



4 JUNE 2001

Meeting No 1332

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.35pm on 4 June 2001 pursuant to Notice 10/1332 dated 31 May 2001.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	281
2. Minutes by the Lord Mayor.....	281

3.	Memorandum by the General Manager - St Peters Waste Management Facility - Future Use	306
4.	Matters for Tabling	282
	Reports of Committees -	
5.	Priorities and Outcomes Committee - 8 & 10 May 2001.....	283
6.	Finance, Properties and Tenders Committee - 28 May 2001.....	289
7.	Cultural and City Care Committee - 28 May 2001	292
8.	Priorities and Outcomes Committee - 29 May 2001.....	294
	Reports to Council -	
9.	Investments Held by Council as at 31 March 2001 and 30 April 2001	297
10.	Proposed Development Plans: 98 and 110 Goulburn Street, Sydney.....	297
11.	Questions -	
	Questions on Notice	298
	Questions Without Notice	300
12.	Motions	305

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 5.35pm those present were:-

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

Councillor Nick Farr-Jones arrived at the meeting at 5.44pm during discussion on Item 5.

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Welcome to Director Living City Services

Before proceeding to the business of the meeting, the Chairman (the Lord Mayor) welcomed the new Director Living City Services, Michael Sullivan, to Council.

Farewell to Manager, Contracts and Assets Management

Noting that this was the final day of service for Barbie McKee, Manager Contracts & Assets Management, the Chairman (the Lord Mayor) expressed his appreciation for the enormous contribution made by Barbie McKee, in the various positions she had held with Council.

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

That Council formally convey a Vote of Thanks to the Manager Contracts and Assets Management, Barbie McKee, and wish her all the best in her future endeavours.

Carried unanimously.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of 7 May 2001**

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

That the minutes of the meeting of Council of 7 May 2001, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of 21 May 2001

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

That the minutes of the Extraordinary meeting of Council of 21 May 2001, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

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

ITEM 3. MEMORANDUM BY THE GENERAL MANAGER: ST PETERS WASTE MANAGEMENT FACILITY - FUTURE USE (S011869)

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

That the Memorandum by the General Manager, being a Confidential item, be dealt with at the end of the meeting.

Carried.

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 Turnbull -

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

Carried.

Petition

Councillor Greiner tabled a petition, signed by 325 people who objected to the proposals put to Council to change or conceal the original façade of the current Museum of Contemporary Art, or to demolish the building and erect a new structure.

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

That the petition be received and noted.

Carried.

**ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 8
& 10 MAY 2001**

PRESENT

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

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 4.55 pm on 8 May 2001, those present were -

The Lord Mayor, Councillors Marsden and Turnbull.

Councillor Coulton arrived at the meeting of the Priorities and Outcomes Committee at 5.55 pm during discussion on Item 5.4.

Closed Meeting

At 4.58pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 5.2 to 5.8 (inclusive) on the Agenda.

Adjournment

At 6.24 pm the Priorities and Outcomes Committee resolved that the meeting be adjourned until 4.30 pm on Thursday 10 May 2001 to deal with items 5.6 to 5.8 (inclusive).

The meeting of the Priorities and Outcomes Committee adjourned at 6.25 pm.

The meeting of the Priorities and Outcomes Committee resumed on Thursday 10 May 2001 at 4.45pm. At the resumption of the meeting those present were:

The Lord Mayor, Councillors Marsden and Turnbull.

The meeting of the Priorities and Outcomes Committee dealt with Items 5.6 to 5.8, inclusive, while the meeting was closed to the public.

The meeting of the Priorities and Outcomes Committee concluded at 7.15 pm.

Report of the Committee

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

That it be noted that the matter of St Peters Tip (Item 5.3 of the Report of the Priorities and Outcomes Committee) is the subject of a Memorandum by the General Manager and will be dealt with towards the end of this meeting of Council, in closed session.

Carried.

