



**26 FEBRUARY 2001**

**Meeting No 1324**

**MINUTES** of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45pm on 26 February 2001 pursuant to Notice 2/1324 dated 22 February 2001.

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### PRESENT

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

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

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

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

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

#### Opening Prayer

The Lord Mayor opened the meeting with prayer.

#### **Welcome to the General Manager**

Prior to consideration of the Agenda, the Chairman (the Lord Mayor) welcomed the new General Manager, Murray Douglas, to Council. The Lord Mayor noted that the General Manager had made time over the last month to become familiar with key issues facing the

City of Sydney. Councillor Greiner also welcomed the new General Manager and expressed the hope that he would enjoy his time with Council.

## **ITEM 2A. DEATH OF SIR DONALD BRADMAN**

FILE NO: S005888

DATE: 27/2/01

### **MINUTE BY THE LORD MAYOR**

#### To Council:

It is appropriate that the City of Sydney marks the passing on February 25<sup>th</sup> 2001 of Sir Donald Bradman at the age of 92.

Born in 1908 in Cootamundra, NSW, Sir Donald Bradman is still considered Australia's greatest ever cricketer. In a career spanning 1928-1948, The Don's sporting achievements lifted the spirits of the Australian public through the years of the depression and World War Two.

In retirement, his feats have taken on legendary status, and he is considered an Australian icon.

Sir Donald Bradman will always hold a special part in our nation's history, for not only his sporting prowess but also the grace in which he conducted himself in latter life.

The City is the proud custodian of a limited edition print featuring Sir Donald, which is on display in the VIP Boardroom of Sydney Town Hall. It shall remain a reminder to us all of a great sportsman who has been an inspiration to millions of people.

On behalf of the people of Sydney I offer our condolences to his family.

(SGD) COUNCILLOR FRANK SARTOR

Lord Mayor

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

That the minute by the Lord Mayor to Council on 26 February 2001 on the death of Sir Donald Bradman be endorsed.

Carried unanimously.

## **ITEM 2B. TRADEMARK “ETERNITY”**

FILE NO: S009220

DATE: 27/2/01

### **MINUTE BY THE LORD MAYOR**

To Council:

#### **PURPOSE**

To report on trademark registration of the “Eternity” symbol in class 41, to provide a background as to the objectives in seeking registration of the symbol and to propose guidelines for the use of the trademark by third parties.

#### **BACKGROUND**

In late 1999, as part of preparation for the NYE 1999/2000 event, it was proposed that Council seek trademark protection for the “Eternity” symbol in Arthur Stace script.

It was proposed that this protection be sought for public display or use of Eternity, as such use could erode the value of the City's investment in the symbol and the 1999 NYE event.

A further objective is to prevent commercial exploitation of the symbol through its use in events, publications or entertainment, particularly when that use is associated with Sydney, given the iconic value of the symbol to the people of Sydney.

Also, consideration was given to applying for trademark protection for use of the symbol for merchandising. Legal advice was received that the Eternity symbol could not be registered in relation to merchandising as Calvin Klein has a registration in that category. The effect of the advice is, notwithstanding the Calvin Klein registration being in different script, the same word could not be the subject of a trademark in the same class.

#### **CURRENT STATUS OF TRADEMARK PROTECTION**

As noted above, an application for trademark registration was made in December 1999. The trademark was registered on 8 January 2001 and the fact of registration was advertised on 25 January 2001.

The trademark registration is as follows:

“**Class: 41** The provision of amusement; the provision of entertainment and entertainment information including live performances, motion pictures, concerts and radio and television programs; the provision of recreation facilities; the provision of lending libraries; the offering of lectures and tuition; club services; educational information; entertainer services; film production; library services; presentation of live performances; production of shows; presentation and production of fireworks and pyrotechnic shows; publication of books; television entertainment, theatre productions; production of sports events and cultural activities including new years and Christmas celebrations and events.”

## **PROPOSAL**

In view of the objectives in seeking registration of the Eternity symbol, the City may choose to allow third parties to use that symbol where such use would fall within class 41 but does not involve a use which is inconsistent with the City's objectives. Where a third party's use is for commercial purposes, it is open to the City to refuse use or to approve use, subject to a fee or royalty for use of the symbol.

Attachment A is a draft schedule which sets out a possible guide to be used in determining whether approval to use the Eternity symbol for a purpose protected by class 41 would be given.

The methodology in the attachment is:

- (a) To refuse requests for use which fall into the category of uses which conflict with the City's objectives;
- (b) To allow certain uses as of right, for example in relation to religious or educational purposes;
- (c) To allow applications for approval to be made in relation to all remaining uses protected by class 41.

## **RECOMMENDATION:**

- (A) That the contents of this report be received and noted;
- (B) That the guidelines set out in attachment A be approved and used in considering any application for permission to use the trade mark.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

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

That arising from consideration of a Minute by the Lord Mayor to Council on 26 February 2001 on Trademark "Eternity", it be resolved that -

- (A) the Minute by the Lord Mayor be received and noted;
- (B) the guidelines set out in attachment A to the subject Minute by the Lord Mayor be approved and used in considering any application for permission to use the trade mark.

Carried unanimously.

**ITEM 1. CONFIRMATION OF MINUTES**

**Minutes of Extraordinary meeting of Council of 18 December 2000**

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

That the minutes of the Extraordinary meeting of Council of 18 December 2000, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Council meeting of 18 December 2000**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the minutes of the meeting of Council of 18 December 2000, as circulated to Councillors, be confirmed.

Carried.

**Minutes of Extraordinary meeting of Council of 29/30 January 2001**

At a later stage of the meeting, when this matter was recommitted, it was moved by Councillor Greiner, seconded by Councillor Farr-Jones -

That the minutes of the Extraordinary meeting of Council of 29 January 2001 and 30 January 2001, as circulated to Councillors, be confirmed, subject to the following correction in relation to Item 3 "Agreement to Conduct New Years Eve Celebrations 2001-2005" on page 8:

the deletion of the word "unanimously" after the word "Carried" following the resolution on this matter.

Carried.

**ITEM 3. MEMORANDA BY THE GENERAL MANAGER**

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

**ITEM 4. MATTERS FOR TABLING**

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

The following reports had been received and were laid on the table:

|                                      |                         |
|--------------------------------------|-------------------------|
| Australian Sports Foundation Limited | Annual Report 1999-2000 |
| Brisbane City Council                | Annual Report 1999-2000 |

|   |   |
|---|---|
| City of Ballarat  | Annual Report 1999-2000                                 |
| Corporation of the City of Adelaide                                 | Annual Report 1999-2000                                 |
| Department of Housing   | Annual Report 1999-2000                                 |
| Local Government and Shires<br>Associations of NSW                  | Annual Report 1999-2000                                 |
| New South Wales Fire Brigades                                       | Annual Report 1999-2000                                 |
| New South Wales National Parks &<br>Wildlife Service                | Annual Report 1999-2000                                 |
| New South Wales State Emergency<br>Service                          | Annual Report 1999-2000                                 |
| State Transit   | Annual Report 1999-2000 and<br>Corporate Plan 2000-2001 |
| Sydney Water  | Annual Report 2000                                      |
| The Hepatitis C Council of NSW<br>The Hep C Review - Summer Edition | Annual Report 1999-2000 and<br>December 2000 Edition 31 |

Moved by Councillor Turnbull, seconded by Councillor Coulton -

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

Carried.

## **PETITIONS**

Councillor Marsden tabled a petition, signed by 140 people, which requested Council to attend to the problem of erosion and untidiness in the park/plaza at the corner of Elizabeth and Devonshire Streets.

Moved by Councillor Marsden, seconded by Councillor Ho -

That the petition be received and noted and that the General Manager be requested to direct the appropriate staff to deal with the issues raised, and to provide a report to Councillors via the Councillors' Information Service.

Carried.

Councillor Marsden tabled a further petition, signed by 295 residents of Kent Street, requesting Council's assistance in overturning a decision by State Transit to discontinue bus service 343.

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the petition be received and noted and that the General Manager be requested to arrange for appropriate correspondence to be prepared, as soon as possible, in support of the continued operation of the 343 bus service.

Carried.

**ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE -  
13 FEBRUARY 2001**

FILE NO:

DATE: 15/2/01

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 4.48 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

The meeting of the Priorities and Outcomes Committee concluded at 4.55 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 13 February 2001 be received, and the recommendations set out below for Items 5.1 and 5.2 be noted.

Carried.

The Priorities and Outcomes Committee recommended that Council note that items 5.1 and 5.2 were determined by the Priorities and Outcomes Committee under delegated authority

Carried.

