



2 APRIL 2001

Meeting No 1327

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.40pm on 2 April 2001 pursuant to Notice 5/1327 dated 29 March 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, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.40pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council meeting of 12 March 2001**

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

That the minutes of the meeting of Council of 12 March 2001, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary meeting of Council of 19 March 2001

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

That the minutes of the Extraordinary meeting of Council of 19 March 2001, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 2/4/01

MINUTE BY THE LORD MAYOR

To Council:

Attached for consideration by Council at its meeting on 2 April 2001 is a report by the Director City Development on Development Application: Public Footway Adjoining 580 George Street Sydney.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

**ITEM 16. DEVELOPMENT APPLICATION: PUBLIC FOOTWAY ADJOINING
580 GEORGE STREET SYDNEY (D01-00110)**

Call to Order

During discussion on Item 16, the Chairman (the Lord Mayor) called Councillor Greiner to order for making statements that contained imputations against the Chairman, other Councillors and staff, namely that Councillor Greiner raised accusations about an “abuse of process”.

Following further discussion the Chairman (the Lord Mayor) called Councillor Greiner to order a second time for interruptions to the meeting.

Point of Order

Following further discussion, Councillor Greiner raised a point of order that the Chairman (the Lord Mayor) had misrepresented her. The Lord Mayor stated that his comments had not misrepresented Councillor Greiner and ruled that there was no point of order.

Call to Order

During further discussion the Chairman (the Lord Mayor) called Councillor Greiner to order on several occasions for continually interrupting the meeting.

Following further discussion the Chairman (the Lord Mayor) called Councillor Greiner to order a further time and ruled, in accordance with the provisions of Clause 29(1)(e) of the Local Government (Meetings) Regulation 1999 that her repeated interruptions of the Council meeting were an act of disorder.

Following further discussion, the Chairman (the Lord Mayor) called Councillor Greiner to order a final time.

Following further interruptions by Councillor Greiner, and in accordance with the provisions of Section 10(2)(b) of the Local Government Act 1993, the Chairman (the Lord Mayor) expelled Councillor Greiner for the remainder of the meeting.

At 6.03 pm, Councillor Greiner left the meeting and did not return.

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to Council on 2 April 2001, in relation to Development Application D2001/00110 made by E. Pantechis for the use of part of the George Street public footway adjoining premises 580 George Street for the provision of outdoor seating facilities in conjunction with the adjoining “Senarios” café, it be resolved that

(A) consent be granted subject to the following conditions:-

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No.D01-00110 dated 22 February 2001 and information and drawings numbered S4-130/805B dated 22 November 2000 as amended by the following conditions:
- (2) The street cafe must cease after a period of 1 year from the date of commencement. The four northern-most tables and associated chairs are approved for a trial period of 3 months only in order to assess their effect on pedestrian amenity. Should the General Manager determine that there is no detrimental pedestrian effect at the conclusion of the trial period, he may extend the approval period of these tables and chairs by 9 months. A new development application to continue the use may be **lodged** before the expiration of the consent for Council's consideration of the continuation of the use.
- (3) The operator of the cafe shall enter into a licence with Council for the subject area with all legal costs associated with the preparation of the licence being borne by the licensee. Such licence shall be executed prior to the commencement of operation of the footway cafe.
 - (a) **Note:** Should the operator of the cafe change at any time, the licence is required to be renewed under the name of the new operator.
- (4) The operation shall be suspended to facilitate Council approved special events to be held in the street. No claim for compensation shall be entitled under such circumstances.
- (5) Energy Australia is to have unimpeded access to the area 24 hours per day with all furniture/equipment used within the area being easily moved by one person. No claim for compensation shall be entitled as a result of activities conducted in the area by Energy Australia.
- (6) The licensee intending to lease from Council or use footways, plazas or other portions of the public way for outdoor food retailing purposes must contract either with Council or with a suitable refuse contractor for the daily removal of putrescible wastes prior to the commencement of operations of the licensed area.
- (7) In addition to Council's daily street sweeping and cleansing operations, the operator of the outdoor café shall ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (8) A maximum of 12 tables and 24 chairs shall be located within the footway area.
- (9) All furniture shall be kept strictly within the boundaries of the area defined on the approved drawing S4-130/805C.
- (10) The use of planter boxes or screens to define the area is not permitted.

