

COUNCIL

Meeting No 11
Monday 12 December 2016
Notice No 11/1580
Notice Date 8 December 2016

minutes

city of villages

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PRESENT

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

Councillors - Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerryn Phelps AM, Linda Scott, Jess Scully and Angela Vithoulkas.

At the commencement of business at 5.05pm, those present were:-

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully and Vithoulkas.

Councillor Scully left the meeting of Council at 5.45pm prior to discussion on Item 8.5 and returned at 5.47pm prior to discussion on Item 9.2. Councillor Scully was not present at, or in sight of, the meeting of Council during discussion or voting on Item 8.5.

Councillor Scott left the meeting of Council at 5.49pm prior to discussion on Item 9.5 and returned at 5.54pm prior to discussion on Item 9.6. Councillor Scott was not present at, or in sight of, the meeting of Council during discussion or voting on Item 9.5.

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director City Operations, Director City Planning, Development and Transport, Director City Life, Director City Engagement, Director City Projects and Property, Director Workforce and Information Services and Acting Director Legal and Governance were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer and an acknowledgement of country.

Apologies

Councillor Philip Thalys extended his apologies for his inability to attend the meeting of Council as he was overseas.

Moved by the Chair (the Lord Mayor), seconded by Councillor Phelps –

That the apology from Councillor Thalys be received and leave of absence from the meeting be granted.

Carried unanimously.

ITEM 1 CONFIRMATION OF MINUTES

Moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the minutes of the meeting of Council of Monday 21 November 2016, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis of Design Collaborative, made a non-reportable donation to the Clover Moore Independent Team.

Councillor Kerry Phelps disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis of Design Collaborative, made a non-reportable donation to the Clover Moore Independent Team.

Councillor Jess Miller disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis of Design Collaborative, made a non-reportable donation to the Clover Moore Independent Team.

Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis of Design Collaborative, made a non-reportable donation to the Clover Moore Independent Team.

Councillor Scully also disclosed a pecuniary interest in Item 8.5 on the agenda. Councillor Scully stated that she would not be present for discussion or voting on Item 8.5.

(Note. Councillor Scully's full disclosure was made at the meeting of the Cultural and Community Committee on 5 December 2016.)

The Chair (the Lord Mayor) disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis of Design Collaborative, made a non-reportable donation to the Clover Moore Independent Team.

Councillor Craig Chung disclosed a less than significant, non-pecuniary interest in Item 9.5 on the agenda, in that he was broadly familiar with parties associated with the applicant.

Councillor Christine Forster disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that one of the submitters at the meeting of the Planning and Development Committee on 5 December 2016, Adam Haddow, is a personal friend of hers.

Councillor Linda Scott disclosed a significant, non-pecuniary interest in Item 9.5 on the agenda, in that it had come to her attention during the week that, in the last four years, the Federal arm of the Australian Labor Party had accepted donations from the Australian Hotels Association and, on her understanding, one of the applicants for the development application is its President. Councillor Scott said that this donation had not benefitted her campaign in any way, nor had it benefitted any State candidate. Councillor Scott stated that she would not be present for discussion or voting on Item 9.5.

Councillor Scott added that she would table a letter (under Matters for Tabling) written by her to the General Secretary of the Labor Party, calling on the Party to stop accepting donations from the Australian Hotels Association and the alcohol industry.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of Council.

ITEM 3.1 C40 MEXICO CITY AND NEW ORLEANS REPORT**FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

On Monday 24 October 2016, Council endorsed a City of Sydney delegation to participate in the sixth biennial C40 Mayors Summit, which was held in Mexico City from 30 November to 2 December 2016.

In this Minute, I provide a report back to Council about the trip and recommendations for action on the key issues and challenges from the Summit.

Michael Bloomberg, the President of C40, said at the conference that C40 cities represent one in 12 people on the planet and 25 per cent of the world's economy. He stressed how critical it was that C40 cities stand united in their determination to take urgent action on climate change.

While at the conference, I spoke at seven high profile events (Attachment A). My participation resulted in more than 100 media items, with many continuing to be published, across domestic and international media as well as interviews with South, Central and North American and European radio and television reaching a global audience. On social media, our work reached well over 300,000 people across Twitter, Facebook and Instagram.

While at the Summit, I was asked to talk about our experience taking significant action on climate change despite inactive, even hostile, Federal and State Governments. This is especially relevant for US cities alarmed by US President-elect Donald Trump's intention to wind back action on climate change.

I explained how six Australian Prime Ministers and six state Premiers have held office while I've served at Sydney Town Hall and that there's been a profound, even hostile, lack of long term leadership on climate change in that time. Since putting Sustainable Sydney 2030 into action, we have driven greenhouse emissions down by 29 per cent in our own operations and city-wide by 19 per cent (on 2006 levels), at a time when the local economy has expanded by 37 per cent.

The lesson was that, if we can do it in Australia, it can be done anywhere. Australia is the largest exporter of coal in the world and, until recently, our State sourced more than 90 per cent of its electricity from coal-fired power.

Deadline 2020 Report

At the Summit, C40 Executive Director Mark Watts presented new research that highlighted the desperate urgency of action on climate change – and the sheer scale of the challenge we all face, especially city leaders.

What was clear in his report, 'Deadline 2020', was that the next four years are crucial. (The report is available at http://www.c40.org/other/deadline_2020.)

The Paris Agreement commits signatories, including Australia, to “holding the increase in the global average temperature to well below 2 degrees above pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5 degrees above pre-industrial levels.”

While nations still consider their options, the Deadline 2020 report presents a detailed picture of what C40 cities need to do to stop accelerating climate change and to turn the COP21 Paris Agreement from aspiration into reality.

The overriding and deeply significant findings of the report are that the next four years will determine whether the world meets the ambition of the Paris Agreement and that incremental steps are no longer adequate – we need to dramatically increase action.

As Mark Watts said “We need to do twice as much, in half the time.”

The report also made clear that, without action by cities, the Paris Agreement cannot realistically be delivered. It identified targets that C40 cities would need to meet to limit global warming to 1.5 or 2 degrees, with responsibility falling primarily on the cities of wealthier nations who already have the resources and capabilities to accelerate action.

The report outlined specific actions and highlighted the pace, scale and prioritisation needed between now and the end of the century.

The good news is that, if these actions and targets are adopted, then city action would deliver 40% of the savings needed to achieve the ambition of the Paris Agreement.

Cities are critical to delivering a climate safe future.

C40 Summit Key Themes

A number of key themes emerged from sessions and discussions at the Summit:

- **Net zero emissions:**

Increasingly, cities are undertaking initiatives to increase the number of zero emissions buildings. A presentation by American physicist and Chairman/Chief Scientist of the Rocky Mountains Institute, Amory Lovins, showed how integrated design principles, energy efficiency and renewable energy were being used around the world to create net zero emissions buildings (and, indeed, net positive emissions buildings), including cities in southern Germany, France, the Netherlands and a range of US cities, including Washington, Seattle and New York City.

The President of ARUP said “We know how to make zero carbon buildings and it’s simple.” He also said it was essential that all new buildings have to be zero carbon by 2030.

A number of cities are introducing initiatives to drive net zero emissions buildings, including Vancouver, which requires all re-zonings to be net zero emissions by 2025, and all new buildings to be net zero emissions by 2030.

- **Energy regulations and lack of alignment between national, state and local policy:**

Like Sydney, many cities have found outdated energy regulations and the practices of utilities a barrier to clean energy and emission reductions. A range of strategies was discussed to overcome this and different models of governance for energy systems will be researched by C40 in the future.

Equally, mayors and private sector participants spoke about the lack of alignment between national governments as a major source of uncertainty impacting on investment and the pace of reform. Very few cities have control over all the levers, even in core areas such as transport, and better alignment and collaboration between different levels of government is crucial.

- **Climate finance:**

Many cities do not have direct access to finance, especially in developing nations and can only access international equity and debt providers through national Governments. Some national governments do not support city projects but, even when they do, it can be slow and cumbersome. For example, the Mexican Mayor would like to extend the city's successful metro network, but it has taken three and a half years of negotiations to achieve agreement on finance.

Consequently, C40 is expanding its Cities Climate Finance Platform to improve the direct access of cities to finance and to pool city projects to reach a scale more attractive to third party finance providers. Similarly, the Carbon Neutral Cities alliance is also aiming to increase its innovation fund ten-fold. The fund is designed to support higher-risk projects that can be breakthrough innovations that lead to large emissions reduction.

The City's zero emissions building study was funded by the CNCA innovation fund, and we will continue to explore further opportunities to access finance through international city platforms.

- **Empowering cities with data:**

Cities are increasingly providing data to the public via open source platforms. The data is allowing innovative solutions to be implemented by the public sector, allowing people to access research and increasing transparency and trust with City stakeholders. This is an area where Sydney could collaborate further with Melbourne, which has taken early action in this area.

City of Sydney Action

It was clear from the conference that we need bolder action at a faster rate if we are to play our part in meeting the Paris Agreement.

The public exhibition of our new Draft Environmental Action Plan 2016–2021, developed in response to the Paris COP Climate Conference, has finished and City staff are now reviewing the feedback.

I would like the CEO to bring the Plan to the first Council Meeting of 2017 and I have asked her to review the actions within the Draft Plan to ensure they align with C40's Deadline 2020 report and the themes of the C40 Conference. I would like the CEO to look at whether we need to re-allocate or bring forward funds to support the Plan's accelerated implementation.