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

That the Report of the Priorities and Outcomes Committee of its meeting of 8 May and 10 May 2001 be received and noted, and that the recommendations on Items 5.1, 5.2 and 5.4 to 5.8 (inclusive) be noted.

The motion was carried on the following show of hands -

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

Noes (2) - Councillors Farr-Jones and Greiner.

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.)

The Committee recommended the following:-

Closed Meeting

At 4.58 pm on 8 May 2001 the Priorities and Outcomes 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 Items 5.2 to 5.8 inclusive on the agenda, as these matters 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 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 5.2 to 5.5 (inclusive) were dealt with by the Priorities and Outcomes Committee on 8 May 2001 while the meeting was closed to the public. When the meeting of the Priorities and Outcomes Committee resumed on 10 May 2001, the Committee noted that the meeting was still in closed session. Items 5.6 to 5.8 (inclusive) were dealt with by the Priorities and Outcomes Committee on 10 May 2001 while the meeting was closed to the public. All items were subsequently dealt with by Council in open session.

PART "A" - TO BE DETERMINED BY COUNCIL**ST PETERS WASTE MANAGEMENT FACILITY - FUTURE USE (S011869)****5.3**

That arising from the consideration of a report by the Section Manager – Contracts and Asset Management to the Priorities and Outcomes Committee on 8 May 2001, on St Peters Waste Management Facility – Future Use, it be resolved that

- (A) the property comprising the St Peters Waste Management Facility be offered for sale.
- (B) the General Manager be authorised to arrange for the sale of this Facility in accordance with Option 2a in paragraph 10 of the subject report.

Note - This matter was dealt with during consideration of the confidential Memorandum by the General Manager later in the meeting.

PART "B" - MATTERS DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE

The Priorities and Outcomes Committee recommended that Council note that Items 5.1, 5.2, and 5.4 to 5.8, inclusive, were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

CORPORATE BANKING TENDER (S015435)**5.1**

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

That arising from consideration of a report by the Policy, Planning & Projects Accountant to the Priorities and Outcomes Committee on 8 May 2001 on Corporate Banking Services, it be resolved that Council note the contents of the Request for Tender - Corporate Banking Services.

Carried.

COOK AND PHILLIP PARK MAINTENANCE AND OPERATIONAL PLAN FOR 2001-2002 (S006743)

5.2

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

That arising from consideration of a report by the Project Manager to the Priorities and Outcomes Committee on 8 May 2001, on Cook and Phillip Park Maintenance and Operational Plan for 2001-2002, it be resolved that -

- (A) Council approve the Maintenance and Operations Plan 2001-2002, as shown at Attachment A to the subject report;
- (B) noting that the General Manager has authority to approve fees and charges, Council support the General Manager's proposal to increase the fees as set out at Attachment C to the subject report;
- (C) the General Manager be requested to investigate and plan increased energy efficiencies as per the energy audit carried out jointly by Council and Ausleisure, as well as other efficiencies and initiatives.
- (D) the Lord Mayor be authorised to approve minor variations to the Maintenance and Operations Plan if they are considered desirable through the year.

Carried.

COMPETITIVE TENDERING ROUND TWO: RECREATION AND COMMUNITY SERVICES - RATIFICATION OF TENDER DOCUMENTS (S013495)

5.4

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

That arising from consideration of a report by the Project Manager to the Priorities and Outcomes Committee on 8 May 2001 on Competitive Tendering Round Two: Recreation and Community Services - Ratification of Tender documents, it be resolved that the Priorities and Outcomes Committee approve the tender documents as circulated to Councillors, subject to:

- (A) the incentive and profit provisions being reviewed, with any variations to be approved by the Lord Mayor;
- (B) for the avoidance of doubt, during the course of any annual business plan, any new service or initiative must be self-balancing in terms of its resources within the approved annual business plan, and any significant increase in the number of services must be reported to the Priorities and Outcomes Committee;

- (C) the Contract Manager shall report any significant change in resource allocation to the Priorities and Outcomes Committee.

Carried.