- (11) All outdoor furniture, including tables, chairs, umbrellas, etc shall be the subject of Council approval prior to the commencement of the use. The furniture must comply with the requirements of the Outdoor Cafe Policy 1996. In selecting the outdoor furniture, care should be taken to ensure that the design will not leave impressions or otherwise damage the footway pavement within the licensed area. Any damage to Council's footway must be rectified at the lessee's expense.
 - (12) All outdoor furniture shall be maintained at all times in a physically sound and aesthetically acceptable condition.
 - (13) No furniture or other structure shall be fixed to the pavement, without the consent of Council.
 - (14) The chairs should be able to be stacked or folded for storage when not in use with a furniture storage area being provided within the premises.
 - (15) The use of disposable tableware at the footway cafe is not permitted at any time.
 - (16) The use of the licensed area shall not give rise to a nuisance, or an offensive noise as defined in the Protection of the Environment Operations Act 1997, to adjoining properties or the public.
 - (17) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.
 - (18) The proposed licensed area shall be adequately illuminated at night to the satisfaction of Council. Care should be taken to ensure that the illumination does not cause injury to the amenity of the neighbourhood.
 - (19) Portable signs or goods for sale or display must not be placed on the footway or other public areas.
 - (20) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
 - (21) The hours of operation must be restricted to between 7.30 am and 12.00 midnight on Mondays to Thursdays, inclusive, 7.30 am and 1.00 am the following day on Fridays, 9.00 am and 1.00 am the following day on Saturdays and 10.00 am and 11.00 pm on Sundays.
- (B) the Director City Development be asked to prepare a report for the Planning Development and Transport Committee recommending a policy as to the length of the consent period for outdoor tables and chairs.

The motion was carried on the following show of hands -

Ayes (5) - The Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (1) - Councillor Farr-Jones.

Motion carried.

(Note - Councillor Farr-Jones indicated a wish to abstain from voting on this matter. Pursuant to the provisions of clause 24(1) of the Local Government (Meetings) Regulation 1999, Councillor Farr-Jones is taken to have voted against the motion.)

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

There were no Memoranda by the General Manager at this meeting of Council.

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.

The following report had been received and was laid on the table -

Federal Minister for Trade
The Hon Mark Vaile MP

From Sheep's Back to Cyberspace - Trade
and Regional Australia in Changing Times

Moved by Councillor Turnbull, seconded by Councillor Ho -

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

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 26 MARCH 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 5.18 pm, those present were -

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

Councillor Fabian Marsden was also present.

Closed meeting

At 5.26pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 5.3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.30 pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 26 March 2001 be received, and the recommendations set out below for Items 5.1 to 5.3 inclusive be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 28 FEBRUARY 2001 (AO2-00360)

5.1

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 26 March 2001, on Investments Held by Council as at 28 February 2001, it be resolved that the report be received and noted.

Carried.

CODE OF CONDUCT - REFERENCE TO NOTIFYING THE NSW OMBUDSMAN OF CHILD ABUSE ALLEGATIONS AND CONVICTIONS AGAINST EMPLOYEES (A03-00400/P03-00138)

5.2

That arising from consideration of a report by the Manager Audit and Review to the Finance, Properties and Tenders Committee on 26 March 2001 on Code of Conduct – reference to notifying the NSW Ombudsman of child abuse and allegations and convictions against employees, it be resolved that the following paragraphs be added to Section 3.1 of the Code of Conduct (Ethical Conduct - Particular Commitments of Staff):

“The City is committed to the safety, welfare and well-being of children. Employees are required to report suspected incidences of child abuse by employees, or knowledge of convictions for child abuse by employees, in line with Internal Reporting Procedures. To ensure confidentiality and fair dealing, you should only report the matter to the Director Legal and Secretariat and the General Manager.

Employees must act responsibly in reporting suspected incidences of child abuse, and must be aware that vexatious, malicious or unsubstantiated allegations may themselves be a breach of this Code of Conduct.”

NB: Employees are defined as follows:

- (a) contractors or consultants;*
- (b) foster carers;*
- (c) student placements;*
- (d) sub-contractors;*
- (e) volunteers, and*
- (f) work experience participants, and*
- (g) salaried and wages employees.*

Carried.