Based on what I have learnt, I believe the City should focus on the following areas:

- **Net zero emissions buildings:**

A report on the feasibility of net zero emissions buildings in Sydney, funded by the Carbon Neutral Cities Alliance, has found the net value of efficiency savings and increase in property value outweighs the increase in upfront costs. The Federal Department of Environment and Energy, which administers the National Carbon Offset Standard, has just released a draft standard for net zero emissions buildings, open for public exhibition until February 2017. While the City will be implementing a competition for net zero emissions buildings once the national standard is in place, I believe the CEO should be looking at what else we could do to encourage net zero buildings.

- **The City's planning controls:**

Minimum energy, waste and water standards for new commercial buildings are essential to ensure new buildings do not embed emissions that will need to be reduced through more costly retrofits in coming years. In light of the case for accelerated action on net zero planning standards, a pathway for the City's current planning controls to be strengthened over time should be developed and brought back to Council for endorsement. The pathway should include both CBD and non-CBD controls, and a clear target date by which net zero buildings standards should be in place.

- **City of Sydney Renewable Energy Fund:**

The City was selected as one of four cities to receive support under the City Solutions Platform at the C40 summit. The support will assist the City access international expertise to assess how the \$10 million fund can be deployed most effectively to maximise new renewable energy.

- **Opportunities to extend the successful Better Building Partnerships model to other sectors:**

The BBP has achieved extraordinary results in a short time, with the owners of half of our commercial floorspace reducing their emissions by 47 per cent.

- **Opportunities to partner with the NSW Government to implement the draft Plan to Save NSW Energy and Money:**

The City will be making a submission in response to the plan. The plan includes a series of energy efficiency initiatives that the City has advocated for some time.

There was a strong global push to separate out organics from the waste stream, where possible, and use this for the production of bio-gas and then compost. I have asked the CEO to contact the lead cities in the Waste Management Stream of the C40 to ensure that knowledge and understanding from other cities is incorporated into the up-coming Draft Waste Strategy for the City of Sydney.

The conference also highlighted the need to work collaboratively between our cities and with State and Federal departments. As the Chair of the CCCLM for 2017, I will take the learnings from C40 and communicate them to the other Australian capital cities and search out opportunities to take joint action to achieve our climate change targets.

Resilience

The City of Sydney is leading the development of a Resilience Strategy for the whole Sydney metropolitan area as part of a program run by 100 Resilient Cities – pioneered by the Rockefeller Foundation. The program aims to better prepare cities to cope with sudden shocks or chronic stresses.

In Mexico, we held meetings with their Chief Resilience Officer and his staff, academics, officials from the environment department and an environmental NGO.

Mexico City has finalised its resilience strategy and is in the early stages of implementation. The two key priorities for Mexico City are water management and reducing transport congestion.

Mexico suffers both from water scarcity and flooding, due to excess reliance on centralised water and poor infrastructure with little capture and use of rainwater.

While the context is quite different, both our cities are grappling with the challenges of how to implement decentralised water strategies and there was a productive exchange on issues such as scaling up local water initiatives, public-private collaborations and urban park projects. Mexico City, like Sydney and many other C40 cities, is implementing a range of initiatives to reduce congestion, including rapid bus transport and bike lanes.

After Mexico, we stopped at New Orleans for three days where I held meetings and site visits with the Mayor of New Orleans (Mitch Landrieu), senior resilience staff and an architect from a leading local firm.

A preliminary resilience assessment revealed extreme weather is the biggest threat facing Sydney over the next few decades, whether it comes in the form of extreme heat, bushfires, flooding rains, damaging winds or the notorious east coast low.

In August 2005, Hurricane Katrina hit Gulf Coast of the United States and Caribbean nations, including Cuba and the Bahamas, killing more than 1,800 people and causing more than \$100 Billion USD damage.

It amplified issues the city was already grappling with, such as ailing infrastructure and inequality.

As Mayor Landrieu told me, Hurricane Katrina didn't cause all of the city's problems, but it magnified them, leading to a city that is classified in living in two distinct time periods: pre-Katrina and post-Katrina.

Mayor Landrieu described Hurricane Katrina as 'an infrastructure failure – not a natural disaster.' Flooding occurred due to failure to invest in infrastructure that could withstand increasingly frequent extreme weather, the absence of community and business preparedness and social inequality, which left poorer communities highly exposed to its effects.

In the aftermath of Hurricane Katrina, New Orleans has become a global leader in resilience planning with its plan, Resilient New Orleans. The outstanding feature of the plan is its integration of social equity, climate adaptation, sustainability and community engagement with the infrastructure re-construction as New Orleans rebuilds.

Site visits were undertaken to inspect decentralised water infrastructure, new social housing projects and active transport, where over 100 kilometres of bike lanes have been constructed.

Sydney shares much in common with New Orleans, as both cities deal with climate change, rising sea levels, coastal erosion and the looming threat of extreme weather.

During my meeting with Mayor Landrieu, he told me that, in 2017, he will become the President of the US Confederation of Mayors which includes 1,400 mayors across the nation. Mayor Landrieu said there is strong commitment within this group to take action on climate change and resilience planning. As I will chair the CCCLM in 2017, we agreed to look for new ways to create partnerships between Australian and America city mayors.

Promotion of Sydney and the City's work

While in Mexico City for the C40 Cities Mayors Summit, I strongly advocated for the City of Sydney's work to slow dangerous climate change, participating in three major press conferences, as well as sustained media and social media outreach.

A key theme in media coverage from the C40 Cities Summit, and an inspiring message for global and particularly U.S. Mayors, was Sydney's capacity to set long term strategy using ambitious emissions reductions targets and practical actions to achieve our objectives – reported in key global media, including The New York Times, The Australian, The Huffington Post, Agence France Press, Reuters, the Christian Science Monitor, Scientific American.

The City's success in the C40 Awards on building energy efficiency through the nationwide CitySwitch program was reported by the Australian Financial Review, The Atlantic, The Fifth Estate, National Geographic, The Huffington Post and Next City.

There were more than 100 media items, with many continuing to be published, across domestic and international media as well as interviews with South, Central and North American and European radio and television reaching a global audience. On social media, our work reached well over 300,000 people across Twitter, Facebook and Instagram.

Budget

C40 is covering most of my travel and accommodation costs and some costs for City staff. During the Council meeting on 24 October, Council endorsed a budget of approximately \$15,000 per person from funds available within existing operational budgets.

While final incidental costs are still to be reconciled, the trip will be under the budget approved by Council.

RECOMMENDATION

It is resolved that Council:

- (A) note the Deadline 2020 report by C40 finds 40 per cent of the emissions reductions of the Paris climate agreement can be taken by cities, and that C40 mayors represent 25 per cent of global GDP and 650 million people;
- (B) note the Deadline 2020 report concludes that, if the Paris climate agreement is to be implemented, an additional 14,000 actions by cities are needed by 2020 to avoid locking-in future emissions that will lead to more than a 2 degrees increase in global temperatures;
- (C) note the City of Sydney was announced as the joint winner of the global building energy efficiency award with the City of Melbourne for the CitySwitch program, at the C40 Summit;
- (D) note the City of Sydney was announced as one of four cities selected to receive support under the Cities Solutions Platform to develop a model to maximise the renewable energy installed through the Renewable Energy Fund;
- (E) note the City of Sydney received funding from the Carbon Neutral Cities Alliance for a feasibility study into net zero emissions buildings, and request the Chief Executive Officer (CEO) prepare an application for the next funding round in March 2017; and
- (F) request the CEO bring Environment Action 2016-21 to the February 2017 Council meeting and a work plan to accelerate the implementation, including any re-allocation or re-prioritising of funding necessary.

COUNCILLOR CLOVER MOORE
Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Phelps –

That the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

ITEM 4 MEMORANDA BY THE CHIEF EXECUTIVE OFFICER

There were no Memoranda by the Chief Executive Officer for this meeting of Council.

ITEM 5 MATTERS FOR TABLING**5.1 Disclosures of Interest**

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

It is resolved that the Disclosures of Interest returns be received and noted.

Carried unanimously.

5.2 Correspondence

Councillor Scott tabled a letter dated 12 December 2016 from her to the General Secretary of NSW Labor, calling on the Labor Party to stop accepting donations from the Australian Hotels Association and the alcohol industry because it prevented her from fulfilling her role as a City of Sydney Councillor in determining a development application.

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

It is resolved that the letter be received and noted.

Carried unanimously.

5.3 Petitions**Rosebank Park (Darlinghurst)**

Councillor Scott tabled a Petition, containing 244 signatures, in the following terms:

This petition brings to the attention of the City of Sydney Council the continued local support that Rosebank Park (Darlinghurst) remain a dog-friendly destination.

We note the following:

1. Rosebank Park has been used by locals and visitors alike as a dog-walking area for decades.
2. Almost all of the medium to high density apartment buildings directly surrounding the park have multiple dogs in residence.
3. There are few locations available locally as a destination for dogs and as such, retaining access to Rosebank Park is paramount.
4. Dog & companion animals contribute positively to the mental & physical health of their owners and the community.

Moved by the Chair (the Lord Mayor), seconded by Councillor Forster –

It is resolved that the Petition be received and noted.

Carried unanimously.

**ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS
COMMITTEE - 5 DECEMBER 2016**

PRESENT

Deputy Lord Mayor, Councillor Prof Kerry Phelps AM
(Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoulkas.

At the commencement of business at 2.05pm those present were -

Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoulkas.

Councillor Forster arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.06pm prior to discussion on Item 1.

Apologies

The Chair (the Lord Mayor) extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee as she was overseas.

Moved by Councillor Phelps, seconded by Councillor Thalys –

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

Carried unanimously.

