



12 NOVEMBER 2001

Meeting No 1343

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.42pm on 12 November 2001 pursuant to Notice 21/1343 dated 8 November 2001.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	741
2. Minutes by the Lord Mayor.....	741

3.	Memorandum by the General Manager - Policy for Temporary Community or Cultural Event Signage Subject to the Provisions of SEPP64 (Advertising And Signage).....	742
4.	Matters for Tabling	746
	Reports of Committees -	
5.	Priorities and Outcomes Committee - 23 October 2001.....	747
6.	Planning Development and Transport Committee - 5 November 2001	750
	Reports to Council -	
7.	Department of Urban Affairs and Planning Referral: Development Application - Saunders Street Development Site, 1-3 Quarry Master Drive, Pyrmont	765
8.	Proposed Schedule of Meetings and Briefings for 2002	765
9.	The Rocks Signage Policy	769
10.	Rocks Heritage Management Plan	769
11.	Questions -	
	Questions on Notice	770
	Questions Without Notice.....	770
12.	Motions	774
13.	City of Sydney Parking Meter Network Upgrade Recommendation to Tender	775
14.	George Street, Sydney Adjoining 546 George Street, Commonwealth Bank Subway Entrance - Proposed Lease of Stratum Under	776
15.	Ipoh -Takeover Offer by Reco Bay - Deemed Assignment Under QVB Lease	776

PRESENT

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

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

At the commencement of business at 5.42pm those present were:-

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

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

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apology

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council as he was in hospital.

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

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

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Note - The minutes of the meeting of Council held on 22 October 2001 and of the extraordinary meeting of Council held on 5 November 2001 will be submitted for confirmation to the meeting of Council to be held on 10 December 2001.

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 12/11/01

MINUTE BY THE LORD MAYOR

To Council:

A Memorandum by the General Manager on

- Policy For Temporary Community or Cultural Event Signage Subject to the Provisions Of Sepp64 (Advertising And Signage)

has been prepared for the meeting of Council on 12 November 2001.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

ITEM 3. POLICY FOR TEMPORARY COMMUNITY OR CULTURAL EVENT SIGNAGE SUBJECT TO THE PROVISIONS OF SEPP64 (ADVERTISING AND SIGNAGE) (S017499)

FILE NO:

DATE: 12/11/01

MEMORANDUM BY THE GENERAL MANAGER

To Council:

This Report requests Council to adopt a policy for temporary community or cultural event signage which would be the subject of SEPP64 (Advertising and Signage.)

BACKGROUND:

Council is often requested to allow large signage for community or cultural events; such signage is permissible under the City's DCP. However, in March 2001 the State Government introduced SEPP64 which, amongst other things, prohibits signage over 45m² unless Council has prepared a specific DCP and has been prepared on the basis of an advertising design analysis which incorporates the following:

- (a) the existing character of the area or locality, including built forms and landscapes,
- (b) the key positive features of the existing character of the area or locality;
- (c) the desired future character of the area or locality;
- (d) the role of outdoor advertising.

In addition, in undertaking the analysis Council must consult with the advertising industry and local businesses.

Although the City has a comprehensive DCP for signage, which was only recently reviewed last year, the DCP does not meet the criteria in SEPP64.

Consequently, signage over 45m², including signage for community or cultural purposes is effectively prohibited.

However, if appropriately administered, community and cultural/promotional signage can be of public benefit.

Notwithstanding the restrictions of SEPP64, such signage is permissible and can be "approved" as exempt development (ie. no development consent is required) where the sign is:

1. temporary in nature (40 days maximum per 365 day period); and
2. is on land owned, or under the care, control and management of Council.

Therefore if Council wishes to facilitate signage of a community or cultural nature where the sign exceeds 45m², it is necessary for the signage to qualify as exempt development.

If the sign is on private land, Council would also need to lease the stratum of land within which the sign is to be located in order to meet the requirements of exempt development.

PROPOSAL:

It is proposed that Council adopt a policy to establish criteria for determining when it will exercise its powers under the provisions of Exempt and Complying Development in order to facilitate community and/or cultural event signage in excess of 45m².

OPTIONS:

Council may or may not accept the recommendation of this report.

CRITICAL DATES:

There are no specific critical dates, however, the adoption of such a policy will assist in expediting the determination of applications for such signage.

POLICY IMPLICATIONS:

This policy will make temporary signage for community or cultural events capable of being "approved" as exempt development. Consequently, there will be no formal development application or assessment under the Environmental Planning & Assessment Act, nor will there be notification of such signage. However, this is the case with all temporary development undertaken by Council and the maximum period for any temporary development is 40 days (whether consecutive or non-consecutive in any continuous 365 day period.)

FINANCIAL IMPLICATIONS:

The policy has been drafted to ensure that there will be no financial costs to Council.

CONSULTATION:

The Legal Unit and City Development have been consulted regarding this policy.

RELEVANT LEGISLATION:

The Environmental Planning & Assessment Act.

CONCLUSION:

In order that Council may facilitate community and cultural signage in excess of 45 sq m, it is considered that Council should adopt the policy contained in Attachment A which sets out criteria which it should consider when determining whether to support a proposal for such signage.

RECOMMENDATION:

That arising from consideration of the report by the Acting General Manager to Council on 12 November 2001 regarding Temporary Cultural & Community Signage the subject of SEPP 64, it be resolved that in order to facilitate such signage which would otherwise be currently prohibited, Council adopt the policy contained in Attachment A to the subject report, which sets out criteria which Council should consider when determining whether to support a proposal for such signage.