Closed meeting

At 5.26 pm 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)(c) of the Local Government Act 1993 to discuss Item 5.3 on the agenda as this matter comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter 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.

Item 5.3 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session.

**SLIP STREET, SYDNEY ADJOINING THE REAR OF 81 SUSSEX STREET,
BRISTOL ARMS HOTEL - PROPOSED LEASE OF PART (L02-00839)**

5.3

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 26 March 2001, on Slip Street, Sydney adjoining the rear of 81 Sussex Street, Bristol Arms Hotel – Proposed Lease, it be resolved that -

- (A) the report be received and noted;
- (B) the General Manager be asked to review this matter and, subject to consultation with the licensee, to ascertain the most appropriate use of the subject land;
- (C) authority be delegated to the General Manager to determine the use and if necessary grant a lease of the subject land having regard to the conditions recommended in the subject report.

Carried.

ITEM 6. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 26 MARCH 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 6.07 pm those present were -

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

Councillor Ho arrived at the meeting of the Community Services, Small Business and Tourism Committee at 6.12 pm, during discussion on Item 6.1.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.22 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Coulton -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday, 26 March 2001 be received, and the recommendation set out below for Item 6.1 be adopted.

Carried.

STATE OF THE ENVIRONMENT REPORT 2000 (S005147)

6.1

That arising from consideration of a report by the Senior Project Manager - Environment to the Community Services, Small Business and Tourism Committee on 26 March 2001, on the City of Sydney State of the Environment Report, it be resolved that the City of Sydney State of the Environment Report 2000, as circulated with the subject report, be endorsed.

Carried.

ITEM 7. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 26 MARCH 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 6.23 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. Status Report: 5-11 Bridge Street, Sydney
3. S96 Modification Application: Coronation Hotel, 5-7 Park Street, Sydney
4. Status Report: Integrated Development Application - Bomera and Tarana, 1 Wylde Street, Potts Point
1. Progress Report on Development Applications

The meeting of the Planning Development and Transport Committee concluded at 6.50 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 26 March 2001 be received, and the recommendations set out below for Items 7.1, 7.2 and 7.4, be adopted, with Item 7.3 being noted.

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 Manager Development to the Planning Development and Transport Committee on 26 March 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

STATUS REPORT: 5-11 BRIDGE STREET, SYDNEY (D2000/00311)**7.2**

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 26 March 2001, with regard to the provision of access for persons with disabilities at the Burns Philp Building, 5-11 Bridge Street, Sydney, it be resolved that:-

- (A) the subject report be received and noted;
- (B) the Director City Development be requested to negotiate with the applicant to ensure the outstanding requirements are met;
- (C) authority be delegated to the General Manager, in consultation with the Chair of the Planning Development and Transport Committee and the Chair of the Access Committee, to determine the final design and the implementation schedule of the garaventa.

Carried.

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

The Planning Development and Transport Committee recommended that Council note that Item 7.3 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

S96 MODIFICATION APPLICATION: CORONATION HOTEL, 5-7 PARK STREET, SYDNEY (D/1999/467 A)

7.3

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 26 March 2001 in relation to Section 96 (1A) Modification proposing amendments to condition 3 of Development Application D/1999/467 made by Mintjay Pty Ltd for the site at 5-7 Park Street Sydney, it be resolved that consent be granted and conditions be modified as follows.

(3) The hours of operation are regulated as follows:

- (a) The hours of operation of the premises shall be restricted to between 8.00am and 12 midnight on Mondays to Fridays (inclusive) and between 10.00am and 12 midnight on Saturdays and 10.00am to 10.00pm on Sundays:
- (b) *Notwithstanding "a" above, the premises may operate 24 hours a day, 7 days a week, for a trial period of two (2) years from the date of this modification. The licensee shall inform Council in writing of the date upon which these extended hours commenced.*

The hours referred to in "b" above shall be commenced within 6 months of the date of this consent. A further application may be lodged to continue the 24-hour trading before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, the performance of the hotel operator in relation to compliance with development consent conditions, any complaints received and any views expressed by the Police.

Carried.