Closed Session

At 2.53pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential attachments to Items 13, 15, 16 and 17 on the agenda.

Open Meeting

At 3.15pm, the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 3.25pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Phelps, seconded by Councillor Kok -

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 5 December 2016 be received, and the recommendations set out below for Items 6.2 to 6.19 inclusive be adopted, with Item 6.1 being noted.

Carried unanimously.

ITEM 6.1**DISCLOSURES OF INTEREST**

No Councillors disclosed any non-pecuniary or pecuniary interest in any matter on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

The Committee recommended the following:

ITEM 6.2**INVESTMENTS HELD AS AT 30 NOVEMBER 2016 (X005605)**

It is resolved that the Investment Report as at 30 November 2016 be received and noted.

Carried unanimously.

ITEM 6.3**AUDIT RISK AND COMPLIANCE COMMITTEE ANNUAL REPORT TO COUNCIL 2015/16 (S083523)**

It is resolved that Council note the Audit Risk and Compliance Committee's 2015/16 Annual Report, as shown at Attachment A to the subject report.

Carried unanimously.

Speakers

Ms Elizabeth Crouch addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

ITEM 6.4**PARK NAMING PROPOSALS - VARIOUS PARKS (X007323)**

It is resolved that:

(A) Council provide in-principle approval to name the following parks and open spaces:

- (i) Harold Park, located at 91a Ross Street, Forrest Lodge;
- (ii) Frances Newton Reserve, located at 222 Palmer St, Darlinghurst; and
- (iii) Argyle Street Playground, located at 2 Watson Road, Millers Point;

(B) endorse the public exhibition of the naming proposals for community comment for a period of at least 28 days; and

(C) a further report be submitted to Council at the end of the exhibition period.

Carried unanimously.

ITEM 6.5

PROPOSED LAND CLASSIFICATION – PITTSWAY ARCADE, 303-305 PITT STREET, SYDNEY (X006753)

It is resolved that Council:

- (A) endorse the proposed resolution: 'It is resolved to classify the City acquired property at 303-305 Pitt Street, Sydney being Lot 1 in Deposited Plan 66011 as operational land in accordance with section 31 of the Local Government Act 1993' be publicly notified; and
- (B) note that a further report, to inform the outcomes of public notification and recommendation on land classification, will follow the notification period.

Carried unanimously.

ITEM 6.6

GREEN SQUARE TRUNK STORMWATER DRAIN - SCOPE CHANGES (S121015)

It is resolved that:

- (A) Council approve the staging of the delivery of the eastern section (approximately 320 metres) of the project from Rose Valley Way to Link Road, with delivery of this section to be timed with the redevelopment of three properties that the drain passes through;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with the Sydney Water Corporation to bring into effect the proposed staging as detailed in the subject report;
- (C) Council approve an increase to the budget and contract risk and contingency allowance for Green Square Trunk Stormwater Drain Project as outlined in the confidential Financial Implications, Attachment C to the subject report; and
- (D) Council approve the proposed additional funds to be brought forward from the future years as detailed in confidential Attachment C to the subject report.

Carried unanimously.

ITEM 6.7

GREEN SQUARE WATER RECYCLING – STAGE TWO – APPROVAL TO ENTER INTO PROJECT DELIVERY AGREEMENT (S116501.004)

It is resolved that:

- (A) Council note that a satisfactory outcome has been achieved to commercial negotiations with the single suitable respondent to the expression of interest process for the Stage Two Water Recycling Scheme (Company 'C');

- (B) Council note how it is proposed to manage the commercial and logistical considerations that are central to satisfactory delivery of the Stage Two Water Recycling Scheme, as discussed in confidential Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to enter into a project delivery agreement with the single suitable respondent (Company 'C') on terms and conditions that are consistent with the heads of agreement document set out in confidential Attachment B to the subject report.

Carried unanimously.

ITEM 6.8

EXEMPTION FROM TENDER – ABORIGINAL EMPLOYMENT STRATEGY LIMITED (S112380.010)

It is resolved that Council:

- (A) approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders to provide the Aboriginal Employment Strategy Limited School Based and School leavers Traineeship program for a further two years for the calendar year period 2017 to 2018;
- (B) note that the reason why a satisfactory result would not be achieved by inviting tenders is due to the fact that going to tender would not deliver a competitive process. Aboriginal Employment Strategy Limited is the only 100% Indigenous owned and managed Group Training Organisation in New South Wales that is registered with Supply Nation which has the local knowledge, skill set and networks to provide appropriate candidates for this program; and
- (C) enter into a contract with Aboriginal Employment Strategy Limited for two years from 2017 to 2018.

Carried unanimously.

ITEM 6.9

TENDER VARIATION - TALENT MANAGEMENT SYSTEM (S123382.005)

It is resolved that:

- (A) Council accept the variation to the tender to supply, install, integrate with existing systems, commission and provide ongoing support of a Talent Management System for a period of three years; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender variation.

Carried unanimously.

ITEM 6.10

TENDER – MAJOR PROPERTIES EFFICIENCY PROJECT SUSTAINABILITY AUDITS (X004814.006)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Major Properties Efficiency Project Sustainability Audits: Package 1 and accept the tender offer of Tenderer 'B' for the Major Properties Efficiency Project Sustainability Audits: Package 2; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.11

TENDER - SUSTAINABILITY MANAGEMENT AND REPORTING TOOL (X004808)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the sustainability management and reporting tool, as outlined in confidential Tender Evaluation Summary, Attachment A to the subject report, for a period of five years, with the option for an extension of a further two years;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.12

TENDER - SCHEDULE OF RATES CONTRACT FOR MANUFACTURING AND INSTALLATION OF PARK SIGNAGE (S056873)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the manufacturing and installation of park signage for a period of two years, with the option of an extension of one year;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the prices to extend the contract accordingly.

Carried unanimously.

ITEM 6.13**TENDER - TOWN HALL HOUSE MECHANICAL SWITCHBOARD REPLACEMENT (S126748)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'B' for Town Hall House plant room switchboard replacement;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve the additional funds to be brought forward from the future years' Property Related Program as outlined in confidential Attachment A to the memo dated 2 December 2016 from the Director City Projects and Property and circulated prior to the meeting of the Corporate, Finance, Properties and Tenders Committee.

Carried unanimously.

ITEM 6.14**TENDER - TOWN HALL HOUSE UPGRADE LIFT NO. 9 (S105036)**

It is resolved that:

- (A) Council reject all tenders for Town Hall House goods lift No.9 Upgrade for the reasons set out in confidential Attachment A to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would be unlikely to deliver a better result;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with contractors that are suitably qualified and demonstrate a capability to fully under the scope of works;
- (D) authority be delegated to the Chief Executive Officer to enter into a contract, subject to the conclusion of negotiations, with suitable companies for the delivery of the Town Hall house goods lift No. 9 upgrade; and
- (E) Council be informed of the successful contractor by CEO Update.

Carried unanimously.

ITEM 6.15**TENDER - PROPERTY SERVICES CONSULTANT (S126567)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for property services technical consultant engagement; and

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.16

TENDER - JOYNTON AVENUE, ZETLAND STORMWATER DRAINAGE UPGRADE (S126006)

It is resolved that:

- (A) Council reject the tenders received for the Joynton Avenue stormwater drainage upgrade project, for the reasons set out in confidential Attachment B to the subject report;
- (B) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable companies over and above those that have responded to this tender;
- (C) Council note that entering into negotiations with suitably qualified companies will result in a value for money outcome for Council;
- (D) authority be delegated to the Chief Executive Officer to enter into negotiations and contract with suitably qualified companies to undertake the scope of works and administer the contract relating to the works; and
- (E) Council be informed of the successful company by way of a CEO Update.

Carried unanimously.

ITEM 6.17

TENDER - STORMWATER ASSET CONDITION ASSESSMENT (X003816)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the stormwater assets condition assessment and database review, with the option of two annual extensions, subject to performance;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.18**TENDER - PUBLIC ART COLLECTION - BASIC MAINTENANCE SERVICES (X005582)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the public art collection - basic maintenance services for a period of three years, with the option of two one-year extensions at the Council's discretion;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

ITEM 6.19**TENDER – CENTRAL MONITORING AND CONTROL SYSTEM FOR PARKS (X002975)**

It is resolved that:

- (A) Council accept the tender offer for lump sum and schedule of rates of Tenderer 'A' for central monitoring and control system for parks for a period of three years; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Kok, seconded by Councillor Forster -

That the report of the Economic Development and Business Sub-Committee of its meeting of 5 December 2016 be received, and the recommendation set out below for Item 6.20 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

ITEM 6.20

**KNOWLEDGE EXCHANGE SPONSORSHIP - GENERATION ENTREPRENEUR LTD
(X003704.004)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$10,000 (excluding GST) to Generation Entrepreneur Ltd for the Initiate 48 series to be delivered in 2017; and
- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with Generation Entrepreneur Ltd.

Carried unanimously.

Speakers

Mr Jack Leung addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.20.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 5 DECEMBER 2016**PRESENT**

Deputy Lord Mayor, Councillor Prof Kerry Phelp AM
(Chair)

Councillor Jess Miller
(Deputy Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Philip Thalys, Linda Scott, Jess Scully and Angela Vithoulkas.

At the commencement of business at 3.26pm those present were -

Councillors Chung, Forster, Kok, Miller, Phelps, Thalys, Scott, Scully and Vithoulkas.

Councillor Vithoulkas left the meeting of the Environment Committee at 3.32pm during discussion on Item 7.2 and did not return.