**COMPETITIVE TENDERING ROUND TWO: STREET TREES -
RATIFICATION OF TENDER DOCUMENTS (S013791)**

5.5

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

That arising from consideration of a report by the Contract Manager to the Priorities and Outcomes Committee on 8 May 2001 on Competitive Tendering Round Two: Street Trees - Ratification of Tender documents, it be resolved that

- (A) the draft tender documents, as circulated to Councillors, be approved subject to changes being made to invite alternative costings for monthly and quarterly inspections, and some retabulation of response times for different types of efficiencies and other clarifications as requested at the meeting of the Priorities and Outcomes Committee;
- (B) a briefing be provided to Councillors before the end of June on the current strategy on street trees on a street-by-street basis;
- (C) the General Manager be requested to review the capital works allocation for the completion of the tree sett program with a view to its acceleration.

Carried.

**COMPETITIVE TENDERING ROUND TWO: PARKS AND OPEN SPACES -
RATIFICATION OF TENDER DOCUMENTS (S013791)**

5.6

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

That arising from consideration of a report by the Contract Manager to the Priorities and Outcomes Committee on 8 May 2001, on Parks and Open Spaces - Ratification of Tender Documents, it be resolved that the tender documents, as circulated to Councillors, be approved subject to amendments to clarify core requirements, require random inspection processes and enable termination of all or part of the service for non-performance.

Carried.

COMPETITIVE TENDERING ROUND TWO: MANAGEMENT AND MAINTENANCE OF CIVIL INFRASTRUCTURE ASSETS - RATIFICATION OF TENDER DOCUMENTS (S015749)

5.7

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

That arising from consideration of a report by the Project Manager to the Priorities and Outcomes Committee on 8 May 2001 on Management and Maintenance of Civil Infrastructure Assets - Ratification of Tender Documents, it be resolved that the tender documents, as circulated to Councillors, be approved, and that the incentive and profit provisions be subject to the approval of the Lord Mayor.

Carried unanimously

PROPERTY SERVICES – COMPETITIVE TENDERING – DOCUMENTATION - (S014056)

5.8

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

That arising from consideration of a report by the Facilities Manager to the Priorities and Outcomes Committee on 8 May 2001, on Property Services - Competitive Tendering - Documentation, it be resolved that the tender documents as circulated to Councillors, be approved, subject to amendments to the performance indicators to clarify the outputs to be achieved, rather than merely requiring reporting, and to enable termination of all or part of the services for non performance.

Carried unanimously.

ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 28 MAY 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 5.10 pm, those present were -

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

Councillor Fabian Marsden was also present.

Closed Meeting

At 5.11 pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 6.2 and 6.3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.15 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 28 May 2001 be received, and the recommendations set out below for Items 6.1 to 6.3 (inclusive) be adopted.

Carried.

The Committee recommended the following:-

MARCH 2001 - QUARTER 3 BUDGET REVIEW (S011648)

6.1

That arising from consideration of a report by the Senior Management Accountant to the Finance, Properties and Tenders Committee on 28 May 2001, it be resolved that Council:-

- (A) Note the Quarter 3 forecast showing an operating surplus of \$21.2M.
- (B) Note the Quarter 3 forecast for capital works of \$25.8M.
- (C) Note the Quarter 3 forecast for plant and assets of \$7.0M; and

- (D) Authorise income and expenditure in line with the forecast as detailed in Attachment A to the subject report.

Carried.

Closed Meeting

At 5.11 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-

- (i) Section 10A (2)(c) of the Local Government Act 1993 to discuss Item 6.2 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;
- (ii) Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 6.3 on the agenda as this matter comprised 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 6.2 and 6.3 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.