(SGD) JOHN KASS
Acting General Manager

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a Memorandum by the Acting General Manager to Council on 12 November 2001 regarding Temporary Cultural & Community Signage the subject of SEPP 64, it be resolved that Council adopt the policy contained in Attachment A to the subject report as amended at the meeting of Council, which sets out criteria which Council should consider when determining whether to support a proposal for such signage, provided that details of any signs proposed under this policy shall be circulated to Councillors no less than 48 hours prior to a decision being made.

Carried unanimously.

Note - the policy on Temporary Signage for Cultural or Community Events as adopted by Council is as follows -

**TEMPORARY COMMUNITY OR CULTURAL EVENT SIGNAGE SUBJECT TO
THE PROVISIONS OF SEPP64**

Under Council's DCP, exempt development includes signage which is temporary and which is located on land owned or controlled by Council. The purpose of this policy is to identify criteria for cultural or community signage which Council may facilitate as Exempt Development.

Council may consider facilitating temporary cultural or community event signage which is otherwise subject to SEPP64 (ie. signage over 45m²):-

- (A) Having regard to whether:
- (i) the sign is, in the opinion of Council, cultural or community signage of a temporary nature (ie. maximum of 40 days, whether consecutive or non-consecutive in any 365 day period); and
 - (ii) the sign is of a high design quality and can be considered as public art; and
 - (iii) the part of the sign occupied by corporate markings, logos, branding or the like is only a small area having regard to the signs context and is not more than 5% of the total sign area; and
 - (iv) the size and design of the signage is satisfactory having regard to its likely environmental effects.
 - (v) the sign is in the public interest.
- (B) In the event that the sign is not on land owned or in the care, control and management of Council, subject to:
- (i) Council leasing the stratum within which the sign is to be erected:
 - (ii) all costs associated with the legal documentation associated with:-
 - (a) the lease of the stratum; and
 - (b) insurance including public liability insurance; and
 - (c) any other necessary pre-requisite deemed necessary by Councilbeing met by the proponent of the sign.
 - (iii) all direct and indirect costs associated with the manufacture, erection and dismantling of the sign are to be borne by the proponent of the sign to the satisfaction of Council.
-

ADDITIONAL MATTER FOR COUNCIL

FILE NO:

DATE: 9/11/01

MINUTE BY THE LORD MAYOR

To Council:

A Confidential report on

- IPOH - Takeover Offer by Reco Bay - Deemed Assignment under QVB Lease

has been prepared for the meeting of Council on 12 November 2001.

I bring forward this item for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That the order of business be altered such that the report be deferred and dealt with after all other business.

Carried.

ITEM 4. MATTERS FOR TABLING

Disclosure of Interest Returns that had been lodged in accordance with Sections 449(1) and 449(3) of the Local Government Act 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.

ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 23 OCTOBER 2001**PRESENT**

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

Councillors - Dixie Coulton and Fabian Marsden.

At the commencement of business at 5.08 pm, those present were -

The Lord Mayor, Councillors Coulton and Marsden.

Apology

Councillor Lucy Turnbull extended her apology for her inability to attend the meeting of the Priorities and Outcomes Committee as she was overseas.

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

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

Carried.

Closed meeting

At 5.10pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Items 5.2 and 5.3 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 6.50 pm.

Report of the Committee

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

That the Report of the Priorities and Outcomes Committee of its meeting of 23 October 2001 be received and noted, and the recommendation set out below for Item 5.1 be adopted, with Items 5.2 and 5.3 being noted.

Carried.

RESPONSE TO THE REPORT OF THE LAND AND ENVIRONMENT COURT WORKING PARTY (S01-5534/24)

5.1

That arising from discussion at the meeting of the Priorities and Outcomes Committee on 23 October 2001, on response to the report of the Land and Environment Court Working Party, it be resolved that the draft response as circulated at the meeting of the Priorities and Outcomes Committee be endorsed in principle, subject to amendments to be finalised to the satisfaction of the Lord Mayor.

Carried.

The Priorities and Outcomes Committee recommended that Council note that Items 5.2 and 5.3 were determined by the Priorities and Outcomes Committee under delegated authority.

Carried.

Closed meeting

At 5.10 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 Items 5.2 and 5.3 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 and 5.3 were then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public, and were subsequently dealt with by Council in open session.

LIVING COLOUR - FLORAL DISPLAYS - TENDER PACKAGE (S017545)

5.2

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

That arising from consideration of a report by the Landscape Architect/Project Manager to the Priorities and Outcomes Committee on 23 October 2001, on Living Colour - Floral Displays - Tender Package, it be resolved that -

- (A) the performance specification as circulated at the meeting of the Priorities and Outcomes Committee be approved;

- (B) the tender program as shown in paragraph 8 of the subject report be approved;
- (C) Council purchase 50 additional containers, specifications to be advised by the Senior Landscape Architect, and funds to be sourced from the Plant and Assets budget;
- (D) the tender evaluation panel as set out in paragraph 10 of the subject report be endorsed, subject to it being augmented by the addition of the Deputy Lord Mayor, or her nominee, and the Director City Projects for the purpose of interviewing the shortlisted tenderers.

Carried.

INTERNAL AUDIT SPECIFICATION (S017625)

5.3

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

That arising from consideration of a report from the Director Corporate and Legal Services to the Priority and Outcomes Committee on 23 October 2001, on Internal Audit Specification, it be resolved that:

- (A) The specification at attachment C to the subject report be redrafted in the light of comments made at the meeting of the Priorities and Outcomes Committee, to the satisfaction of the Lord Mayor;
- (B) The tender program shown in paragraph 15 of the subject report be redrafted in the light of comments made at the meeting of the Priorities and Outcomes Committee, to the satisfaction of the Lord Mayor;
- (C) tenders be invited following finalisation of the tender documents.

