



27 AUGUST 2001

Meeting No 1338

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45pm on 27 August 2001 pursuant to Notice 16/1338 dated 23 August 2001.

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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 and Fabian Marsden.

At the commencement of business at 5.45pm those present were:-

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

The Acting General Manager, Deputy General Manager, Director Corporate & Legal Services, Acting Director City Development, Acting Director City Projects, and Director Living City Services were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apology

Councillor Lucy Turnbull extended her apologies for her inability to attend the meeting of Council as she was ill.

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

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council meeting of 6 August 2001

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

That the minutes of the meeting of Council of 6 August 2001, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of 20 August 2001

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

That the minutes of the Extraordinary meeting of Council of 20 August 2001, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

There were no Minutes by the Lord Mayor at this meeting of Council.

ITEM 3. MOTOR VEHICLE POLICY

No Memorandum by the General Manager was circulated on Motor Vehicle Policy and the matter was not discussed.

ITEM 4. MATTERS FOR TABLING

Disclosure of Interest Returns that had been lodged in accordance with Section 449(3) of the Local Government Act 1993 were laid on the table.

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

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

Carried.

PETITION

The Chairman (the Lord Mayor) tabled a petition signed by 102 people, mostly residents of Surry Hills and Redfern, objecting to proposals for the upgrade of Prince Alfred Park and requesting Council to abandon plans to reduce the size of the Prince Alfred Park Pool and to meet with residents in adjacent areas to consult with them before changing the park.

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

That the petition be received and noted and referred to the Acting Director City Projects to be considered in conjunction with the report to be made to Council concerning Prince Alfred Park.

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 20 AUGUST 2001

PRESENT

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

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

At the commencement of business at 5.58 pm, those present were -

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

Councillor Fabian Marsden was also present.

Closed meeting

At 5.59 pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 5.1 and 5.2 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.05 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 20 August 2001 be received, and the recommendations set out below for Items 5.1 and 5.2 be adopted.

Carried.

The Committee recommended the following:-

Closed meeting

At 5.59pm the Finance, Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 5.1 and 5.2 on the agenda as these matters comprised discussion of commercial information of a confidential nature 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 5.1 and 5.2 were then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and were subsequently dealt with by Council in open session.

PURCHASE OF ONE (1) 15 CUBIC METRE CO-MINGLE RECYCLABLE MATERIAL COLLECTION VEHICLE FOR DOMESTIC WASTE DIVISION – APPROVAL TO ACCEPT TENDER (S016247)

5.1

That arising from consideration of a report by the Fleet Support Officer to the Finance Properties and Tenders Committee on 20 August 2001 regarding the purchase of one 15 cubic metre co-mingle recyclable material collection vehicle, it be resolved that the Council award the contract to Suttons Motors Arncliffe Pty Ltd NSW for the supply and delivery of One (1) Isuzu FVD950 HD Auto completely equipped with a MacDonald Johnston rear loader.

Carried.

PURCHASE OF A 6-7 TONNE CREW CAB TIPPER LORRY FOR ROADS AND FOOTWAYS TEAM – APPROVAL TO ACCEPT TENDER (S016248)

5.2

That arising from consideration of a report by the Fleet Support Officer, to the Finance, Properties and Tenders Committee on 20 August 2001 regarding the purchase of one Crew Cab Lorry for the Roads and Footways Department, it be resolved that Council award the contract to Suttons Motors Arncliffe Pty Ltd for the supply and delivery of one FTR 800 Crew Cab Lorry.

Carried.

ITEM 6. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 20 AUGUST 2001

PRESENT

Councillor Fabian Marsden
(Chairman)

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

At the commencement of business at 6.08 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 6.25 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 20 August 2001 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

The Committee recommended the following:-

CITY STREET OUTREACH SERVICE: REPORT ON OUTCOMES JUNE 2000-JUNE 2001 (S0088854)

6.1

That arising from consideration of a report by the Senior Project Coordinator - Safe City and Homelessness Strategy, to the Community Services, Small Business and Tourism Committee on 20 August 2001 concerning the City Street Outreach Service, it be resolved that the City Street Outreach Service continue to provide services using the existing model to June 2003, consistent with Council's resolution of 29 December 1999.

Carried.