PART "A" (CONTINUED) - DETERMINED BY COUNCIL

STATUS REPORT: INTEGRATED DEVELOPMENT APPLICATION - BOMERA AND TARANA, 1 WYLDE STREET, POTTS POINT (D2001/00005)

7.4

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 26 March 2001, in relation to the Integrated Development Application D201/0005 made by Wolf Architecture Pty Ltd for the site at 1 Wylde Street, Potts Point, for restoration and adaptive reuse of the site, it be resolved that:

- (A) the subject report be received and noted; and
- (B) the requirement for a Development Plan be waived in the present circumstances as -
 - (i) the height, bulk and form, and envelope of the structures on the site are to remain the same; and
 - (ii) the application provides for the substantial restoration and refurbishment of two heritage buildings and landmark promontory in accordance with the submitted conservation management plan.

Carried.

**ITEM 8. DEVELOPMENT APPLICATION: ENERGYAUSTRALIA
SUBSTATION, 151-241 GOULBURN STREET, SURRY HILLS
(D2001/00165)**

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Specialist Planner to Council on the 2 April 2000, in relation to development application D2001/00165 for the proposed Energy Australia Substation, it be resolved that:-

- (A) Pursuant to Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996, Council waive the requirement for compliance with an adopted Development Plan for the following reasons:
- (a) the substation is being relocated to this site at the request of the Central Sydney Planning Committee;
 - (b) the provision of the substation is a significant public benefit to the residents of, workers in, and visitors to the locality;
 - (c) the substation is being relocated from a site adjacent to a multi-storey residential building to an open air car park adjacent to the Police Centre;
 - (d) the substation is a required element of civil infrastructure in order to meet the future needs of the community;
 - (e) the relocation of the substation will facilitate the establishment of a significant new park on the residual area of the car park; and
 - (f) the footprint of the substation building (980m²) is substantially less than the 1500m² development plan threshold requirement and its immediate surrounds will be an accessible landscape buffer.
- (B) Authority be delegated to the Lord Mayor to determine the development application.

Carried unanimously.

**ITEM 9. LOCAL GOVERNMENT AMENDMENT ACT 2000 -
CONSEQUENTIAL CHANGES TO CODE OF MEETING PRACTICE;
EFFECT ON CIVIC OFFICE POLICY (C13-00111)**

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

That arising from consideration of a report by the Chief Clerk Secretariat to Council on 2 April 2001, on Local Government Act 2000 - Consequential Changes to Code of Meeting Practice; Effect on Civic Office Policy, it be resolved that Council -

- (A) note the changes made to Part C of the Code of Meeting Practice to reflect the provisions of the Local Government Amendment Act 2000;

- (B) approve the inclusion of the following clauses in Part B of the Code of Meeting Practice:
- (i) A Councillor who has a pecuniary interest in a matter being considered at a Council or Committee meeting must disclose the existence of the interest and also the nature of that interest; Councillors are requested to make such a disclosure in writing and provide the written disclosure to the General Manager prior to the commencement of the meeting.
 - (ii) a Councillor having disclosed a pecuniary interest must not be present at the meeting when the matter is being considered, discussed or voted on.
- (C) adopt the Code of Meeting Practice as amended in (B) without public exhibition as the amendment is not substantial and reflects the provisions of the Local Government Amendment Act 2000.

Carried.

ITEM 10. STREET SAFETY CAMERA PROGRAM REVISED CODE OF PRACTICE (S002128)

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

That arising from consideration of a report by the Senior Project Manager, Safe City to Council on 2 April 2001 on the review of the Code of Practice of the Street Safety Camera Program, it be resolved that -

- (A) Council approve the adoption of the revised Code of Practice for the Street Safety Camera Program, as shown at Attachment A to the subject report;
- (B) The revised Code of Practice take effect immediately;
- (C) The Protocols for the Street Safety Camera Program be amended to specify when and how it is appropriate to report acts of graffiti.

Carried unanimously.

ITEM 11. QUESTIONS ON NOTICE**FOOTPATH MAINTENANCE (S014453)**

1. By Councillor Greiner –

Question

Lord Mayor, observation of the granite footpaths in the major city streets would show that we are losing the war on chewing gum. Black markings left by the gum are more and more evident and indeed the standard of cleanliness is seriously dropping. Similarly, more graffiti is appearing than occurred in the middle of last year.