**NEW YEAR'S EVE EXPRESSION OF INTEREST FOR MEDIA PARTNERS -  
2001-2005 (S015063)**

**5.1**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Manager Cultural Affairs and Events to the Priorities and Outcomes Committee on 13 February 2001 on New Year's Eve Expression of Interest for Media Partners, it be resolved that the Priorities and Outcomes Committee note and endorse the Lord Mayor's approval of the invitation for Expressions of Interest for Media Partners for the City of Sydney for New Year's Eve 2001 – 2005 as shown at Attachment A to the subject report.

Carried.

**SCHEDULE OF MEETINGS OF THE PRIORITIES AND OUTCOMES COMMITTEE FOR 2001**

**5.2**

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

That arising from consideration of a report by the Chief Clerk Secretariat to the Priorities and Outcomes Committee on 13 February 2001, on Schedule of Meetings of the Priorities and Outcomes Committee for 2001, it be resolved that the schedule of meetings and briefings at Attachment A to the subject report be adopted.

Carried.

**COMPETITIVE TENDERING ROUND TWO: GOULBURN STREET PARKING STATION MANAGEMENT CONTRACT (S01-4833)**

**5.3**

Note - No report on this item was circulated at the meeting of the Priorities and Outcomes Committee and this item was not discussed.

**ITEM 6. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 19 FEBRUARY 2001**

**PRESENT**

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

Councillors Dixie Coulton, Kathryn Greiner, Robert Ho and Lucy Turnbull

At the commencement of business at 4.55 pm, those present were -

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

Councillor Fabian Marsden was also present.

**Apologies**

Councillor Nick Farr-Jones extended his apology for his inability to attend the meeting of the Finance, Properties and Tenders Committee owing to other commitments.

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

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

**Closed meeting**

At 5.22pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 6.4 and 6.5 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.25 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 19 February 2001 be received, and the recommendations set out below for Items 6.1 to 6.5 inclusive be adopted.

Carried.

The Committee recommended the following:-

**INVESTMENTS HELD BY COUNCIL AS AT 31 JANUARY 2001 (AO2-00360)**

**6.1**

That arising from consideration of a report by the Management Accounting Officer to the Finance, Properties and Tenders Committee on 19 February 2001, on Investments Held by Council as at 31 January 2001, it be resolved that the report be received and noted.

Carried.

**PROPOSAL TO WRITE OFF CERTAIN OUTSTANDING DEBTS AS IRRECOVERABLE (S004897; P06-02071)**

**6.2**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 19 February 2001 on a Proposal to Write Off Certain Outstanding Debts as Irrecoverable, it be resolved that -

- (A) the debts for Burtonwood Enterprises Pty Ltd, Dept. of Education & Training, and Roads & Traffic Authority totalling \$169, 691 be written off;
- (B) the General Manager be requested to report to Council on the policies and processes that are in place or that need to be developed for obtaining appropriate guarantees when entering into arrangements with small, low-capitalised companies;
- (C) at the appropriate time and in association with the calling of tenders for management of St Peters Tip, the General Manager be requested to brief Councillors on land use options in the area of St Peters Tip;
- (D) the General Manager discuss with the Lord Mayor the processes that are necessary, in circumstances such as those covered in the subject report, to ensure that the matter of certainty is addressed before an account is raised and an invoice issued.

Carried.

**PROPOSED REDEVELOPMENT OF THE MANNING BUILDING, 441-459 PITT STREET - OWNER'S CONSENT TO LODGEMENT OF AN APPLICATION TO MODIFY DEVELOPMENT CONSENT (L02-00875)**

**6.3**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties & Tenders Committee on 19 February 2001 on the Proposed Redevelopment of the Manning Building, 441-459 Pitt Street – Owner's Consent to Lodgement of an Application to Modify Development Consent, it be resolved that Council grant consent as landowner to the lodgement of the Application.

Carried.

**Closed meeting**

At 5.22 pm the Finance Properties and Tenders Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 6.4 and 6.5 on the agenda as these matters comprised discussion of commercial information that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there was a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Items 6.4 and 6.5 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.

**IPOH GARDENS AND ASSIGNMENT OF 114 SQUARE METRES OF TRANSFERABLE FLOOR SPACE (D02-01710/2)****6.4**

That arising from consideration of a report by the Manager, Property and Assets to the Finance Properties and Tenders Committee on 19 February 2001, on Ipoh Gardens and Assignment of 114 Square Metres of Transferable Floor Space, it be resolved that:

- (A) in accordance with clause 23.3 of the Agreement to Lease of the Capitol Theatre dated 3 March 1992, Council consent to the sale to Super-Star Development Pty Ltd of 114 square metres of transferable floor space as set out in the subject report.
- (B) the Deed of transfer be finalised by Council's solicitors and executed by Council's Attorney;
- (C) the funds received by Council be placed in the property reserve.

Carried.

**JONES STREET, PYRMONT ADJACENT 2A ALLEN STREET, EDWIN DAVEY FLOUR MILL - PROPOSED LEASE (S012142)**

**6.5**

That arising from consideration of a report by the Senior Property Manager to the Finance, Properties and Tenders Committee on 19 February 2001, on Jones Street, Sydney adjacent 2A Allen Street, Edwin Davey Flour Mill - Proposed Lease, it be resolved that approval be given to:-

- (A) the granting of a lease pursuant to section 153 of the Roads Act 1993, to the owner of the adjoining premises 2A Allen Street, Pyrmont currently Microage Pty Ltd for a period of up to two years from the date of execution of part of Jones Street shown stippled on Plan No S4-130/510 at Attachment A to the subject report, and containing an area of about 280 square metres for construction purposes, the terms and conditions of the lease to be negotiated by the General Manager, and to be also subject to the conditions in the schedule at Attachment A to the subject report.
- (B) the granting of consent as owner to the lodgement of the required development application.
- (C) the execution of all relevant documentation and plans by Council's Attorney.

Carried.

**ITEM 7. REPORT OF THE CULTURAL AND CITY CARE COMMITTEE -  
19 FEBRUARY 2001**

PRESENT

Councillor Dixie Coulton  
(Chairman)

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

At the commencement of business at 5.26 pm, those present were -

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

Councillor Fabian Marsden was also present.

**Apologies**

Councillor Nick Farr-Jones extended his apology for his inability to attend the meeting of the Cultural and City Care Committee owing to other commitments.

Moved by the Chairman (Councillor Coulton), seconded by Councillor Turnbull -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Cultural and City Care Committee concluded at 5.31 pm.

Report of the Committee

Moved by Councillor Coulton, seconded by Councillor Greiner -

That the Report of the Cultural and City Care Committee of its meeting of 19 February 2001 be received, and the recommendation set out below for Item 7.1 be adopted.

Carried.

The Committee recommended the following -

**BUSKING POLICY REVIEW (S06-02841)**

**7.1**

That arising from consideration of a report by the Cultural Policy Co-ordinator to the Cultural and City Care Committee on 19 February 2001, on Busking Policy Review, it be resolved that -

- (A) the revised Busking Policy for the City of Sydney, as shown at Attachment A to the subject report, and as amended at the meeting of the Cultural and City Care Committee, be adopted; and
- (B) approval be given for the continuation of the Busking Policy Review Panel throughout 2001.

Carried unanimously.

Note - The revised Busking Policy as adopted by Council is as follows:

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**CITY OF SYDNEY BUSKING POLICY 2001**

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**City of Sydney  
2001 BUSKING POLICY****1 GLOSSARY OF TERMS**

For the purposes of this policy the following definitions apply:

- 1.1 *Busker:*** An entertainer who provides impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places.
- 1.2 *Performance:*** Musical, dramatic or other entertainment substantially involving musical, theatrical, or circus performance skills.
- 1.3 *Soliciting of funds:*** The act of asking, begging, seeking or requesting money or goods from members of the public.
- 1.4 *Offering for sale:*** The display or demonstration of items, particularly multiples of items, with an implication that they are available for sale or otherwise in exchange for money (for example, CDs or cassettes).
- 1.5 *Dangerous materials and implements:*** Materials and implements that pose risk, hazard or uncertain outcomes for people.  
*Dangerous materials* include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.  
*Dangerous implements* include knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public.
- 1.6 *Restricted areas:*** Specified areas within the city that have had restrictions placed on busking activities that may occur in them.
- 1.7 *Designated sites:*** Specified sites within restricted areas where busking can occur under defined conditions.
- 1.8 *Circle acts:*** Structured performances requiring the audience to stop and watch or participate in the performance. Approximate duration: 20 minutes.
- 1.9 *Walk-by acts:*** Spontaneous performances where the audience is not required to stop and watch.

**2 OBJECTIVES**

This policy has been developed:

- 2.1** To encourage activities that contribute colour and life to the City and opportunities for alternate voices to be heard through public performance.
- 2.2** To provide an equitable system of use for popular busking sites in the city among the buskers earning a living through their art form.

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## CITY OF SYDNEY BUSKING POLICY 2001

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- 2.3 To identify and qualify locations suitable as busking sites.
- 2.4 To minimise complaints, criticism and other problems associated with buskers operating in the Sydney area, while supporting the rights of individuals to express themselves in a democratic manner.