Carried.

Note - Mr John O'Grady, Blake Dawson Waldron, addressed the Priorities and Outcomes Committee on Item 5.3.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 5 NOVEMBER 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 6.05 pm those present were -

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

The meeting of the Planning Development and Transport Committee concluded at 6.40 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 5 November 2001 be received, and that the recommendation set out below for Items 6.1 and 6.3 be adopted, with Item 6.2 being dealt with as shown immediately following that item.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

6.1

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 5 November 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

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

6.2

That arising from consideration of a report by the Manager Strategic Planning and Research to the Planning Development and Transport Committee on 5 November 2001 on the Review of the City of Sydney Outdoor Café Policy, it be resolved that -

- (A) the draft amendments to the City of Sydney Café Policy (as shown at Attachment A to the subject report and as amended at the meeting of the Planning Development and Transport Committee) be adopted;
- (B) the policy be forwarded to the Sydney Harbour Foreshore Authority and the Department of Urban Affairs and Planning and that these organisations be requested to adopt it for the assessment and determination of applications for outdoor cafes; and
- (C) the Lord Mayor be authorised to approve any minor drafting changes resulting from consideration of the City of Sydney Café Policy by the Central Sydney Planning Committee.

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

That arising from consideration of a report by the Manager Strategic Planning and Research to the Planning Development and Transport Committee on 5 November 2001 on the Review of the City of Sydney Outdoor Café Policy, it be resolved that -

- (A) the draft City of Sydney Café Policy (as shown at Attachment A to the subject report and as amended at the meeting of the Planning Development and Transport Committee) be adopted, subject to the following further amendments;
 - (i) clause 2.2 “Unsuitable locations” be amended by the addition at the end of the second sentence of the words “and no consent shall be given until such guidelines have been prepared and approved by Council and the Central Sydney Planning Committee.”

“Council will regularly check that compliance with this policy has been adhered to and that non-compliance will be enforced by way of a fine.”
 - (ii) Clause 2.3 “Assessment Criteria/Circulation, safety and convenience” be amended by the addition of the following words “In high traffic areas such as the retail core, it is likely that more than the minimum width will be required”;
 - (iii) clause 4.7 “Markers” be amended by the addition in the second sentence after “approved seating area” of the words “including areas not requiring a licence”.
- (B) the policy be forwarded to the Sydney Harbour Foreshore Authority and the Department of Urban Affairs and Planning and that these organisations be

requested to adopt it for the assessment and determination of applications for outdoor cafes.

Motion, as amended by consent, carried unanimously.

The City of Sydney Outdoor Café Policy, as adopted by Council, is as follows:

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

Please note: The maps, diagrams, illustrations and photographs referred to in the City of Sydney Outdoor Café Policy can be found on File No. D02-01138.

Introduction

1.

1.1 Purpose

Outdoor cafes make a significant contribution to the quality of public places and urban life. They provide an active street frontage that is alive and keeps changing. They offer the opportunity to withdraw from participating in the movement of the street and become an observer. They are natural locations for both arranged and spontaneous social interactions.

The purpose of this document is to provide simple procedures and urban design guidelines to encourage the establishment of outdoor cafes wherever feasible and appropriate throughout the City of Sydney. The intention is to expand the opportunities for outdoor eating to include not only plazas, road closures, and widened footpaths, but most footpaths, parks and public places provided only that they comply with the criteria outlined in this document.

1.2 Area to which the policy applies

This outdoor cafe policy covers all of the City of Sydney Local Government Area. It applies to all outdoor seating areas where food and beverages are served and a development application and/or licence is required.

Urban Design Guidelines

2.

2.1 Suitable locations

Outdoor seating associated with a cafe, restaurant or pub may be approved in all Sydney's open spaces, whether in public or private ownership, where local conditions are favourable for their operation, including streets, lanes, squares, parks, and the waterfront. Applications in locations of a high pedestrian usage, eg. the retail core, will be required to give pedestrian needs primary consideration.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

2.2 Unsuitable locations

Outdoor cafes may not be appropriate in civic or ceremonial spaces. Special consideration should be given to the block of Martin Place containing the Cenotaph, for which special guidelines are to be prepared and no consent shall be given until such guidelines have been prepared and approved by Council and the Central Sydney Planning Committee. They are not permitted in potentially hazardous places such as the corners of street intersections or unprotected elevated locations. In elevated locations, eg. a change of level, and at the edge of deep water, an outdoor cafe is only appropriate in conjunction with a suitable safety rail, the design of which shall be subject to Council's approval.

Council will regularly check that compliance with this policy has been adhered to and that non-compliance will be enforced by way of a fine.

2.3 Assessment criteria

The most important local conditions to be considered in locating outdoor cafes are pedestrian and vehicular circulation, convenience and safety of patrons and the general public, existing streetscape elements and, in residential areas, residential amenity. The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe use of the required furniture and associated circulation areas. To achieve this only minor structures or changes in the footpath will be permitted.

The diagrams included in this document show different opportunities for locating and aligning outdoor cafes in typical urban situations.

Circulation, safety and convenience

In all locations, a clear distance of at least two metres must be maintained adjacent to the seating area for pedestrian circulation, exclusive of any obstruction or street fixture eg. bench, tree, rubbish bin, pole etc.

At street intersections, a setback of at least two metres from the building corner applies exclusive of any obstruction or street fixture eg. bench, tree, rubbish bin, pole etc.

All footpath cafes must be located at least 0.8 metres from the kerb edge to provide a safety buffer from vehicles.