My questions therefore are -

1. Was there a higher standard established prior to and during the Olympic period for the cleanliness of the city streets and the removal of graffiti?
2. What is the benchmark standard established in the external contractors' agreement with Council as to the standard of cleanliness and graffiti in the city streets?
3. Would you ensure that the contractors are held to the standard that was in evidence during the Olympic Games?

Answer by the Lord Mayor

The General Manager advises that:

- “1. The City’s street cleaning and graffiti removal services are subject to high performance standards at all times. These same standards were applied to service delivery during the Olympic Games.
2. The City’s street cleaning standard (overall) is required to exceed 95% of contract specifications. The City’s graffiti removal contract requires removal from assets owned by the City, the NSW Roads and Traffic Authority and Energy Australia within 24 hours of notification.
3. Street cleaning and graffiti removal contract compliance is monitored daily by the City. During the last quarter the street cleaning contract achieved 96% against contract specifications. During the month of February the graffiti removal contract achieved 98% removal within 24 hours. All emergency graffiti removal responses were completed within the 4hr timeframe required under the contract.”

I have asked the General Manager to review these standards in the context of the next round of competitive tendering.

DEVELOPMENT APPLICATION (S014453)

2. By Councillor Greiner –

Question

Lord Mayor, what is Council's practice and procedure regarding applicants' failure to wait for Council to process and determine their development application and who proceed as though a successful application had already been determined, eg café owners establishing tables and chairs on their footpath prior to a determination?

Answer by the Lord Mayor

The General Manager advises that:

“In principle, one would commence action if there is unauthorised use even if a new DA for that use has been lodged. However, this may be tempered by the nature and magnitude of the breach, the likelihood of a successful DA and other circumstances such as our prospects in court.”

INQUIRY INTO THE STRUCTURE OF LOCAL GOVERNMENT (S014453)

3. By Councillor Greiner –

Question

Lord Mayor, your previous answers to my request for the costing of publications concerning the Sproats' Inquiry distributed throughout the 8 affected Council regions have been inadequate.

Would you therefore provide to Council the following information?

1. The numbers of publications distributed throughout the City of Sydney and any other Council region.
2. The source of the written material and the production of the publications.
3. Whether these publications were distributed to all householders and/or ratepayers and/or commercial businesses within the City of Sydney and the 8 co-located Council areas.
4. The total cost of the production and distribution of the abovementioned publications.

Answer by the Lord Mayor

The General Manager advises that:

- “1. Three newsletters have been produced by the City of Sydney to provide information to affected stakeholders regarding the Inquiry into the Structure of Local Government . The first newsletter - *Dispelling the Myths* - was produced in December 2000. The second newsletter - *City Advocates Reform* - was produced in January 2001 and a third newsletter - *City Sets New Standards* - was produced in March 2001.
2. The basis for the information in the three newsletters is the City's submission to the Inquiry into the Structure of Local Government and supplementary papers. The first two newsletters were designed in-house at the City of Sydney and the third newsletter was designed by an external design company. All three newsletters were printed externally.
3. Distribution for the three newsletters was as follows -
 - Newsletter 1 distributed to residents in Leichhardt, Marrickville, South Sydney, Woollahra and Waverley Council areas.
 - Newsletter 2 distributed to residents in City of Sydney, Leichhardt, Marrickville, South Sydney, Woollahra, Waverley, Randwick and Botany council areas
 - Newsletter 3 distributed to residents in Leichhardt, South Sydney, Waverley, Woollahra, Marrickville, Randwick and Botany council areas.”
4. The total cost of writing/project management, design, printing and distribution of the three newsletters was \$192,768.46”

QUESTIONS WITHOUT NOTICE**HOMELESS PERSONS OUTREACH SERVICE (S014462)**

1. By Councillor Turnbull -

Question

Lord Mayor, has there been any suggestion or request made for information about extending the reach of the homeless persons outreach service beyond the boundaries of the City of Sydney?

Answer by the Lord Mayor

Yes there has been. There has been some discussion, I think, at officer level with the Department of Housing about the potential for extending the homeless persons outreach service to the Woolloomooloo precinct. Also, I believe, there are negotiations taking place with the Department of Housing, the Minister for Housing's Office, the Local Member, Clover Moore MP, and South Sydney City Council.

