



5 AUGUST 2002

Meeting No 1359

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.35pm on 5 August 2002 pursuant to Notice 13/1359 dated 1 August 2002.

INDEX TO MINUTES

<u>Subject</u>	<u>Page No.</u>
1. Confirmation of Minutes	497
2. Minutes by the Lord Mayor.....	497
3. Memoranda by the General Manager.....	497
4. Matters for Tabling	497

<u>Subject</u>	<u>Page No.</u>
Reports of Committees -	
5. Finance, Properties and Tenders Committee - 29 July 2002	498
6. Planning Development and Transport Committee - 29 July 2002	501
Reports to Council -	
7. Planning NSW Referral: Bond Store 1, Walsh Bay	508
8. Amendment to Central Sydney Development Control Plan 1996	508
9. Policy on Legal Assistance	509
10. Questions -	
Questions on Notice	511
Questions Without Notice	513
11. Motions	518

PRESENT

The Deputy Lord Mayor Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 5.35pm those present were:-

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

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

Opening Prayer

The Deputy Lord Mayor opened the meeting with prayer.

Apologies

The Lord Mayor, Councillor Frank Sartor, extended his apologies for his inability to attend the meeting of Council as he was overseas.

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

That the apologies from the Lord Mayor be accepted and leave of absence granted.

Carried.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of Council Meeting of Friday 28 June 2002

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

That the minutes of the meeting of Council of 28 June 2002, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of 15 July 2002

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

That the minutes of the extraordinary meeting of Council of 15 July 2002, as circulated to Councillors, be confirmed.

Carried.

ITEM 2. MINUTES BY THE LORD MAYOR

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

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

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

ITEM 4. MATTERS FOR TABLING

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

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

Carried.

ITEM 5. REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 29 JULY 2002

PRESENT

The Deputy Lord Mayor Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.00pm those present were:-

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

Councillor Fabian Marsden was also present.

Apology

The Lord Mayor, Councillor Frank Sartor, extended his apologies for his inability to attend the meeting of the Finance, Properties and Tenders Committee as he was overseas.

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

That the apologies from the Lord Mayor be accepted and leave of absence granted.

Carried.

Closed Meeting

At 6.05pm, the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 6.17pm.

Report of the Committee

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

That the Report of the Finance, Properties and Tenders Committee of its meeting of 29 July 2002 be received, and the recommendations set out below for Items 5.1 to 5.3 inclusive be adopted.

Carried.

The Committee recommended the following:-

INVESTMENTS HELD BY COUNCIL AS AT 31 MAY 2002 (AO2-00360)**5.1**

That arising from consideration of a report by the Acting Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 29 July 2002, on Investments Held by Council as at 31 May 2002, it be resolved that the subject report be received and noted.

Carried.

INVESTMENTS HELD BY COUNCIL AS AT 30 JUNE 2002 (AO2-00360)**5.2**

That arising from consideration of a report by the Acting Senior Accounting Officer (Creditors) to the Finance, Properties and Tenders Committee on 29 July 2002, on Investments Held by Council as at 30 June 2002, it be resolved that the subject report be received and noted.

Carried.

Closed Meeting

At 6.05pm 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 Item 3 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

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

Item 3 was then dealt with by the Finance, Properties and Tenders Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

STREET TREE CAPITAL WORKS - ACCEPTANCE OF TENDER (S020210)

5.3

That arising from consideration of a report by the Executive Project Manager, Office of the General Manager to the Finance, Properties and Tenders Committee on 5 August 2002, on Tender No 0210 Street Tree Capital Works - Acceptance of Tender, it be resolved that:

- (A) Council accept the tender submitted by Marsupial Landscapes for Tender No 0210 Street Tree Capital Works in the amount \$285,109.63;
- (B) Council approve funds for the tender from the 2001/2002 (carried forward) and 2002/2003 Capital Works Program;
- (C) Council approve a contingency sum as referred to in paragraph 22 of the subject report to cover the cost of unforeseen works or circumstances;
- (D) authority be delegated to General Manager to execute the contract; and
- (E) Council's attorney be authorised to execute all relevant documents.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 29 JULY 2002

PRESENT

Councillor Lucy Turnbull
(Chairman)

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

At the commencement of business at 6.23 pm those present were -

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

Councillor Greiner arrived at the meeting at 6.25 pm during discussion on Item 6.1

The meeting of the Planning Development and Transport Committee concluded at 6.45 pm.

