



15 JULY 2002

Meeting No 1358

MINUTES of an Extraordinary Meeting of the Council of the City of Sydney held in the Finance Committee Room at the Sydney Town Hall, commencing at 4.45 pm on 15 July 2002 pursuant to Notice 12/1358 dated 11 July 2002.

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PRESENT

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

Councillors - Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 4.45 pm those present were:-

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

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

Apologies

Councillor Dixie Coulton extended her apologies for her inability to attend the Extraordinary Meeting of Council as she was overseas.

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Extraordinary Meeting of Council as he was overseas.

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

That the apologies from Councillor Coulton and Councillor Farr-Jones be accepted and leave of absence be granted.

Carried.

Closed Meeting

At 4.46 pm the Extraordinary Meeting of Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed to the public in accordance with the provisions of -

- Section 10A(2)(a) of the Local Government Act 1993 to discuss Item 1 on the agenda as this matter comprised discussion of personnel matters concerning particular individuals; and
- Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 2 on the agenda as this matter comprised discussion of information that would, if disclosed, prejudice the commercial position of the persons who supplied it;

- Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 3 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

Items 1, 2 and 3 were then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public.

Order of Business

In accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the Council resolved that the order of business be altered such that the agenda items be dealt with in the following order:

3. KENS Site Negotiations with Leighton
1. Unlawful Industrial Action by the MEU - Wildcat Strike by Employees of the Street Cleansing Section
2. Tender No 0204 - Supplementary Report on Street Cleaning Service Tender
4. Review of Central Sydney Local Environmental Plan 1996

ITEM 3. KENS SITE NEGOTIATIONS WITH LEIGHTON (S06-03169/2)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That further to the resolution of Council of 21 June 2001 and arising from consideration of a report by the Director Corporate Services to the Extraordinary Meeting of Council on 15 July 2002, on KENS Site Negotiations with Leighton, it be resolved that:

- (A) approval be given to:
- (i) the transfer of Sussex Lane;
 - (ii) Council entering into a lease for the public open space (including land under the Freeway);
 - (iii) Council leasing the public open space to the owner of the development on the KENS site;
 - (iv) Council accepting ownership of a sub-stratum under the Western Distributor;
 - (v) Council accepting a new Sussex Lane, limited in depth for consideration set out in the subject report;
 - (vi) the transfer of the stratum under the new Sussex Lane;

as detailed under "Proposal" in the subject report;

- (B) authority be delegated to the General Manager to finalise and approve all documentation, lease and transfers in relation to those matters referred to in Clauses A(i), (ii), (iii), (iv), (v) and (vi);
- (C) Council note the importance of proper maintenance of the public open space area and that the lease agreement, as referred to in the subject report, is to provide appropriate conditions to achieve this;
- (D) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

ITEM 1. UNLAWFUL INDUSTRIAL ACTION BY THE MEU - WILDCAT STRIKE BY EMPLOYEES OF THE STREET CLEANSING SECTION (S020480)

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 15 July 2002, on Unlawful Industrial Action by the Federated Municipal and Shire Council Employees Union of Australia, New South Wales Division - Wildcat Strike by Employees of the Street Cleansing Section, it be resolved that:

- (A) clauses (A) to (E) under "Proposal" of the subject Memorandum by the General Manager be approved; and
- (B) only this recommendation be printed in the minutes of the Council meeting, unless otherwise determined by the General Manager.

Carried.

Note - The confidential Memorandum by the General Manager on Unlawful Industrial Action by the MEU - Wildcat Strike by Employees of the Street Cleansing Section was circulated to all Councillors.

ITEM 2. TENDER NO. 0204 – SUPPLEMENTARY REPORT ON STREET CLEANING SERVICE TENDER (S019637)

Moved by Councillor Turnbull, seconded by Councillor Ho -

That arising from consideration of a report by the Acting Manager, Contract and Asset Management to the Extraordinary Meeting of Council on 15 July 2002, on Tender No. 0204 - Supplementary Report on Street Cleaning Service Tender, it be resolved that Council:

- (A) approve the recommendations contained in Option B, being part of a document circulated to Councillors at the Extraordinary Meeting of Council, as amended at the meeting; and
- (B) maintain the substance of this resolution confidential until such time as the General Manager determines.

Carried unanimously.

Open Session

Note - Item 4 was dealt with by Council in open session.

4. REVIEW OF CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (S016796)

Note - With the agreement of all Councillors and noting the provisions of Clause 14(3) (Business of Which Due Notice Has Not Been Given) and Clause 16 (Official Minutes) of the Local Government (Meetings) Regulation 1999, the following matter was introduced and discussed and the following resolution carried.

Moved by Councillor Turnbull, seconded by Councillor Marsden -

Arising from discussion about the review of the Central Sydney Local Environmental Plan 1996, and noting that the Central Sydney Planning Committee will be considering this matter at its meeting on Thursday 18 July 2002, it be resolved that authority be delegated to the Lord Mayor to approve draft amendments to the Central Sydney Local Environmental Plan 1996, for submission to PlanningNSW to be placed on public exhibition, subject to details of the amendments being circulated to all Councillors 48 hours prior to the Lord Mayor giving his approval.

Carried.

At 5.55 pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 5 August 2002 at which
meeting the signature herein was subscribed.