LAND WITHIN DP 602102 ADJOINING 255 PITT STREET, SYDNEY HILTON HOTEL/CAPITAL CENTRE – OWNERS CONSENT, ROAD CLOSURE AND TRANSFER OF TITLE (S015569)

6.2

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 28 May 2001, on Land within DP 602102 adjoining 255 Pitt Street, Sydney Hilton Hotel/Capital Centre – Road Closure and Transfer of Title, it be resolved that -

- (A) consent as owner be granted to the lodgement of the development application for the refurbishment and alterations to the Hilton Hotel/Capital Centre at 255 Pitt Street, Sydney;
- (B) subject to development consent being granted by the Central Sydney Planning Committee, approval be given to the closure of the stratum of land contained within

DP 602102, pursuant to section 34 of the Roads Act 1993 as shown on the plan at Attachment A the subject report;

- (C) Council classify the land proposed to be closed as operational land;
- (D) approval be given to the transfer of title of the land contained within DP 602102 to the owner of 255 Pitt Street for a consideration;
- (E) authority be delegated to the General Manager to negotiate the consideration for the transfer of title of the land within DP 602102, subject to the concurrence of the Lord Mayor;
- (F) all relevant documents be executed by Council's Attorney.

Carried.

PURCHASE OF ONE, FOUR WHEEL, LARGE CAPACITY MECHANICAL/VACUUM ROAD SWEEPING MACHINE FOR STREET CLEANING DEPT- APPROVAL TO ACCEPT TENDER - (S015872)

6.3

That arising from consideration of a report by the Fleet Support Officer, to the Finance, Properties and Tenders Committee on 28 May 2001 on Purchase of a Large Capacity Mechanical/Vacuum Road Sweeper for the Street Cleaning Department – Approval to Accept Tender, it be resolved that Council award the contract to MacDonald Johnston Engineering Company Pty Ltd for the supply and delivery of One MacDonald Johnston V4000SP Ex Demo Machine at a cost of \$169,092.00 after trade-in and inclusive of GST.

Carried.

ITEM 7. REPORT OF THE CULTURAL AND CITY CARE COMMITTEE - 28 MAY 2001

PRESENT

Councillor Dixie Coulton
(Chairman)

The Lord Mayor (Councillor Frank Sartor), Nick Farr-Jones, Kathryn Greiner, Robert Ho and Lucy Turnbull.

At the commencement of business at 5.16 pm, those present were -

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

Councillor Fabian Marsden was also present.

The meeting of the Cultural and City Care Committee concluded at 5.30 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That the Report of the Cultural and City Care Committee of its meeting of 28 May 2001 be received, and the recommendation set out below for Item 7.1 be adopted.

Carried.

The Committee recommended the following -

CHRISTMAS DECORATIONS AND GRAPHIC DESIGNS FOR 2001 - 2003 (S014818)

7.1

That arising from consideration of a report by the Project Manager, City Projects, to the Cultural and City Care Committee on 28 May 2001, on Christmas Decorations and Graphic Designs for 2001-2003, it be resolved that -

- (A) Council approve the Christmas decorations and graphic design strategy for 2001, 2002 and 2003 as described in the subject report, including:
- (i) The decoration of the key precincts of the City including Martin Place, Pitt Street Mall, Chifley Plaza and Sydney Town Hall; and the use of existing decorations in other areas;
 - (ii) The development of a Christmas Retail Point of Sale Kit to involve the retail sector, subject to a satisfactory trial in the first year;

- (B) Council not adopt an open tender process because there is a lack of competitive and reliable tenderers for this type of project and accordingly a satisfactory result would not be achieved by inviting tenders;
- (C) Council invite design concepts and quotations from companies with specific expertise, demonstrated experience and a good track record in delivery in the design, fabrication and installation of Christmas decorations;
- (D) The outline budget as shown at Attachment A to the subject report be approved;
- (E) authority be delegated to the General Manager to negotiate agreements and enter into contracts with contractors for the procurement, installation and dismantling of the 2001-2003 Christmas Graphic and Decorations Program as outlined in the subject report;
- (F) Council's Attorney be authorised to execute all documentation.

Carried.

ITEM 8. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 29 MAY 2001

PRESENT

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

Councillors - Dixie Coulton and Lucy Turnbull.