Apologies

The Chair (the Lord Mayor, Councillor Clover Moore) extended her apologies for her inability to attend the meeting of the Environment Committee as she was overseas.

Moved by Councillor Phelps, seconded by Councillor Miller -

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

Carried unanimously.

The meeting of the Environment Committee concluded at 3.39pm.

Report of the Committee

Moved by Councillor Miller, seconded by Councillor Scully -

That the report of the Environment Committee of its meeting of 5 December 2016 be received, with Item 7.1 being noted, and Item 7.2 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 7.1**DISCLOSURES OF INTEREST**

No Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Environment Committee.

ITEM 7.2

GREEN SQUARE TO RANDWICK CYCLEWAY – SCOPE (X000616)

At the meeting of Council, it was moved by Councillor Miller, seconded by Councillor Scully -

It is resolved that Council:

- (A) endorse the concept design scope for the Green Square to Randwick cycleway, as shown in Attachment A to the subject report, for progression to detailed design, documentation and construction tender; and
- (B) note that the delivery of the project is subject to State Government funding 50 per cent of the project cost through the Active Transport Program.

Carried unanimously.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 5
DECEMBER 2016****PRESENT**

Deputy Lord Mayor, Councillor Prof Kerry Phelps AM
(Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoulkas.

At the commencement of business at 3.57pm those present were -

Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoulkas.

Councillor Scully, having disclosed a pecuniary interest in Item 8.5 on the agenda, left the meeting of the Cultural and Community Committee at 4.34pm, prior to the commencement of discussion on Item 8.5, and did not return. Councillor Scully was not present at, or in sight of, the meeting of the Cultural and Community Committee during discussion or voting on Item 8.5.

Apologies

The Chair (the Lord Mayor, Councillor Clover Moore) extended her apologies for her inability to attend the meeting of the Cultural and Community Committee as she was overseas.

Moved by Councillor Scully, seconded by Councillor Miller -

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

Carried unanimously.

Sub-Committee

The Cultural and Creative Sub-Committee, with Councillor Scully as Deputy Chair, commenced at 3.59pm.

Note – Councillor Scully having disclosed a pecuniary interest in Item 8.5 on the agenda, the Deputy Lord Mayor chaired the meeting of the Cultural and Creative Sub-Committee for this item.

Order of Business

The Cultural and Community Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 8.4 be brought forward and dealt with before Item 8.3.

The meeting of the Cultural and Community Committee and all its Sub-Committees concluded at 4.45pm.

Report of the Cultural and Creative Sub-Committee

Moved by Councillor Scully, seconded by Councillor Kok –

That the report of the Cultural and Creative Sub-Committee of its meeting of 5 December 2016 be received, and the recommendations set out below for Items 8.2 and 8.3 be adopted, with Item 8.1 being noted, and Items 8.4 and 8.5 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 8.1**DISCLOSURES OF INTEREST**

Councillor Jess Scully disclosed a pecuniary interest in Item 8.5 on the agenda in that she has been a key staff member of Vivid Sydney since its inception. She will be working on the festival up until Tuesday 13 December 2016, when she will resign. However, she may act as a consultant for Vivid in the future. Councillor Scully stated that she would not be present for discussion or voting on Item 8.5.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Cultural and Community Committee.

The Cultural and Creative Sub-Committee recommended the following:

ITEM 8.2**KNOWLEDGE EXCHANGE SPONSORSHIP – AUDIOCRAFT – AUDIOCRAFT ANNUAL CONFERENCE (\$117676)**

It is resolved that:

- (A) Council approve cash sponsorship of \$10,000 (excluding GST) to Audiocraft to undertake the preparation and presentation of their annual conference;
- (B) Council approve value-in-kind sponsorship of \$1,100 for venue hire to Audiocraft to undertake the preparation and presentation of their annual conference; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Audiocraft Inc.

Carried unanimously.

Speakers

Ms Kate Montague addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.2.

ITEM 8.3**GRANTS AND SPONSORSHIP – CITY RECITAL HALL LIMITED – GRANT FOR NEW KITCHEN (X000633)**

It is resolved that:

- (A) Council approve a cash grant of \$150,000 (excluding GST) to City Recital Hall Limited to contribute to the costs of a new catering kitchen at the City Recital Hall; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with City Recital Hall Limited for the grant detailed in clause (A).

Carried unanimously.

Speakers

Ms Elaine Chia addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.3.

ITEM 8.4**THE CULTURAL RIBBON DRAFT STRATEGY – SYDNEY HARBOUR'S NATURE AND CULTURE WALK (\$123840)**

It is resolved that:

- (A) Council adopt the Cultural Ribbon Draft Strategy - Sydney Harbour's nature and culture walk (working title) and the proposed key actions and priority projects, as shown at Attachment A to the subject report;
- (B) Council note the amendments and additions to the draft Strategy made in response to the public consultation process, as detailed in Attachments C and D to the subject report;
- (C) authority be delegated to the Chief Executive Officer to enter into memorandum of understanding(s) / partnerships with adjoining agencies to deliver the Cultural Ribbon - Sydney Harbour's nature and culture walk; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial and graphical amendments to the Strategy.

Note. The recommendation of the Cultural and Community Committee was not adopted.

At the meeting of Council, it was moved by Councillor Scully, seconded by Councillor Miller -

It is resolved that:

- (A) Council adopt the Cultural Ribbon Draft Strategy - Sydney Harbour's nature and culture walk (working title) and the proposed key actions and priority projects, as shown at Attachment A to the subject report;

- (B) Council note the amendments and additions to the draft Strategy made in response to the public consultation process, as detailed in Attachments C and D to the subject report;
- (C) authority be delegated to the Chief Executive Officer to enter into memorandum of understanding(s) / partnerships with adjoining agencies to deliver the Cultural Ribbon - Sydney Harbour's nature and culture walk;
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial and graphical amendments to the Strategy;
- (E) Council note that the proposed Sydney Harbour's nature and culture walk (working title) is a focused walk aiming to link the natural and cultural attractions at the edge of Sydney Harbour;
- (F) Council acknowledge that the proposed walk represents one aspect of the City of Sydney's rich network of cultural attractions and activities, and that there are opportunities to develop further walks showing the linkages between these attractions and activities;
- (G) Council note the significance of the Powerhouse Museum to the City of Sydney's cultural, social, scientific, industrial and economic history and heritage and its vital contribution to the Ultimo-Pyrmont-Chippendale creativity and innovation precinct;
- (H) Council reaffirm its opposition to plans to remove the Powerhouse Museum from its current Ultimo location; and
- (I) Council request the Chief Executive Officer to explore opportunities for developing a creativity and innovation walk which connects with Sydney Harbour's nature and culture walk and utilises the Goodslane to also link the Powerhouse Museum with the many significant cultural and educational institutions and attractions in the Ultimo, Haymarket and Chippendale precincts.

Amendment. Moved by Councillor Scott, seconded by Councillor Vithoulkas –

That the motion be amended by the addition of a new clause, as follows:

Council amend the Cultural Ribbon Draft Strategy – Sydney Harbour's nature and culture walk (working title) to include the Powerhouse Museum as a cultural attraction to form part of the culture walk.

The amendment was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoulkas.

Noes (7) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps and Scully.

Amendment lost.

The motion was carried unanimously.

Speakers

Mr John Freeman and Mr Michael Harvey addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.4.

ITEM 8.5**SUPPORT FOR MAJOR EVENTS – SPONSORSHIP OF VIVID SYDNEY 2017 TO 2019 (S121414.004)**

It is resolved that:

- (A) Council approve cash and value-in-kind (VIK) sponsorship up to a maximum value of \$100,000 cash (to support Vivid Music Cornerstones program) and \$300,000 VIK per annum in 2017, 2018 and 2019 in support of Vivid Sydney; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Destination NSW in support of this event in 2017, 2018 and 2019.

At the meeting of Council, it was moved by the Chair (the Lord Mayor), seconded by Councillor Phelps –

That the recommendation of the Cultural and Community Committee be adopted.

Carried unanimously.

Speakers

Mr Adam Lowe addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.5.

**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE –
5 DECEMBER 2016**

PRESENT

The Deputy Lord Mayor Councillor Prof Kerryn Phelps AM
(Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Linda Scott, Jess Scully, Philip Thalís and Angela Vithoukas.

At the commencement of business at 4.46pm those present were:

Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas.

Apologies

The Lord Mayor, Councillor Clover Moore extended her apologies for her inability to attend the meeting of the Planning and Development Committee as she was overseas.

Moved by Councillor Phelps, seconded by Councillor Kok –

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

Carried.

Adjournment

At 5.15pm, it was moved by Councillor Phelps, seconded by Councillor Thalís -

That the meeting of the Planning and Development Committee be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.34pm, those present were:

Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas.

Sub-Committees

Meetings of the following Sub-Committees of the Planning and Development Committee commenced at the times shown below.

The Transport, Heritage and Planning Sub-Committee, with Councillor Thalís as Deputy Chair, commenced at 4.48pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.34pm.

The Development Assessment Sub-Committee, with Councillor Thalís as Deputy Chair, commenced at 7.40pm.

Order of Business

The Planning and Development Committee agreed, for the convenience of the public present, that the Order of Business be altered such that the agenda items be dealt with in the following order -

1. Disclosures of Interest
2. Post Exhibition - Planning Proposal - Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012
3. Public Exhibition – Danks Street South Precinct – Planning Proposal and Draft Amendment to Sydney Development Control Plan 2012
4. Fire Safety Reports
6. Development Application: 108-114 Miller Street Pymont
5. Development Application: 35-37 Erskineville Road Erskineville
7. Development Application: 169-179 Thomas Street Haymarket
8. Development Application: 252-256 Cleveland Street Surry Hills
9. Development Application: 140-144 Parramatta Road Camperdown
10. Development Application: 88-108 William Street Woolloomooloo

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 7.42pm.