In shared zones, a clearance of four metres must be reserved for vehicular access.

At the waterfront, the seating area must be set back at least two metres from the water's edge to provide uninterrupted public access to the harbour.

In otherwise favourable locations minor modifications of the nominated clearances may be appropriate.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

In high traffic areas such as the retail core, it is likely that more than the minimum width will be required.

The preferred location of an outdoor cafe is directly adjacent to the respective indoor premises, rather than separated by a pedestrian thoroughfare. Outdoor cafes may be permitted to extend outside adjoining premises provided the written consent of the owner, tenant and, on public land, Council's consent is obtained and is in the public interest.

Existing streetscape elements

The application for an outdoor cafe must show all the existing features and permanent elements of the streetscape and landscape such as pavilions, trees, pedestrian lights, bollards etc. Whenever possible, an outdoor café should visually relate to and be physically aligned with these features as shown in the diagrams included in this document.

Diagram 1

Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

Diagram 2

Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

Diagram 3

Footpath cafe adjacent to the respective indoor premises or freestanding

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

Diagram 4

Footpath cafe adjacent to the respective indoor premises

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

Diagram 5

Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

Diagram 6

Footpath cafe adjacent to the respective indoor premises or freestanding

- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

Furniture Guidelines**3.****3.1 Layout**

The layout and orientation of furniture should be chosen according to the extent and shape of the available space.

The management is responsible to ensure patrons maintain furniture within the boundaries of the approved seating area.

In kerbside locations, for safety reasons, chairs must not be placed with their backs to the kerb.

The available depth of an outdoor cafe area depends on the width of the footpath, however, the minimum practical depth for an outdoor cafe is one metre, which will allow for a table and two chairs parallel to the premises.

The diagrams included in this document show different furniture layout opportunities.

3.2 Enclosure

Outdoor cafes should enrich the pedestrian experience and public life. It is therefore important that they present an open, inviting image and are easily accessible from the public way.

Full height solid screens and any type of enclosure including plastic screens, are not permissible and not justified in Sydney's mild but sometimes windy climate. Direct physical contact with the outdoor environment is an integral part of the experience of outdoor dining, and an amenable microclimate can be created through proper siting and furniture layout in relation to existing buildings and streetscape elements.

3.3 Barriers

The use of framed fabric, or any other style of low height barriers, including planter boxes, are not appropriate, as they become a physical and psychological obstruction within the public domain and may have a detrimental impact on the use, enjoyment and safety of pedestrians and patrons.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

Barriers may be considered between adjoining café areas to separate the areas. Planter boxes may be considered in open areas such as plazas or footpath widenings which are separated from the main pedestrian desire lines. The planter boxes must be well maintained by management. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of approved high quality flowers or vegetation.

They must be removed from the public area when the café is not operating or designed as an integral part of the open space. Permanent planter boxes will only be considered in privately owned open space or on footpath blisters. Planter boxes which comply with Council's standard design will be preferred.

3.4 Umbrellas

Umbrellas are appropriate for providing shade and shelter, however, umbrellas and other shade structures must:

- Be positively secured to ensure that they are at all times securely fixed to withstand the effects of wind. Fixtures that penetrate or damage the pavement on Council footpaths will not be permitted.
- Be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use.
- Not encroach on, or interfere with pedestrian movement, and must be at least 2.2 metres above the ground level.
- Be manufactured from fire retardant material if adjacent to a heating device.
- Be maintained in sound and aesthetically acceptable condition to the Council's satisfaction.
- Only have advertising on umbrellas if it complies with the advertising and signage provisions of this policy.
- Be market style (not beach umbrellas) and of muted or neutral colour.

3.5 Furniture style

Outdoor furniture should make a positive contribution to the street environment. A furniture style that is practical and elegant and integrates well with the surrounding cityscape is encouraged. All furniture items, including umbrellas, will be subject to the Council's approval, details of which must form part of any application.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

Applicants are encouraged to select furniture which is compatible with the design and quality of the style range included in this document. Favourable consideration may also be given to well designed, creative, and individual alternatives, provided that they meet the following criteria:

Structure

The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement.

Public safety and comfort must be considered. Particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users.

The furniture must fold or stack for storage, and be readily removed and stored within the associated indoor premises.

Colours

Furniture colour schemes must form part of any application.

Surfaces such as table tops must be non-reflective.

White table surfaces, chair seats and backs and umbrellas are discouraged due to the tendency for rapid deterioration and discolouring in the urban environment.

Management Issues

4.

4.1 Maintenance and Cleaning

All furniture must at all times be maintained in a physically sound and aesthetically acceptable condition to the Council's satisfaction. Management is responsible for cleaning the approved seating area. It must present a clean, well maintained image as specified in the conditions of the licence and development consent. In particular, ashtrays should be provided if smoking is permitted and cigarette butts must be cleaned from the pavement. Rubbish must not be disposed of in Council's street bins.

4.2 Furniture Storage

Outdoor furniture must be removed and stored away from all public areas outside the hours of business operation or when not in use due to bad weather etc. On private land, outdoor furniture may be secured in a manner acceptable to Council.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

4.3 Table Service

Under the Liquor Act, table service is mandatory in cafes or restaurants where alcohol is served. It is encouraged in all other circumstances.

The use of disposable tableware in outdoor cafes is not permitted.

4.4 Toilet facilities

Toilet facilities are required to be available in the building occupied by the cafe where alcohol is served or if the total seating provided, (indoors and out doors) exceeds 19 seats.

Inclusion of outdoor seating increases the number of seats to a café, and such an increase may require the provision of toilet facilities.

