

**1 JUNE 2004**

**Meeting No 1411**

**MINUTES** of an Extraordinary Meeting of the Council of the City of Sydney held in the Finance Committee Room and Council Chamber at the Sydney Town Hall, commencing at 11.02am on 1 June 2004 pursuant to Notice 9/1411 dated 28 May 2004.

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**PRESENT**

The Right Hon The Lord Mayor Councillor Clover Moore MP  
(Chair)

Councillors - Phillip Black, Verity Firth, Chris Harris, Marcelle Hoff, Robyn Kemmis, The Hon Michael Lee, Shayne Mallard, John McInerney and Tony Pooley.

At the commencement of business at 11.02am, in the Finance Committee Room, those present were:-

The Lord Mayor, Councillors Black, Firth, Harris, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

The General Manager and General Counsel were also present.

### **Adjournment**

At 11.03am, it was moved by Councillor Pooley, seconded by Councillor Kemmis –

That the Extraordinary Meeting of Council be adjourned until the conclusion of briefings of Councillors.

Carried.

### **Resumption**

At the resumption of the Extraordinary Meeting of Council at 11.28am, in the Council Chamber, those present were -

The Lord Mayor, Councillors Black, Firth, Hoff, Kemmis, Lee, Mallard, McInerney and Pooley.

Councillor Harris arrived at the resumed Extraordinary Meeting of Council at 11.30am during discussion on Item 2.

### **Order of Business**

At this stage of the meeting, it was agreed that the order of business be altered such that Item 2 be brought forward and dealt with prior to the confidential items.

### **ITEM 2. TREE PRESERVATION ORDER**

Moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

That arising from consideration of a report by the Manager Asset Management to the Extraordinary Meeting of Council on 1 June 2004, on Tree Preservation Order, it be resolved that:

(A) a tree preservation order be made in the form of Attachment E to the subject report, subject to the following amendments:

(i) the deletion of the following words in clause 4(k):

“in accordance with a Memorandum of Understanding entered into with the City of Sydney or a Tree Management Plan approved by the City of Sydney.”

(ii) the deletion of the words “(k) or” in clause 4(l);

so that the tree preservation order does not apply to land under the jurisdiction of the Royal Botanic Gardens and Domain Trust and the Centennial Park and Moore Park Trust; and

- (B) authority be delegated to the General Manager, in consultation with the Lord Mayor, to enter into a Memorandum of Understanding with the Royal Botanic Gardens and Domain Trust regarding future tree management.

Carried unanimously.

#### **ADDITIONAL ITEM FOR COUNCIL**

FILE NO:

DATE: 1/6/04

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

To Council:

The General Manager has prepared a confidential Memorandum by the General Manager on Property Matter.

I bring this Memorandum forward for consideration of Council.

(SGD) COUNCILLOR CLOVER MOORE

Lord Mayor

#### **Closed Meeting**

At 12.00pm, 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)(g) of the Local Government Act 1993 to discuss Item 1 on the agenda as this matter comprised advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; and

Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 3 on the agenda as this matter comprised 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 and 3 were then dealt with by the Extraordinary Meeting of Council while the meeting was closed to the public

**ITEM 3: PROPERTY MATTER**

Moved by Councillor Hoff, seconded by Councillor McInerney –

That arising from consideration of a Memorandum by the General Manager to the Extraordinary Meeting of Council on 1 June 2004, on Property Matter, it be resolved that:

- (A) Council approve entering into a 99 year lease from the Sydney Harbour Foreshore Authority (SHFA):
  - (i) of the land comprised in lot 118 DP872490 (generally known as the Water Police site);
  - (ii) on the terms set out in the subject Memorandum, including the payment of an \$11 million premium at commencement but with no other payments to the lessor during the lease term;
  - (iii) noting the land is core land under the Sydney Harbour Foreshore Authority Act 1998 and cannot be sold by SHFA;
- (B) the lease include an option to purchase the land known as the Water Police site for nominal consideration, to be exercisable if the legislative restriction on sale is removed, on the terms set out in the subject Memorandum;
- (C) Council accept an assignment of the 99 year lease from the Waterways Authority in respect of the wharf, adjoining the Water Police site, on the terms set out in the subject Memorandum;
- (D) Council accept the transfer from SHFA of:
  - (i) Pyrmont Point Park;
  - (ii) Giba Park;
  - (iii) Jones Street Pocket Park;
  - (iv) Pirrama Road (adjoining Pyrmont Point Park);
  - (v) Refinery Drive;
  - (vi) Mount Street;
  - (vii) Cadigal Avenue;
  - (viii) Bowman Street (part);
  - (ix) Point Street (part);on the terms set out in the subject Memorandum and subject to the General Manager being satisfied as to the outcome of a due diligence process;

- (E) authority be delegated to the General Manager to finalise the terms of, and enter into all documentation necessary or desirable to give effect to the terms of this resolution;
- (F) the General Manager be requested to investigate options for the remediation, landscaping and use of the Water Police site and adjoining land, including by undertaking community consultation, and authority be delegated to the General Manager (following consultation with the Lord Mayor) to lodge a development application for that purpose if considered appropriate;
- (G) all relevant documentation be executed by Council's attorney; and
- (H) the cooperation and assistance of the Minister for Planning, Infrastructure and Resources and Sydney Harbour Foreshore Authority be acknowledged, for their role in facilitating the achievement of good urban design and community outcomes through provision of significant harbour foreshore land for public use.

Carried unanimously.

#### **ITEM 1. OUTCOME OF LEGAL PROCEEDINGS**

Moved by the Chair (the Lord Mayor), seconded by Councillor Kemmis -

That arising from consideration of a report by the General Counsel to the Extraordinary Meeting of Council on 1 June 2004, on the Outcome of Legal Proceedings, it be resolved that the report be received and noted.

Carried.

At 12.10pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 7 June 2004 at which  
meeting the signature herein was subscribed.