



17 FEBRUARY 2003

Meeting No 1376

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 4.55pm on 17 February 2003 pursuant to Notice 1/1376 dated 13 February 2003.

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PRESENT

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

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

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

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

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

Apologies

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

Councillor Robert Ho extended his apologies for his inability to attend the Extraordinary Meeting of Council as he was overseas.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

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

Carried.

ITEM 1. INVESTMENTS HELD BY COUNCIL AS AT 31 DECEMBER 2002 (S02-0960)

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

That arising from consideration of a report by the Senior Accounting Officer (Creditors) to the Extraordinary Meeting of Council on 17 February 2003, on Investments held by Council as at 31 December 2002, it be resolved that the report be received and noted.

Carried.

ITEM 2. DECEMBER 2002 - QUARTER 2 BUDGET REVIEW (S019994)

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

That arising from consideration of a report by the Senior Management Accountant to the Extraordinary Meeting of Council on 17 February 2003, on December 2002 - Quarter 2 Budget Review, it be resolved that Council -

- (A) note the Quarter 2 forecast showing an operating surplus of \$46.7m;
- (B) note that the capital works program is currently being reviewed;
- (C) note the Quarter 2 forecast for plant and assets of \$8.4m.

Carried.

Closed Meeting

At 5.05pm the Extraordinary Meeting of Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 3, 4 and 5 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person 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 is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Items 3, 4 and 5 were then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public.

ITEM 3. IPOH GARDEN DEVELOPMENTS (AUST) PTY LIMITED AND ASSIGNMENT OF 1,446 SQUARE METRES OF TRANSFERABLE FLOOR SPACE (S022034)

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

That arising from consideration of a report by the Senior Property Manager to the Extraordinary Meeting of Council on 17 February 2003, on Ipoh Garden Developments (Aust) Pty Limited and Assignment of 1,446 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 Ipoh Ltd of 1,446 square metres of transferable floor space as set out in the subject report;
- (B) the Deed of Sale of Heritage Floor Space and any relevant documentation be executed by Council's Attorney;
- (C) the funds received by Council be placed in the property reserve; and
- (D) the Director City Development and Projects provide a report to all Councillors listing all transferable floor space acquired and allocated, including price, from 1 July 2001 until the present.

Carried.

ITEM 4. MARKET STREET, CASTLEREAGH STREET AND PITT STREET, ADJACENT 184-190 PITT STREET, SYDNEY CENTREPOINT - OWNER'S CONSENT (S023271)

Moved by Councillor Coulton, seconded by Councillor Turnbull -

That arising from consideration of a report by the Senior Property Manager to the Extraordinary Meeting of Council on 17 February 2003, on Market Street, Castlereagh Street and Pitt Street, adjacent 184-190 Pitt Street, Sydney Centrepoint - Owner's Consent, it be resolved that -

- (A) the proposed bridges and underground connections (which do not meet certain requirements of Central Sydney Development Control Plan 1996 aimed at discouraging overpasses and underpasses) be considered more fully in the context of the overall public benefit of the development proposed;
- (B) nevertheless, Council give owner's consent, as owner of Market, Pitt and Castlereagh Streets, to the lodgement of the development application, as described in the subject report, on the following terms and conditions:
 - (i) this resolution in no way binds Council to give owner's consent to works involving Council's property or airspace;
 - (ii) this consent in no way fetters Council's discretion to determine the development application;

- (iii) the applicant will negotiate the terms of any lease or licence over Council property with the Council, and these negotiations will be delegated to the General Manager, with final determination to be made by Council, based on independent market valuation advice;
- (iv) final Council approval to the works, as owner, will be conditional on all aspects of the works being resolved to Council's satisfaction, including but not limited to:
 - (a) relocation of all vehicular access to and from the Centrepoint and Imperial Arcade buildings currently using the Pitt Street Mall to an alternate route not involving the Pitt Street Mall; and
 - (b) minimising the impact of any works to bridges on the streetscape.

Carried.

ITEM 5. HICKSON ROAD, DAWES POINT ADJOINING PIER ONE - RENEWAL OF LEASE (L02.00514)

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

That arising from consideration of a report by the Senior Property Manager to the Extraordinary Meeting of Council on 17 February 2003, on Hickson Road, Dawes Point Adjoining Pier One - Renewal of Lease, it be resolved that -

- (A) approval be given to the granting of a new lease pursuant to section 153 of the Roads Act 1993 to Pier One Developments Pty Limited, the Lessee of the adjoining premises Pier One, Hickson Road, Dawes Point, for a term of five years from 1 January 2003 of that part of Hickson shown stippled on plan S4-130/484B for a landing and steps at an initial rental of \$5,000 pa and subject to the conditions in the schedule shown at Attachment B to the subject report, as amended at the meeting of Council;
- (B) Council's attorney be authorised to execute all necessary documentation and plans;
- (C) the Director Corporate Services ensure that a risk management assessment is carried out; and
- (D) authority be delegated to the General Manager to vary the amount of public risk insurance cover, if necessary.

Carried.

ITEM 6: LEASING PROPOSALS - TOWN HALL HOUSE

Note - no report was circulated and this matter was not discussed at the Extraordinary Meeting of Council.

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At 5.17pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 17 March 2003 at which
meeting the signature herein was subscribed.