,104sqm.

BUILDING HEIGHT

- (13) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 63.76 (AHD) and a maximum building height of 50 metres above the street level.

PARKING

- (14) The basement envelope is approved to allow flexibility of design. However, the Stage 2 development application shall incorporate the loading dock within the basement and shall comply with the requirements of the LEP and DCP in relation to the maximum number of parking spaces proposed.

VEHICULAR ACCESS/EGRESS/CIRCULATION

- (15) The principle of one vehicle access at the southern end of the site's frontage to Bijou Lane is only approved subject to Stage 2 development application satisfactorily addressing any concerns of Council's Transport Access Unit, the Sydney Traffic Committee, the Sydney Regional Traffic Committee and the provisions of the CSLEP 1996 and DCP 1996. In this regard the applicant shall ensure that sound attenuation measures are incorporated in the detail of the Stage 2 development application.

LANDSCAPING OF THE SITE

- (16) The preliminary landscaping and public domain plan is only approved subject to the submission of a detailed landscape plan and public domain plan in Stage 2. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be submitted for the approval of Council with the Stage 2 development application. The plan must include:
 - (a) Location of existing and proposed structures on the site including existing trees (if applicable);

- (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (c) Location, numbers and types of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems; and
- (f) Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC DOMAIN PLAN

(17) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council with the Stage 2 development application.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.

- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

ELECTRICITY SUBSTATION

- (18) A electricity substation is required within the development. The owner must liaise with Energy Australia and the size, design and location of the substation shall be included in the Stage 2 development application to the satisfaction of Energy Australia.

DETAILS OF SHADOW IMPACT

- (19) The Stage 2 development application shall provide detailed assessment of the shadow impact of the proposed development, including any architectural roof feature, particularly in regard to the impact on adjoining and neighbouring streets and buildings and places of heritage significance.

WIND ASSESSMENT

- (20) The Stage 2 development application is to provide full wind assessment report based on wind tunnel tests. The design of the building is to fully address all wind amelioration issues arising out of the wind report having regard to issues of urban design and heritage.

DETAILS OF ACCESS FOR PEOPLE WITH DISABILITIES

- (21) The Stage 2 development application must demonstrate access and facilities for people with disabilities in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.

SIGNAGE STRATEGY

- (22) A signage strategy shall be provided with the Stage 2 development application which identifies the number, type, size and locations of signs required to ensure appropriate wayfinding and naming of buildings and tenancies within the development.

EXTERNAL LIGHTING

- (23) Details shall be provided with the Stage 2 development application which identifies the number, type, size, design luminosity and location of lighting in relation to the exterior of the building and public spaces.

BUILDING REQUIREMENTS

- (24) The Stage 2 development application shall address the following matters:
- (a) The location of fire hose reel on the ground floor shall be relocated no further than 4 metres from an exit in accordance with the requirements of Part D of the BCA.
 - (b) Fire stairs and emergency lifts shall serve all floors of the building in accordance with the requirements of Parts D and E of the BCA.
 - (c) All bathrooms shall be mechanical ventilated and risers shall be shown on drawings.
 - (d) The toilet exhaust fans on the roof shall be relocated no closer than 6 metres from any air intake.

TRAFFIC AND ACCESS REQUIREMENTS

- (25) A Traffic Management Plan for the demolition/construction period shall be submitted with the Stage 2 development application.
- (26) The Stage 2 development application shall address the width of the combined driveway off Bijou Lane in accordance with the requirements of the RTA's 'Guide to Traffic Generating Development'.
- (27) The Stage 2 development application shall provide easy access including adequate turning areas for the largest vehicle (such as garbage trucks and delivery trucks) likely to enter the site.
- (28) The Stage 2 development application shall ensure that all vehicles using the site must be able to enter and leave the site in a forward direction.
- (29) The Stage 2 development application must demonstrate that the layout of the car park and service vehicle parking area conform with AS 2890.1-1993 and AS 2890.2-1989.
- (30) The Stage 2 development application shall ensure that the design of the building and the method of storage and handling of waste and recyclable material comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A: of the Code).