If we were to extend to that area, the Council would do so on the basis of no cost to Council and our service not suffering detrimentally. It reflects well on the quality of our Outreach Program but we will, of course, want other guarantees and no cost to Council.

SYDNEY TOWN HALL AND ENVIRONS (S014457)

2. By Councillor Coulton -

Question

Lord Mayor, I have a question on two matters relating to Town Hall. Late last year there was an ideas competition to redesign the Town Hall environs and I also understand that staff are working on a conservation management plan for Town Hall. Could you give the Council an update on these two items?

Answer by the Lord Mayor

I believe the General Manager has set up a project control group that is working through all of the issues. There is the Town Hall Environs Ideas Competition won by Tony Caro which related to the Sydney Square, connections with Town Hall House, and the Drutt Street frontage.

In addition to that, because of the proposed State Heritage listing of Sydney Town Hall, we would like to prepare a final conservation management plan that deals with all of the issues relating to the environs of the Town Hall, how it connects to Town Hall Square, how it connects to Drutt Street and revisit the Lower Town Hall performing space concept. We would need to look at issues such as location of the toilets in the northern and southern galleries of the upper Town Hall, as well as the question of providing lift access to Level 1 and also, of course, review the issue of the functionality of the Council Chamber and how it can be improved.

I believe staff are working on that with a view to preparing a new conservation management plan and advancing a program of implementation. I invite the General Manager also to respond to the question.

General Manager

I would just like to add that the Director City Development is chairing the project control group. I think that there are about eight Council staff and external people involved and there will be a series of steps as the Lord Mayor has indicated. The conservation plan information has to come first and then, finally, a capital program for Council to consider.

MILLERS POINT/DAWES POINT - HERITAGE LISTING PROPOSAL (S014461)

3. By Councillor Marsden -

Question

Lord Mayor, I have had representations from various people and community groups within the Millers Point area regarding a heritage listing proposal for the entire area of Millers Point and Dawes Point. How can the City of Sydney facilitate discussions, and lead a process of identifying and protecting this entire area as a comprehensive historic cultural landscape of significant heritage value?

Answer by the Lord Mayor

Thank you Councillor Marsden. Substantial portions of that precinct are actually already heritage listed. That is certainly contained in our Local Environmental Plan. I am not sure that I agree that individual items, except perhaps a few, should necessarily be on the State Heritage register.

However, I think it is a worthy issue to pursue and I ask the General Manager and Director City Development to make sure that this is a special issue to be considered with the five year review of the Local Environmental Plan, which we are about to commence, and which has to be completed by the end of the year. I think we should look at all those issues in that context.

Thank you for the question.

BALFOUR STREET, CHIPPENDALE (S014462)

4. By Councillor Turnbull -

Question

Lord Mayor, several people in the Chippendale area have asked the City of Sydney to consider whether to close Balfour Street for the creation of a new park. What is your view about this?

Answer by the Lord Mayor

Councillor Turnbull, I have not actually inspected that precinct in the last period. However, I know the General Manager had some discussions with the brewery. I think that that issue should be looked at in two contexts.

Firstly, in relation to the review of the Local Environmental Plan for the City by the end of the year and, secondly, of course, should the City acquire that portion of Chippendale as a boundary adjustment - and I say "should" as I have no idea whether we will or we won't - then I think the whole question of street patterns of the area could be reviewed in that context as well, including that part not within our area.

In fact, it is a good question because it makes quite clear the commonsense of uniting Chippendale into the City where there would be substantial benefits for all concerned.

LAND AND ENVIRONMENT COURT REVIEW (S014457)

5. By Councillor Coulton -

Question

Lord Mayor, Council has published a document called "Unwanted Legacies of the Land and Environment Court of New South Wales". What has been the response to this document by the public and others?

Answer by the Lord Mayor

Councillor Coulton, the response to that publication has been very, very positive. I have had feedback from a whole range of people, including Board members of Statutory Authorities, Ministers - several Ministers commented very favourably - and when the staff and I presented to the Gerald Cripps' inquiry, it wasn't a great point of contention even at the working party.

We have had a phenomenal amount of correspondence, including, of course, from many people in local government, such as the Mayor of Manly, Jean Hay AM, who wrote to me describing it as an excellent publication. Gosford City Councillor Doyle writes - "I appreciate the great work you and the City of Sydney are doing on behalf of all of us. Keep up the good work."