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis, made a non-reportable donation to the Clover Moore Team.

Councillor Kerry Phelp's disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis, made a non-reportable donation to the Clover Moore Team.

Councillor Philip Thalís disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis, made a non-reportable donation to the Clover Moore Team.

Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis, made a non-reportable donation to the Clover Moore Team.

Councillor Jess Miller disclosed a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that the author of a submission circulated to Councillors in relation to Item 9.6, Mr James Lidis, made a non-reportable donation to the Clover Moore Team.

At a later stage of the meeting, at the commencement of the Major Development Assessment Sub-Committee, Councillor Craig Chung disclosed a less than significant, non-pecuniary interest in Item 9.5 on the agenda, in that he was broadly familiar with some of the parties to the matter, the subject of Item 9.5.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Planning and Development Committee.

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Planning and Development Committee.

Report of the Transport, Heritage and Planning Sub-Committee

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

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 5 December 2016 be received, with Item 9.1 being noted, the recommendations set out below for Items 9.2 and 9.4 being adopted, and Item 9.3 being dealt with as shown immediately following that item.

Carried unanimously.

The Transport, Heritage and Planning Sub-Committee recommended the following:

ITEM 9.2

POST EXHIBITION – PLANNING PROPOSAL – HOUSEKEEPING AND MINOR POLICY AMENDMENTS TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 (X006012)

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of Planning Proposal – Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012, as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal – Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012, as shown at Attachment B to the subject report, to be made as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Housekeeping and Minor Policy Amendments to Sydney Local Environmental Plan 2012 to correct drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

Speakers

Mr John Freeman addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.2.

ITEM 9.3**PUBLIC EXHIBITION - DANKS STREET SOUTH PRECINCT - PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 (S114074)**

It is resolved that:

- (A) Council approve Planning Proposal – Danks Street South Precinct shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve Planning Proposal – Danks Street South Precinct for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve Draft Sydney Development Control Plan 2012 – Danks Street South Precinct Amendment, shown at Attachment B to the subject report, for public exhibition in parallel with the Planning Proposal and in accordance with the Gateway Determination;
- (D) Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan;
- (E) authority be delegated to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to Planning Proposal – Danks Street South Precinct and Draft Sydney Development Control Plan 2012 – Danks Street South Precinct Amendment prior to the public exhibition; and
- (F) Council note that Planning Proposal – 824 Bourke Street, Waterloo was withdrawn by the applicant.

At the meeting of Council, it was moved by the Chair (the Lord Mayor), seconded by Councillor Forster –

That the recommendation of the Planning and Development Committee be adopted.

Carried unanimously.

Speakers

Mr James Harrison and Ms Jane Freeman addressed the meeting of the Planning and Development Committee (Transport, Heritage and Planning Sub-Committee) on Item 9.3.

ITEM 9.4

FIRE SAFETY REPORTS (S105001)

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D to the subject report;
- (C) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Building Officer in 70-70A Darlinghurst Road, Potts Point, as detailed in Attachment B;
- (D) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 105-113 Kippax Street, Surry Hills, as detailed in Attachment C; and
- (E) exercise its power to issue an Order 6 as recommended by Council's Building Officer to address the identified fire safety deficiencies in 1 Driver Avenue, Moore Park, as detailed in Attachment D.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Scully -

That the report of the Major Development Assessment Sub-Committee of its meeting of 5 December 2016 be received, with the recommendations set out below for Items 9.7 to 9.9 inclusive being adopted, and Items 9.5 and 9.6 being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.5

DEVELOPMENT APPLICATION: 35-37 ERSKINEVILLE ROAD ERSKINEVILLE (D/2016/669)

It is resolved that:

- (A) the variation sought to Clause 4.3 regarding the maximum height of buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (B) the variation sought to Clause 4.4 regarding the maximum floor space ratio in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and

- (C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/669, subject to the conditions as detailed in **Attachment A** to the subject report to the Planning and Development Committee on 5 December 2016, subject to the amendment of Condition (4) such that it read as follows (with amendments shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions)):

(4) HOURS OF OPERATION

- (a) The base hours of operation for the premises shall be as follows:
- (i) Basement Level – 10.00am-10.00pm Monday to Sunday
 - (ii) Ground Floor– 10.00am-10.00pm Monday to Sunday
 - a. Bifold doors to Erskineville Road must close at 10.00pm Monday to Sunday and not open until 10.00am the following day.
 - (iii) Ground Floor outdoor terrace at the rear – 10.00am-8.00pm Monday to Sunday
 - a. Bifold doors to close at 8.00pm Mondays to Sunday.
 - (iv) First Floor internal lounge and dining areas – 10.00am- 10.00pm Monday to Sunday
 - a. Bifold doors to the outdoor terrace must close at 10.00pm Monday to Sunday and not open until 10.00am the following day.
 - (v) First Floor outdoor terrace and bar area - 10.00am-8.00pm Monday to Sunday
 - a. The retractable roof must be closed at 8.00pm Monday to Sunday
 - (vi) First Floor outdoor smokers' courtyard – ~~10.00am—8.00pm~~ ***8.00am- 11.00pm*** Monday to Sunday
- (b) A trial period of five (5) years for the hours of operation for the premises is permitted commencing from the date which an Occupation Certificate is issued. After that time, the hours of operation must revert back to the hours of operation outlined in (a) above.
- (i) Basement Level – 24 hours except between Sunday midnight and 5.00am Monday
 - (ii) Ground Floor internal areas – 8.00am-10.00am Monday to Sunday. 10.00pm- 4.00am 7 days a week except between Sunday midnight and 8.00am Monday
 - a. Bifold windows opening to Erskineville Road must close at 10.00pm Monday to Sunday and not open until 10.00am the following day.

- (iii) Ground Floor outdoor terrace at the rear -8.00am ~~###~~ - 10.00am and 8.00pm- midnight Monday to Sunday
 - a. Bifold doors must close at midnight Monday to Sunday and not open until 8.00am the following day.
- (iv) First Floor internal lounge and dining areas – 10.00pm- midnight 7 days a week except between Sunday midnight and 10.00am Monday
 - a. Bifold doors to the outdoor terrace must close at 10.00pm Monday to Sunday and not open until 10.00am the following day.
- (v) First Floor outdoor terrace and bar area - 8.00pm-10.00pm Monday to Sunday
 - a. The retractable roof must be closed at 8.00pm Monday to Sunday
- (vi) First Floor outdoor smokers' courtyard – ~~8.00am–10.00am and 8.00pm–11.00pm Monday to Sunday~~ **24 hours except between Sunday midnight and 5.00am Monday**
- (c) Notwithstanding (b) above, a further development application may be lodged before the expiration date of this consent for Council's consideration of the continuation of the trial hours of operation. Council's consideration of this further application will take into account the compliance of the operation in terms of conditions of consent, the number and nature of substantiated complaints regarding the operation of the premises and any views expressed by the NSW Police Service.
- (d) If an application to continue the hours of operation approved under the trial period has not been determined prior to the final day of the trial period, the trial period will be extended until the application has been determined.

At the meeting of Council, it was moved by Councillor Kok, seconded by Councillor Scully -

That the recommendation of the Planning and Development Committee be adopted.

Carried unanimously.

Speakers

Ms Julie Moffat, Mr Fraser Short, Mr Scott Leach, Ms Prada Clutch and Mr Jeremy Bull addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.5.

ITEM 9.6**DEVELOPMENT APPLICATION: 108-114 MILLER STREET PYRMONT (D/2016/562)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 12 December 2016, to enable a site inspection to be undertaken of the subject site.

At the meeting of Council, it was moved by Councillor Kok, seconded by Councillor Scully -

It is resolved that:

- (A) the variation sought to the height development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/562, subject to the conditions as detailed in Attachment A to the subject report, subject to the amendment of Condition (1) and the addition of Condition (3) in the Deferred Commencement Consent conditions, and the addition of Condition (35A) and the amendment of Condition (1) and Condition (6) in Schedule 1A as follows (with additions shown in ***bold italics*** and deletions shown in ~~striketrough~~):

(A) **PART A - DEFERRED COMMENCEMENT CONDITIONS**

(1) **DESIGN MODIFICATIONS**

- (a) To comply with the solar access provisions in section 4A and the natural ventilation provisions in section 4B of the Apartment Design Guide and State Environmental Planning Policy 65, the following apartments are to be amalgamated:
 - (i) Apartments 1 and 6
 - (ii) Apartments 2 and 3
 - (iii) Apartments 4 and 5
 - (iv) Apartments 9 and 10
- (b) To comply with the solar access provisions in section 4A of the Apartment Design Guide and State Environmental Planning Policy 65, an operable top-light window is to be installed over Units 14 and 15 that achieves a minimum of two hours sunlight in mid-winter, while also considering the privacy for the communal terrace.
- (c) The northern building, including the basements, shall be setback at least another 500mm from the northern boundary of the site.
- (d) A well designed and visually interesting gate and fence shall be installed along the Mount Street frontage of the northern setback created by Condition (1)(c) above.