Note - Mr Arthur Bradley addressed the meeting of the Community Services, Small Business and Tourism Committee on Item 6.1.

ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 20 AUGUST 2001

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.26 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, such that the agenda items be dealt with in the following order:

2. Proposed Changes to the State Policy on Development Standards (SEPP 1) - Submission to the Department of Urban Affairs and Planning (DUAP)
3. Draft State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development - Submission to the Department of Urban Affairs and Planning (DUAP)
5. Section 96 Applications: AMP Tower, 184-190 Pitt Street Sydney
1. Progress Report on Development Applications
4. Review of the City of Sydney Outdoor Café Policy

The meeting of the Planning Development and Transport Committee concluded at 6.55 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 20 August 2001 be received, and the recommendations set out below for Items 7.1 to 7.3 inclusive, and 7.5, be adopted, with Item 7.4 being noted and Item 7.5 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)

7.1

That arising from consideration of a report by the Acting Manager Development to the Planning Development and Transport Committee on 20 August 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

PROPOSED CHANGES TO THE STATE POLICY ON DEVELOPMENT STANDARDS (SEPP 1) - SUBMISSION TO THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) (S016795)

7.2

That consideration of this matter be deferred to the meeting of Council on 27 August 2001.

Carried.

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

DRAFT STATE ENVIRONMENTAL PLANNING POLICY NO. 65: DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT - SUBMISSION TO THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) (S016744)

7.3

That arising from consideration of a report by the Acting Urban Design and Architecture Manager to the Planning Development and Transport Committee on 20 August 2001, regarding Draft State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, it be resolved that Council endorse in principle the Submission, shown at Attachment “A” to the subject report, as amended at the meeting of the Planning Development and Transport Committee, for lodgement with the Department of Urban Affairs and Planning as a response to Draft State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Carried.

REVIEW OF THE CITY OF SYDNEY OUTDOOR CAFE POLICY (D02-01138)

7.4

Note - This matter was not discussed at the meeting of the Planning Development and Transport Committee.

Note - This matter was dealt with by Council as Item 12 on the Business Paper.

SECTION 96 APPLICATIONS: AMP TOWER, 184-190 PITT STREET SYDNEY. (D1997/00439)

7.5

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 20 August 2001 in relation to a Section 96 (2) application to extend the time limit (condition No. 2) for two AMP name signs from 20 December 2000 to 31 March 2011; and, a Section 96(1A) application to extend the time limit (condition No. 2) for the three sculptured figures from 20 December 2000 to 31 March 2002 to modify Development Application D1997/00439 made by AMP Life Limited for the site at 184-190 Pitt Street, Sydney, it be resolved that -

(A) the Director Corporate and Legal Services provide to Councillors written confirmation that Council can validly consider the Section 96 application;

(B) subject to (A) the development consent be modified as follows:-

Modify Condition (2) to delete the existing condition and insert:-

(2) The applicant is to ensure that:-

- a. The Olympic Sculptures are removed by 31 March 2002;
- b. The AMP Building identification signs are removed by 31 March 2011.

Amendment. At the request of the Chairman (the Lord Mayor) and by consent, the motion was amended by the addition of the following to condition (2) a. in clause (B):

“provided that the General Manager shall have reasonable discretion to vary the date by a short period and shall advise Councillors accordingly.”

Carried.

Note - Advice from the Director Corporate and Legal Services, as referred to in clause (A), had been circulated to Councillors prior to the Council meeting.

ITEM 8. PROPOSED CHANGES TO THE STATE POLICY ON DEVELOPMENT STANDARDS (SEPP 1) - SUBMISSION TO THE DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP) (S016795)

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

That arising from consideration of a report by the Strategic Planning and Research Manager to the Planning Development and Transport Committee on 20 August 2001, and to Council on 27 August 2001, on Proposed Changes to the State Policy on Development Standards (SEPP1), it be resolved that Council endorse the Submission shown at Attachment "A" to the subject report for lodgement with the Department of Urban Affairs and Planning as a response to Proposed Changes to the State Policy on Development Standards (SEPP 1).

Carried.