Report of the Committee

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

That the Report of the Planning Development and Transport Committee of its meeting of Monday 29 July 2002 be received, and the recommendation set out below for Item 6.2 be adopted, with Item 6.1 being noted.

Carried.

The Committee recommended the following:-

DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 6.1 was determined by the Planning Development and Transport Committee under delegated authority.

Carried.

SECTION 96 (2) APPLICATION - STAGE 2 DEVELOPMENT CONSENT 107-121 QUAY STREET, HAYMARKET (D2000/01015)

6.1

Moved by Councillor Marsden, seconded by Councillor Turnbull -

That arising from consideration of a report by the Director City Development to the Planning Development and Transport Committee on 29 July 2002 in relation to the Section 96(2) application D2000/01015F made by Meriton Apartments Pty Ltd for the site at 107-121 Quay Street, Haymarket, it be resolved that consent be granted subject to the following:-

(A) Amend the Development Description as follows:

Stage 2 development application seeking consent for the demolition of the existing Her Majesty's Theatre and the adjacent 2 storey commercial building and the detailed design for the construction of a new 16 storey residential building containing ~~197-193~~ **192** residential strata apartments with 673sqm ground floor retail and commercial floor space, and ~~4~~ 4.5 levels of basement parking (~~209~~ **203** ~~201~~ cars).

(B) Amend Condition (1) to reflect the modified drawings as follows:

APPROVED DEVELOPMENT

(1) Development must be in accordance with the following:

- (a) Development Application No. D2000/01015 dated 13 December 2000;
- (b) The Statement of Environmental Effects prepared by JBA Urban Planning Consultants titled "Proposed Residential Apartment Building: 107-121 Quay Street, Ultimo";
- (c) Drawing No.s DA 1.00B, DA 1.01, DA 1.02, DA2.00B, DA 2.01A, DA 2.02, DA 2.03, DA 2.04, DA 2.05, DA 2.06, DA 2.07A, DA 2.08A, DA 2.09A, DA 2.10A, DA 2.11A, DA 2.12A, DA 2.13A, DA 2.14A, DA 2.15, DA 2.16, DA 2.17A, DA 2.18A, DA 2.19A, DA 2.20A, DA 2.21A, DA 3.00, DA 3.01A, DA 4.00A, DA 4.01B, DA 4.02 dated 30 November 2000 and prepared by Marchese + Partners Architects Pty Ltd;

As amended by Section 96(2) application D2000/01015D:

- i. Drawing No.s CCA00B dated 6.02.2002, CCA01B-CCA04B dated 7.03.2002, CCA05A dated 06.07.2002, CCA06D dated 14.03.2002, CCA07B dated 07.03.2002, CCA08B- CCA12B dated 08.03.2002, A13B dated 08.03.2002, CCA14B-CCA16B dated 08.03.2002, A17B dated 08.03.2002, CCA18B- CCA23B dated 08.03.2002, CCA24 dated 06.07.2002, CCA25 dated July 2001, CCA26B dated 04.02.2002; CCA27B-CCA28B dated 07.03.2002 prepared by Meriton Apartments Pty Ltd.

- ii. Statement of Environmental Effects dated November 2001 prepared by Meriton Apartments Pty Limited as amended by:
 - a) Letter dated 13 February 2002 prepared by Sally Lewis for Meriton Apartments Pty Limited including Attachments One – Three;
 - b) Document titled “Additional Information” dated February 2002 prepared by Meriton Apartments Pty Limited;
 - c) Letter dated 8 March 2002 prepared by Sally Lewis for Meriton Apartments Pty Limited including Attachments One-Six; and
 - d) Letter dated 19 March 2002 prepared by Sally Lewis for Meriton Apartments Pty Limited.