SECTION 61 CONTRIBUTION

- (31) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:
 - (a) **Cash Contribution Required**
 - (i) In accordance with the adopted "*Central Sydney Contributions Plan 1997*" a cash contribution must be paid to Council in accordance with this condition.
 - (ii) Payment shall be by bank cheque made payable to the City of Sydney.
 - (b) **Amount of Contribution**
 - (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the "*Central Sydney Contributions Plan 1997*".

- (c) Certification of the calculation of the contribution in accordance with the “*Central Sydney Contribution Plan 1997*” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate.
 - (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.
- (d) **Timing of Payment**
 - (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to the development.

Carried.

Note - Ms Julie Bindon addressed the meeting of the Planning Development and Transport Committee on Item 7.3.

ITEM 8. DRAFT AMENDMENT NO. 11 TO CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (SECTION 8 – SIGNAGE) (S013058)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist – Urban Design and Architecture to the Planning Development and Transport Committee on 28 August 2000, and to Council on 4 September 2000, on Draft Amendment No.11 to Central Sydney Development Control Plan 1996 (Section 8 - Signage), it be resolved that Council -

- (A) publicly exhibit *Draft Amendment No. 11 to Central Sydney Development Control Plan 1996 (Section 8 – Signage)*, shown at Attachment A to the subject report, and as amended at the meeting of Council; and
- (B) authorise the Lord Mayor to approve any drafting changes necessary to finalise Draft Amendment No. 11 to *Central Sydney Development Control Plan 1996 (Section 8 – Signage)* for public exhibition in response to comments from the Central Sydney Planning Committee.

Carried.

ITEM 9. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT ON DESIGN EXCELLENCE AND COMPETITIVE PROCESSES – REPORT ON SUBMISSIONS (S009696)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from the consideration of a report by the Strategic Planning and Research Manager to the Planning Development and Transport Committee on 28 August 2000, and to Council on 4 September 2000, on a Draft Amendment to Central Sydney Development Control Plan 1996 on Design Excellence and Competitive Processes, it be resolved that:

- (A) the Development Control Plan 1996 - Draft Amendment on Design Excellence and Competitive Processes - be re-advertised subject to the Director City Development refining the text and making any minor amendments arising from submissions made at the meeting of the Central Sydney Planning Committee held on 31 August 2000, together with any further submissions received from the Royal Australian Institute of Architects prior to it going on public exhibition; and
- (B) authority be delegated to the Lord Mayor to approve the draft DCP for public exhibition, after ensuring that there is adequate differentiation between what constitutes competitive process and what constitutes design competition.

Carried.

ITEM 10. DEVELOPMENT APPLICATION: 387 GEORGE STREET, SYDNEY (D2000/00264)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 28 August 2000, and to Council on 4 September 2000, in relation to Development Application D2000/00264 made by Lionmar Holdings Pty Ltd for the site at 387 George Street Sydney, for alterations and additions to the existing building, conservation works, and an award of Heritage Floor Space, it be resolved that -

- (A) Having regard to the need to ensure that the site is capable of reasonable and economic use, the Council does not oppose the removal of the existing caged lift and wrap around stairs, and its replacement with a fully complying lift within the same lift/stair shaft, and two sets of fully complying fire stairs at the rear of the property, provided there is satisfactory compliance with the Fire Safety Regulations contained in the Building Code of Australia;
- (B) authority be delegated to the Lord Mayor to determine the Development Application, in consultation with the Chair of the Planning Development and Transport Committee, having regard to submission of a revised proposal within 21 days that:
 - (1) modifies the ground floor shopfront and entry design such that it contributes positively to the significance of the heritage item, including eliminating unsightly signage;
 - (2) either withdraws from consideration that part of the proposal for demolition of the mansard roof structure at the top of the building and its replacement with two new residential levels, or proposes an alternative roof top design that contributes positively to the significance of the heritage item; and
 - (3) defers consideration of the request for an award of Heritage Floor Space.

Carried unanimously.

ITEM 11. INVESTMENTS HELD BY COUNCIL AS AT 31 JULY 2000 (AO2-00360)

Moved by Councillor Farr-Jones, seconded by Councillor Turnbull -

That arising from consideration of a report by the Management Accounting Officer to Council on 4 September 2000, on Investments Held by Council as at 31 July 2000, it be resolved that the report be received and noted.