### 3 PRINCIPLES

The City of Sydney recognises that:

- 3.1 Sydney has a strong tradition of busking and buskers contribute to a sense of place in the city of Sydney.
- 3.2 Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- 3.3 Buskers provide entertainment and thought provoking experiences to tourists and members of the general public.
- 3.4 Busking is a valid means for people to make a living.
- 3.5 Busking should not unduly interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.

### 4 CONDITIONS

This policy covers the City of Sydney local government area WITH THE EXCEPTION OF THOSE AREAS UNDER THE RESPONSIBILITY OF:

|   |   |
|---|---|
| <b>Sydney Harbour Foreshore Authority</b> | (The Rocks)                                   |
| <b>Royal Botanic Gardens Trust</b>        | (The Domain and Royal Botanic Gardens)        |
| <b>Darling Harbour Authority</b>          | (Darling Harbour, Tumbalong Park etc.)        |
| <b>The Opera House Trust</b>              | (Opera House steps, concourse and forecourts) |

For information about busking in these areas please contact the authority responsible.

Authorised busking is permitted anywhere in the City of Sydney (with the exception of the areas identified above) under the *conditions* outlined in this section. However, some areas of the city are *restricted* to the use of *designated sites* for busking activities and additional *special conditions* apply to busking in these areas. Restricted areas, designated sites and conditions for their use are identified in section 5 of the policy.

Busking activities are covered for public liability under the City of Sydney's insurance policy whilst ever the busker complies with the conditions and requirements for busking contained in this policy.

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## CITY OF SYDNEY BUSKING POLICY 2001

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### *Obtaining an authorised permit to busk in the city:*

- 4.1** Buskers must hold an authorised permit to busk, issued by the City of Sydney. Permits may be obtained from the City of Sydney One Stop Shop, following payment of:
- 4.1.1** \$10 for a three (3) month permit, based around four yearly quarters (or \$5 if within the last half of the quarter), or
  - 4.1.2** \$40 for an annual permit.
- 4.2** For the purposes of identification, applicants will be required to present or provide the following items at the time of application before a Busking permit will be issued:
- 4.2.1** Proof of identity in one of the following forms:
    - 4.2.1.1 a current motor vehicle driver's license,
    - 4.2.1.2 a student identity/proof of age card
    - 4.2.1.3 a current passport
    - 4.2.1.4 a bank card or credit card with signature.
  - 4.2.2** Australian Income Tax File number, ABN Number, or Statutory Declaration declaring intention to pay tax on earnings.
  - 4.2.3** Passport and appropriate Work Visa if the applicant is a non-resident of Australia.
  - 4.2.4** Proof of parental consent for applicants under the age of 18 years. Consent forms signed by applicants' parents or guardians must be lodged at the time of application for a permit to busk. Consent forms can be obtained from the City of Sydney One Stop.
- 4.3** Annual Busking Permits are valid from January to December of any one year and must be renewed prior to or by the expiry date of 31 December each year.
- 4.4** Details of Buskers holding Permits to Busk will be entered into a Register of approvals granted by City of Sydney pursuant to section 113 of the Local Government Act. Additionally, pursuant to Sections 113(2) and 113(5) of the act the information recorded will include the name and address of the person or persons to whom the approval is granted and this information will be available for public inspection without charge during ordinary office hours.
- 4.5** Permits are not transferable or refundable.
- 4.6** The following are **not** considered to be buskers under the terms of this policy and as such will not be issued a permit:
- Balloon sculptors, tarot card and palm readers, fortune readers, artists selling their works (such as portrait artists), masseurs or masseuses, vendors of any kind (including vendors of reindeer ears, fluffy toys, jewellery etc), solicitors of money for any purpose.

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**CITY OF SYDNEY BUSKING POLICY 2001**

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**4.7** By signing the Application for Permit to Busk in the appropriate space, applicants must agree to comply with:

**4.7.1** The requirements for obtaining busking permits and special busking permits, and,

**4.7.2** The conditions for busking in the city in both unrestricted and the designated sites in restricted areas.

***Conditions for busking in the city:***

In relation to busking **in all areas of the city** (with the exception of those areas outside the authority of the City of Sydney), whether in restricted or unrestricted areas, the following conditions apply:

- 4.8** Buskers **must** display their Permits to Busk in a prominent, highly visible position in the busking site at all times during their acts.
- 4.9** Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.
- 4.10** When performing in Restricted Areas, buskers must use the designated sites specified in Section 5 of this Policy and no other area under the conditions specified for each designated site.
- 4.11** Buskers may perform for a maximum of 2 hours at any one site anywhere in the City, including designated sites.
- 4.12** Buskers may receive voluntary donations from the audience but may not solicit funds.
- 4.13** Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety.
- 4.14** Buskers may only use amplification that is battery operated. Mains voltage amplification is prohibited. The City reserves the right to impose a decibel limit on amplified sound in appropriate circumstances.
- 4.15** Buskers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance.
- 4.16** Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so under the terms and conditions outlined in Annexure 1.
- 4.17** Buskers may only use dangerous implements and materials, as defined in 1.5, if they hold a Special Busking Permit to do so, and must comply with the terms and conditions in the Code of Practice at Annexure 2. Special Busking Permits may be obtained from the One Stop Shop and require a 'Peer Endorsement' form to be completed and signed by the two peers appointed by the Busking Policy Review Committee. Contact details for peer endorsement will be provided at the One Stop Shop.

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**CITY OF SYDNEY BUSKING POLICY 2001**

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- 4.18** Authorised officers of the City of Sydney may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.
- 4.19** Buskers must also comply with directions issued by authorised officers of the Sydney Harbour Foreshore Authority where the site falls within the Authority's area of responsibility, members of the NSW Police Force, Ambulance, Fire and any other Emergency Services.
- 4.20** Pursuant to sections 89, 109, 110 and 124 of the Local Government Act, City of Sydney may revoke or modify permits if the permit holder fails to comply with the requirements and conditions of approval. Authorised officers of the City of Sydney and the Sydney Harbour Foreshores Authority may confiscate permits for non-compliance. The City of Sydney may serve notice upon the person or persons holding a busking permit, giving reasons for the revocation or modification of the permit and providing the permit holder with the opportunity to show cause why the approval should not be revoked or modified.
- 4.21** Busking permits may be revoked or modified in the circumstances where persons:
- 4.21.1** Are deemed by the City of Sydney to be causing a nuisance.
  - 4.21.2** Do not keep their site safe and clean while working.
  - 4.21.3** Cause obstruction to pedestrians or vehicular traffic and entrances to shops or buildings.
  - 4.21.4** Interfere in any way with an approved entertainment or activity without permission.
  - 4.21.5** Sell or offer for sale any articles or commodity.
  - 4.21.6** Use dangerous implements or materials as part of a performance without a special busking permit to do so.
- 4.22** Council and other authorised officers reserve the right to prohibit use of a restricted area, designated site or such area as may be specified by it while Council or other road works are in progress.
- 4.23** The use of unrestricted areas, restricted areas and designated sites for busking activities will be monitored by the Review Committee and continued use will be subject to their report.

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## CITY OF SYDNEY BUSKING POLICY 2001

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### **5. RESTRICTED AREAS**

The following **special conditions** apply to busking activities in Restricted Areas:

#### **5.1 FIRST FLEET PARK (1 designated site)**

- 5.1.1 Busking is not permitted in the park when special events are in progress
- 5.1.2 Buskers must be mindful of and respect the rights of patrons using the park for recreation.
- 5.1.3 Buskers must comply with directions issued by authorised officers from the Sydney Harbour Foreshore Authority as well as City of Sydney authorised officers.
- 5.1.4 Chalk art is prohibited when directly applied to the pavement (See Attachment I).

#### **5.2 CIRCULAR QUAY WHARF AREA (4 designated sites)**

- 5.2.1 Use is subject to review.
- 5.2.2 Buskers may only perform at the four designated sites as indicated on Map 5.2 (Three 'walk by' and one 'circle act' sites).
- 5.2.3 Busking is not permitted between the hours of 12 noon and 2.30 pm on weekdays at these sites.
- 5.2.4 Buskers may not perform during special events.
- 5.2.5 Buskers may not perform near the entry to retail outlets.
- 5.2.6 Circle acts are only permitted in **designated Circle Act sites**, marked with the letter "C" on Map 5.2. Designated circle act sites provide for both circle acts and walk by acts. The use of dangerous goods and materials at "C" sites requires a Special Permit.
- 5.2.7 In order to avoid safety and health hazards to the public, buskers must be aware that when performing in the vicinity of food outlets and serving areas, they must not use materials that may leave a residue on tables, chairs or eating utensils (eg bubbles).
- 5.2.8 Chalk art is prohibited when directly applied to the pavement areas (see Attachment I).