At the commencement of business at 5.15 pm, those present were -

The Lord Mayor, Councillors Coulton and Turnbull.

Apology

Councillor Fabian Marsden extended his apology for his inability to attend the meeting of the Priorities and Outcomes Committee owing to prior commitments.

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

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

Carried.

Closed Meeting

At 5.33pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item 8.2 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 6.05 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 29 May 2001 be received and noted, and the recommendations set out below for Items 8.1 and 8.2 be noted.

The motion was carried on the following show of hands -

Ayes (6) - The Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner

Motion carried.

PART "B" - MATTERS DETERMINED BY THE PRIORITIES AND OUTCOMES COMMITTEE

The Priorities and Outcomes Committee recommended that Council note that Items 8.1 and 8.2 were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

ULTIMO AQUATIC CENTRE + PUBLIC SPACE DESIGN COMPETITION – PROPOSED CHANGES TO STAGE TWO BRIEF (S009809)

8.1

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

That arising from consideration of a report by the Architectural Assistant, City Projects to the Priorities and Outcomes Committee on 29 May 2001 on Ultimo Aquatic Centre and Public Space Design Competition - Proposed Changes to Stage Two brief, it be resolved that the Stage Two Brief for the Ultimo Aquatic Centre and Public Space Design Competition be amended in accordance with the proposal outlined in paragraphs 10, 14, 15 and 16 of the subject report.

Carried.

Note - At the meeting of the Priorities and Outcomes Committee the General Manager was asked to prepare a further report on car parking requirements.

Closed Meeting

At 5.33 pm the Priorities and Outcomes 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 8.2 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 8.2 was then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public, and was subsequently dealt with by Council in open session.

SMARTPOLES - LICENCING THIRD PARTIES TO USE COUNCIL'S INTELLECTUAL PROPERTY (S016047)

8.2

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

That arising from consideration of a report by the Director Corporate and Legal Services to the Priorities and Outcomes Committee on 29 May 2001, on SmartPoles - Licencing Third Parties to use Council's Intellectual Property, it be resolved that the tender documents as attached to the subject report be noted and endorsed, subject to the amendments discussed at the meeting of the Priorities and Outcomes Committee, to be finalised by the Director Corporate and Legal Services.

Carried.

ITEM 9. INVESTMENTS HELD BY COUNCIL AS AT 31 MARCH 2001 AND 30 APRIL 2001 (AO2-00360)

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

That arising from consideration of a report by the Management Accounting Officer to Council on 4 June 2001, on Investments Held by Council as at 31 March 2001 and 30 April 2001, it be resolved that the report be received and noted.

Carried.

ITEM 10. PROPOSED DEVELOPMENT PLANS: 98 AND 110 GOULBURN STREET, SYDNEY (D2001/00293)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Area Planning Manager to Council on 4 June 2001 in relation to the redevelopment of 98 Goulburn Street and 110 Goulburn Street, Sydney it be resolved that: -

- (A) The applicant for DA 2001/00293 in respect of 98 Goulburn Street be requested to withdraw the current development application and prepare a Development Plan/Stage 1 DA for the site.
- (B) The applicant for 110 Goulburn Street be requested to prepare a Development Plan/Stage 1 DA for the site.
- (C) If within seven days the applicants have not agreed to prepare Development Plans for the sites then the Director City Development be requested to prepare a Development Plan for each site as provided for by Clause 28C (1) (b) of Central Sydney Local Environmental Plan 1996.
- (D) Authority be delegated to the Lord Mayor to authorise the notification and advertisement of the draft Development Plans as required by Clause 28C (3) of Central Sydney Local Environmental Plan 1996.

Carried unanimously.

ITEM 11. QUESTIONS ON NOTICE

INTERNET BASED COMMERCE (S014453)

1. By Councillor Greiner -

Question

Lord Mayor, I note that the study by Federal Computer Week Magazine in the United States indicated that the US government was the largest player in internet based commerce, generating sales of \$US3.6 billion.