Carried.

ITEM 12. EXTERIOR LIGHTING STRATEGY FOR THE CITY OF SYDNEY (S009041)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Project Manager, Look of the City, to Council on 4 September 2000, on the draft City of Sydney Exterior Lighting Strategy, it be resolved that Council:-

- (A) adopt the City of Sydney Exterior Lighting Strategy, as shown at Attachment A to the subject report, except that the portion relating to Millers Point and The Rocks be excluded pending further investigation and consultation on the use of Smartpoles in those areas;
- (B) endorse the next two stages - Exterior Lighting Implementation Plan and the Exterior Lighting Inventory; and
- (C) give approval to those parts of the Strategy relevant to development control being included as an amendment to the Central Sydney Development Control Plan 1996.

Carried.

ITEM 13. SYDNEY WATER CORPORATE CUSTOMER COUNCIL (S013319)

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

That arising from consideration of a report by the Chief Clerk Secretariat to Council on 4 September 2000 on Sydney Water Corporate Customer Council, it be resolved that Council nominate three Councillors to be considered for the vacancy on the Sydney Water Corporate Customer Council, in the following order of preference:

1. Councillor Fabian Marsden
2. Councillor Dixie Coulton
3. Councillor Robert Ho

Carried unanimously.

ITEM 14. QUESTIONS ON NOTICE**RATE NOTICES (S010694)**

1. By Councillor Greiner -

Question

Lord Mayor, what mechanism of redress is available to ratepayers whose rate notices go astray for reasons completely unrelated to them, eg appointment of new Building Managers?

Answer by the Lord Mayor

The Deputy General Manager advises that:

“A large percentage of properties are investment properties, and the owners reside all around the world. Some opt to have their rates sent to an agent. It is the owner’s prerogative to direct the Rate Notice and correspondence to a particular address of his/her choice. The City therefore relies on the advice of the owner and maintains its records accordingly.

When a rate notice is returned and no instructions are received as to the correct postal address, one of the methods in locating the ratepayer is to refer the notices to the property. If rate notices are not returned to Council as ‘undelivered mail’ there is nothing to indicate to Council that the Notice has not been received.

Appointments of new Building Managers would normally be made by the Body Corporate whilst a managing agent/property manager would be appointed by the owner of the property. In both cases the owner would be aware and should inform Council.

Rates are akin to a tax and are due on the same date every year. It is therefore reasonable to assume that ratepayers would be aware of their rate paying obligations.”

I believe that ratepayers, like all of us who expect to receive notices such as bills for electricity and water, have a duty to ensure the City has an updated and accurate address for posting notices.

COOK AND PHILLIP PARK (S010694)

2. By Councillor Greiner -

Question

Lord Mayor, could you please give Council an update on the repairs to Cook and Phillip Park that relate to the faulty design?

Answer by the Lord Mayor

The Director City Projects advises that:

“The contractor for Cook and Phillip Park was Baulderstone Hornibrook. At practical completion of the building on 31 July 1999, a number of original construction defects were identified and Baulderstone Hornibrook notified of these. The defect rectification period expired on 31 July 2000. At that point in time several defects had not been repaired and Baulderstone Hornibrook were notified of these.

The Park itself, at practical completion date on 13 October 1999 also suffered a degree of minor defects. The park’s defects liability period expires on 13 October 2000 and to date there remain a number of minor issues to be resolved.

In accordance with the City's contractual rights, Baulderstone Hornibrook were put on notice of Council's intent to have the defects rectified by an independent contractor with the costs to be deducted from retention funds and guarantees held on the project.

Unfortunately some of these items will be delayed until after the Olympics to avoid disruption to the use of the public spaces and the facility itself.

The City will engage independent contractors to complete these defect rectification works.”

COUNCIL’S RETAIL NEWSLETTERS (S010694)

3. By Councillor Greiner -

Question

Lord Mayor, there have been concerns by retailers as to the efficacy of Council's Retail Newsletters in that many retailers have not received the materials distributed.