Toilet facilities are to be made available to patrons in accordance with the requirements of Part F2 of the Building Code of Australia.

4.5 Advertising and signage

The name of the café, a business name or logo may be placed on outdoor umbrellas, sandwich boards or pedestal menu boards, and on no other items of furniture, and only if it:

- identifies the café or advertises products which are a core part of the café's business and are supplied by the café to the public.
- involves only one product or business name being advertised in each café.
- is in the nature of a corporate logo or identification.
- is of a minor and integral element of the furniture design and does not have an excessive impact on the area of the café or the streetscape.
- accords with City guidelines prepared for this purpose.

Pedestal 'Menu boards', 'A frame' or 'Sandwich boards' may be permitted within the approved seating area where pedestrian traffic permits, provided there is no unwarranted obstruction of pedestrians and accords with City guidelines. For this reason approvals are unlikely to be issued in the retail core.

Details of all signage and advertising must be submitted for approval as part of the application.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

4.6 Heating Devices

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. The design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property.

Heating devices must be removed from public land and appropriately stored when not in use.

4.7 Markers

If alcohol is served, the Liquor Act requires the licensed area to be delineated. Council requires all boundaries of the approved seating area to be marked. In most cases, corner marks suffice. In complex locations, it may be necessary to use additional markers along the boundary alignment. Council will mark the approved area on land in its ownership.

Planter boxes are not acceptable markers. In paved areas, pavement markers, eg. metal studs or stone inserts installed flush with the paved surface, are used. In areas with a grass, gravel, or similar surface pavement markers are not feasible and existing or new landscape elements such as trees, light poles, bollards, etc. are used instead as shown in the diagrams included in this document.

The markers must remain in place throughout the duration of the approval, and all furniture, including umbrellas and plants must be kept strictly within the boundaries of the approved seating area.

4.8 Lighting

Any outdoor cafe approved to operate outside daylight hours must provide adequate lighting, to the Council's satisfaction, to ensure the safety and amenity of patrons and the general public.

Diagram 7

Footpath cafe adjacent to the respective indoor premises close to street intersection

- alignment, nominal dimensions and minimum clearance for pedestrian traffic

Diagram 8

Footpath cafe adjacent to the kerb close to street intersection (defined by street trees only)

- alignment, nominal dimensions and minimum clearance for pedestrian traffic

Diagram 9

Outdoor cafe adjacent to freestanding cafe kiosk in shared zones, pedestrian malls, squares or the waterfront

- alignment, nominal dimensions and minimum clearance for pedestrian traffic

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

Diagram 10

Footpath cafe adjacent to freestanding cafe kiosk in parks and similar landscaped locations

- alignment, nominal dimensions and minimum clearance for pedestrian traffic

4.9 Associated works

In some cases, the applicant may wish to undertake streetscape works to accommodate an outdoor cafe. Such works may include footpath widening, paving, street tree planting, pedestrian lighting, etc. Any such works require specific approval by the Council.

Application

5.

In most cases an outdoor cafe requires development consent unless the planning instrument requires otherwise. An outdoor cafe on Council owned land also requires licence agreement. Application forms and advice on whether a development application is required can be obtained from the Council's One Stop Shop at Level 2 of Town Hall House, Sydney Square, telephone (02) 9265 9255.

Any outdoor cafes intending to serve alcohol require a separate licence under the Liquor Act. Further information can be obtained from the Liquor Administration Board.

Written applications for an Outdoor Cafe Licence are to be addressed to Council's Property Services, Level 5 Town Hall House, Sydney Square.

5.1 Required documents

The applicant needs to provide:

- A licence application and a request for owners consent for Council owned land
- completed development application forms with owner's consent (where development consent is required)
- colour photographs of the site and its context and the proposed furniture or manufacture's brochures
- an acceptable diagram, to scale and with clear dimensions, of the proposed seating area, detailing:
 - the location of the outdoor seating area, the adjoining cafe and other tenancies
 - layout of the furniture including heating devices, menu boards and the like

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

- location of all existing street fixtures including traffic signs, poles, refuse bins and the like
 - location of all doorways and service openings (this diagram can be provided by council at cost)
- any other details specified in the application forms or referred to in this policy
- fees in accordance with Council's Schedule of Fees and Charges.

5.2 Notification and approval

The Council will notify the development application and the application for operation licence together. This will include placing a notice on the exterior facade adjacent to the proposed licensed area. Where appropriate, applications will be referred to the Sydney Traffic Committee for comment on the possible impact of the proposed operation on emergency vehicle access and general traffic movement.

If the application is in a residential area and is likely to promote the consumption of alcohol in a public area, the Council must consider the following matters in determining the application, taking into account any proposed conditions of consent:

- whether the proposed use is likely to detrimentally affect the amenity of the surrounding residential area; and
- whether any objections to the proposed licence are well founded.

The development application must be approved prior to the granting of the licence. A notification letter will be sent to the applicant, including for approved developments a list of conditions of the licence and development consent.

5.3 Conditions of approval

The applicant must comply with the conditions set out in the licence and the development consent. Non compliance will result in the licence being revoked or to enforcement action in relation to the development approval.

5.4 Fees

There is a rental fee for the use of the public way or Council owned land as an outdoor café in accordance with Council's Schedule of Fees and Charges, applicable at the time of lodgment of the application and as varied from time to time.

5.5 Display of licence

A copy of the Footway Cafe Licence and plan, must be kept on the premises, and is to be produced on request by any authorised person.

THE CITY OF SYDNEY OUTDOOR CAFE POLICY

5.6 Period of development consent

The period of development consent, unless otherwise specified, will be for five years. It should be noted that in areas where there is pedestrian congestion, or high volumes, or uncertainty about future pedestrian volumes, a shorter period may be specified and a trial period may be required.