- (e) Terrace 5 is to be reconfigured to provide a two metre setback from the north-eastern boundary. The lift and stairs are to be relocated to the existing void adjacent to the northern boundary. The eastern most top floor bedroom is to be deleted. The new roof above is to be non-trafficable.**
- (f) A green wall shall be incorporated to the north-east elevation of Terrace 5 and the north-west elevation of Terrace 6. Landscaped details of this green wall, including details of how it will be maintained, shall be prepared and submitted for Council's consideration.**

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport.

(3) REDUCTION OF NOISE FROM EXTERNAL SOURCES

- (a) An acoustic assessment report must be submitted demonstrating compliance with the requirements of the Sydney Development Control Plan 2012 in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.**
- (b) In the preparation, the report should address the following:**

 - (i) Clearly identify all neighbouring noise sources in the locality which may have a noise impact on the occupiers of the proposed development;**
 - (ii) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 2 weeks;**
 - (iii) Monitoring must be undertaken at locations to accurately reflect the ambient noise in the area from neighbouring noise sources, particularly all activities and mechanical plant associated with the Gallon Bar located at 117 Harris Street;**
 - (iv) The repeatable maximum LAeq (1 hour) for the day time period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified;**
 - (v) The repeatable maximum LAeq (1 hour) for residential buildings and serviced apartments must not exceed a limit of 38dB for closed windows and doors with air-conditioning operating for bedrooms (10pm-7am) and 48dB for main living areas (24 hours).**

- (c) The report must also specifically consider noise from the existing approved activities and mechanical plant undertaken at neighbouring licensed premises, particularly the Gallon Bar located at 117 Harris Street, and confirm or otherwise that resultant noise levels will be in compliance with the following criteria when assessed with reference to the proposed development:**
- (i) The L_{A10} noise level emitted from the licensed premises must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence;**
 - (ii) The L_{A10} noise level emitted from the licensed premises must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence;**
 - (iii) Notwithstanding compliance with (i) and (ii) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am; and**
 - (iv) The L_{10} noise level emitted from the use must not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.**

SCHEDULE 1A

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/562 dated 5 May 2016 and the following drawings prepared by SJB Architects:**

Drawing Number	Drawing Name	Date
DA-0101 Rev 01	Site Plan	26 April 2016
DA-0102 Rev 02	Elevations Context	25 October 2016
DA-0201 Rev 08	Floor Plan Basement 02	25 October 2016
DA-0202 Rev 08	Floor Plan Basement 01	25 October 2016
DA-0203 Rev 08	Floor Plan Ground Floor	25 October 2016
DA-0204 Rev 06	Floor Plan Level 01	25 October 2016
DA-0205 Rev 06	Floor Plan Level 02	25 October 2016
DA-0206 Rev 06	Floor Plan Level 03	25 October 2016
DA-0207 Rev 05	Floor Plan Roof Terrace	26 April 2016
DA-0208 Rev 01	Floor Plan Roof	26 April 2016
DA-0402 Rev 07	Elevations East	25 October 2016

Drawing Number	Drawing Name	Date
DA-0403 Rev 06	Elevations South (Miller Street)	25 October 2016
DA-0404 Rev 06	Elevations West (Mount Street)	25 October 2016
DA-0501 Rev 05	Section A	25 October 2016
DA-0502 Rev 05	Section B	25 October 2016
DA-0503 Rev 05	Section C	25 October 2016
DA-0504 Rev 05	Section D	25 October 2016
LP01 Rev D	Landscape Plan Ground Floor	25 October 2016
LP02 Rev C	Landscape Plan Rooftop	15 April 2016
LP03 Rev C	Landscape Plan Details	15 April 2016
LP03 LP04 Rev B	Landscape Plan Lighting	15 April 2016

and as amended by the conditions of this consent, including by the amended plans required by Deferred Commencement Condition (1) which will form part of this consent once approved in accordance with that condition.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(6) BUILDING HEIGHT

- (a) The height of the building must not exceed ~~RL 15.54 (AHD) to the top of the main roof for the terrace dwellings and RL 17.35 (AHD) to the top of the lift overrun for the mixed use building~~ **the heights shown on drawing DA-0208 Rev 01 dated 26 April 2016 prepared by SJB Architects (as amended by Deferred Commencement Condition (1) as it relates to Terrace 5).**
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(35A) SANDSTONE RECYCLING

- (a) **A Geotechnical Report prepared by a suitably qualified geotechnical engineer is to be submitted to Council's Urban Design and Heritage Manager prior to the issue of the Construction Certificate. The report is to include an investigation of the nature of the existing subsurface profile using appropriate investigation methodology and borehole testing techniques.**
- (b) **The Geotechnical Report is to analyse the quality of the material, including contamination, and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material, including for building conservation.**

- (c) ***Subject to confirmation that the rock is of a suitable quality for reuse in other construction, the Geotechnical Report is to include an Excavation Work Method Statement with recommendations as to the depth of the most suitable profile, details excavation methodologies, cutting methods and procedures for the removal of all sandstone material in a useable form and size, noise and dust attenuation measures in addition to recommendations for monitoring, notifications and review.***
- (d) ***In addition, details of any required storage of material off site must be submitted. If the quantity of sandstone material exceeds the needs of the site, or if the approved development does not provide for the use of any sandstone, or if the material is 'Yellow Block' sandstone required for conservation of buildings, the material must be stored in an appropriate location for later reuse. Storage may be able to be facilitated by the Council or the NSW Department of Commerce. Please contact the Manager Centenary Stonework Program at the NSW Department of Finance and Services on 9372 8526 for further enquiries with regard to storage.***
- (e) ***The programming of the works is to take into account the above process.***

Carried unanimously.

Speakers

Mr Anthony Boskovitz, Mr David Rippingill, Mr John Fidler, Mr Robert Ricov, Mr Scott Barwick and Mr Adam Haddow addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.6.

ITEM 9.7

DEVELOPMENT APPLICATION: 169-179 THOMAS STREET HAYMARKET (D/2016/342)

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 be supported;
- (B) Stage 1 development consent be granted to Development Application No. D/2016/342, subject to the conditions as detailed in Attachment A to the subject report; and
- (C) a competitive design process is not required for a future Stage 2 Development Application.

Carried unanimously.

ITEM 9.8

DEVELOPMENT APPLICATION: 252-256 CLEVELAND STREET SURRY HILLS (D/2016/898)

It is resolved that:

- (A) the variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 of Sydney Local Environmental 2012 be supported; and
- (B) consent be granted to Development Application No. D/2016/898, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

ITEM 9.9

DEVELOPMENT APPLICATION: 140-144 PARRAMATTA ROAD CAMPERDOWN (D/2016/642)

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 be supported; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/642, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

Report of the Development Assessment Sub-Committee

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

That the report of the Development Assessment Sub-Committee of its meeting of 5 December 2016 be received, with the recommendation set out below for Item 9.10 being adopted.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.10**DEVELOPMENT APPLICATION: 88-108 WILLIAM STREET WOOLLOOMOOLOO (D/2016/1240)**

It is resolved that:

- (A) the variation sought to the height development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2016/1240, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

ITEM 10 TENDER - CONSTRUCTION OF NEW SUBSTATION AT 62-66 OXFORD STREET, DARLINGHURST (X006707)

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

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the construction of a new substation at 62-66 Oxford Street, Darlinghurst;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) note the financial implications as disclosed in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 11 TENDER – AMENDMENT TO LEASING AND OPERATION OF VARIOUS CAFÉS WITHIN PARKS (S100618)

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

It is resolved that:

- (A) Council reject the tenders received for the appointment of a café operator for Bellevue Cottage, for the reasons set out in confidential Tender Evaluation Summary, Attachment B to the subject report;
- (B) authority be delegated to the Chief Executive Officer to enter into negotiations and a subsequent lease with a suitably qualified cafe operator to operate Bellevue Cottage;
- (C) Council be informed of the successful café operator for Bellevue Cottage by way of a CEO Update; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the relevant leases relating to the tender.

Carried unanimously.

ITEM 12 ENVIRONMENTAL PERFORMANCE - BUILDING OPERATIONS GRANT – AMENDMENT (S117676)

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

It is resolved that:

- (A) the 2016/17 Environmental Performance – Building Operations Grant Program cash grant recommendation approved by Council on 21 November 2016 to Mirage Apartments be amended to Strata Plan 54229, to reflect the legal entity of the premises as follows:

Applicant	Project	Project Description	\$ Amount Recommended	VIK Recommended	Conditions
Mirage Apartments Strata Plan 54229	Residential apartments water monitoring, Bunn Street Pyrmont	Water monitoring for residential apartment building Mirage Apartments, Pyrmont with the aim to move towards best practice water usage levels.	\$4,500	Nil	Nil

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a grant agreement with Strata Plan 54229.

Carried unanimously.

ITEM 13 APPLICATION FOR TEMPORARY ALCOHOL FREE ZONES FOR THE RUGBY 7s EVENT ON 3 - 5 FEBRUARY 2017 (X007371)

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

It is resolved that:

- (A) Council approve the proposal for the establishment of temporary alcohol free zones, as shown in Attachment A to the memo dated 9 December 2016 from the Director City Life and circulated prior to the meeting of Council, for public consultation in accordance with the requirements of the Local Government Act 1993; and
- (B) an extraordinary meeting of Council be held on 23 January 2017 to consider the proposal and any submissions made in the consultation period.

Carried unanimously.

ITEM 14 REPORT ON CHINA TRIP OCTOBER-NOVEMBER 2016 (S050647)

Moved by Councillor Kok, seconded by Councillor Phelps -

It is resolved that the Report on China Trip October-November 2016, as shown at Attachment A to the subject report, be received and noted.

Carried unanimously.