Whilst the City of Sydney would not be in that same league, we do have significant commercial data which could be sold to retailers, insurance companies, accountants, lawyers and other professionals, etc.

Could we initiate a paper to examine the potential commercial revenue that could be accrued to Council through such electronic commercial activity?

Answer by the Lord Mayor

The General Manager advises that:

“Councillors will be aware that Council has already asked for a briefing by the end of July on progress on Council’s information technology strategy and on an assessment of the City’s potential role in pursuing IT-related matters for business and residential communities.

I believe it would be appropriate to get our information management strategies and processes settled, and a telecommunications business plan in place, in the first instance.

When looking at such a proposal as Councillor Greiner has put forward, we would need to ensure that the provisions of the Privacy and Personal Information Protection Act 2000 were borne in mind, as well as the requirements of the Local Government Act 1993.

In the meantime, the sort of information that can be made available and sold to interested parties continues to be made available in its current form. A number of Council publications and historical publications may be purchased through the Internet. Anyone browsing Council’s website can go to City Store, and by providing credit card details, can arrange delivery of selected publications. A future study of electronic commercial arrangements can encompass the question of whether we can expand the types of information that we would want to make available.”

SECTION 149 CERTIFICATE (S014453)

2. By Councillor Greiner -

Question

Lord Mayor, if the Council has issued a notice/order to a ratepayer, is that automatically disclosed on the Section 149 Certificate, so as to advise a purchaser of that notice/order?

If not, why has Council chosen not to make this disclosure?

Answer by the Lord Mayor

The Acting Director Living City Services advises that:

”Information such as details of a notice or an order issued to a ratepayer would not necessarily be included in a Section 149 Certificate. Rather such information would appear on an Outstanding Notices/Orders Certificate issued pursuant to the provisions of Section 121 ZP of the Environmental Planning and Assessment Act 1979 and Section 735A of the Local Government Act 1993.

The Section 149 Certificate contains a notation advising that information relating to outstanding notices and orders should be obtained by applying for an Outstanding Notices/Orders Certificate.”

QUESTIONS WITHOUT NOTICE

CITY SAFETY (S014462)

1. By Councillor Turnbull -

Question

Lord Mayor, it was recently reported in the Daily Telegraph that Police Commissioner Peter Ryan had criticised local councils over poor levels of lighting in streets and parks.

The Daily Telegraph illustrated the story with photographs of York Lane.

Given the amount of money invested in the City Improvements program, would you like to comment on the report?

Answer by the Lord Mayor

Thank you Deputy Lord Mayor. That article caught me a little bit by surprise. The City has invested very extensively in upgrading lighting in the City, probably \$15 million to \$20 million in Smartpoles™, improved lighting and other environmental improvements.

I subsequently received a letter from the Commissioner of Police saying that he said nothing of the sort and, in fact, he attached a copy of his speech. I will read you extracts from the speech. He was arguing the case about making streets and communities safer by the way you design the public domain and he says, for example -

“Closely aligned with the principals of Safer by Design is Sydney City Council’s Safe City Strategy, implemented with the help of the New South Wales Police Service and other agencies.”

He goes on to say -

“The Safe City Strategy put street safety cameras in crime hot spots, and trialed four emergency video phones which provide instant video communication with the nearest police station.

The strategy also included an upgrade of city streets and footpaths; improved lighting; a community safety education programme; a safe taxi ranks initiative; and an accord with licensed premises, in a bid to reduce alcohol related violence and antisocial behaviour.

Most of the elements of the Safe City Strategy were in place by mid 1999, and the New South Wales Bureau of Crime Statistics and Research conducted an evaluation of the strategy shortly after.

The conclusion of the bureau’s research was that Sydney has become a safer city in which to live and work.

Thirty per cent of those interviewed said they felt the city was safer than it had been a year previously, compared to only thirteen per cent who felt it was less safe.”