5.7 Period of licence and variation of licence

A licence to use a footway or public space may be varied or revoked at any time, notwithstanding the fact that the approval period for the DA has not expired. In this regard it should be noted that pedestrian movement patterns are continuously monitored and may lead to variation or revocation of a licence at any time, should Council consider it to be in the public interest to do so. In these circumstances reasonable notice shall be given and a reasonable period of time will be provided before the notice becomes effective. Notice periods will be abridged where there is any risk to public safety and amenity.

An existing outdoor cafe wishing to serve alcohol will require a new development consent, in addition to the licence required under the Liquor Act.

Furniture Style Guide

Chairs (illustrative only)

Furniture Style Guide

Tables (illustrative only)

Furniture Style Guide

Umbrellas (illustrative only)

Furniture Style Guide

Planters (illustrative only)

**DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:
DEVELOPMENT APPLICATION - SAUNDERS STREET DEVELOPMENT
SITE, 1-3 QUARRY MASTER DRIVE, PYRMONT (O/01/00061)**

6.3

That consideration of this matter be deferred to the meeting of Council on 12 November 2001.

Carried.

Note - This matter was dealt with by Council as Item 7 on the Business Paper.

**ITEM 7. DEPARTMENT OF URBAN AFFAIRS AND PLANNING REFERRAL:
DEVELOPMENT APPLICATION - SAUNDERS STREET
DEVELOPMENT SITE, 1-3 QUARRY MASTER DRIVE, PYRMONT
(O/01/00061)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Assistant Specialist Planner to the Planning Development and Transport Committee on 5 November 2001, and to Council on 12 November 2001, in relation to Development Application referral No. 247-09-01 from the Department of Urban Affairs and Planning for the erection of a 5-storey residential flat building consisting 25 units, at 1-3 Quarry Master Drive, Pyrmont, it be resolved that:-

- (A) the subject report be received and noted; and
- (B) a copy of the revised submission, as circulated to Councillors, be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the Development Application.

Carried unanimously.

**ITEM 8. PROPOSED SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2002
(A04-01171)**

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

That arising from consideration of a report by the Committee Secretary to Council on 12 November 2001, on Proposed Schedule of Meetings and Briefings for 2002, it be resolved that Council adopt the schedule of meetings and briefings for 2002, as shown at Attachment A to the subject report.

Carried unanimously.

Note - the schedule of meetings and briefings, as adopted by Council, is as follows -

2002 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 4 FEBRUARY	• COMMITTEES
MONDAY 11 FEBRUARY	• COUNCIL
MONDAY 18 FEBRUARY	• BRIEFINGS
MONDAY 25 FEBRUARY	• COMMITTEES
MONDAY 4 MARCH	• COUNCIL
MONDAY 11 MARCH	• BRIEFINGS
MONDAY 18 MARCH	• COMMITTEES
MONDAY 25 MARCH	• COUNCIL
MONDAY 1 APRIL	• RECESS (Easter Monday Public Holiday)
MONDAY 8 APRIL	• BRIEFINGS
MONDAY 15 APRIL	• RECESS
MONDAY 22 APRIL	• RECESS
<i>(THURSDAY 25 APRIL</i>	<i>Anzac Day Public Holiday)</i>
MONDAY 29 APRIL	• EXTRAORDINARY COUNCIL MEETING (if required)
MONDAY 6 MAY	• COMMITTEES
MONDAY 13 MAY	• COUNCIL
MONDAY 20 MAY	• BRIEFINGS
MONDAY 27 MAY	• COMMITTEES

2002 PROGRAM OF MEETINGS

DATE	MEETING
MONDAY 3 JUNE	• COUNCIL
MONDAY 10 JUNE	• RECESS (Queen's Birthday Public Holiday)
MONDAY 17 JUNE	• BRIEFINGS
MONDAY 24 JUNE	• COMMITTEES
MONDAY 1 JULY	• COUNCIL
MONDAY 8 JULY	• RECESS
MONDAY 15 JULY	• RECESS
MONDAY 22 JULY	• BRIEFINGS
MONDAY 29 JULY	• COMMITTEES
MONDAY 5 AUGUST	• COUNCIL
MONDAY 12 AUGUST	• BRIEFINGS
MONDAY 19 AUGUST	• COMMITTEES
MONDAY 26 AUGUST	• COUNCIL
MONDAY 2 SEPTEMBER	• BRIEFINGS
MONDAY 9 SEPTEMBER	• COMMITTEES
MONDAY 16 SEPTEMBER	• COUNCIL
MONDAY 23 SEPTEMBER	• EXTRAORDINARY COUNCIL (if required)

2002 PROGRAM OF MEETINGS

MONDAY 30 SEPTEMBER	<ul style="list-style-type: none"> • RECESS
MONDAY 7 OCTOBER	<ul style="list-style-type: none"> • RECESS (Labour Day Public Holiday)
MONDAY 14 OCTOBER	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 21 OCTOBER	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 28 OCTOBER	<ul style="list-style-type: none"> • COUNCIL
MONDAY 4 NOVEMBER	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 11 NOVEMBER	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 18 NOVEMBER	<ul style="list-style-type: none"> • COUNCIL
MONDAY 25 NOVEMBER	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 2 DECEMBER	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 9 DECEMBER	<ul style="list-style-type: none"> • COUNCIL
MONDAY 16 DECEMBER	<ul style="list-style-type: none"> • EXTRAORDINARY COUNCIL (if required)
MONDAY 23 DECEMBER	<ul style="list-style-type: none"> • RECESS

The recess continues until the first Committee meetings of 2003.