ITEM 15 QUESTIONS ON NOTICE**GUNYAMA PARK AND AQUATIC CENTRE COSTS (\$129269)**

1. By Councillor Forster

Question

According to the Quarter 4 2013/14 Capital Works Summary of individual projects greater than \$5 million, the Gunyama Park and Aquatic Centre total budget was \$60.6 million.

According to the Quarter 1 2016/17 Capital Works Expenditure Summary, the total forecast for the same project had risen to \$92.2 million.

Can the Lord Mayor please explain the \$31.6 million cost blow-out?

Answer by the Lord Mayor

In the Quarter 4 2013/14 Capital Works Summary of individual projects greater than \$5 million, the Gunyama Park and Aquatic Centre total budget was \$82.1 million. The two main components of the project were listed as \$60.6 million and \$21.5 million.

The indicative allocation of funds budgeted in 2013/14 was made prior to undertaking investigations, initial design work and final scope definition of the project.

On 3 November 2014, Council endorsed the design and scope for Gunyama Park and Aquatic Centre. This followed an open architectural design competition conducted by the City. The project scope included:

- Outdoor 50m swimming pool
- Indoor 25m program pool
- Hydrotherapy pool
- Gym
- Full-size synthetic multipurpose sports field
- Outdoor circuit training
- Playground
- Multipurpose 'dry program' rooms
- Creche
- Cafe
- Public amenities and change rooms
- Seating, including spectator seating

Subsequently, Council endorsed the updated project scope for Gunyama Park and Aquatic Centre at its meeting of 29 February 2016 and noted the financial implications in the confidential attachment. This included the transfer of some funds from other environmental programs to incorporate trigeneration plant and photovoltaics into the overall project.

The current budget is \$92.2 million. This budget has been benchmarked against other completed aquatic centre projects such as Ian Thorpe Aquatic Centre and the Peninsular Aquatic Recreation Centre (Frankston, Victoria) taking into account building cost rates for the different time periods (escalation), differences in scope for wet and dry facilities provided at each site and the addition of the construction costs for Gunyama Park.

KELLETT STREET LANDSCAPE PLAN (S129269)

2. By Councillor Forster

Question

According to the CEO Update of 2 September 2016, the City will be developing a landscape plan for the public open space in Potts Point on the corner of Roslyn Street and Ward Avenue as well as the disused Annex at 66-68 Kellett Street. The landscape plan is intended to be exhibited as part of the development application process and it is expected that the new landscaped area may be suitable for a small footway licence from the adjoining premises that could activate the street frontage.

Can the Lord Mayor please provide further details with regard to the timeframes for the development application process and associated landscape plans?

Answer by the Lord Mayor

The Development Application is to be lodged early in the new year. The landscape plan will be prepared as part of this application. The DA documentation is currently being prepared.

HERBERT STREET NEWTOWN WORKS (S129269)

3. By Councillor Forster

Question

In early 2016, works were completed on a portion of the eastern side of the footpath in Herbert Street, Newtown, including a re-laying of the footpath, construction of a new gutter and tree root trimming, to address flooding concerns associated with a nearby residence.

What date were these works first placed on the City's works register to address the flooding concerns?

In November 2016, works had commenced on the western side of Herbert Street, including the creation of green verge space and the installation of a new footpath.

Can the Lord Mayor please provide further details of this streetscaping work in Herbert Street, Newtown? Will the recently installed footpath on the eastern side of the street be dug up again to install green verge space on this side of the street? If so, why were these works not done in conjunction with the work undertaken in early 2016 to address the original flooding concerns?

Answer by the Lord Mayor

The localised drainage work undertaken at the south-eastern end of Herbert Street was urgently required to address localised flooding in the area. This work was added to the City's works register in July 2015 and the construction was completed in April 2016.

The footpath upgrade works include the reconstruction of the concrete footpath on both sides of the street and the installation of a green verge. A design for the footpath upgrade was completed in July 2016 and construction commenced in November 2016.

An 18 square metre section of footpath that was installed as part of the recent drainage repair work will be removed for the installation of a green verge. The priority drainage work was completed first to allow a specialist drainage contractor to mitigate the localised flooding issue prior to commencing the footpath upgrade works.

TRIGENERATION (\$129269)

4. By Councillor Forster

Question

What is the final total cost of the Town Hall trigeneration project, including spending on consultants, studies and any capital works before and after the adoption of the revised trigeneration strategy in June 2013?

Answer by the Lord Mayor

In June 2013, the City revised its tri-generation strategy to focus on cost-effective projects 'behind the meter' due to regulatory and market changes which mean tri-generation precincts are currently not financially viable.

The Town Hall tri-generation project is forecast to contribute 1,400 tonnes of carbon abatement per year. This equals a 3% reduction in the City's baseline organisational emissions. The cost of abatement is comparable to green power, meaning the project is a cost-effective way of cutting the City's greenhouse gas emissions towards the 70 per cent target by 2030.

The total cost of the Town Hall tri-generation project is \$13.39 million, and the net cost to the City is \$10.34 million following receipt of a \$3.05 million grant from the Commonwealth Department of Industry Innovation and Science under the Community Energy Efficiency Program.

This cost includes feasibility assessments, project specifications, expert electrical environmental commercial and other advice, external reviews, regulatory and development approvals, design costs, equipment costs, building works, delivery/installation costs, building management system upgrades and testing.

The project also includes some works which are not directly required for trigeneration, but which are necessary as part of ongoing building modernisation. Chief among these are installation of a new main whole-of-building switchboard, construction of a code-compliant switch-room, associated bulk wiring changes and comprehensive building re-metering.

The forecast average annual saving over the project lifetime is calculated at more than \$200,000. The annual saving will vary from year to year, due to fluctuations in the price of the different energy sources used at Town Hall House.

CITY'S BASKETBALL COURTS (\$129275)

5. By Councillor Scott

Question

I refer to City-owned or managed basketball courts.

1. How many basketball courts does the City own, manage or is responsible for maintaining?
2. How many basketball hoops and nets is the City responsible for maintaining?
3. How often are the basketball hoops and nets replaced?
4. How much does the replacement of those hoops and nets cost?
5. Please detail, by basketball court, when hoops, and nets, are due to be replaced.

Answer by the Lord Mayor

1. The City manages 26 courts used for basketball. This is made up of:

12 outdoor full-size basketball courts
2 outdoor half-size basketball courts
7 outdoor practice keys/courts
5 indoor full-size courts

The City is soon to commence construction of four new multi-purpose courts (two indoor, two outdoor) at Perry Park, Alexandria which will be suitable for playing basketball.
2. Forty-five hoops. Nets are generally only installed at indoor venues.
3. Hoops are robust and have a long life. These are replaced infrequently only once signs of wear are evident. Nets do not last long in outdoor environments, with both synthetic and metal nets having a short life and presenting a risk as they deteriorate. Nets are often not used or replaced on outdoor courts as nets are not essential to the functioning of the basketball hoop.
4. Hoop replacement is approximately \$75, net replacement approximately \$25 plus installation of approximately \$60 (prices exclude GST).
5. Please refer to my answer to part 3 of this question.

NEW YEAR'S EVE PARTY (\$129275)

6. By Councillor Scott

Question

1. What was the total cost of the 2016 Lord Mayor's New Year's Eve Party, broken down by printing costs, catering costs, staff costs, venue hire, and any other expenses?
2. What is the total budget of the 2017 Lord Mayor's New Year's Eve Party, broken down by advertising costs, printing costs, catering costs, staff costs, venue hire and any other expenses?
3. How many invitations are issued? Please provide a breakdown of which organisations or individuals are invited to also send invitations (or request the Lord Mayor to send invitations on their behalf) and how many?

Answer by the Lord Mayor

The City's New Year's Eve Party, which I host, is an event to thank sponsors and community representatives. The event provides a venue to broadcast the fireworks live to one billion viewers across Australia and around the world. It functions as a media hub and an executive command post for the event and is used by media partners for their broadcasts. This international coverage helps deliver considerable economic benefit to Sydney, estimated to be worth \$133 million.

The event is attended by around 1,200 representatives of sponsors and our City community, including people from business, arts and community organisations, journalists, architects, City of Sydney panel members and Councillors, as well as local government representatives, State and Federal Government Ministers and agency staff.

On New Year's Eve, I also host the annual Picnic in the Botanic Gardens. It's an invite only event for children with special needs and their families and carers.

The figures for 2016 below are forecasts only, as several costs are yet to be finalised. The "Other expenses" category includes: audio and lighting, staging, temporary toilets and structures, furniture, access equipment and generators, fencing, artist fees, decorations, and security. The projected increase in costs from 2015 to 2016 is largely due to increased labour and hire costs due to New Year's Eve falling on a weekend.

2015 Sydney New Year's Eve Party (last year)	
Item	Actual cost (excluding GST)
Printing costs	\$8,007
Catering costs	\$166,435
Staffing costs	\$85,459
Venue costs	\$37,064
Other expenses	\$374,221
TOTAL	\$671,186

2016 Sydney New Year's Eve Party (this year)	
Item	Forecast (excluding GST)
Advertising costs	\$0
Printing costs	\$7,116
Catering costs	\$177,463
Staffing costs	\$97,425
Venue costs	\$37,000
Other expenses	\$444,504
TOTAL	\$763,508

CITY'S CHRISTMAS DECORATIONS AND FESTIVITIES (\$129275)

7. By Councillor Scott

Question

1. What was the total cost of the City's 2015 Christmas decorations and festivities, broken down by each event (detailing catering costs, staff costs, venue costs and any other expenses), decorations, advertising costs, and any other expenses?
2. What is the total estimated cost of the City's 2016 Christmas decorations and festivities, broken down by each event (detailing catering costs, staff costs, venue costs and any other expenses), decorations, labour costs, advertising costs, and any other expenses?
3. For the events that are invite only, how many invitations are issued? Please provide a breakdown of which organisations or individuals are invited to also send invitations (or request the Lord Mayor to send invitations on their behalf) and how many?