#### **5.3 CIRCULAR QUAY EAST & WEST ESPLANADES (4 designated sites)**

- 5.3.1 Subject to review, busking is currently not permitted along the Eastern Esplanade.
- 5.3.2 Busking is only permitted at the four designated sites along the Western Esplanade. Two of these sites are designated as circle act sites and two as walk by sites.
- 5.3.3 Chalk art is prohibited when directly applied to the pavement areas (see Attachment I).

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**CITY OF SYDNEY BUSKING POLICY 2001**

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**5.4 ALFRED STREET, CIRCULAR QUAY (1 designated site)**

5.4.1 Busking is permitted at one designated site.

**5.5 CUSTOMS HOUSE SQUARE (1 designated site)**

5.5.1 Busking in Customs House Square may only occur with the express permission in writing of Customs House Management. Details of contacts for Customs House Management can be obtained from the City of Sydney One Stop Shop.

**5.6 MACQUARIE PLACE (2 designated sites)**

5.6.1 Buskers must respect the rights of patrons using the park or nearby cafes and hotels and not unduly disrupt their activities.

**5.7 WYNYARD PARK (2 designated sites)**

5.7.1 Busking in the two designated sites is permitted only on the hard surface areas, not on the grassed area of the park.

**5.8 MARTIN PLACE (5 designated sites)**

5.8.1 Use is subject to review.

5.8.2 No busking is allowed between Pitt Street and George Street at any time.

5.8.3 Buskers may not perform less than 25 metres from the Martin Place Amphitheatre while performances are taking place in the Amphitheatre.

5.8.4 Buskers may not perform less than 15 metres from any other performer in Martin Place.

5.8.5 Circle shows are permitted between Macquarie Street and Phillip Street but only one show at any given time.

5.8.6 No busking is allowed in Martin Place on Anzac Day (25 April) without the written approval of Council.

**5.9 PITT STREET MALL (3 designated sites)**

5.9.1 Busking in Pitt Street Mall is limited to three (3) locations only, as marked, at any one time.

5.9.2 Busking performances are limited to walk-by acts only.

5.9.3 Busking is not permitted prior to 2 pm in the Mall on weekdays. Busking is permitted after 11 am on weekends.

5.9.4 Buskers may not perform while special events are in progress in the Mall.

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**CITY OF SYDNEY BUSKING POLICY 2001**

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**5.10 HYDE PARK****(3 designated sites)**

**5.10.1** Busking is permitted at three (3) designated sites adjacent to the Archibald Fountain area.

**5.10.2** Busking is only permitted on hard surfaces.

**5.11 BELMORE PARK****(6 designated sites)**

**5.11.1** Busking is permitted at six designated sites.

**5.12 QUEENS SQUARE****(1 designated site)**

**5.12.1** Busking will only be permitted on Saturdays if the Supreme Court is not sitting and Sundays from 1.00 pm onwards.

**6 BUSKING REVIEW COMMITTEE**

Subsequent to the adoption of the Revised Busking Policy (2001) by the Council of the City of Sydney:

- 6.1** A Busking Review Committee will be maintained until the end of the year 2001 to monitor the effectiveness of the policy and advise on Busking issues that emerge in the City in the ensuing period.
- 6.2** The Committee will meet as needed.
- 6.3** The Committee will report to the Manager, Cultural Affairs and Events, and will comprise:
- One (1) representative of the Arts and Cultural Community,
  - One (1) representative of the Retail Traders Association,
  - One (1) representative from the Media Entertainment & Arts Alliance,
  - One (1) Street performer and One (1) Musician nominated by Council in consultation with the Media Entertainment and Arts Alliance,
  - Two (2) representatives from City of Sydney, Cultural Affairs and Events Unit or as nominated by the Unit Manager, and,
  - One representative of the Sydney Harbour Foreshores Authority.

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**CITY OF SYDNEY BUSKING POLICY 2001**

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**ANNEXURE 1****City of Sydney Busking Policy****PAVEMENT ART AS A FORM OF BUSKING****Code of Practice**

*This code of practice only covers the areas that are the responsibility of City of Sydney. For areas managed by other organisations contact the authority responsible for busking policy in that area.*

- 1** Busking may include *pavement art* where it can be seen as a form of *public entertainment* under the guidelines of the City of Sydney Busking Policy *with all the above existing conditions applying*, and including the following *specific* applications of City of Sydney's policies to pavement art:
  - 1.1** Pavement art, for the purposes of this policy, is defined as:
    - 1.1.1** Chalk drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces, such as canvas or plastic, laid out on the pavement.
  - 1.2** Drawing directly on the pavement may only occur where:
    - 1.2.1** The material used is removable by water and does not leave a residue, and,
    - 1.2.2** The surface is of a non-porous material, such as bitumen and concrete. Surfaces not able to be drawn directly upon include sandstone, granite and other porous surfaces currently being used in some pavements, pathways and walkways in the city.
  - 1.3** Individual renditions of the artists' work may not be offered for sale, or sold to the public.
  - 1.4** Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not be such as to be likely to cause a public hazard.

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**CITY OF SYDNEY BUSKING POLICY 2001**

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**ANNEXURE 2****City of Sydney Busking Policy****USE OF DANGEROUS MATERIALS AND  
IMPLEMENTS IN BUSKING****Code Of Practice****1 Policy Statement**

The City of Sydney recognises that many buskers operating in the city use materials and implements in their practices that may reasonably be viewed as dangerous. However, the City of Sydney also acknowledges that, in the hands of skilled and experienced buskers, the use of fire and superficially dangerous implements such as knives and swords, in circus or juggling acts, lends an appealing theatrical element that is popular with the viewing public.

The purpose of this Code of Practice is to ensure that the use of dangerous materials and implements is restricted to buskers who have highly developed skills and experience in their use, and who are acutely aware of the need to ensure the safety of the public as well as their own safety when using them.

**2 Approved sites for the use of dangerous materials and implements**

- 2.1** Six (6) sites have been nominated as appropriate for buskers who use dangerous materials and implements. These sites are the **only** sites upon which buskers may perform using these materials and implements.
- 2.2** The designated sites do not include Parks. Fire and dangerous materials may not be used in busking acts conducted in any park in the city.
- 2.3** The general and specific site conditions contained in the City of Sydney busking policy apply to these sites, in addition to the special requirements for the use of dangerous materials and implements in busking acts.
- 2.4** The six Special Busking Sites are identified on the maps attached to the Busking Policy as “SBS” and are located at:
  - 2.4.1** Alfred Street Circular Quay (1 site).
  - 2.4.2** West Esplanade Circular Quay (2 sites).
  - 2.4.3** Martin Place (2 sites).
  - 2.4.4** Macquarie Place (1 site).

**3 Special Busking Permits**

- 3.1** Buskers using dangerous materials and implements must hold a current Special Busking Permit to use these items in their acts.

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## CITY OF SYDNEY BUSKING POLICY 2001

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- 3.2 All general conditions applying to standard Busking Permits apply to the holding of a Special Busking Permit.
- 3.3 Buskers holding Special Busking Permits must display them at all times in a prominent position while performing their acts using dangerous materials and implements.

### 4 Conditions for Special Busking Permits

Buskers holding a Special Busking Permit, when using dangerous materials or implements in their acts, must adhere to the following conditions in the interests of public safety, and their own. The Special Permit busker must, at all times:

- 4.1 Ensure the health and safety of the audience witnessing the performance.
- 4.2 Ensure that public property is not damaged in the course of the performance.
- 4.3 Define the performance space to be used by establishing a *physical boundary* of **at least 2 metres** between herself/himself and the audience utilising one of the following options:
- 4.3.1 Roped or chained off area.
- 4.3.2 Chalk line (if the surface to be drawn upon is not of a porous material such as granite and sandstone, and if the line drawn is water-soluble and removed once the busker has completed the act).
- 4.4 Include a Work Cover approved Fire Blanket in their performance kits that is kept visible and accessible throughout the performance.
- 4.5 In the case of the use of flammable liquids, fuels are limited to kerosene, firewater or scented lamp oils (eg citronella) only. No other fuels will be permitted.
- 4.6 Store and transport any flammable liquids permitted under the Code of Practice in accordance with section 7 of the Australian Dangerous Goods Code, that is:
- Portable plastic containers of **no greater than a 5 litre capacity**.
  - Containers conspicuously marked with the words
    - **'HIGHLY FLAMMABLE'**, in capital letters on both sides of container
    - **'Class 3 Flammable liquids'**, and
    - **The name of the liquid** in the container, eg Kerosene etc.
- 4.7 Use a **plastic bucket as a drip tray** for flares or torches (not metal), or preferably use a **pre-soaking method** for the flares or torches. City of Sydney will not tolerate drip stains on ground surfaces that are not immediately removed, or able to be removed by the busker using the site after the act has been completed.
- 4.8 If using dangerous implements in a performance, as defined under the Dangerous Goods Act, Clauses 14, 31, 239, 240, 242 and 248, covering the use and packaging of prohibited items, all edges on metal implements must be **blunted and rendered non-dangerous** (including chain saws and other mechanical devices). An implement is determined as *blunt* if it is incapable of piercing human skin when pressure is directly applied to its edge or point against human skin.