ITEM 9. THE ROCKS SIGNAGE POLICY (S016689)

Moved by Councillor Turnbull, seconded by Councillor Greiner

That arising from consideration of a report by the Heritage Manager to Council on 12 November 2001 on draft Rocks Signage Policy, it be resolved that Council endorse the submission shown at Attachment A to the subject report, for lodgement with the Sydney Harbour Foreshore Authority as a response to the draft Policy, subject to the following comments being included in the submission:

- (A) Vol. 2: Commercial signs: Unacceptable signs: In certain circumstances sandwich boards or other forms of signage may be appropriate and should be considered on their merits. Some flexibility should be allowed.
- (B) Vol. 3: Wayfinding signs: Consideration should be given to the use of braille on directional pillars, particularly those which refer only to street sign names and building names.
- (C) Vol. 3: Wayfinding signs: Delete "The Rocks pamphlets" element from threshold signs and directional pillars because it is anticipated that they will generate excessive litter and their contents will be exposed to the elements.
- (D) Summary: In certain circumstances, particularly in relation to wayfinding signage, more consideration should be given to the heritage context and scale of the public domain, and the navigability of the smaller areas, when designing and locating signs. It may therefore be desirable to take these considerations into account and allow for a degree of flexibility for wayfinding as well as commercial signs.

Carried unanimously.

ITEM 10. ROCKS HERITAGE MANAGEMENT PLAN (S009285)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Acting General Manager to Council on 12 November 2001 regarding the draft Rocks Heritage Management Plan, it be resolved that Council endorse the submission, shown at Attachment A to the subject report, for lodgement to the SHFA as a response to the draft Plan.

Carried unanimously.

ITEM 11. QUESTIONS ON NOTICE

There were no Questions On Notice for this meeting of Council.

QUESTIONS WITHOUT NOTICE

BUILDING ACCREDITATION PROCESSES (S014459)

1. By Councillor Greiner

Question

Lord Mayor, under the accreditation processes approved by the New South Wales State Government, would you or the Acting General Manager confirm for me that builders can self-certify to Council's satisfaction when applying for a Certificate of Occupation? As I understand it at the moment a developer can self-certify when applying to Council for the Certificate of Occupancy, without an external accreditation.

Answer by the Lord Mayor

Councillor Greiner, I am not sure that that is the case. I ask the Acting General Manager to comment.

Acting General Manager

I will check that but I don't think it is the case. I think they have to get a professional certifier to certify that all things have been complied with in terms of the conditions of the development consent and that the building has been constructed in accordance with the approved plans. It is certainly not up to the builder to do the certification. There are accreditation bodies, for instance, the building surveyors have an accreditation body, the Institution of Engineers have an accreditation body.

Answer by the Lord Mayor (continued)

Councillor Greiner, I will ask the Acting General Manager to prepare a report for inclusion in the Councillors' Information Service explaining what is required and who accredits whom to answer your question specifically as well as generally.

The report will look at, on a confidential basis if necessary, whether a process is available to deal with the matter of performance of independent certifiers. The issue of private certifications is an important issue in the City, it is a major issue and I think that we should all be well informed about it.

INTERSECTION - COWPER WHARF ROAD AND THE EASTERN DISTRIBUTOR (S014457)

2. By Councillor Coulton -

Question

Lord Mayor, the traffic lights at the T-intersection of Cowper Wharf Road, where the wharf is, and the Eastern Distributor are still not synchronised despite my asking this question a year or two ago.

Is there a valid reason for that? If not, can they be synchronised?

Answer by the Lord Mayor

I ask that this matter be investigated assiduously and a response provided to Councillors through the Councillors' Information Service.

MASONIC CENTRE, 279-285 CASTLEREAGH STREET (S014458)

3. By Councillor Farr-Jones -

Question

Lord Mayor, my question relates to the approvals granted, I think, at the October Council meeting for the two stage development of the Masonic Centre. I understand that one of the conditions in relation to those approvals related to negotiation with the applicant regarding a public benefit contribution. I think the delegation was to yourself and the Acting General Manager in relation to those ongoing negotiations and I wonder if any resolution has been reached.

Answer by the Lord Mayor

Councillor Farr-Jones, not to my knowledge. I ask the Acting General Manager to respond.

Acting General Manager

No, Lord Mayor. As a matter of fact I have had a recent costing of the public benefit, it was to be half the cost of the tunnel. I have had a recent costing of that and I will need to go back to Grocon.

MACQUARIE PLACE - SKATEBOARDERS (S014461)

4. By Councillor Marsden -

Question

Lord Mayor, before the meeting I had a call from a concerned resident of the City who was caught in a rash of skateboarders in Macquarie Place.

It was suggested that the area be included in the floral displays because it has been found, anecdotally, that where the flowers are placed, skateboarders are less likely to travel.

Answer by the Lord Mayor

I will refer this matter to the Director of City Projects for consideration.

STREET SAFETY CAMERA AUDIT REPORTS (S014459)

5. By Councillor Greiner -

Question

Lord Mayor, the implementation of the Code of Practice for the Street Safety Camera Program included a Street Safety Camera Audit Committee, whose task was to report to Council on a regular basis.

Could you please advise Council as to the number of meetings held by the Audit Committee this year and the numbers of reports which they have tabled to Council since their last report of 1 October 1999?

Answer by the Lord Mayor

Councillor Greiner, the Audit Committee has been working and, as far as I am aware since the time it commenced, has prepared two reports. The matters it has raised have been responded to. I am not sure whether they are required to report to Council or to me but if Councillors want to be briefed that is not a problem.