(Amended 25 March 2002)

As amended by Section 96(2) application D2000/01015F:

- iii. *Drawing No.s CCA00 Rev. C dated 7.05.2002, CCA01-CCA04 Rev. C dated 30.04.2002, CCA05 Rev.C dated 9.05.2002; CCA06 Rev.E dated 7.05.2002; CCA07 Rev.C dated 1.05.2002; CCA21 and CCA22 Rev. C dated 8.05.2002; CCA23 Rev.B dated 8.03.2002, CCA24 Rev. B dated 10.04.2002, CCA25 Rev. B dated 10.04.2002, CCA26 Rev. B dated 7.05.2002, CCA27 Rev. C dated 7.05.2002, CCA28 Rev.D dated 6.05.2002 and CCA60 Rev.A dated 19.06.2002 prepared by Meriton Apartments Pty Ltd.*
- iv. *Statement of Environmental Effects dated May 2002 prepared by Meriton Apartments Pty Limited as amended by*
 - a) *Letter dated 6 June 2002 prepared by Sally Lewis for Meriton Apartments Pty Limited.*
 - b) *Letter dated 21 June 2002 prepared by Sally Lewis for Meriton Apartments Pty Limited.*
 - c) *Letter dated 28 June 2002 prepared by Sally Lewis for Meriton Apartments Pty Limited.*

(C) Delete Condition (1)(j):

- (j) ~~Letter from Marchese + Partners Architects Pty Ltd and accompanying Sketches A-C dated 26 February 2001;~~

(D) Amend Condition (7) as follows:

(7) The following applies to Floor Space Ratio:-

- (a) The Floor Space Ratio of the proposal must not exceed ~~7.93:1~~ ~~7.32:1~~ **7.31:1** calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is ~~19,952sqm~~ ~~18,428sqm~~ **18,399.70sqm**.
- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

(E) Amend Condition (17) as follows:

(17) The following car parking requirements apply:-

- (a) The approved vehicle spaces shall be allocated on the development site as follows:
 - (i) ~~199~~ ~~194~~ **192** residential spaces;
 - (ii) ~~3~~ **2** retail/commercial premises spaces;
 - (iii) 7 of service vehicle spaces located close to service entrance; and
 - (iv) the equivalent of 2 car spaces for motor cycle parking.
- (b) The equivalent of 2 car spaces for cycle racks or equivalent cycle storage area. A room containing a shower and change area must be provided close to the cycle racks.
- (c) 2 car wash bays with appropriate plumbing and drainage.
- (d) 4 of the above car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1.

All spaces must be allocated and marked according to this requirement and submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. If the development is to be strata subdivided, the carpark layout must respect the above allocation.

(F) Amend Condition (44) as follows:

- (44) Specifications regarding the cladding and material detailing of the Quay Street and Bijou Lane elevations are to be submitted to Council for approval prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. This information is to include details of the Sydney Sandstone cladding proposed for the sandstone corner feature and the material treatment of the entry gallery. In relation to the Sydney Sandstone the following information is to be submitted for approval:
- (a) thickness of sandstone cladding, which is to be a minimum 100mm,
 - (b) dimensions of sandstone cladding, which is to be a minimum of ~~950mm~~ **950mm** ~~x 950mm 475mm x 900mm;~~
 - (c) the grade of sandstone to give a minimum durability for 50 years;
 - (d) details of marine grade stainless steel fixings;
 - (e) sectional details at a scale of 1:20 for the sandstone cladding and wall clearly indicating the cladding thickness and method of fixing; and
 - (f) part elevation details at a scale of 1:20 indicating cladding dimension, the dimension and treatment of the joints between cladding and abutting materials.

(44A) The building owner is to submit an Annual Report to the General Manager of the Council, prepared by a Chartered Structural Engineer (whose expertise is in façade engineering) verifying the structural adequacy of the sandstone cladding and fixings of the corner 'wedge' element in Quay Street. The report shall also make recommendations regarding necessary repair and maintenance work, as appropriate, to ensure the integrity and safety of the sandstone cladding.