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## CITY OF SYDNEY BUSKING POLICY 2001

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### **5 Restrictions on Special Busking Permits**

- 5.1 All restrictions applying to holders of Standard Busking Permits apply to holders of Special Busking Permits.
- 5.2 Special Busking Permits are only issued to **individual** buskers, not groups. That is, **each** busker in a group must hold a current Special Busking Permit if they are to use these items.
- 5.3 Special Busking Permits apply to Special Busking Sites only.

### **6 Process for Obtaining a Special Busking Permit**

- 6.1 Special Busking Permits may be obtained from the City of Sydney One Stop Shop located at Level 2, Town Hall House, 456 Kent Street Sydney.
  - 6.2 Special Busking Permits are available under the same terms and conditions as standard Busking Permits with the exception of the additional requirements nominated below.
  - 6.3 Special Busking Permits require *Peer Endorsement*. **No less than two signatures** must be obtained from the identified *Peer Group* of Special Busking Permit holders for each Busker applying for a Special Busking Permit.
  - 6.4 Peer Endorsement in the terms stated above must be obtained before the Special Busking Permit will be issued.
  - 6.5 A passport-sized photograph of the applicant busker must be submitted with the application form and Peer Endorsement at the time of application.
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**ITEM 8. REPORT OF THE COMMUNITY SERVICES, SMALL BUSINESS AND TOURISM COMMITTEE - 19 FEBRUARY 2001**

PRESENT

Councillor Fabian Marsden  
(Chairman)

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

At the commencement of business at 6.08 pm those present were -

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

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

**Apology**

Councillor Nick Farr-Jones extended his apology for his inability to attend the meeting of the Community Services, Small Business and Tourism Committee owing to other commitments.

Moved by Councillor Marsden, seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

The meeting of the Community Services, Small Business and Tourism Committee concluded at 6.12 pm.

Report of the Committee

Moved by Councillor Marsden, seconded by Councillor Ho -

That the Report of the Community Services, Small Business and Tourism Committee of its meeting of Monday 19 February 2001 be received, and the recommendation set out below for Item 8.1 be adopted.

Carried.

The Committee recommended the following:-

**RETAIL ADVISORY COMMITTEE - MINUTES OF PREVIOUS MEETINGS  
(S012209)**

**8.1**

That arising from consideration of a report by the Chief Clerk Secretariat to the Community Services, Small Business and Tourism Committee on 19 February 2001, on Retail Advisory Committee - Minutes of Previous Meetings, it be resolved that -

- (A) the minutes of the meeting of the Retail Advisory Committee held on 5 December 2000, as shown at Attachment A to the subject report, be received and noted; and
- (B) the minutes of the meeting of the Retail Advisory Committee held on 6 February 2001, as shown at Attachment B to the subject report, be received and noted.

Carried unanimously.

**ITEM 9. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 19 FEBRUARY 2001**

PRESENT

Councillor Lucy Turnbull  
(Chairman)

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

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

Councillors Coulton, Greiner, Ho, Marsden and Turnbull.

**Apology**

Councillor Nick Farr-Jones extended his apology for his inability to attend the meeting of the Planning Development and Transport Committee owing to other commitments.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the apology from Councillor Farr-Jones be accepted and leave of absence from the meeting be granted.

Carried.

**Order of Business**

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

4. Development Application: 3 Wise Monkeys Bar, 553-555 George Street Sydney
5. Development Application: The Vintage, 281-287 Sussex Street Sydney
3. Section 96(2) Application: 107-121 Quay Street Haymarket
2. Progress Report on Development Applications and Annual Summary for 2000
1. Access Committee - Minutes of Previous Meeting

The meeting of the Planning Development and Transport Committee concluded at 6.37 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 19 February 2001 be received, and the recommendations set out below for Items 9.1 to 9.4, inclusive, be adopted, with Item 9.5 being noted.

Carried.

The Committee recommended the following:-

**PART "A" - DETERMINED BY COUNCIL**

**ACCESS COMMITTEE - MINUTES OF PREVIOUS MEETING (S000782)**

**9.1**

That arising from consideration of a report by the Chief Clerk Secretariat to the Planning Development and Transport Committee on 19 February 2001, on Access Committee - Minutes of Previous Meeting, it be resolved that the minutes of the meeting of the Access Committee held on 31 January 2001, as shown at Attachment A to the subject report, be received and noted.

Carried.

**PROGRESS REPORT ON DEVELOPMENT APPLICATIONS AND ANNUAL SUMMARY FOR 2000 (A03-00138/1)**

**9.2**

That arising from consideration of a report by the Manager Development to the Planning Development and Transport Committee on 19 February 2001, in relation to the Progress Report on Development Applications, it be resolved that the report be received and noted.

Carried.

**SECTION 96(2) APPLICATION: 107-121 QUAY STREET HAYMARKET (D2000/00550A)**

**9.3**

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 19 February 2001 in relation to the Section 96(2) Application proposing amendments to Conditions 1, 6(a), 6(b), 6(c) and 6(d) of Development Consent D2000/00550 made by Marchese + Partners for the site at 107-121 Quay Street Haymarket, it be resolved that consent be granted and conditions modified as follows:

## APPROVED DEVELOPMENT

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

| Drawing Numbers | Dated     | Prepared by             |
|-----------------|-----------|-------------------------|
| DA2.00          | 20 Jun 00 | Marchese + Partners     |
| DA2.01          | 20 Jun 00 | Marchese + Partners     |
| DA2.02          | 20 Jun 00 | Marchese + Partners     |
| DA2.03          | 20 Jun 00 | Marchese + Partners     |
| DA2.04          | 20 Jun 00 | Marchese + Partners     |
| DA2.05          | 20 Jun 00 | Marchese + Partners     |
| DA2.06          | 20 Jun 00 | Marchese + Partners     |
| DA2.07          | 20 Jun 00 | Marchese + Partners     |
| DA2.08          | 20 Jun 00 | Marchese + Partners     |
| DA2.09          | 20 Jun 00 | Marchese + Partners     |
| DA2.10          | 20 Jun 00 | Marchese + Partners     |
| DA2.11          | 20 Jun 00 | Marchese + Partners     |
| DA3.00          | 20 Jun 00 | Marchese + Partners     |
| DA4.00          | 20 Jun 00 | Marchese + Partners     |
| DA4.01          | 20 Jun 00 | Marchese + Partners     |
| DA4.02          | 20 Jun 00 | Marchese + Partners     |
| 224.01          | 21.6.2000 | Tramonte Jensen Pty Ltd |

as amended by:

- (a) **Drawing No. Da 1.00A, DA2.00- 2.06, DA 2.07A- 2.14A, DA 2.15, DA 2.16, DA 3.00, DA 4.00A, DA 4.01A**
- (b) **Letter from Marchese + Partners Architects Pty Ltd dated 22 December 2000; and**
- (c) **Letter from Marchese + Partners Architects Pty Ltd dated 8 February 2001.**

## AMENDMENTS TO BUILDING ENVELOPE

- (6) This consent amends the submitted envelope by the following:
- (a) The street frontage height of the building to Quay Street shall **be designed to appropriately respond to** ~~be at the same level of~~ the street frontage height of the adjacent approved development at 93-105 Quay Street, Haymarket. (RL ~~33.4m~~ **34.4m**).

- (b) The southwestern corner of the building, adjacent to the eastern lightwell of the approved residential development (95-105 Quay Street Haymarket), must be ~~reduced~~ **redesigned** to allow natural light penetration to residential units (of the 95-105 Quay Street, Haymarket) on level 4 and above. The final design of this corner shall be submitted in the Stage 2 application.
- (c) The setback of the building above 45 metres from Bijou Lane shall be increased to 12 metres, measured from the centre line of the road. **Variation to this setback will only be considered where justified by the Competitive Design Process required by Condition 4 and where the variation/s satisfy/ies the objectives of Section 2.3 Building Setbacks of the Central Sydney Development Control Plan.**
- (d) ~~The deletion of the side windows/balconies on the southern elevation shall be detailed in the Stage 2 development application.~~ **The inclusion of non required windows into the southern elevation of the building adjacent to the private lane/driveway will only be supported subject to:**
  - a. **the applicant providing evidence in writing that an easement for light, air and access (benefiting the subject site) exists over the adjacent lane/driveway; and**
  - b. **the design of the windows enhances the appearance and modulation of this building elevation.**

**No balconies or required windows will be permitted on the southern building elevation.**

Carried.