ITEM 9. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996: DRAFT AMENDMENT NO. 17 - TOURIST AND VISITOR ACCOMMODATION, DRAFT POLICY FOR THE PROVISION OF TOURIST AND VISITOR ACCOMMODATION IN CENTRAL SYDNEY, AND DRAFT POLICY FOR THE PROVISION OF TOURIST AND VISITOR ACCOMMODATION (S011164)

Moved by Councillor Coulton, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to Council on 27 August 2001 regarding Draft Amendment No. 17 to the Central Sydney DCP 1996, the Draft Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney, and the Draft Policy for the Provision of Tourist and Visitor Accommodation, it be resolved that Council:

- (A) approve Draft Amendment No. 17 to the Central Sydney DCP 1996 (as shown at Attachment A to the subject report);
- (B) approve the Draft Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney (as shown at Attachment B to the subject report);
- (C) approve the Draft Policy for the Provision of Tourist and Visitor Accommodation (as shown at Attachment C to the subject report);
- (D) authorise the Lord Mayor to approve any minor drafting changes resulting from consideration of Draft Amendment No. 17 to the Central Sydney DCP 1996, the Draft Policy for the Provision of Tourist and Visitor Accommodation in Central Sydney, and the Draft Policy for the Provision of Tourist and Visitor Accommodation, by the Central Sydney Planning Committee;
- (E) write to other consent authorities in the City of Sydney (ie. Sydney Harbour Foreshore Authority and the Department of Urban Affairs and Planning) requesting that they adopt the DCP amendments and Policies as a Policy; and

(F) give public notice of this Resolution.

Carried.

ITEM 10. INVESTMENTS HELD BY COUNCIL AS AT 31 JULY 2001 (AO2-00360)

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

That arising from consideration of a report by the Management Accounting Officer to Council on 27 August 2001, on Investments Held by Council as at 31 July 2001, it be resolved that the report be received and noted.

Carried.

ITEM 11. DEVELOPMENT APPLICATION: 49-53 REGENT STREET CHIPPENDALE (D/00/00974)

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

That arising from consideration of a report by the Acting Director City Development to Council on 27 August 2001, in relation to a Development Application D/00/00974 made by Baker Kavanagh Architects for the site at 49-53 Regent Street, Chippendale for the demolition of the two existing buildings and the construction of a new 8 level residential flat building with ground floor retail and associated basement car parking, it be resolved that the development application be refused for the following reasons:-

- (1) the proposed height, scale and massing of the development is not supported. The proposal does not respond to the height and scale of adjacent buildings to the south and west of the site and adversely affects the access of light and ventilation to the internal courtyard space;
- (2) the internal amenity of parts of the subject building is poor and could be addressed via a reduction in the floor space of the building;
- (3) the internal amenity of parts of the residential accommodation is sub-standard in respect to Part 6 of Central Sydney Development Control Plan 1996, in particular in respect to the following specific controls:-
 - (a) Solar access clause 6.1.1.
 - (b) Dimensions of internal courtyards clause 6.1.3.
 - (c) Safety and sign clause 6.1.24/25/26.
 - (d) Mix of units within a residential development clause 6.1.27/28/29.
 - (e) Maximum number of units accessible from a common lobby clause 6.1.36/37;

- (4) the amenity of the studio units on level 4 is sub-standard in respect to the orientation of these units, Council's unit mix requirements, and the amenity of adjacent common areas;
- (5) the amenity of common and retail areas at ground level is sub-standard in respect to floor to ceiling heights (eg use of 2.4 metre floor to ceiling height), visibility of retail spaces from the street and proportions of the ground level in respect to adjoining buildings such as Berlei House;
- (6) the sandstone material proposed on all street facades at level 4 is unacceptable;
- (7) the proposal is an overdevelopment of the site;
- (8) the proposed building is a poor precedent for future development in its locality; and
- (9) the proposal is not considered to be in the public interest.

Carried.