(G) Amend Condition (50) as follows:

- (50) Details are to be submitted regarding the allocation and management of the storage areas within the basement levels to the residential units. The allocation is to comply with the requirements of Cl.61.22/23 of the Central Sydney Development Control Plan 1996 ~~and is to be generally consistent with Drawings No. A01 B to A05 B dated 07.03.2002 (as Appendix Six to the Letter from Meriton Apartments Pty Limited dated 8 March 2002) which details a total storage space allocation of 767.5sqm. and is to be consistent with Drawings CCA01- CCA04 Rev. C dated 30.04.200 and, CCA05 Rev.C dated 9.05.2002 prepared by Meriton Apartments Pty Limited which details a total storage space allocation of 995.7sqm.~~ Details are to be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(H) Amend Condition (80) as follows:

(80) Disabled access to and within the building shall meet the requirements of Part D of the BCA. Ramps, *handrails* and landings shall be dimensioned and detailed to meet the requirements of the BCA. Accessible facilities shall be provided to serve each part of the building as required by the BCA.

(I) Add new Condition (83c) as follows:

(83c) That separation of equipment (fire separation between plant and units) shall be provided as required by BCA Part C.

(J) Amend Condition (120) as follows:

(120) Any door, shutter, grille or the like which is installed in a path of travel to a required exit shall be provided in accordance with D2.21 of the Building Code of Australia. Where it is proposed to fit a lockset, failsafe device or any security equipment to a door, a Compliance Certificate *prepared by an appropriately qualified person in the opinion of the Director City Development (~~form 10 of the Environmental Planning and Assessment Regulation 1994~~) (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979)* shall be obtained to the satisfaction of the Principal Certifying Authority (Council or a private accredited certifier) prior to installation.

(K) Amend Condition (145) as follows:

(145) Prior to issue of an Occupation Certificate, a Compliance Certificate *prepared by an appropriately qualified person in the opinion of the Director City Development (~~Form 10 of the Environmental Planning and Assessment Regulation 1994~~) (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979)* must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

Carried.

DETERMINED BY COUNCIL

PLANNING NSW REFERRAL: BOND STORE 1, WALSH BAY (02002/00027)

6.2

That consideration of this matter be deferred to the meeting of Council on 5 August 2002.

Carried.

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

Note - Mr Gavin Carrier and Mr Malcolm Scholl addressed the meeting of the Planning Development and Transport Committee on Item 6.2.

ITEM 7. PLANNING NSW REFERRAL: BOND STORE 1, WALSH BAY (02002/00027)

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

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 29 July 2002, and to Council on 5 August 2002, in relation to the Planning NSW referral DA No. 135-5-2002 made by Walsh Bay Finance Pty Ltd for the site known as Bond Store 1, Walsh Bay for demolition of the existing building and the construction of new commercial building comprising four basement levels (175 parking spaces) and seven levels of commercial office space, it be resolved that:-

- (A) the subject report be received and noted;
- (B) a copy of the submission, as circulated to Councillors on 5 August 2002 prior to the meeting of Council, be forwarded to Planning NSW for consideration in the determination of the development application.

The motion was carried on the following show of hands -

Ayes (5) The Chairman (the Deputy Lord Mayor), Councillors Coulton, Farr-Jones, Ho and Marsden.

Noes (1) Councillor Greiner

Motion carried.

ITEM 8. AMENDMENT TO CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (SO16796)

Moved by Councillor Greiner, seconded by Councillor Ho -

That arising from consideration of a report by the Manager Planning Policy to Council on 5 August 2002, in relation to proposed amendments to Central Sydney Development Control Plan 1996, it be resolved that Council, pursuant to Section 72 of the Environmental Planning and Assessment Act 1979, prepare amendments to Central Sydney Development Control Plan 1996, including the provisions contained in the Urban Development Plan for Ultimo-Pyrmont.

Carried unanimously.