**DEVELOPMENT APPLICATION: 3 WISE MONKEYS BAR, 553-555 GEORGE STREET SYDNEY (D00/01013)**

**9.4**

That consideration of this matter be deferred to the meeting of Council on 26 February 2001.

Carried.

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

Note - Mr Brad Evans addressed the meeting of the Planning Development and Transport Committee on Item 9.4.

**PART “B” - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY**

The Planning Development and Transport Committee recommended that Council note that Item 9.5 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

**DEVELOPMENT APPLICATION: THE VINTAGE, 281-287 SUSSEX STREET SYDNEY (D2000/00839)**

**9.5**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 19 February 2001, with regard to Development Application D2000/00839 made by The Body Corporate - Strata Plan 17163, of the Vintage building, 281 Sussex Street Sydney, seeking consent for the carrying out of conservation works and an award of Heritage Floor Space, in respect of the Vintage building, 281 Sussex Street Sydney, it be resolved that consent be granted subject to the following conditions:-

**APPROVED DEVELOPMENT**

- (1) Development must be in accordance with Development Application No. D2000/00839 dated 27 September 2000, report entitled “Development Application for Heritage Floor Space” prepared by Macphail & Sproul Architects and dated September 2000 and the Conservation Management Plan for The Vintage prepared by Macphail & Sproul Architects and dated 18 January 2001 and as amended by the following conditions:

**HERITAGE**

- (2) Prior to release of the Construction Certificate for the conservation works the Conservation Management Plan for The Vintage prepared by Macphail & Sproul Architects and dated 18 January 2001 shall be amended as follows:-
  - (a) Amend Section 2 Documentary Evidence to include the Wills Denoon Travis drawings for residential conversion and a description of the work and extract from the Fire Underwriter’s Plan for the site.
  - (b) Amend Section 3 Physical Evidence, to omit “Remedial Works” and “Maintenance”.
  - (c) Amend Section 3 Physical Evidence to provide improved analysis of documentary and physical evidence, in particular the original function of the arched ground floor openings on the ground floor of the corner of Bathurst Street and Sussex Street (see Section 3.2.1.2) need to be better described and their significance adjusted accordingly.

- (d) Inclusion in Section 4.2.2 Comparative Significance of a comparative analysis of other similar buildings and an assessment of the Vintage in relation to them (ie other warehouses, other industrial buildings, and other residential conversions) and amendment of the comparative significance table accordingly.
- (e) Revision of Section 4.4 Statement of Cultural Significance addressing the themes of the buildings use and residential conversion and omitting the reference to social significance.
- (f) Inclusion in Section 5 Conservation Policy, a policy on not painting original unpainted surfaces, and a policy on interpretation.
- (g) Inclusion in Section 7 Conservation Works, the following works:-
  - (i) Repair and repainting of all rendered elements in the external facade.
  - (ii) Investigate the reinstatement of the Bathurst Street light wells. The results of the investigation are to be provided for Council's consideration and if required by the Director of City Development the light wells reinstated.

A revised Conservation Plan is to be submitted to the satisfaction of the Director, City Development prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (3) An interpretation strategy for the site should be prepared and implemented to assist public understanding of the history and significance of the building to the satisfaction of the Director, City Development. This strategy should include recommendations regarding appropriate signage and exhibition of selected artefacts and/or other material to assist the public to understand the history and significance of the building.
- (4) The applicant is to commission an experienced conservation architect to oversee the implementation of the conservation works. The conservation architect is to be involved in the resolution of all matters where significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (5) The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building trades to advise on the conservation of the place and carry out any work required.
- (6) The proposed works are to be carried out in a manner that involves minimum demolition, alteration, or irreversible damage to significant fabric (not affected by the scope of work of the application) of the building.

- (7) All fitments/fixtures attached to significant fabric must involve the least possible damage and interference with significant fabric. This work should be undertaken in consultation with conservation architect noted in Condition 3.

#### **PHOTOGRAPHIC ARCHIVAL DOCUMENTATION**

- (8) Archival recording for deposit in the City of Sydney Archives must be carried out after the completion of the conservation works proposed and prior to the registration of the Heritage Floor Space for the subject site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

The form of recording is to be as follows:-

- (i) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:-
- a. 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
  - b. 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;
  - c. selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
  - d. A summary report of the photographic documentation, detailing;
    - i. the project description, method of documentation, and any limitations of the photographic record; and

- ii. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (c) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

#### **AWARD OF HERITAGE FLOOR SPACE**

- (9) The owner may be awarded 2602 sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
  - (a) The owner shall complete the conservation work approved by this development consent and necessary future Construction Certificates under the Environmental Planning and Assessment Act 1979 prior to the registration of such heritage floor space in Council's Heritage Floor Space Register;
  - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
    - (i) ensure the continued conservation and maintenance of the building; and
    - (ii) limit any future development of the site to the total area of the conserved building, the area of which shall be certified by a Registered Surveyor prior to the execution of the deed.
  - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner;
  - (d) The owner will only be registered as the owner of 2602 sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
  - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

#### **HOURS OF WORK AND NOISE**

- (10) The hours of construction and work on the development shall be as follows:
  - (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.

- (b) The applicant must provide to Council a 24 hour per day telephone contact number and must ensure such number is continually attended by a person with authority over the building work during the construction period.
- (c) The approved hours of work and the 24 hour telephone number must be prominently displayed at all times on the building site and must be visible from a public street or a public place.
- (d) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

#### **LOADING AND UNLOADING DURING CONSTRUCTION**

- (11) All loading and unloading associated with construction works must be accommodated on site.

#### **OBSTRUCTION OF PUBLIC WAY**

- (12) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

Carried.

Note - Mr John McPhail and Mr Barry Sexton addressed the meeting of the Planning Development and Transport Committee on Item 9.5.

**ITEM 10. DEVELOPMENT APPLICATION: 3 WISE MONKEYS BAR, 553-555 GEORGE STREET SYDNEY (D00/01013)**

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Specialist Planner to the Planning, Development and Transport Committee on 19 February 2001 and to Council on 26 February 2001 in relation to Development Application D2000/01013 made by Peter Mulrone and Company for the site at 553-555 George Street for extension of the trading hours of the premises, it be resolved that a Deferred Commencement consent in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979 be granted in respect to this development:

- (A) Commencement of the consent is subject to the satisfaction of the following matters:-
- (i) The completion of the existing 1 year trial for extended trading hours, commenced on the 15 September 2000, for the subject premises as approved in Notice of Determination 1999/05091, dated 22 February 2000.
  - (ii) Satisfactory management of the premises, in the opinion of the Chairman of the Planning Development and Transport Committee, with respect to the performance of the operator in relation to compliance with development consent conditions, and any complaints received, compliance with any Accord in place, and any views expressed by the Police.
- (B) Subject to satisfaction of (A) above the following conditions of consent shall apply to the development:-
- (1) The hours of operation are regulated as follows:
    - (a) The hours of operation of the premises shall be restricted to between 8.00 a.m. – midnight, 7 days a week;
    - (b) Notwithstanding (a) above, the premises may operate on a 24 hour per day basis 7 days a week, for a trial period of 1 year from the date of commencement of these extended hours. The licensee shall inform Council in writing of the date upon which these extended hours commenced.

- (c) A further application may be lodged to continue the trading outlined in (b) above before the end of the trial period for Council's consideration. Such consideration will be based on, inter alia, on the performance of the operator in relation to compliance with development consent conditions, and any complaints received commitment to any Accord in place and any views expressed by the Police. It should be noted that the trial period and the consent may be deemed not to have commenced unless the full range of hours approved has continually occurred during the trial period. Note: The applicant is to be advised that any application for a further extension beyond September 2002 is unlikely to be determined by Council prior to 30 June 2002.
- (2) The service of food shall be available to patrons of the premises at all times.
- (3) The premises shall continue to comply with all conditions of consent in Notice of Determination 1999/05091, dated 22 February 2000.

Carried.

**ITEM 11. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN 1996 - DRAFT AMENDMENT - KENS SITE (S014693)**

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

That arising from consideration of a report by the Deputy Director Development to Council on 26 February 2001 regarding Central Sydney Local Environmental Plan 1996 and Central Sydney Development Control Plan 1996 - Draft Amendment - KENS Site, it be resolved that Council:

- (A) Prepare a draft amendment to Central Sydney Local Environmental Plan for the KENS site to permit the 80m height limit to be exceeded provided certain criteria are met that achieve a better urban design outcome than that approved for the site by the Land and Environment Court in September 1999;
- (B) Notify the Department of Urban Affairs and Planning that it:
  - (1) has resolved to prepare an LEP amendment under Section 54 of the Environmental Planning and Assessment Act 1979,
  - (2) considers an environmental study under Section 57 is not required, and
  - (3) intends to exercise its delegations under Section 65 and 69;
- (C) Consult under Section 62;
- (D) Prepare a draft amendment to Central Sydney Development Control Plan to delete the *Design Guidelines* for the KENS Site in Section 2.12.E;

- (E) Note the Urban Design Report prepared by Hassell for the KENS Site;
- (F) Advise Leighton Properties that this resolution does not fetter the discretion of the Council and that it may determine not to proceed with the LEP and DCP amendment, if it considers that an appropriate urban design outcome would not be achieved.