How does Council distribute these newsletters and other information to retailers and has there been an audit of that process to deem whether it is satisfactory or not?

Answer by the Lord Mayor

The Manager Public Affairs advises that:

“It was advised that where a retailer trades from an arcade or shopping centre, sufficient copies of publications are delivered to the centre management for distribution to all retailers in the centre. All major centres and arcades then distribute the manuals to their respective retailers at their will.

Enquiries of several centre managements reveal that City publications are always delivered promptly to retailers. It seems that on one or two occasions a publication delivered to a retail outlet was not brought to the attention of the shop owner but was certainly delivered to the owner's staff.

All other retail business receive their city publications delivered by hand. On each occasion they have been distributed by hand and personally delivered to each retailer excluding those in centres and arcades. This has proved to be an effective and efficient method of delivery.

Random checks with a sampling of retailers confirm that City publications are indeed reaching their destinations. An audit of the process is not considered necessary."

QUESTIONS WITHOUT NOTICE

CITY SURVEY (S010703)

1. By Councillor Turnbull -

Question

Lord Mayor, I was very intrigued to read that Council and the Sydney Organising Committee for the Olympic Games had recruited 200 willing people to undertake a survey in the City. Could you please elaborate on that?

Answer by the Lord Mayor

Actually, it was part of the City Open Day program. There were 125 volunteers and their job, basically, was to interact with service providers and people in the City. They interacted with 600 people, which included 108 members of the public.

The results were as follows. The overall customer service satisfaction rating for the City of Sydney was 77%. Retail services scored the highest at 87%, followed by tourist attractions and venues with 81%, and ordinary Sydneysiders in 80% of cases were satisfactory. The volunteers asked questions on a range of issues, and went out and bought things and talked to people.

I invite the General Manager to respond also.

General Manager

The survey was a "mystery shopper" type exercise. It consisted of people going out there, asking directions, questions, etc. It was basically what you call a "mystery shopping" exercise.

Answer by the Lord Mayor (continued)

It was endeavouring to test how people are responding to enquiries, shopping enquiries, etc. They also asked members of the public for directions and went to the railway station and asked for information about the railway. They did a whole range of things, tourist attractions, venues. The idea was to just test how people were responding and the retailers came out number one, they were the best. Our transport was slightly on the lower end but overall still quite good.

The overall satisfaction rate was 77%.

OLYMPIC HOSPITALITY (S010700)

2. By Councillor Greiner -

Question

Lord Mayor, during the Olympic Games I know you will be extending hospitality to our overseas visitors. Would you be able to tell me whether you will be extending hospitality to the Directors-General and Presidents of the National Olympic Committees?

Answer by the Lord Mayor

I can assure you that Directors-General and Presidents of the National Olympic Committees are part of the Olympic family. They are well catered for by the Organising Committee at any Olympic Games. Their access to venues is equivalent to that of international members of the Olympic Committee. Some of them are members of the IOC.

I can't imagine anything that I could offer these people that they wouldn't already have in terms of hospitality. They get "G" accreditation or better. Some of them are Chefs de Mission. We have invited them to the official International Olympic Family Welcome Reception at the Town Hall on the evening of 14 September 2000. I think that is about all because they have access to just about everything else.

SMOKE FREE RESTAURANTS (S010698)

3. By Councillor Coulton -

Question

Lord Mayor, I understand that the State Government has introduced legislation banning cigarette smoking in restaurants. What impact, if any, does that have on this Council that we know of?

Answer by the Lord Mayor

I will take that Question on notice. I do not believe it has any impact on restaurants that are our tenants any more than it would on anyone else. Whatever impact it has on them it would have on ours. I don't imagine that there are any other consequences for us.

I invite the Deputy General Manager to respond also.

Deputy General Manager

All our tenants that operate restaurants run non-smoking establishments already.

Answer by the Lord Mayor (continued)

So you see, we lead the way. Perhaps we should start to look at the question of the provision of more ashtrays outside restaurants. It is a reasonable thing.