ITEM 9. POLICY ON LEGAL ASSISTANCE (S020547)

Moved by Councillor Coulton, seconded by Councillor Greiner -

That arising from consideration of a report by the Acting General Counsel to Council on 5 August 2002, on Policy on Legal Assistance, it be resolved that:

- (A) in accordance with section 253(1) of the Local Government Act 1993, Council give 28 days' public notice of its intention to amend Council's existing Civic Office, Expenses and Facilities Policy by the inclusion as clause 22.2 the Policy on Legal Assistance for Councillors set out in Attachment C to the subject report, as amended at the meeting of Council to incorporate, in particular, the provision that an independent legal practitioner is to decide on the three criteria, as described in the proposed Policy; and
- (B) Council's Contract Employment Policy be amended in accordance with Attachment D to the subject report.

Carried unanimously.

Note - Council on 28 June 2002 resolved to adopt Consolidated Employment Related Personnel Policies. The Contract Employment Policy is amended so that clause 4.13 reads as follows.

CONTRACT EMPLOYMENT POLICY

Clause 4.13

In the event that any third party foreshadows or makes against the General Manager, any senior staff member or any other member of staff ("Employee") any complaint or claim, or brings any proceedings or cause of action, of any kind, including without limitation any defamation or other proceedings arising from the making of a statement ("Claim"), where that Claim arises from any act done or omission made by the Employee in the course of his or her employment, Council will indemnify and hold harmless the Employee for any loss, expense, liability and costs incurred in respect of that Claim (net of any moneys payable to or obtained by the Employee, on any basis, as a result of pursuing any defence or cross-claim or of settlement of the Claim), including without limitation:

- (a) all legal expenses incurred; and
- (b) any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Employee,

PROVIDED THAT the Employee's conduct the subject of the claim was honest, diligent and done in good faith.

ITEM 10. QUESTIONS ON NOTICE

JONES BAY WHARF (S018718)

1. By Councillor Greiner -

Question

Lord Mayor, I understand that a private developer had to pay probity on an increase in floorspace following approval of a Section 96 application to SHFA.

Can you please advise if the developer of Jones Bay Wharf paid the probity as a result of their Section 96 application to increase their floorspace? Or have arrangements been made for that money to be paid at the completion of the project following registration of the strata title?

Answer by the Acting Lord Mayor

The Director City Development advises that -

"This is a State matter in relation to which the City neither is the consent authority nor has any involvement. It may be appropriate for Councillor Greiner to direct her question to the relevant officers at Planning New South Wales."

DISTILLERY HILL SITE (S018718)

2. By Councillor Greiner -

Question

Lord Mayor, Ministerial approval has been granted at the Distillery Hill Site of Jacksons Landing for demolition to slab level only. The work currently in progress is beyond this stage, with the removal of retaining walls.

Could Council officers confirm that Ministerial Approval has been granted for full demolition of the site in excess of the aforementioned approval? If approval has not been granted, what resource does Council have to institute appropriate proceedings if such work is deemed to be illegal/unauthorised?

Answer by the Acting Lord Mayor

The Director City Development advises that -

"There have been two consents granted (by the Minister for Planning) in relation to the site in question, being on the corner of Jones and Bowman Streets, Pyrmont - one for remediation works and one for demolition of the building that existed on the site.

A development application for a residential tower on the site with associated basement parking has not yet been determined. Council enforcement officers inspected the site on the morning of 30 July 2002, following advice from residents and were advised by Bovis Lend Lease that the works being carried out are wholly related to the remediation consent. Council officers, in liaison with Planning NSW staff, will confirm that the works being carried out are related to the remediation consent.

Should the works being carried out be unauthorised, then appropriate action will be taken by Council enforcement officers. Enforcement action may also be undertaken by Planning NSW staff on behalf of the Minister.”

QUESTIONS WITHOUT NOTICE**STREET CLEANING PROCEDURES (S018730)**

1. By Councillor Coulton -

Question

Lord Mayor, it was claimed in a letter to The Daily Telegraph today that a Council worker cleaning Circular Quay soaked a homeless person with a hose.

Can you advise whether this is true and what the Council will do about this type of alleged behaviour?