ITEM 12. REVIEW OF THE CITY OF SYDNEY OUTDOOR CAFE POLICY (D02-01138)

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

That arising from consideration of a report by the Planner to Council on 27 August 2001, on Review of the City of Sydney Outdoor Café Policy, it be resolved that -

- (A) subject to (D), the draft amended City of Sydney Outdoor Café Policy, as shown at Attachment A to the subject report, as amended at the meeting of Council, be exhibited for public comment;
- (B) if no submissions are received in response to public exhibition, then the draft amendments to the City of Sydney Outdoor Café Policy, as shown at Attachment A to be subject report (as amended), be adopted as Policy;
- (C) authority be delegated to the Lord Mayor to make any minor drafting changes to the policy prior to public exhibition;
- (D) the Lord Mayor be authorised to approve a further amendment to this draft policy which provides that:
 - (i) advertising on outdoor cafes shall be restricted to advertising only of products which
 - (a) are a core part of the café's business, and
 - (b) are actually supplied by the café to the public;
 - (ii) advertising may only involve one product or service;

- (iii) the impact of the advertising may not dominate the item of furniture on which it is displayed nor have an excessive impact on the overall area of the café;
 - (iv) the advertising shall be in the nature of a corporate name or identification with a minimal impact on the streetscape;
 - (v) the advertising of corporate identification accords with Council guidelines;
- (E) the Deputy Lord Mayor, in consultation with the Acting Director City Development, be authorised to meet with café companies to establish guidelines for interpreting this policy, including model guidelines.

Carried.

ITEM 13. SMALL PERMITS APPEALS PANEL – REVIEW OF TERMS OF REFERENCE (S010284)

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

That arising from consideration of a report by the Area Planning Manager to Council on 27 August 2001 in relation to the operation of the Small Permits Appeals Panel, it be resolved that:

- (A) The Terms of Reference for the Small Permits Appeals Panel be amended as detailed in Attachment C of the subject report, as amended at the meeting of Council and subject to further amendments to clauses 3(h) and 3(i) as agreed by Council.
- (B) A quarterly report be submitted to Councillors, summarising the nature and quantum of matters determined by the Panel in that period; incorporating determination times.
- (C) An annual report be submitted to Council summarising the operation of the Panel during each calendar year.
- (D) Council's Schedule of Fees and charges be amended to include the new fees for the Small Permits Appeals Panel as outlined in the subject report.
- (E) the General Manager be requested to submit to the Lord Mayor for circulation to Councillors, a schedule showing the approval period for each type of category and sub-category beyond which an applicant may have a right of appeal to the Small Permits Appeals Panel on the grounds of delay.

Carried.

The terms of reference of the Small Permits Appeals Panel are as follows:

TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL

1. Preamble

The jurisdiction of the Small Permits Appeals Panel ('the Panel') is limited to:

- (a) determining the review of applications which would not otherwise be dealt with by Council or the Central Sydney Planning Committee or Council's Planning Development and Transport Committee; and
- (b) determining requests for review of decisions by a delegate of Council as specified below; and
- (c) investigating the delay to an application for an approval or permit as specified below.

2. Terms of Reference

Subject to 3., upon a request from an applicant or a person/company who is to be the subject of a proposed order and on payment of a fee to Council, the Panel is to review:

Development Applications and s96 Modifications to Development

- (a) Pursuant to the provisions of section 82(A) of the Environmental Planning and Assessment Act 1979, the review of a determination of applications made under delegated authority.

Local Government Act matters

- (b) Pursuant to the provisions of section 100 of the Local Government Act 1993, determinations of applications for approval under section 68 of the Local Government Act 1993 made under delegated authority. This includes Places of Public Entertainment (POPEs) and approvals for temporary structures (hoardings).

Notices of Intention to Serve an Order under the Planning Act

- (c) Notices of Intention to Serve an Order under Section 121 of the Environmental Planning and Assessment Act 1979 (except in cases where the General Manager is satisfied that the nature of the proposed order involves matters of health and/or public safety, and report such exclusions to the Lord Mayor within a month.

TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL

Notices of Intention to serve an Order under the Local Government Act

- (d) Notices of Intention to serve an Order under Section 132 of the Local Government Act 1993 (except in cases where the General Manager is satisfied that the nature of the proposed order involves matters of health and/or public safety, and report such exclusions to the Lord Mayor within a month.

Film Permits

- (e) Film permits issued under the Local Government Act 1993.

Footway Cafes

- (f) Licences for outdoor seating on council land associated with cafes/restaurants and the like (in addition to the review of the DA for such proposals).

Other Matters

- (g) The Panel shall also consider items referred to it by the Lord Mayor, Council or the General Manager.