POST OLYMPIC/PARALYMPIC OPPORTUNITIES (S010699)

4. By Councillor Farr-Jones -

Question

Lord Mayor, post Olympics and Paralympics, has the City pursued any initiatives to take advantage of the Games, vis a vis business opportunities, retail opportunities or tourism?

Answer by the Lord Mayor

A lot of this is being pursued by an Investment 2000 group, Loftus Harris. I invite the General Manager to respond also.

General Manager

As you would be aware, we are running a hospitality program which certainly involves a number of the Mayors from around the world which builds upon people who have bid for the Games, as well as our Sister Cities. The "business to business" has been done very much through the NSW Department of State and Regional Development who have their headquarters next to the Foxtel site. We will be doing presentations down there through the Games and we have been exchanging printed material with them.

It is much the same story with the tourism industry which is heavily involved in the Darling Harbour Media Centre and, again, we have space down there and we are exchanging materials and contacts with them.

In regard to retail, as you are probably aware, we have done a lot of work with our retailers looking at their trading hours during the Games and particularly their deliveries and that has been a major issue for them.

In terms of capitalising beyond the Games, the lead agencies appointed by the State in both instances have been the tourism body and the Department of State and Regional Development and we will be playing a supportive role with them.

The main initiative of the Lord Mayor's has been to bring a whole range of world figures to the Games and, as part of the program, they will be getting briefings from Loftus Harris and also from the tourism groups.

ASSISTANCE FOR HOMELESS PERSONS (S010702)

5. By Councillor Marsden -

Question

Lord Mayor, I read with some dismay in the Sydney Morning Herald last week, what was, I believe, a very misleading article in its reporting of the City's efforts to assist the homeless. What efforts have been made to respond to this unfortunate media coverage?

Answer by the Lord Mayor

I wrote a letter to the Editor at the time and since then more information has emerged. I felt it was misleading for a number of reasons.

Prime responsibility for the homeless rests with the State and Federal Governments but for 15 years the City has been running the Homeless Persons Information Service which covers much of Greater Sydney - and it is a service that we provide that cuts across other Council boundaries. We don't say to people who ring us up "you are in Ashfield Council, are you? - well go and ask the Mayor of Ashfield or Ashfield Council".

It caters for over 30,000 people a year now. It is a very effective service. I think it is now operating seven days a week.

Three or four years ago we introduced a brokerage program, jointly with the Department of Housing, and have placed 5,500 people in accommodation during that period.

The latest initiative has been the Outreach Program which is to do with the homeless actually on the streets. The Program was something that was in the system. As many of you will recall, it was debated during the last Council elections and it was something we promised to do, but getting it running took a bit longer than we hoped, because of the nature of the job and the program, the likes of which we have not seen in any other City anywhere.

Councillors have been briefed about it. We have 12 outreach workers in this program. The outreach workers have already made contact and identified 80 clients in the seven or eight weeks that they've been out there working.

The clients, as a base population, are a moving population. Some go into accommodation overnight and sleep out on the street other nights. It just changes. We have estimated that in the City centre the total number of people sleeping out overnight in our local government area is probably between 100 and 200.

After the Olympics, as the data gets better, we have to sit down and further develop strategies to address their needs. The issues that we have identified tend to suggest that perhaps 50% of the people have psychiatric problems, so there is a lot more work to be done. It's an extremely difficult issue but it's very much a case of a detailed personalised case management strategy.

The implication of the newspaper article was that this was about moving people out of the city. It made comments like we were putting armrests on seats, so the homeless couldn't sleep on them, which is just nonsense. The armrests are there to help the elderly and the disabled, and as a deterrent against skateboarders who used to leap up on the seats and break them. The newspaper article was a complete nonsense.

There was another comment that people will be bussed out but, in fact, there is an Olympic protocol that I have read and am a party to, which says how homeless people should be handled, and that there should be no forced removal of anybody.

There are Olympic powers about nuisances, but they relate to the public in general and those powers are only enforceable, because I've insisted with the people who run the Olympic live sites, for people who might be drunk or a nuisance. They are not designed against homeless people. As the Olympic protocol says, we are not forcibly removing homeless people.

The program needs a lot more work after the Olympics when we've got a bit more time, because it is going to take a long time to get on top of this issue.