Answer by the Deputy Lord Mayor

Could I say, Councillor Coulton, that I was similarly horrified when I read the report in The Telegraph and I think that to everybody in this room the thought of a Council worker deliberately hosing down homeless people as they slept in the middle of winter was horrifying, especially given that this Council spends one and a half million dollars a year on services to improve the plight of our homeless people.

If the allegations were true, then there was at least one street cleaner who did not deserve to be on the City payroll.

I made enquiries of the General Manager and the Office of the Lord Mayor, who initiated an investigation into Mr Burgess' claims, and the following explanation has been received from Living City Services:

“At 9.00 pm on Friday our workers were cleaning Circular Quay. However, they don't use high pressure water hoses. In fact, the area is steam cleaned. An amount of vomit was being cleaned in the vicinity of a sleeping homeless person.

The homeless person was not sprayed but the amount of steam mist might have given him the impression, or her the impression, of a large amount of water. The cleaner says the homeless person was not disturbed, did not wake or complain, nor was he or she soaked.”

This explanation goes some way to mitigating the allegations. However, I would ask the General Manager that our cleansing staff not use such equipment where it might inconvenience any person in the City and that our Street Outreach Service ensure they visit the homeless person at Circular Quay.

DISTILLERY HILL SITE (S018724)

2. By Councillor Greiner -

Question

Deputy Lord Mayor, pursuant to my Question on Notice concerning the Development Consent for Distillery Hill - and I thank the Director City Development for his advice - the Director City Development advises that a Development Application for a residential tower on the site (of Distillery Hill) with associated basement parking has not yet been determined.

Through you, Deputy Lord Mayor, may I ask the Director City Development whether or not it is illegal therefore for the developers to be selling the apartments off the plan before consent has been granted?

They have actually had publicity saying they sold 50 per cent of their apartments on the Distillery Hill site. But they don't have a development consent for it.

If this were so, what would be the likely process of redress available for purchasers?

Answer by the Deputy Lord Mayor

I invite the Director City Development to respond.

Director City Development

First of all, I would want to check the facts. I know it is common practice for developers to seek expressions of interest and I suspect that is what it is.

Answer by the Deputy Lord Mayor (continued)

I invite the Acting General Counsel to comment.

Acting General Counsel

Nothing prevents you entering into a contract. It would just be one of the additional conditions to be met. It will just have even more conditions than you would expect in a normal strata scheme contract.

Answer by the Deputy Lord Mayor (continued)

I ask that the Director City Development make some more enquiries, consult with the Acting General Counsel, and report to Councillors via the Councillors' Information Service.

DISABILITY ACTION PLAN (S018729)

3. By Councillor Farr-Jones

Question

Deputy Lord Mayor, through you, to the General Manager, I would like to ask a question, more of interest than anything, on my favourite topic - the Disability Action Plan. Having gone through the Plan at length, I congratulate the staff on the drafting of it - I think it is an excellent first draft.

I am just interested to know the level of response we have had from interested bodies that the Plan has been distributed to and, I suppose, the next steps, as the time is up soon on the statutory period for public exhibition. I am interested in comments in Council as to the responses we have had and the timing on the implementation of the Plan.

Answer by the Deputy Lord Mayor

I invite the General Manager to respond.

General Manager

Councillor Farr-Jones, to the best of my knowledge we have had three written responses, two of those were favourable but sought to add some further input into it. I have distributed those to the Manager Traffic and Access to be included in the report that will come back to Council.

The third response was from the Guide Dogs' Association offering their services to us if we wished to use them to finalise the Plan.

The period for public exhibition finishes, I think, on 9 August and from there I understand the procedure will be that the matter will come back to Council.

STREET FURNITURE (S018724)

4. By Councillor Greiner -

Lord Mayor, my Question Without Notice relates to the scrolling advertisements for which I acknowledge consent has been granted.

I am concerned by the safety issues which arise as motorists divert their attention from the road to the advertisements. JCDecaux, the operators of the advertising screens, have stated quite categorically that people do stare at the advertisements and wait for the next scroll to come on the screen.