Delayed applications

- (h) The Panel may determine delayed applications. An application is taken to be a delayed application if the time taken to process the application exceeds that in a schedule to be prepared by the General Manager and approved by the Lord Mayor.

Resubmitted applications

- (i) Where the delegate on the Panel has the power to do so, the Panel may determine an application made in substantially similar terms to an application which has recently been determined.

3. Matters ineligible for review

The Panel is not to deal with the following matters:

- (a) Applications that are Integrated Development, Designated Development or Complying Development Certificates.
- (b) Waiver of statutory charges, for example under Section 61 of the City of Sydney Act 1988 or Section 94 of the Environmental Planning and Assessment Act 1979 or to waive or vary Council's fees or other financial matters.
- (c) Any matter dealt with by Council or the Central Sydney Planning Committee.
- (d) Dealings with Council Property, excluding footway café licences.

TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL

- (e) Orders where the General Manager is satisfied that the nature of a proposed order involves matters of health and/or public safety; a report of such exclusions to be submitted to the Lord Mayor within a month.
 - (f) Matters other than those stated expressly in paragraph 2 above.
 - (g) Matters which, by law, cannot be delegated.
 - (h) The Panel will not be able to review and re determine an application such that the applicant is given approval for more than that originally applied for.
4. Panel determinations must be generally consistent with Council's controls and policies.
5. The Panel should draw to the attention of Council any policies or controls that, in its opinion, need review.

6. Panel Membership

The Panel generally shall comprise:

- (a) The Chairperson of the Planning Development and Transport Committee or the Lord Mayor (or an alternate approved by the Lord Mayor); and
- (b) A further member determined by the General Counsel being a senior council officer, being the Director who has the delegation to deal with the matters subject of that Panel (or alternate approved by the Senior Counsel; - the Council officer must not be subordinate to the original decision maker, nor be the actual decision maker; and
- (c) A member of an approved list of external persons comprising not more than eight persons, to be determined by the Lord Mayor in consultation with the General Manager.
- (d) In addition, the Lord Mayor and General Manager are ex officio members of the Panel and may choose to join Panel meetings.

7. Frequency of Panel Meetings

The Small Permits Appeals Panel will meet weekly on Thursdays or such other regular day as the Panel may decide, and it may also meet at short notice. The venue will be the Finance Room, Sydney Town Hall, or another venue as determined by the Chairperson. The time of the meeting shall be nominated by the Chairperson.

TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL

8. Notification and Advertising of DA matters for review

In the case of development applications that were notified and/or advertised and where there were submissions that are related to the subject of the review, or when the subject of the review warrants (in the opinion of the Director City Development, persons who previously made a relevant submission or any other persons as decided by the Director City Development, are to be notified by mail of the lodgement of the section 82A application and advised of the date and time of the Panel meeting, so that they may make a representation and/or address the Panel.

9. Fee

The fee for review shall be:

- (a) 50% of the original application fee up to a maximum of \$500;
- (b) for matters which did not involve an application fee, \$50.00.

10. Site Visit

Site visits may be undertaken, at the discretion of the Chairperson, before the Panel meeting.

11. Determination of Applications

- (a) Subject to the Preamble and the Terms of Reference, to the extent permitted by law, Council delegates authority to the Panel to determine applications made under section 82A of the Environmental Planning and Assessment Act 1979, section 100 of the Local Government Act 1993, representations made under Clause 121H and 121J of the Environmental Planning and Assessment Act 1979 and representations made under Section 133 of the Local Government Act 1993.
- (b) Decisions of the Panel are to be made within 14 days of a request for review and are to be conveyed to the applicant and to any person who made a submission or addressed the Panel, within three (3) working days of the Panel determination.

12. Term of Office

Panel members (other than ex officio members) shall be appointed for a period of up to three years. Membership will lapse on 28 February triannually.

13. Panel Meetings

- (a) The General Counsel is responsible for the conduct and administration of the Panel.
- (b) The relevant Council Unit will provide the necessary resources as required.

TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL

- (c) The Panel shall meet every Thursday, or such other regular day as the Panel may decide. The meetings shall be open to the public and agendas will be produced and minutes taken by Secretariat staff.
- (d) Applicants and persons who previously made a submission on a development application or adjoining owners/occupants will be invited to attend and make submissions. The purpose of the Panel is to expeditiously review actions and decisions made by Council staff and to assess the merits of an issue. Legal representation is not encouraged. The Panel will not have its own legal representative, except it may in the case when it is reviewing a representation on an Order, if the Panel applicant has legal representation.