Can I say that the newspaper concerned has eaten a bit of humble pie, because it was revealed the homeless person was actually trucked in to be under the Olympic sign for the photo; and you will notice today, there has been an apology by the paper.

Our Outreach workers, having done their job, identified the person, they knew who he was and said no, he doesn't go there. That shows that our program is working already, they really know who their homeless people are.

LIGHTING IN CHINATOWN (S010701)

6. By Councillor Ho -

Question

Lord Mayor, about three months ago I asked the Director City Projects a question and he told me we are getting better lighting in Chinatown, but we still don't have it. Could I have an update on this matter, please?

Answer by the Lord Mayor

You and I went for a walk and I spoke to the Director City Projects about the lighting. We also looked at fixing the pavement in Dixon Lane which got fixed then. I ask the Director City Projects to respond on the lighting.

Director City Projects

There has been a parcel of work undertaken, involving paving and putting back some trees. There was some lighting which EnergyAustralia were doing in Sussex Street; I am not sure what the status of that work is but I will check up on that and come back to you. There was lighting work done in Harbour Street in front of the Entertainment Centre.

Answer by the Lord Mayor (continued)

I ask the Director City Projects to follow up on the lighting in Sussex, Hay and Harbour Streets and report on progress in the Councillors' Information Service.

OFFICE OF THE PROTECTIVE COMMISSIONER, DRUITT STREET (S010700)

7. By Councillor Greiner -

Question

As you know Lord Mayor, you and I have both received many items of correspondence concerning the operation of the Office of the Protective Commissioner at Drutt Street. I have a letter from a tenant in the building outlining what has happened to one of their employees.

As a matter of urgency, after the Olympics could we please look at the relocation of the Office of the Protective Commissioner, not for any other purpose but that the staff of the Office of the Protective Commissioner need to be placed where they have access to resources for psychiatric counselling.

Answer by the Lord Mayor

Councillor Greiner, in light of concern by St Andrews School, in particular, I have asked the staff whether we can persuade them to relocate, but I'm not quite sure where that's up to. I ask the General Manager to respond.

General Manager

My daughter goes to that School, I am aware of the problem. There are two points. I don't think your analysis or analogy at the end is accepted, that they have to be associated with social workers. It is a payments office, you can argue that they should have social workers but that is actually just a payments branch.

The Deputy General Manager has had extensive consultation. As you know, there is now a Security Officer there in the mornings. A number of steps have been taken; there has also been discussion with the School and with all the players, with various property ramifications for that group. They obviously have legal rights because they have an agreement in place.

The Deputy General Manager and I have discussed the matter and we are looking at alternatives for them. It is not a quick fix and I don't think the point about other professionals is right, because that has always been seen as a payments office rather than a welfare agency.

We are trying to negotiate a property solution, conscious of the broader social welfare impacts.

Answer by the Lord Mayor (continued)

It sounds to me like the Office of the Protective Commissioner doesn't want it to be a welfare office

We are genuinely trying to move the office, but it is difficult to do that without buying them out, which would be very costly.

CORPORATION BUILDING (S010701)

8. By Councillor Ho -

Question

Lord Mayor, last week I walked past the Corporation Building. It has been completed and cleaned up. When will it be in operation?

Answer by the Lord Mayor

I invite the Deputy General Manager to respond.

Deputy General Manager

Lord Mayor, the Asian Arts Association is conducting its first exhibition commencing next week and they will also be occupying the ground floor space from next week. The other tenant who is selling handbags and bags will be operating next week as well. Bodie won't be occupying the building until after the Olympics.

Answer by the Lord Mayor (continued)

Bodie have commenced operating at Cook and Phillip Park and I am very impressed with them. They are very well organised - they will do really well.

PARKING INFRINGEMENT (S010700)

9. By Councillor Greiner -

Question

Lord Mayor, is it true a Council employed parking warden slapped a \$220 fine on fundraising activities outside the MLC Building in Martin Place, whereby the front right-hand wheel of a car being raffled was inadvertently parked on public land, not private land?

If so, would you assure me that Council will waive this fine?

