



**24 JUNE 2002**

**Meeting No 1356**

**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 5.35pm on 24 June 2002 pursuant to Notice 10/1356 dated 20 June 2002.

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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 5.35pm those present were:-

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

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

### **ITEM 1. PITT STREET MALL ACCESS MANAGEMENT POLICY (S018706)**

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

That arising from consideration of a report by the Manager Traffic and Access to the Extraordinary Meeting of Council on 24 June 2002, on the Pitt Street Mall Access Management Policy, it be resolved that:-

- (A) Council adopt the Pitt Street Mall Access Management Policy as shown at Attachment B to the subject report;
- (B) Council resolve to restrict vehicular access to the Pitt Street Mall so that vehicular access is not permitted between 9.00am and 9.00pm, and take all necessary steps to implement this access restriction in accordance with the Division 2 of Part 8 of the Roads Act 1993 in accordance with the delegation to Council by the Roads and Traffic Authority, with a targeted commencement date of 1 July 2002;
- (C) authority be delegated to the General Manager, in consultation with the Lord Mayor, to negotiate access arrangements and other matters with Centrepont and the Imperial Arcade and other stakeholders;
- (D) the City implement "Area No Parking 9.00am-9.00pm" restrictions in the Pitt Street Mall as provided in Rule 168 of the Australian Road Rules;
- (E) the Roads and Traffic Authority be requested to approve the provision of "Shared Zone" restrictions in the Pitt Street Mall;

- (F) a budget of \$60,000 be allocated towards the installation of non-retractable bollards to extend the existing line of bollards on both sides of the Mall to Market Street;
- (G) the General Manager be directed to develop a communication strategy to underpin the Pitt Street Mall Access Management Policy;
- (H) the City take all necessary steps to close Pitt Street between Market and King Streets in accordance with Section 34 of the Roads Act 1993, in conjunction with the provision of easements for service utilities and rights of carriageway as appropriate to maintain access to Centrepoint, Imperial Arcade, Katies, Soul Pattinsons and the Strand Arcade - to be effective by 31 December 2002;
- (I) the Traffic and Access Unit identify and develop proposals for Council's consideration to further re-route delivery vehicles to avoid their necessity to use the Mall;
- (J) the Traffic and Access Unit identify additional opportunities for the provision of loading zones in the vicinity of the Mall and, if necessary, new regulations or legislation be pursued with the State Government;
- (K) subject to legal feasibility, load limits be implemented for the Mall so as to protect the Mall surface (pavers) and to discourage unnecessary heavy vehicle traffic from using the Mall;
- (L) Council staff monitor the performance of the Mall and, if the performance meets Council's objectives and requirements, report back to Council within 12 months with proposals for a major upgrade of the Mall; and
- (M) regular reports be provided to Councillors, via the Councillors' Information Service, during the implementation phase.

Carried unanimously.

**ITEM 2. PROPOSED TRANSFER OF OWNERSHIP OF PARKS AND OPEN SPACES FROM THE SYDNEY HARBOUR FORESHORE AUTHORITY TO COUNCIL (S008067)**

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

1. This report seeks Council approval for the transfer of Sydney Harbour Foreshore Authority (SHFA) parks and open spaces to the City of Sydney.
2. Discussions have been held between the City of Sydney (the City) and the Sydney Harbour Foreshore Authority (SHFA) in relation to SHFA transferring parks and open spaces within Pymont and Ultimo to the City.
3. SHFA is under the control and direction of the Minister for Planning, Dr Andrew Refshauge, MP. The geographic areas controlled by SHFA include parts of The Rocks, Circular Quay, Walsh Bay, Pymont and Ultimo.
4. The land that SHFA controls under the *Sydney Harbour Foreshore Authority Act 1998* (the Act) is divided into three (3) main categories - core land, non- core land and managed land. These classes determine the functions and powers that SHFA has in relation to each.
5. The parks and open spaces that SHFA propose to transfer the title of to the City are non- core land under the Act. Pursuant to section 20 of the Act, transfer of non- core land requires the consent of the Minister.
6. The parks and open spaces that SHFA proposes to transfer to the City, and the indicative schedule for this transfer is -
  - (a) Mary Anne Street Park 1 July 2002;
  - (b) Bulwara Road Park 1 July 2002;
  - (c) McCready Reserve Park 1 July 2002;
  - (d) Pirrama Open Space 1 July 2002;
  - (e) St Bartholemew's 1 July 2002;
  - (f) Saunders Open Space and Cliff Face 1 July 2002;
  - (g) Scott Street Plaza 1 July 2002;
  - (h) Herbert Street Cliff Top Walk 1 July 2002
  - (i) Jones and John Street 1 July 2002;
  - (j) Jones Street Pocket Park 31 December 2002;
  - (k) Gibba Park (including Point Street) 31 December 2002;