I ask the Acting General Manager to investigate what the reporting requirements are and to circulate a report in the Councillors' Information Service and, if there is a need for a briefing, then a briefing of Councillors can be held as soon as practicable.

ST PETERS TIP SITE (S014458)

6. By Councillor Farr-Jones -

Question

Lord Mayor, I was wondering whether you could update Councillors on the marketing campaign for the St Peters Tip site. I have been asking, for about a month and a half now, for a copy of a draft contract because it is of particular interest to me. I would like an update on that and to receive a copy of the draft contract, if possible?

Answer by the Lord Mayor

Councillor Farr-Jones, I am surprised that you haven't received a copy of the draft contract because the Director Corporate and Legal Services started to issue the marketing package to people about a week ago. I am surprised you haven't been given a copy, Councillor Farr-Jones, because that was the understanding. I request that you be provided with a copy as soon as possible.

There is a package being issued. There was a delay because we wanted a clarification of some land holdings by the Roads and Traffic Authority next to the Tip. I am happy to give you an update at the conclusion of this meeting.

MARTIN PLACE CHRISTMAS TREE (S014458)

7. By Councillor Farr-Jones -

Question

Lord Mayor, could you tell me when the ceremony will be held for the switching on of the lights on the Christmas Tree in Martin Place?

Answer by the Lord Mayor

The Deputy Lord Mayor will be participating in the ceremony this year, in my absence. The ceremony will take place on Thursday 22 November.

DUAP's INTEGRATED LAND USE AND TRANSPORT POLICY (S014459)

8. By Councillor Greiner -

Question

Lord Mayor, the Department of Urban Affairs and Planning released an "Integrated Land Use and Transport Policy" package on 11 September 2001. This document is a reference document for State Agencies, Councils and developers so that transport provision is planned and scheduled appropriately when development is being planned and built.

Would you please ensure that all Councillors are circulated with a copy of the document known as "SEPP 66" and that there will be a briefing afternoon set aside for the representatives of the Department of Urban Affairs and Planning and the Department of Transport to brief Councillors.

Answer by the Lord Mayor

Councillor Greiner, if you are asking to be briefed for a whole afternoon, that is a long time. We can certainly put this issue on the briefings list but it may not be before the end of the year. I invite the Acting Director City Development to respond to this matter also.

Acting Director City Development

This matter is the subject of a briefing of Central Sydney Planning Committee members this Thursday. Ideally, we could brief Councillors next Monday and get a report done before the end of the year.

Answer by the Lord Mayor (continued)

Councillor Greiner, the process is that lists of briefings are submitted and we set priorities.

ITEM 12. NOTICES OF MOTION

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

Closed meeting

At 6.45 pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(C) of the Local Government Act 1993 to discuss Items 13 to 15 (inclusive) on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

and it 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 to 15 (inclusive) were then dealt with by Council while the meeting was closed to the public.

**ITEM 13. CITY OF SYDNEY PARKING METER NETWORK UPGRADE
RECOMMENDATION TO TENDER (S011870)**

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

That arising from consideration of a report by the Manager, Parking Meters to Council on 12 November 2001 on City of Sydney Parking Meter Network Upgrade, it be resolved that

- (A) Council proceed with the implementation of new parking meter technologies generally in accordance with the proposal outlined in paragraph 29 of the subject report, as amended at the meeting of Council;
- (B) authority be delegated to the Acting General Manager to proceed to tender for the supply of 60 new parking meters and hand held enforcement technology inclusive of a trial, in accordance with Council's procedures;
- (C) authority be delegated to the Acting General Manager to proceed to tender for the collection of parking meter revenue in January 2002 and to extend the current parking meter maintenance contract for 12 months until 19 February 2003.

Carried unanimously.

ITEM 14. GEORGE STREET, SYDNEY ADJOINING 546 GEORGE STREET, COMMONWEALTH BANK SUBWAY ENTRANCE - PROPOSED LEASE OF STRATUM UNDER (L02-00546)

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

That arising from consideration of a report by the Senior Property Manager to Council on 12 November 2001 on George Street, Sydney adjoining 546 George Street, Commonwealth Bank Subway Entrance – Proposed Lease of Stratum Under, it be resolved that -

- (A) Council approve the granting of a lease pursuant to section 149 of the Roads Act 1993, to the adjoining owner of 546 George Street, currently Tanert Pty Limited, as shown on the plan shown at Attachment A to the subject report, subject to determination of the rental payable;
- (B) Authority be delegated to the General Manager to determine the rent, based on the independent valuation advice;
- (C) The lease shall provide conditions to protect Council's interests and shall include the schedule of conditions at Attachment B to the subject report;
- (D) The period of the lease to be a maximum of 5 years or until such time as the building is refurbished, redeveloped or demolished, whichever is the sooner;
- (E) The lease shall provide for a mid term market rent review with appropriate indexation in between;
- (F) Council's Attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 15. IPOH - TAKEOVER OFFER BY RECO BAY - DEEMED ASSIGNMENT UNDER QVB LEASE (S017890)

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

That arising from consideration of a report by the Director Corporate and Legal Services to Council on 12 November 2001 on Ipoh - Takeover Offer by Reco Bay - deemed Assignment under QVB Lease, it be resolved that Council delegate authority to the General Manager, in consultation with the Lord Mayor, to determine whether their requirements for assignment in respect of the leases of the Queen Victoria Building and the Galleries Victoria tunnel, have been satisfied.

Carried unanimously.

At 7.10pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 10 December 2001 at which
meeting the signature herein was subscribed.