He further goes on to say -

“So, it seems irrefutable that more people now feel safer in the city as a direct result of the Safe City Strategy.”

and basically compliments the City of Sydney. So I don't know where that story came from but he made it quite clear in his letter to me that he was not at all referring to the City of Sydney - he was simply saying that all councils should adopt strategies to improve design as it affects safety.

OUTSOURCING - WAGE RATES (S014459)

2. By Councillor Greiner -

Question

Lord Mayor, in an article regarding outsourcing in BRW May 11, 2001, it is noted that the Federal Court ruled that Council employees cannot be rehired for lower wages to do the same work.

Is Council aware of this ruling, and if so how does it ensure that Council employees who have been made redundant are not hired by the winning contracting company at a lower rate of pay to do the same work as previously done by Council?

Answer by the Lord Mayor

I am not actually familiar with the judgement to which you refer. I will take the matter on notice and it will be responded to through the Councillors' Information Service.

IMROC/LGSA - COUNCIL'S MEMBERSHIP (S01 (S014457)

3. By Councillor Coulton -

Question

Lord Mayor, what does the membership of the Inner Metropolitan Regional Organisation of Councils (IMROC) and the Local Government and Shires Association (LGSA) cost Council annually? Are we getting value for money and what has been provided in the budget for 2001/02?

Answer by the Lord Mayor

Councillor Coulton, it has been drawn to my attention that in fact the costs associated with membership of IMROC are not just the \$26,000 per annum of membership, which this Council debated at some length, and if Councillor Greiner pays attention to the answer she will remember that a lot of her former colleagues were very reticent about supporting - in fact opposed - us renewing membership of IMROC. I expressed reservations as well.

The annual membership of IMROC is about \$26,000. However, to my dismay the General Manager has discovered that, in fact, we have been subsidising IMROC to the tune of about \$117,000, plus providing them with a team of staff from time to time to undertake various projects or assist them with various projects.

That \$117,000, which excludes some of our staff time, also included rent-free space, which is valued at \$54,000, in Town Hall House. This is all in addition to \$12,500 that we provided for the Parramatta Road project.

I don't believe that Council ever gave authority to spend that level of money. I believe that we reluctantly agreed to pay a membership fee. We reluctantly agreed to contribute to some of the Parramatta Road project and, accordingly, I direct the General Manager to formally advise IMROC that from 1 July next we will be charging full value for all in-kind services, including full market rent for the space.

I will ask the General Manager to respond in due course as to what has been provided in the next budget.

As for the Local Government and Shires' Associations, I believe that in their negotiations over the transfer of the police parking officers they have acted contrary to the City's interests. Their formula negotiated with the NSW Police Department is detrimental to the City of Sydney, viz a viz, the City's agreement with the Treasurer of April 2000, and cannot be supported.

I believe the Association's behaviour in this matter, as well as a continuing lack of leadership in such matters as the review of the Land and Environment Court, calls into question whether it is worthwhile for the City to continue to be a member of the organisation.

Accordingly I ask the General Manager to report to Council on the question of whether the City should disaffiliate with both the Local Government and Shires' Associations and IMROC canvassing, amongst other things, the advantages and disadvantages of continuing membership of both organisations.

COUNCIL'S COMMUNITY BUSES (S014461)

4. By Councillor Marsden -

Question

It has been drawn to my attention that the City's two community buses are in not such good shape. These are very valuable assets to the City's elderly community and are used quite extensively. Can you advise what is being done to ensure this service maintains its high standard in the community?

Answer by the Lord Mayor

As colleagues would know, we provide two community buses for use by the Recreation and Community Services group under their contract. The existing buses are old and unreliable and I understand from the General Manager that they have been replaced by two brand new 22 seater Toyota Coaster buses.

One of the new buses will be delivered and put in use as soon as the occupational health and safety inspection is complete. The other bus is being fitted with a wheelchair lift and should be delivered within weeks.

I think the buses, as you say, provide an invaluable service to the City's elderly and incapacitated and I am pleased the new buses will keep them mobile.