7. As part of this transfer SHFA will undertake a “due diligence” process in relation to each. The primary concerns of the due diligence is conclusion of proof of current arrangement, fitness for purpose, appropriate remediation of contaminated land (if any) and assessment of costs of the on-going maintenance of each park and open space.
8. To finalise the “due diligence” process SHFA will be required to provide the City with a copy of the following documentation -
  - (a) As built drawings (if they exist);
  - (b) Maintenance manuals (if they exist);
  - (c) Contamination certification (if appropriate);
  - (d) Certificates of title;
  - (e) Any development applications and consents (if any); and
  - (f) Disclosure of public liability and native title.
9. City of Sydney staff have inspected the above parks and have determined that those listed at (a) to (i) above are ready for transfer as of 1 July 2002. The remaining two parks are currently either part of a redevelopment (k) and cannot be accessed or currently requires significant remediation work (j). It is envisaged that these parks will however be capable of transfer by December 2002.
10. It is proposed that a Heads of Agreement setting out the conditions of transfer will be entered into between the City and SHFA. This will ensure that as part of the transfer of title for all the above parks and open spaces -
  - (a) The due diligence process is completed;
  - (b) Any agreed remediation work is completed (either by SHFA or in the absence of this by the City, however SHFA is to reimburse all costs incurred by the City in undertaking such work);
  - (c) The consent of the Minister for Planning is obtained; and
  - (d) Transfer documentation is prepared and subsequently registered with the NSW Land Titles Office.
11. It is proposed that all the above title transfers will be finalised by 31 December 2002.
12. Note the City of Sydney has been maintaining these parks and open spaces. SHFA has been contributing to the maintenance costs, however their contributions are to cease on 30 June 2002.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 24 June 2002, on Proposed Transfer of Ownership of Parks and Open Spaces from the Sydney Harbour Foreshore Authority (SHFA) to Council, it be resolved that approval be given to -

- (A) the transfer of the titles of the parks and open spaces from SHFA to the City;
- (B) the General Manager negotiating the details of the transfer of the land; and
- (C) the execution of all relevant documentation by Council's attorney.

(SGD) ROBERT DOMM  
General Manager

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

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 24 June 2002, on Proposed Transfer of Ownership of Parks and Open Spaces from the Sydney Harbour Foreshore Authority to Council, it be resolved that approval be given to -

- (A) the transfer of the titles of the parks and open spaces, as listed in the subject Memorandum by the General Manager, from the Sydney Harbour Foreshore Authority to the City;
- (B) the General Manager negotiating the details of the transfer of the land; and
- (C) the execution of all relevant documentation by Council's attorney.

Carried unanimously.

**Closed Meeting**

At 5.50pm, 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)(c) of the Local Government Act 1993 to discuss Items 3 and 5 on the agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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

**ITEM 3. PROPERTY NEGOTIATIONS - IPOH GROUP**

Moved by Councillor Turnbull , seconded by Councillor Marsden -

That arising from consideration of a report by the Director Corporate Services to the Extraordinary Meeting of Council on 24 June 2002, on Property Negotiations - Ipoh group, it be resolved that -

(A) approval be given to -

- (i) the terms of the appointment, by Ipoh, of a related company as the centre manager of the Queen Victoria Building;
- (ii) the variation of the percentage contribution rate applicable to the Replacement Rent Fund as defined in the QVB lease agreement;
- (iii) the variation to the terms of the lease relating to The Galleries Victoria tunnel stratum

as detailed under Proposal in the subject report.

(B) authority be delegated to the Lord Mayor to complete negotiations, generally consistent with the subject report, and to finalise and approve all documentation, correspondence and deeds in relation to those matters referred to in clauses (A)(i), (ii) and (iii).

(C) Council's attorney be authorised to execute all necessary documentation.

Carried unanimously.

Note - Item 4 was dealt with by the Extraordinary Meeting of Council in open session.

**ADDITIONAL ITEM FOR COUNCIL**

**REPORT OF THE FINANCE, PROPERTIES AND TENDERS COMMITTEE - 24 JUNE 2002**

**MINUTE BY THE LORD MAYOR**

To Extraordinary Meeting of Council 24 June 2002:

The Finance, Properties and Tenders Committee at its meeting on Monday 24 June 2002 will be considering reports on:

- (1) Property Services - Tenders/Quotations for Selected Services
- (2) Tender 0207: Water Treatment Systems Upgrade - Cook and Phillip Park
- (3) Tender 0209: Mechanical Building Services - Cook and Phillip Park

To enable these matters to be dealt with expeditiously, I bring forward the recommendations of the Finance, Properties and Tenders Committee on these three matters to the Extraordinary Meeting of Council for consideration.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

**ITEM 4. REPORT OF THE FINANCE PROPERTIES & TENDERS COMMITTEE - 24 JUNE 2002**

PRESENT

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

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

At the commencement of business at 5.20pm those present were:-

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

Councillor Fabian Marsden was also present.

**Closed Meeting**

At 5.21pm the Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Items 4.1, 4.2 and 4.3 on the Agenda.

The meeting of the Finance, Properties and Tenders Committee concluded at 5.30pm.

### 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 24 June 2002 be received, and the recommendations set out below for Items 4.1, 4.2 and 4.3 be adopted.