14. Appeal Rights

Appeal rights to the Land and Environment Court are notified to all applicants as part of the normal determination of DAs and the issue of Orders.

15. Quorum

A quorum of the Panel shall be two, comprising:-

- (a) the Chairperson of the Planning Development and Transport Committee, or the Lord Mayor, or the alternate approved by the Lord Mayor;
- (b) the external member, except where that member is unable to attend in exceptional circumstances, in which case a senior Council officer shall attend.

16. Conflict of Interest

Appeal Panel Members will be required to declare any conflict of interest in relation to any matter that comes before them. In such instances, that member will be ineligible to participate in that particular review matter.

17. Fees for Panel Members (other than the Chairperson and Council Officers)

An annual fee shall be paid to the Panel representatives, other than the Chairperson and the Council officers or their alternates. The amount of the annual fee shall be determined by the General Manager in consultation with the Lord Mayor.

18. Reporting of Decisions to Council

Quarterly reports to Councillors and annual reports to Council summarising the decisions and operation of the Panel will be submitted.

19. Process

The applicant shall lodge their Request for Review by the Small Permits Appeal Panel with the One Stop Shop who will immediately advise the Secretariat who commences the process.

TERMS OF REFERENCE - SMALL PERMITS APPEALS PANEL

20. Review

The functions of the Panel will be reviewed within twelve months of a general election of Council.

ITEM 14. POLICY AND APPROACH TO MANAGEMENT OF SENSITIVE LAND USES (S015674)

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

That arising from consideration of a report by the Specialist Planner (City Development) and Senior Project Manager (City Service Development) to Council on 27 August 2001, in relation a policy response and organisational approach to the management of land uses, it be resolved that: -

- (A) The policy for the determination of all consents for late trading/24 hour operation for pubs and like uses, as detailed in Attachment B to the subject report, be adopted by Council;
- (B) the policy be forwarded to the Sydney Harbour Foreshore Authority and Department of Urban Affairs and Planning and that these organisation be requested to adopt it for the assessment and determination of applications for late trading applications;
- (C) Amendments be prepared to the Central Sydney Local Environmental Plan (LEP 1996) relating to gaming areas within pubs, clubs and hotels and supporting controls for regulation of hours of operation for pubs and like uses in Central Sydney Development Control Plan (DCP 1996)
- (D) The revised model for the City's Accord with Licensed premises be adopted.
- (E) An increased advocacy role be adopted for the City on issues such as licencing and gaming, including:
 - (1) A submission be prepared in response to the draft Gaming Reform Package (due in September 2001);
 - (2) the City investigate the feasibility of a major publicity campaign to discourage and advertise the real risks of gaming in the City;
 - (3) The Lord Mayor write to the Minister for Gaming and Racing seeking:
 - (a) continuing access to information about the extent and impact of gaming within the LGA;
 - (b) details of any plans to evaluate the impact of the harm minimisation/responsible serving policies and practices.
 - (c) to establish a protocol for the regular provision of information on licensing and compliance matters affecting the City of Sydney.
- (F) The General Manager be requested to review the Council's compliance role, particularly enforcement of conditions of approval for certain uses such as pubs.

Carried.

ITEM 15. JUNE 2001 - QUARTER 4 BUDGET REVIEW (S011648)

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

That arising from consideration of a report by the Senior Management Accountant to Council on 27 August 2001 on June 2001 - Quarter 4 Budget Review, it be resolved that Council:-

- (A) Note the draft year end results showing an operating surplus of \$60.4M.
- (B) Note the draft year end expenditure on capital works of \$20.8M
- (C) Note the draft year end expenditure on plant and assets of \$4.2M.
- (D) Request that the Acting General Manager consider whether any provision is required in relation to outstanding disputes with statutory authorities, and if so, to assess the potential liability and make an appropriate provision in the draft year end accounts.

Carried.