Fred Nile MLC writes to us - "We share your concerns, especially in regard to overruling local council policies regarding brothels." Cowra City Council passed a resolution supporting in principle the City of Sydney Council and its submission to the Land and Environment Court review. There have been numerous contacts of State and Federal Members of Parliament.

It has been extremely positive in terms of the media. It is interesting to see that Tom Wardell, a former Supreme Court judge, who was originally head of the Land and Valuation Court and, before his retirement, spent some time at the Land and Environment Court, wrote a very positive article in The Daily Telegraph.

There is, of course, a substantial amount of resident and community support for it and I think it has really struck a nerve. In fact, it has been well received throughout New South Wales, including in country areas. It shows that, whilst within the planning law fraternity there might be a feeling that all is well, in the community at large there is a huge amount of public support for change. In fact, even some of our polling which was published showed that the majority of the people were in favour of our position on the Land and Environment Court.

So I hope that Gerald Cripps and his working party take on board the model we have proposed. It is a very comprehensive model which we discussed with them at length. I hope the Government goes forward with some significant amendments to make the system much more efficient, fairer, cheaper and quicker for everybody, which is the aim.

Bona fide aggrieved developers and small applicants have nothing to fear. It is the speculators that would be worse off. Everyone else would be better off.

LOCAL ENVIRONMENTAL PLAN - CHIPPENDALE (S014462)

6. By Councillor Turnbull -

Question

Lord Mayor, I understand that the Council's rejection of the development application for 52 Regent Street was upheld in the Land and Environment Court a week or so ago. I congratulate the Council staff for this win. In the light of this decision, have you given any consideration to amending the Local Environmental Plan for the Chippendale area and to consider generally heritage and building height issues in the area?

Answer by the Lord Mayor

In relation to that, I also would like to congratulate the staff on that win, because it was a very important issue. It was to do with urban design and as a result of that win the applicant next door, I think No. 54, has since withdrawn their appeal which is heartening.

I understand, General Manager, that there is a report due to come to Council soon recommending an amendment of the heights in the Regent Street precinct. It would be helpful if that report was available soon, so that we could either have a briefing or have it dealt with by Council one way or another. Could I ask you, General Manager, to look into this matter?

ITEM 12. NOTICES OF MOTION**APPLICATIONS FOR 24-HOUR TRADING (S014465)**

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

That Council formalise its practice and procedure into a policy in relation to applications for 24-hour trading for hotels, bars and places of public entertainment, in the following manner:

- (a) A trial period be imposed at all times;
 - (b) Council officers undertake comprehensive monitoring during the trial period;
 - (c) All 24-hour applications to be determined by Council, not by delegated authority;
- and, subsequent to the policy formulation -
- (d) Provide to Councillors an updated map of 24-hour establishments in the City of Sydney LGA.

The motion was lost on the following show of hands -

Ayes (2) - Councillor Farr-Jones, Councillor Ho.

Noes (4) - the Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull.

Motion lost.

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the General Manager be requested to -

- (A) provide, by 30 May or the first Council meeting after that date, a draft policy for the determination of all consents for licensed premises and other premises which could have a detrimental impact on the amenity of the neighbourhood, including without limitation places of public entertainment, amusement centres, internet cafes, karaoke bars, and restricted premises;
- (B) provide, by 30 May or the first Council meeting after that date, draft proposals for an amendment to the Central Sydney Local Environment Plan 1996, to address issues regarding the amenity and social impacts which have arisen as a result of the proliferation of gaming machines in licensed premises, particularly in premises which trade on a 24 hour or extended trading hours basis, to be applied to all future consents;
- (C) provide, within two weeks of this meeting, an updated map of establishments which have 24 hours trading and trading hours permitted beyond 3 am.

Carried unanimously.

Farewell to Deputy General Manager

The Chairman (the Lord Mayor) noted the resignation of Cliff Haynes, Deputy General Manager, and thanked him for his long and loyal service over a period of six years. The Lord Mayor said Mr Haynes had worked with three different General Managers, and had worked extremely hard for the City; he had been passionate about the City and about local government in general. The Lord Mayor noted that Mr Haynes was leaving to take up a senior position with the City of Parramatta, which was a go-ahead growth area. He wished Mr Haynes and his family every success in their endeavours and thanked him for his immense services to the City of Sydney in the last six years, including during the Olympic period.