Carried.

**ITEM 12. DECEMBER 2000 - QUARTER 2 BUDGET REVIEW (S011648)**

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

That arising from consideration of a report by the Senior Management Accountant to the Council on 26 February 2001, on Quarter 2 Budget Review, it be resolved that Council:-

- (A) Note the Quarter 2 forecast showing an operating surplus of \$14.4M.
- (B) Note the Quarter 2 forecast for capital works of \$25.8M.
- (C) Note the Quarter 2 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.

**ITEM 13. QUESTIONS ON NOTICE**

FILE NO:

DATE: 20/2/01

**BACKPACKER ACCOMMODATION (S014453)**

1. By Councillor Greiner -

**Question**

Lord Mayor, it has come to my attention through residents' consultation, that some residential units are being let for backpacker accommodation.

1. Would you please advise Council as to progress of the Backpackers' Accommodation Development Control Plan, which can reflect the appropriate standards for backpacker accommodation?
2. Would you please ensure that the General Manager forwards a letter to the Body Corporate Secretary of every residential building in the City of Sydney area to alert them of the inappropriate use by some owners of their residential units?
3. Would you also ask Council's officers to provide Council with information as to what kind of infringement notice could be issued to residential owners who, when leasing their property, abuse the concept of residential versus backpacker accommodation?

**Answer by the Lord Mayor**

The Director City Development advises that -

“In relation to 1, a proposed amendment to the City of Sydney Development Control Plan 1996 has been drafted to provide appropriate standards and guidelines for backpacker proposals. This draft amendment is intended to form an additional section to the Residential Amenity provisions within the DCP. The matter will shortly be reported to Council and the Central Sydney Planning Committee requesting endorsement of the draft amendment for public exhibition.

In relation to 2, any notification to the Secretaries of Bodies Corporate should be deferred until Council formally adopts a “Backpackers” DCP.

In relation to 3, this is a compliance issue. Advice is being obtained regarding the appropriate manner in which to take action against inappropriate occupancy in residential units. However generally, if buildings are being used for purposes other than those that have been approved, Council may issue a notice and may require the lodgement of a development application (if the use is permissible) or the cessation of the use (if the use is not permissible).”

**BONDS OF FRIENDSHIP SCULPTURE (S014453)**

2. By Councillor Greiner -

**Question**

Lord Mayor, on a number of occasions I have sought information concerning the Friendship Sculpture previously located in front of Customs House. Recent correspondence from a ratepayer asked when it will again see the light of day.

I understand it is to be placed in front of the Australian Maritime Museum, but to my knowledge this has not occurred.

Could you please inform Council as to the current location of the Friendship Sculpture and when it will be located at the Australian Maritime Museum?

**Answer by the Lord Mayor**

The Director City Projects advises that -

“The Bonds of Friendship sculpture was removed from Customs House Square in 1997 and is in storage at Council’s Bay Street Depot. The Sydney Harbour Foreshore Authority was approached seeking approval to relocate the sculpture to a site adjacent to the Australian Maritime Museum, however, this request was not agreed to.

Consideration is currently being given to alternative site options, but a satisfactory solution is difficult. Some years ago we abandoned the flawed policy of trying to accommodate all works of art. As you are aware these days, we only commission works of art on a site specific basis. Context is critical.”

**KENT STREET UNDERPASS (S014453)**

3. By Councillor Greiner -

**Question**

Lord Mayor, I have been requested to determine whether a bollard could be appropriately placed in the Kent Street Underpass at the entrance way on Kent Street to prevent cyclists from "mowing down" pedestrians.

By way of explanation, this is an almost blind corner and cyclists often traverse the underpass from east to west at great speed, therefore the possibility of serious injury to a pedestrian or a cyclist will occur unless preventative measures are taken.

**Answer by the Lord Mayor**

The Director City Development advises that -

“The width of space taken up by a cyclist is similar to that of a pedestrian, and consequently the use of bollards is impractical to prevent access by cyclists without also hampering pedestrian access and access for people with disabilities. Furthermore bollards would narrow the width of the thoroughfare and channel both pedestrians and cyclists into a smaller area thereby increasing the potential for an incident. Bollards are therefore not favoured for this purpose.”

**TELECOMMUNICATIONS BUSINESS PLAN (S014453)**

4. By Councillor Greiner -

**Question**

Lord Mayor, in a Letter to the Editor (The Australian 30.01.01) by the Deputy Lord Mayor concerning provision of telecommunications services in the City of Sydney, reference was made to the City of Sydney "developing a business plan which will ensure maximum benefit to telecommunications users".

1. Could Councillors please be circulated with this business plan?
2. Why, during the last five years of intensive construction, the likes of which Sydney will never see again, was internet cabling not made a condition of consent for all residential buildings?

**Answer by the Lord Mayor**

In relation to 1, the Deputy General Manager advises that -

“The business plan is being developed as part of the Strategic Review of Information Technology currently underway and will consider systems internal to Council and also look at what the City should be doing to ensure that Sydney becomes one of the “well connected” cities of the world. It is likely the Review will be available August/September this year”.

In relation to 2, the Director City Development advises that -

“A standard condition requiring access for telecommunication carriers was created in April 1996 and has been applied since, subject to an amendment to refer to access to plant rooms that was made last year.

The condition as applied over the last four years is as follows -

‘Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted to and approved by the Certifying Authority provided prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.’

The condition was recently amended to also make reference to cabling for plant rooms.”

## QUESTIONS WITHOUT NOTICE

### “MOST LIVABLE CITIES” RATING (S014462)

1. By Councillor Turnbull -

#### Question

Lord Mayor, I understand that the City of Sydney has just received an award from an institution that we are number 4 in the Most Livable Cities of the World. Could you confirm that that is correct?

#### Answer by the Lord Mayor

Thank you very much for that very perceptive question. I am very pleased to report that there has been a new survey of the world's best livable cities and Sydney has been ranked equal fourth out of 215. The employment consultants' survey rated the “Harbour City” with Copenhagen and Geneva to finish behind Vancouver and Zurich.

Vienna was number one in the William M Mercer Annual Global Quality of Life Survey. Melbourne ranked twelfth with Amsterdam, Oslo and Stockholm, with Perth at 23<sup>rd</sup>, Brisbane at 27<sup>th</sup> and Adelaide at 35<sup>th</sup> and they out-rated such cities as London, New York and Rome.

In its recreation facilities Sydney tied for number one with New York, Los Angeles and Washington DC. The criteria take into account political and social factors, personal safety, health, education, entertainment and transport.

Sydney is doing very well.

### MUSEUM OF CONTEMPORARY ART (S014459)

2. By Councillor Greiner -

#### Question

Lord Mayor, much debate will ensue and rage about the position of the Museum of Contemporary Art (MCA). While less than 9,000 people voted in the City of Sydney Council election in 1999, 4 million people watched.

Citizens of broader Sydney have a passion about the City and whilst not wishing to extract a commitment from you as to the building remaining in one form or another, would you please assure Council and the 4 million people who have a great passion for this City that, as Chairman of the MCA Committee, you will thoroughly investigate the possibility of the relocation of the MCA to another co-located site prior to any decision being made to demolish the existing MCA building?

**Answer by the Lord Mayor**

Thank you for the question. It is not unexpected. I need to explain the position.

As everyone is aware there is a jury and the jury is following a process. The architectural competition is an international architectural competition. Our jury includes a prominent international architect and I think that everybody realises that when you have a jury process and you have international architects involved, you do not interfere in that.

It is when the jury process is finished that whatever the jury recommends is then open for legitimate public debate. There is plenty of opportunity then for the City Council and the State Government and the public to express a view one way or the other.

It is a pity that the media often want to hijack the agenda because they see themselves as being at the centre of the universe, but I think you have to let the jury process run its course. We need to do that because I think Sydney's reputation is at stake if we start interfering in or trying to short circuit that process.

Having said that, I am someone who has always had reservations about removing the building despite its distinct lack of architectural and social significance, but there is a process. The process has to come to fruition. The issue, as you would well be aware Councillor Greiner, was always about the Circular Quay precinct and whether we can add value to West Circular Quay and make West Circular Quay special.

I don't think you need to be Albert Einstein to realise that the process is slow because the challenge is a difficult one. The jury members have spent many, many hours deliberating, discussing, considering, taking advice, etc, and if they want more time they should be given that time to consider it properly before they wish to put their names to a recommendation.