ITEM 16. QUESTIONS ON NOTICE**ILLEGAL PARKING (S014453)**

1. By Councillor Greiner -

Question

Lord Mayor, on Wednesday 15 August when walking through Martin Place to lunch in the Westpac Building, I counted no more than 3 workmen's trucks, and 2 radio station cars with a convertible sports car, all parked in Martin Place on the western side of Pitt Street, plus one armoured van on the northern side on Martin Place at Phillip Street.

On my return 1½hrs later, there were 3 workmen's trucks still on the Martin Place corner at Pitt Street, plus a new truck on the northern side of Pitt Street; and the armoured vehicle had now relocated to the south-western side of Martin Place at the Pitt Street corner.

When will you take seriously the pleas from many community members as to the danger of trucks parking on the public way and violating Council's standards? These parking infringements have got to cease.

Will you please inform Council what leadership you plan to take on this issue?

Answer by the Lord Mayor

Your question is expressed in a highly polemic manner, as you are prone to do frequently. If you really were genuine about this issue you would refer this matter directly to the Director Living City Services.

As you are aware, if a driver parks a vehicle illegally then an infringement notice should issue. Martin Place is not a road and it is an offence to stop on the footpath.

Unfortunately, as you know, the NSW Parking Police have not yet been transferred to Council's jurisdiction.

Council resolved on 6 August 2001 (and you agreed to an amendment to your Notice of Motion at that meeting):-

That Councillors refer any issues in respect of parking to the Sydney Traffic Committee; any issues in respect of enforcement matters to the Director Living City Services; and that a report on any matters raised be circulated to Councillors via the Councillors' Information Service.

I have taken this opportunity to refer your Question to the Director Living City Services and I suggest you do likewise in the future.

COUNCIL ORGANISATION (S014453)

2. By Councillor Greiner -

Question

Lord Mayor, According to the Australian Financial Review 21/8/01 which reports on a leadership study conducted by Monash University and the Australian Institute of Management, "Years of downsizing, restructuring and rapid change have eroded trust in most businesses . . . the concept of trust is gaining more attention from researchers and when the leader is walking the talk, trust follows."

As you are aware, staff morale and discontent, as well as a lack of trust in the organisation, is rife throughout the whole of Council and has been the cause of the recent departure of numerous senior staff.

This is a critical issue which must be addressed and cannot wait until a new General Manager is appointed.

Will you please convene a meeting as soon as possible with all Councillors and the authors of the aforementioned study to devise a strategy to rebuild the confidence, commitment, loyalty and respect within this organisation?

Answer by the Lord Mayor

Councillor Greiner, the question is a slur on the Council and staff and as a petty, political statement is out of order.

The second paragraph of your question is simply wrong. Staff morale currently is fine, especially following recent organisational initiatives.

Given that you have been involved in all council discussions on the recent organisational changes, and you supported the review of staff numbers, you would do well to stop your petty municipal point scoring.

QUESTIONS WITHOUT NOTICE**EMPLOYMENT OF CASUAL STAFF/OVERTIME EXPENDITURE (S014458)**

1. By Councillor Farr-Jones

Question

Lord Mayor, I think I am right in saying that you recently publicly foreshadowed some downsizing of staff.

In view of that, could you please provide me with information for the last three years, preferably quarterly, covering the extent of casual staff at various times and the amount of overtime expended in those years and/or quarters.

Answer by the Lord Mayor

Yes Councillor Farr-Jones, of course I can do that. In fact, if I can just correct you though, we did not foreshadow that we wanted to downsize, we actually resolved to do it and you voted for it on 21 June 2001. We talked about reducing staff numbers by a target of 5 to 10 per cent because the total staff numbers had crept up a bit because of the Olympics.

ST PETERS SITE (S014458)

2. By Councillor Farr-Jones

Question

Lord Mayor, in relation to a request I made about a month ago and, again, it is on the assumption that we have actually commenced the marketing process for the St Peters site, would I be able to get a copy of the draft contract for sale, as I requested previously?

Answer by the Lord Mayor

The marketing program has not yet been commenced. The marketing kit is still being finalised and the contract is being finalised.

Yes, Councillors can have a copy of the marketing kit, of course, and a copy of the contract that goes to the bidders as well. I would, however, stress the importance of discretion, given that Council's interest in this matter is to maximise its return.

ITEM 17. NOTICES OF MOTION

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

At 6.50pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 3 September 2001 at which
meeting the signature herein was subscribed.