Carried.

The Committee recommended the following:

### **Closed Meeting**

At 5.21pm 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 1, 2 and 3 on the agenda as these matters comprised discussion of information 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 matters and the circumstances of communications.

Items 4.1, 4.2 and 4.3 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 the Extraordinary Meeting of Council in open session.

### **PROPERTY SERVICES – TENDERS/QUOTATIONS FOR SELECTED SERVICES (S01 4056)**

#### **4.1**

That arising from consideration of a report by the Facilities Manager, Properties to the Finance, Properties and Tenders Committee on 24 June 2002, on Property Services - Tender/Quotations for Selected Services, it be resolved that -

- (A) the Tenders/Quotations or budgets identified in the subject report be approved;
- (B) authority be delegated to the General Manager to vary the contract with Spotless Services Limited to include the services proposed in the subject report, and it be noted that any further variations to the contract, if necessary, will be subject to standing delegations;
- (C) Council's attorney be authorised to execute all relevant documentation.

Carried unanimously.

**TENDER 0207: WATER TREATMENT SYSTEMS UPGRADE - COOK AND PHILLIP PARK**

**4.2**

That arising from consideration of a report by the Senior Project Officer, City Projects to the Finance, Properties and Tenders Committee 24 June 2002, on Tender 0207: Water Treatment Systems Upgrade Cook & Phillip Park, it be resolved that:

- (A) Council accept the conforming tender submitted by Trisley's Hydraulic Services Pty Ltd, and commit funds for the upgrade of the Water Treatment System in the amount of \$569,859 plus \$50,000 contingency which may only be drawn with the General Manager's concurrence;
- (B) authority be delegated to the General Manager to enter into a contract for the works;
- (C) Council's attorney be authorised to execute all relevant documentation.

Carried unanimously.

**TENDER 0209: MECHANICAL BUILDING SERVICES - COOK & PHILLIP PARK**

**4.3**

That arising from consideration of a report by the Senior Project Officer, City Projects to the Finance, Properties and Tenders Committee on 24 June 2002, on Tender 0209: Mechanical Building Services - Cook & Phillip Park, it be resolved that:

- (A) *(see clause (F))*;
- (B) Council note that four firms have indicated their willingness to submit a bid for the Mechanical Building Services contract;
- (C) Council agree that negotiations be carried out with the four firms which indicated during the tender period their willingness to submit a tender price;
- (D) the tender documents form the basis for the negotiations for the submission of prices for the Mechanical Building Services works packages;
- (E) the recommendation for award of the contract be submitted to Council for approval in accordance with current practice;
- (F) Clause (A) of this resolution not be published until this matter is finalised and the contract is awarded.

Carried unanimously.

**ADDITIONAL MATTER FOR COUNCIL****MINUTE BY THE LORD MAYOR**To Council:

Attached for consideration by Council at its meeting on 24 June 2002 is a confidential report from the Senior Property Manager on the Resolution of Land Issues Associated with East Circular Quay North of Cahill Expressway.

I bring forward this item for consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

Note - Item 5 was dealt with by the Extraordinary Meeting of Council in closed session.

**Declaration of Interest**

Prior to discussion on Item 5, the Chairman (the Lord Mayor) declared an interest in this item, in that he is a member of the Board of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) abstained from voting on this item.

**ITEM 5. EAST CIRCULAR QUAY NORTH OF CAHILL EXPRESSWAY -  
RESOLUTION OF LAND ISSUES (S020262)**

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

That arising from consideration of a report by the Senior Property Manager to the Extraordinary Meeting of Council on 24 June 2002, on East Circular Quay North of Cahill Expressway - Resolution of Land Issues, it be resolved that -

- (A) Council approve the entering into of a heads of agreement with the Sydney Harbour Foreshore Authority (SHFA) for the reimbursement of the outstanding construction costs, Café compensation, road closure and transfer of the dealings of land at East Circular Quay;
- (B) Council approve the closure and transfer to SHFA that part of East Circular Quay north of the Cahill Expressway as shown on the plan at Attachment A to the subject report;
- (C) Council approve the transfer to SHFA of title to the sliver of land immediately west of East Circular Quay colonnade being Lot 4 in DP 848731 as shown at Attachment B to the subject report;

- (D) Council seek reimbursement by SHFA to Council of the outstanding public domain construction costs for East Circular Quay as per paragraph 5(b) of the subject report;
- (E) authority be delegated to the General Manager to determine the consideration for the transfer of the ARC Café at the net present value of the income stream at market rents, pursuant to agreed independent valuation as per paragraph 5(c) of the subject report;
- (F) Council approve the creation of any easements that may be required by any Public Utility Authorities for any existing services for that part of the road to be closed;
- (G) the General Manager be authorised to make minor variations to the terms of this agreement, if necessary, to conclude the agreement;
- (H) all relevant documents and plans be executed by Council's attorney; and
- (I) Council note that the stratum for the colonnade remains in Council ownership.

Carried unanimously.

At 6.05pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 28 June 2002 at which  
meeting the signature herein was subscribed.