My concern is not to ban these advertisements but rather to be more judicious in their placement where they are less likely to cause a negative impact on motorists and pedestrians.

1. I understand that Ove Arup conducted research for the RTA when a television screen was temporarily installed on the corner of Park and George Streets, and for which consent for this screen to be permanently displayed was refused due to the distraction that it caused to motorists.

As a matter of urgency, could Council locate this report and circulate it to Councillors?

2. If this report is not available will Council, in conjunction with the RTA advice, commission independent research to determine if there is a threat of these types of advertisements having a negative impact on motorists' attention?

Answer by the Deputy Lord Mayor

Thank you Councillor Greiner. As you so correctly pointed out, the entitlement of JCDecaux to install these rotating panels was contractually agreed, as far as I understand it, either in 1998 or early 1999. I realise that some of the concerns you share are also shared by Mr Scruby from the Pedestrian Council of Australia who was similarly disturbed about the JCDecaux signs when they first went up in their static form.

In my time on the Sydney Traffic Committee it has never been brought to my attention, and I have asked a couple of times to see where the pedestrian hot spots are for accidents in the City. There was at the time that I asked, about 12 months ago, no correlation between pedestrian accidents and street furniture and the only correlation, that I could see, was pedestrian accidents and people being in a hurry.

Nevertheless, I will ask Council staff to see whether there is any independent information about scrolling advertising signs, which I note in London have been introduced on the back of buses. So it might be fruitful, through the Director City Development, to ask the Manager Traffic and Access or his staff whether there is any independent information on the pedestrian consequences of the rotating advertisements.

I invite the Director City Development to respond.

Director City Development

The Manager Traffic and Access has an article from the United States that addresses the issue of pedestrian safety and scrolling signs which have been in place, the Manager Traffic and Access tells me, for about 20 years, and an article, which I am happy to distribute, which identifies the fact that there haven't been any problems, that I can recall, with the London bus issue and in Paris where there is one as well.

In comparison, the Manboom screen was actually quite different. The Manboom screen was a television screen which was very big and it was placed in such a way that it drew attention by virtue of its moving pictures.

Answer by the Deputy Lord Mayor (continued)

The scrolling screen on the trucks and the buses is a big worry. I am not sure that I am totally in support of the aesthetics of any form of rotating screen but I think that the RTA is the authority that actually issues the road registrations for those sorts of vehicles, which are very dangerous.

PEDESTRIAN SAFETY (S018729)

5. By Councillor Farr-Jones -

Question

Deputy Lord Mayor, just following on from Councillor Greiner's question, I ask this question more as a reminder. I think it is worth putting on the record this issue of safety and our streets and advertisements.

On 13 May 2002, at a Council meeting, I did raise with the Lord Mayor by way of a Question my concern about the safety of pedestrians in the City - people running red lights. I think the Lord Mayor agreed it was an issue and at the Council meeting on 13 May he said he would arrange a briefing on it.

I think Council has a responsibility and a leadership role to be lobbying the RTA as to whether we look at red light cameras for people running lights, whether it be on the corner of Druitt and George Streets or King and George Streets.

To my horror I heard on the radio this morning that five children have been lost around schools. I don't want someone seriously injured or lost in the City, which is partly our domain, and where we have a force to lobby the relevant bodies who can make the streets safer.

So my question is, more by way of a reminder, that I would appreciate that briefing which encompasses the issues that Councillor Greiner has raised that we should act in a leadership role and, at least, lobby the quasi government bodies that are responsible for safety. I don't necessarily need a response now. I just want to make sure we have that briefing.

Answer by the Deputy Lord Mayor

I think it would be very helpful if Councillors could have a briefing on pedestrian safety issues, perhaps at the same time as the briefing on the bicycle courier code of conduct. It might be interesting to just have a general briefing on pedestrian safety and whether there are correlations between, say, Circular Quay or in the vicinity of Central.

ITEM 11. NOTICES OF MOTION

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

At 6.05pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 26 August 2002 at which
meeting the signature herein was subscribed.