For the same reason I don't think we should start ruling this out or that out or whatever. I think it would be unwise to be running around saying "we want to relocate this, or relocate that". Let's see what the jury comes up with.

At the appropriate time the Councillors clearly have to be involved and properly briefed and that is when the discussion is appropriate as to whether or not we should forget about it and do something lateral. Now I still have a lot of faith that there can be a very good solution, I am sure there can be, but there has been a lot of constraints and it needs to be considered carefully.

So, in short, once the jury has finished its deliberations I think that is the time for your question to be answered if it is deemed a necessary question at the time.

**TELECOMMUNICATIONS BUSINESS PLAN (S014458)**

3. By Councillor Farr-Jones -

**Question**

Lord Mayor, this is further to my colleague's Question on Notice No 4 - Telecommunications Business Plan. I think they are important issues for the City - connectability and information technology issues.

My question is - does it really take six months to come back to Council with a review as to connectability of the City and the issues? If it does I would suggest perhaps, and I am asking you Lord Mayor, whether we should be looking to a group of consultants to come back to Council.

**Answer by the Lord Mayor**

I will take this on notice because the City already has a lot on its plate at the moment as you are probably aware.

We've got the boundaries issues, and there is a new General Manager who has to come to terms with all of the issues relating to competitive tendering and organisational issues that he will want to look at. We have got the whole New Years' Eve issue. And we have the Museum of Contemporary Art.

We have got the Land and Environment Court process happening and I think you all have received a copy of that paper. I think it is a brilliant paper, it's very clever, a very good paper. In fact I was talking to a Ministerial Chief of Staff today who was very impressed by it and congratulations to the Director Legal and Secretariat and the legal team for that paper. It is excellent.

The General Manager hasn't been on board long enough for me to really discuss the Telecommunications Business Plan with him. I ask the General Manager, in the next couple of weeks, to prepare a further note to Councillors for the Councillors' Information Service as to whether you feel there is a quicker way of doing this.

**STREET SIGNS - MILLERS POINT AND DAWES POINT (S014460)**

4. By Councillor Ho -

**Question**

Lord Mayor, today I had a phone call from a voter living in Millers Point. He said in 1996 he contacted the then Deputy Lord Mayor, former Councillor Henry Tsang, regarding the lack of street signs for Millers Point and Dawes Point. Then he contacted the former General Manager, Mr Greg Maddock. He has had no reply and last year he contacted the Minister for Local Government, the Hon Harry Woods MP. Mr Woods' advice to him was to contact the Councillors. He is concerned that there are no signs in the area of Millers Point and Dawes Point.

**Answer by the Lord Mayor**

I will ask the General Manager to instruct relevant staff to undertake a survey of the signs at intersections in Millers Point and report back through the Councillors' Information Service.

**RATING - MOBILE PHONE TOWERS (S014459)**

5. By Councillor Greiner -

**Question**

Lord Mayor, earlier this year the Federal Court upheld a decision by New South Wales and Victorian Councils to send rate notices to telecommunications carriers so that their mobile phone towers could be rated.

Has Council been able to examine this court decision in full?

Is it likely that Council will be rating Telstra and Cable & Wireless Optus for their phone towers on either private or public land?

**Answer by the Lord Mayor**

We are always ahead of the pack as you know, Councillor Greiner, and we had already entered into an agreement with Telstra relating to our telecommunications towers about 6 to 12 months before the Court case and we had entered an agreement with WorldCom.

I ask the General Manager to request the staff to prepare a report on the other carriers and whether there are further implications for Council.

**LAW ENFORCEMENT OFFICERS (S014458)**

6. By Councillor Farr-Jones -

**Question**

Lord Mayor, arising from my knowledge of your desire for economic efficiencies, I was wondering why it is necessary that two law enforcement officers must patrol together at all times?

**Answer by the Lord Mayor**

My advice from one conversation I had a long time ago is that it is for safety reasons. I invite the General Manager or relevant Director to respond.

**Deputy General Manager**

Lord Mayor, there are some occupational health and safety issues in respect of law enforcement officers attending on their own. It does depend on the work they are asked to do, whether they are together or not. I will review it given the question asked, and prepare a report for Councillors.

**Answer by the Lord Mayor (continued)**

If the Deputy General Manager could prepare a report for the Councillors' Information Service, it would be interesting to know if they are always in pairs or whether they need to be in pairs all day or whether it is the late night or Friday or Saturday night syndrome. I ask the General Manager to have a look at that. It is part of the post Olympics review of the organisation - it is worth looking at.

**LATE MARKET - DIXON STREET (S014460)**

7. By Councillor Ho -

**Question**

On Friday night the late market in Dixon Street proved to be very successful with a lot of people going there. I wonder do we have extra garbage collection services there because by 7 or 8 o'clock in the evening the streets were very very untidy.

**Answer by the Lord Mayor**

I will ask the General Manager to look at that, but can I also say this. We subsidise that market substantially and the restaurants are doing extremely well out of that market.

Perhaps we should consider an arrangement where the restaurants contribute to the cost of the market because it has become very valuable. I think that we should review the whole way it is funded, because it is of great benefit. I am happy to keep supporting it, happy to keep providing funding, but I think that burden should be shared.

**LATE MARKET - DIXON STREET (S014459)**

8. By Councillor Greiner -

**Question**

Lord Mayor, out of interest, how much do we subsidise the late market in Dixon Street?

**Answer by the Lord Mayor**

It costs about \$120,000 a year to run. I think we spend about \$50,000. I am just saying with these sorts of things we could run them more of the year if we get a bit more support from the local community that benefits as well.

**MARTIN PLACE AMPHITHEATRE (S014459)**

9. By Councillor Greiner -

**Question**

Lord Mayor, I draw your attention to a Letter to the Editor in today's Sydney Morning Herald referring to the lack of usage of the Amphitheatre in Martin Place.

Could you advise Council whether there is a problem with the Amphitheatre's roof or other parts of its structure, or any other reason which prevents the Amphitheatre from being used?

**Answer by the Lord Mayor**

There is no problem to my knowledge, Councillor Greiner. You will recall that we took a very clear policy decision. Previously we had ended up with a lot of very fifth rate acts in the Amphitheatre.

The second issue is we wanted to keep the vista clear so we don't actually want too many performances that require the stage lifted. I think it is meant to be once a week or so. We have actually taken a much more selective view on what happens there. I wouldn't want to open a Pandora's Box and then find we have the structure up all the time when we have gone to all this trouble to open up the vista in Martin Place.

It is working really well. Everybody is very complimentary about Martin Place. I'm sorry there is an exception, Neville Gruzman is critical of it. It is the first time I have heard criticism actually.

In summary, the answer is we are being very strict. Perhaps the General Manager could ask the Manager Cultural Affairs and Events to report to the Councillors on what the current programs are and what the strategy is at the moment.

**DEVELOPMENT APPLICATIONS - TIMEFRAME (S014458)**

**10.** By Councillor Farr-Jones

**Question**

Lord Mayor, could I ask a question through you of the Director City Development. Could I have clarification of the time determination for our development applications. Is it based on a 5 day week or a 7 day week?

**Answer by the Lord Mayor**

I invite the Director City Development to respond.

**Director City Development**

It is calendar days - a 7 day week.

**ITEM 14. NOTICES OF MOTION**

**ECOLOGICALLY SUSTAINABLE DEVELOPMENT (S014468)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That -

- (A) Council builds on its achievements in helping to make Sydney city one of the most livable cities of the 21<sup>st</sup> century by incorporating the principles of ecologically sustainable development (ESD) into policy and practice and that Council prepare an ESD strategy;
- (B) the General Manager be requested to establish a Working Group with representation from all divisions of the City and chaired by the Lord Mayor or his nominee, with the following brief -
- (i) identify ways that the City of Sydney can take a leadership role in relation to promoting sustainability in the following areas:
    - Waste Management and Toxic Hazards
    - Water Quality and Stormwater Management
    - Biological Diversity and Parks
    - Energy Efficiency and Global Climate Change
    - Building and Development
    - Transport and Air Quality
    - Environmental Health
    - Community Environmental Education
    - Internal Environmental Management
  - (ii) identify City of Sydney initiatives to date in workings towards sustainability
  - (iii) prepare a framework document outlining the scope of the policy and implementation strategy to be presented to a Councillors' briefing and then to the Planning Development and Transport Committee by May 2001
  - (iv) ensure that the proposal addresses the range of City of Sydney functions including:
    - Urban Design
    - Planning Policy
    - Development and Building Control
    - Traffic and Transport
    - Service Delivery
    - Property Management and Maintenance
    - Open Space Management

- (v) develop the draft ESD policy and strategy, to be implemented over a three year period, by December 2001

Carried unanimously

At 6.52pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 12 March 2001 at which  
meeting the signature herein was subscribed.