Answer by the Lord Mayor

I have an assurance that in fact the car was fully and completely on public land and it wasn't a question of just the wheel either. I invite the General Manager to respond also.

General Manager

We have had a number of discussions as to where it can park and if it parks in the spot where we agreed there is no problem and that is where it was last week. The week before somebody got it in mind to move it somewhere else. We asked them to move, they didn't move and we served them with a fine.

Answer by the Lord Mayor (continued)

I am afraid I am not going to start to make an exception, no matter how media savvy this particular offender is. It was a cheap story.

SKATEBOARD RIDERS (S010701)

10. By Councillor Ho -

Question

There is an increasing number of young children riding on skateboards. They snatch handbags too and last week they smashed the window of a jewellery shop with a sledge hammer. I talked to the Police and they said they are short of staff. I wonder whether Council's Law Enforcement car patrol can put their lights on and patrol the area.

Answer by the Lord Mayor

I do not know whether we have the power to have flashing blue lights. The problem with skateboarders is it is a question of resources. I ask the General Manager to investigate the matter.

WASTE REMOVAL BIN - NITHSDALE STREET (S010700)

11. By Councillor Greiner -

Question

Through you, Lord Mayor, I would like to put a Question on notice to the General Manager.

Could the General Manager please investigate why Council has refused to allow a waste removal bin to be placed in Nithsdale Street at the rear of the refurbishment of 150-152 Elizabeth Street, which is the site of the Peace Hall where the Metropolitan Land Council is refurbishing that building. We have given them a construction zone at the back and allowed the hoist but not the bin and they just need that to get rid of the debris.

Answer by the Lord Mayor

I ask the Deputy General Manager to investigate and report on this matter.

ITEM 15. NOTICES OF MOTION

There were no Notices of Motion for this meeting of Council.

Closed meeting

At 7.23 pm 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 10(A)(2)(g) of the Local Government Act 1993 to discuss Item 3D on the agenda as this matter comprised discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 16 on the agenda as this matter comprised discussion of commercial information that would, if disclosed, prejudice the commercial position of the persons 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 was a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 3D and 16 were then dealt with by Council while the meeting was closed to the public.

ITEM 3D. ST PETERS TIP ISSUES ARISING OUT OF ICAC REPORT (S005770)

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

That arising from consideration of a Memorandum by the General Manager to Council on 4 September 2000 on St Peters Tip Issues arising out of ICAC Report, it be resolved that the Memorandum be received and noted.

Carried unanimously.

The General Manager recorded his thanks to the Lord Mayor and Councillors for their support during the ICAC proceedings. The Chairman (the Lord Mayor) thanked the General Manager, Mr Greg Maddock, the Deputy General Manager, Mr Cliff Haynes, the Acting Director Legal and Secretariat, Mr Petar Vladeta, and all staff concerned for the way in which the matter had been handled and congratulated them on an exceptional and excellent result.

ITEM 16. MANAGEMENT AND OPERATION OF ANDREW 'BOY' CHARLTON AND PRINCE ALFRED PARK POOLS - EVALUATION OF TENDER 2016 (S012327)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from a Memorandum by the General Manager to Council on 4 September 2000 on Management and Operation of Andrew 'Boy' Charlton pool and Prince Alfred Park Pools - Evaluation of Tender 2016, it be resolved that -

- (A) Council reject all tenders;
- (B) Council not invite fresh tenders due to the limited time available to appoint an operator prior to the commencement of the 2000-2001 summer season, and the large number of parties who collected the tender package; and accordingly a more satisfactory result would not be achieved by inviting fresh tenders;
- (C) authority be delegated to the General Manager to negotiate and enter into a contract with a suitable operator for management and operation of Andrew 'Boy' Charlton and Prince Alfred Park Pools for the 2000-2001 summer season, and to negotiate for a longer period (up to four years) for the operation of the refurbished Andrew 'Boy' Charlton Pool, on the basis of a series of one year options, renewable by the City, noting that the Andrew 'Boy' Charlton pool will be closed for construction works during the 2001/2002 summer season.

Carried unanimously.

At 7.33pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 16 October 2000 at which
meeting the signature herein was subscribed.