REQUEST FOR FUNDING - FAMILY SUPPORT CASE WORKER (S014459)

5. By Councillor Greiner -

Question

Lord Mayor, my colleagues and I have received a copy of correspondence to you from the Harris Community Centre requesting funding for a part time position for a Family Support Case Worker. At a cost of \$20,000 per year for 3 years, this will be in preparation for an application to the Department of Community Services Family First Funding which will not become available in this region until 2003.

Would you please ensure that this position is funded at the first available opportunity?

Answer by the Lord Mayor

I am in possession of the correspondence. I have referred it to the General Manager for advice. I would, however, like to say, and this matter will come up in your Notice of Motion later this evening, that we have to be very careful that we don't start to occupy the realm of public policy and programs that really properly belongs to the State and Federal Governments.

This City has moved outside its core programs very substantially in relation to the homeless - something that we all support. It has done so in relation to safety, with the City Safe program and it has some very generous and effective programs in the community services area.

I am a bit concerned that this proposal may lead us down the slippery slope to becoming another source of funding for programs that are supposed to be funded by the State and/or the Federal Government and I am not totally persuaded that the brief and the way that the position will be handled will necessarily be appropriate for us.

Notwithstanding that, I am seeking the advice of the General Manager and when I have received that advice I will respond to the Harris Community Centre.

ULTIMO/PYRMONT MASTER PLAN - SITES D1 AND D2 (S014459)

6. By Councillor Greiner -

Question

Lord Mayor, under SREP 26, sites D1 and D2 in the Ultimo/Pyrmont Master Plan are designated 21 metres. It would appear the building is 7-9 storeys high which suggests a height limit of 28 metres.

Could Council officers please ensure the building is being constructed within the constraints of the development application?

Answer by the Lord Mayor

It has to be constructed within the constraints of the development approval. I wasn't aware that it was in breach of the Master Plan. I will, through the General Manager, ask the Director City Development to investigate

ITEM 12. NOTICES OF MOTION**ESTABLISHMENT OF A SOCIAL POLICY FORUM (S014465)**

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

That Council undertake a study to allocate a percentage of rent revenue from Council's own properties to be put towards the establishment of a Social Policy Forum so that Council can be the lead agency in the City to promote and debate issues of social policy such as homelessness, social justice, globalisation etc.

The motion was lost on the following show of hands -

Ayes (3) - Councillors Farr-Jones, Greiner and Ho

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

Motion lost.

Closed Meeting

At 6.25pm 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)(c) of the Local Government Act 1993 to discuss Item 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.

The motion to close the meeting was carried unanimously

Item 3 was then dealt with by Council while the meeting was closed to the public.

ITEM 3. ST PETERS WASTE MANAGEMENT FACILITY - FUTURE USE (S011869)

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 June 2001 in regard to the St Peters Waste Management Facility – Future Use, it be resolved that:

- (A) Approval be given for the General Manager to arrange for the sale of the St Peters Waste Management Facility as described under Option 2a in paragraph 25 of the Memorandum by the General Manager;
- (B) Council note that as a precursor to this sale process an environmental audit will be undertaken to assess the extent of any significant price effect or unforeseen long term effect.

Amendment moved by Councillor Greiner, seconded by Councillor Farr-Jones -

That the motion be amended by -

- (i) the deletion of clause (A) and the substitution of the following clause (A):
 - (A) Council be briefed by the waste management industry to explore further information on innovative technology and its impact on the site known as St Peters Tip with a view to future financial returns to Council;
- (ii) the deletion in clause (B) of the words “Council note that as a precursor to this sale process” and the substitution of the words “Council note that as a precursor to any sale process”

The amendment was lost on the following show of hands -

Ayes (3) - Councillors Farr-Jones, Greiner and Ho

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

Amendment lost.

The motion was carried on the following show of hands -

Ayes (4) - The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull

Noes (3) - Councillors Farr-Jones, Greiner and Ho.

Motion carried.

At 7.10pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 2 July 2001 at which
meeting the signature herein was subscribed.