Cliff Haynes responded that the last six years had been the highlight of his career in local government. The opportunity to work with the City of Sydney had itself been a great highlight, and particularly to be involved in the Olympics with a wonderful team. Mr Haynes said that during the last six years he had seen a great deal of change, and he looked forward to using the experience he had gained in his new position.

Mr Haynes thanked the Lord Mayor for his leadership during this time and thanked Councillors for their support. Mr Haynes said one of his disappointments in leaving was that he would not have chance to work with the new General Manager, but felt Murray Douglas was providing great leadership to staff. Mr Haynes thanked the Executive for the help they had given him, also the team of managers and staff he had worked with. He wished everyone on Council all the best for the future and hoped to see them in his new career.

Moved by the Councillor Turnbull, seconded by Councillor Ho -

That Council formally convey a Vote of Thanks to the Deputy General Manager, Cliff Haynes, and wish him all the best in his new career.

Carried unanimously.

Closed meeting

At 6.35 pm the meeting 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 13, 14 and 15 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 13, 14 and 15 were then dealt with by Council while the meeting was closed to the public.

ITEM 13. TENDER 2025 - FIELDWORK FOR THE 2001 CITY OF SYDNEY FLOOR SPACE AND EMPLOYMENT SURVEY (S-010741)

Moved by Councillor Turnbull, seconded by Councillor Coulton-

That arising from consideration of a report by the A/Strategic Research Planner, Planning Policy Unit, to Council on 2 April 2001, on Tender for Fieldwork for the 2001 City of Sydney Floor Space and Employment Survey, it be resolved that:

- (A) Council decline to accept any of the tenders for the reasons specified in the subject report;
- (B) Council decline to invite fresh tenders as:
 - (i) An open tender process has been followed, including advertising in two NSW metropolitan newspapers;
 - (ii) Tender documents were collected by a large number of parties, and a number of tenders were received;
 - (iii) It is not expected that a significant number of other parties would respond if fresh tenders were invited, given that the nature of the survey required is relatively unusual,

and accordingly, a more satisfactory result would not be achieved by inviting fresh tenders;

- (C) Authority be delegated to the General Manager to enter into negotiations with the companies identified in paragraph 8 of the subject report and to enter into a contract to supply and manage labour resources to complete the above task, within the budget specified in paragraph 20;
- (D) Council's Attorney be authorised to execute all documentation;
- (E) The General Manager be requested to ensure that all field work is completed within six months of execution of the contract, and that reports arising from the Survey be produced progressively from that point and be completed by 31 March 2002.

Carried.

ITEM 14. TOWN HALL HOUSE/SYDNEY TOWN HALL – TENDER FOR AIRCONDITIONING CHILLER PLANT INSTALLATION (S01-4077)

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

That arising from consideration of the report by the Facilities Manager to Council on 2 April 2001 on Town Hall House/Sydney Town Hall - Airconditioning Chiller Plant Rationalisation, it be resolved that:

- (A) The tender submitted by Resolve Engineering Pty Ltd trading as Resolve Contracting for the installation of chillers be accepted in the terms described in the subject report;
- (B) funds be provided in the terms described in the subject report;
- (C) authority be delegated to the General Manager to finalise the contract;
- (D) Council's attorney be authorised to execute the final documentation.

Carried.

ITEM 15. INSTALLATION OF GRANITE SETTS TO TREE SURROUNDS IN CBD - ACCEPTANCE OF TENDER (SO15724)

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

That arising from consideration of a report by the Project Manager, City Projects to Council on 2 April 2001 on Installation of Granite Setts to Tree Surrounds in the CBD - Acceptance of Tender, it be resolved that -

- (A) Council accept the tender submitted by Prestige Services Pty Ltd, as outlined in the subject report;
- (B) authority be delegated to the General Manager to finalise the terms of a contract with Prestige Services Pty Ltd for the installation of the 141 granite tree surrounds;
- (C) Council endorse the project budget as outlined in Paragraph 19 of the subject report.
- (D) Council's attorney be authorised to execute all documentation.

Carried.

At 6.55pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 7 May 2001 at which
meeting the signature herein was subscribed.