Answer by the Lord Mayor

1. \$2,186,496 – see breakdown
2. \$2,075,641 – see breakdown
3. The City's Christmas Concerts and celebrations are free and open to the public and no invitations are issued.

Breakdown

The Sydney Christmas program consists of the Martin Place Tree Lighting and Concert, Hyde Park Concert, Rushcutters Bay Concert, Rosebery Concert, Alexandria Concert, Surry Hills Concert, Christmas Choirs Program, and the City Decorations.

I also host stakeholder and community Christmas receptions, inviting over 4000 representatives of residents' groups, cultural organisations, community organisations, peak bodies, charities, environmental organisations, business chambers/partnerships, City businesses, City Advisory Panels and contractors, local state and federal government, educational institutions, Better Building Partnership, architects and property industry, consular staff, and others. On behalf of the City organisation, the CEO provides recommendations for the invitation list. Only councillors are asked to directly invite some guests.

SYDNEY CHRISTMAS		
Item	2015 (Actual Costs in \$)	2016 (Forecast Costs in \$)
Catering costs	129,600	138,071
Staffing costs (inc on-costs)	113,922	111,899
Venue costs	510	0
Decorations	1,402,992	1,292,646
Advertising	89,128	60,000
Other expenses	640,832	655,929
TOTAL	2,376,984	2,258,545

Other expenses include: artists and entertainers fees, technical services including audio and lighting production, staging, fencing, equipment hire, sets, theming, security, traffic management, pyrotechnics, and licences.

SYDNEY LIGHT RAIL (S129275)

8. By Councillor Scott

Question

I refer to the City's advocacy for George Street light rail.

1. Since 2004, broken down by year, please provide details of the reports and advice the City has commissioned in relation to George Street light rail, including the organisation, author, and main topics covered. Please also detail the cost of each.
2. Since 2004, broken down by year, please detail the consultants the City has hired in relation to George Street light rail, including the key purpose of their work. Please also detail the cost of each.
3. Since 2004, broken down by year, please detail the key projects City staff have completed in relation to George Street light rail.

Answer by the Lord Mayor

The Sydney Light Rail was identified as a project in Sustainable Sydney 2030, adopted by Council in 2008.

The City has since been advocating and recently assisting in the delivery of the Light Rail project.

Council is contributing \$220 million towards the public domain works associated with the light rail project. Council also approved additional staff positions to assist in the design and delivery of the Light Rail project.

The total cost expended by the City on the Light Rail project is \$68.2 million in contribution payments to TfNSW. A complete breakdown of the additional costs of associated studies, public domain plans and projects undertaken by the City could not be provided in the time available before this meeting, however, I have asked the CEO to provide relevant information to Councillors when available.

CULTURAL RIBBON (S129275)

9. By Councillor Scott

Question

I refer to the City's planned Cultural Ribbon Project.

1. Since 2004, broken down by year, please provide details of the reports and advice the City has commissioned in relation to the Cultural Ribbon Strategy, including the organisation, author, and main topics covered. Please also detail the cost of each.

2. Since 2004, broken down by year, please detail the consultants the City has hired in relation to Cultural Ribbon Strategy, including the key purpose of their work. Please also detail the cost of each.
3. Since 2004, broken down by year, please detail the key projects City staff have completed in relation to the Cultural Ribbon Project.

Answer by the Lord Mayor

The preparation of the Cultural Ribbon Strategy document was undertaken in-house by City Design Staff with support from the City Engagement Team and City Marketing Team.

The following were undertaken by external consultants.

Cultural Ribbon Workshop x 2 Facilitation and Strategy Advice
Cost: \$10,395 (ex GST)

Cultural Ribbon Audience Research
Cost: \$20,000 (ex GST)

NON-RESIDENTIAL REGISTER AND ROLLS (\$129276)

10. By Councillor Vithoukas

Question

The Audit Risk and Compliance Committee Annual Report to Council 2015/16 provides a brief assessment of the project management of the Non-Residential Register and Rolls (NRRR) project.

1. Will a further review be completed of the NRRR project?
2. What were the 'minor areas for potential improvement' highlighted in the audit findings?
3. Will the full findings of the NRRR assessment be released to Councillors upon request?

Answer by the Lord Mayor

I have been advised by the CEO that these matters will be addressed as a component of the post-election update.

POST-ELECTION UPDATE NON-RESIDENTIAL REGISTER AND ROLLS (\$129276)

11. By Councillor Vithoukas

Question

In answer to previous Questions on Notice for September and October, the CEO has indicated that a post-election update of the Non-Residential Register and Rolls will be released 'shortly'. Will this update occur during December 2016?

Answer by the Lord Mayor

I have been advised by the CEO that the post-election update will be provided to Councillors in early 2017.

PARKING PERMITS IN THE CITY OF SYDNEY (S129276)

12. By Councillor Vithoulkas

Question

1. How does the Council policy align with the customer service charter, in relation to communicating renewals and payments?
2. What are the processes Council takes prior to re-issuing existing residential permits to ensure databases are up to date?
3. What are the current policies, guidelines, criteria and procedures for reviewing infringements notices? What training is provided and to whom?

Answer by the Lord Mayor

1. Renewal notices are mailed to existing permit holders 4-6 weeks prior to the expiry date. The City is testing changes needed to introduce electronic notices. Payments can be made in person or on-line through a range of payment methods.
2. Prior to renewing or issuing a new parking permit, the City requests documentary evidence to prove the applicant is a resident of the LGA and attempts to verify the existence of any off street parking. If evidence of an off-street space is detected, the applicant may be asked to provide further evidence.
3. Infringements notices are processed and enforced by the State Debt Recovery Office (SRDO). If an applicant wishes to appeal against a parking infringement they are advised to contact the SDRO.

The City can review penalty notices it has issued. This process is governed by Division 2A, Part 3, of the Fines Act 1966. In reviewing penalty notices, the City relies on the guidelines published by the NSW Attorney General to ensure consistent decisions. Rangers who issue penalty notices are not involved in these reviews. A designated staff member reviews requests against the guidelines and makes recommendations. These are then reviewed by their manager, who has the delegated authority to withdraw penalty notices.

Staff who review requests are required to have extensive knowledge of parking legislation, Fines Act and Attorney General Guidelines. Knowledge is updated through regular collaboration and workshops with State Debt Recovery Office (SDRO); training in decision making (administrative law) and procedural fairness (natural justice); and updates from the unit's Quality Coordinator, City's Legal team, SDRO and NSW Department of Justice.

NOISE AND SOUNDPROOFING FOR OUR RESIDENTS AND BUSINESS COMMUNITY (S129276)

13. By Councillor Vithoukas

Question

Does the Council assist vibrant businesses in offering any advice in sound-proofing or best practice management to enable less repercussion for our residents and other businesses?

Answer by the Lord Mayor

The City's Health and Building team provides technical advice on noise control at development application stage, and at pre-lodgement upon request, to manage any impacts on residents and the business community. The construction of new buildings and potentially noisy uses are managed by specifying design standards, emission levels and allowable activities.

Any noise impacts from existing uses are managed using the City's powers under the Protection of the Environment Operations Act 1997 to control noise pollution.

PARKING AT HAROLD PARK TRAMSHEDS (S129276)

14. By Councillor Vithoukas

Question

Given that parking around the Harold Park Tramsheds is creating a lot of concern for our residents, what is Council considering for solutions for this problem?

Answer by the Lord Mayor

New attractions like the Harold Park Tramsheds generally have a higher than usual parking demand immediately following opening.

The City will continue to monitor parking conditions in the streets immediately surrounding the Tramsheds. Should there be a need to adjust parking restrictions in the future, the City will consult affected properties on the proposed changes and, if supported, the proposal will be referred to the Local Pedestrian, Cycling and Traffic Calming Committee for consideration.

PARKING LIMITS, GREENS ROAD PADDINGTON (S129268)

15. By Councillor Chung

Question

Residents of Paddington report that the four hour (4P) parking limits on the eastern side of Greens Road (Area 15) are frequently being breached by visitors to the area, with high rates of overstaying.

How many fines have been issued for the 4P parking area on Greens Road since installation on 28 April 2016?

Could you please provide a detailed list of:

- (a) number of penalty infringement notices issued;
- (b) type of penalty infringement notices issued;
- (c) number of warnings issued; and
- (d) roster of patrols by parking inspectors;
broken down into quarterly periods over the 12 months preceding 30 September 2016, concerning Area 15; and

broken down into quarterly periods over the six months preceding 30 October 2016, concerning the Greens Road 4P parking area.

Answer by the Lord Mayor

The data requested is being extracted by staff and will be reported to Councillors via the CEO Update.

SYDNEY PARK LIFE (S129275)

16. By Councillor Scott

Question

Has the Lord Mayor provided any comment or response to questions for a publication entitled Sydney Park Life? If so, on what date was the comment provided?

Answer by the Lord Mayor

In October this year, I provided a freelance journalist with responses to questions about Sydney Park. I was not aware of publication the answers would be printed in.

ITEM 16 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

There were no supplementary answers to previous Questions on Notice for this meeting of Council.

ITEM 17 NOTICES OF MOTION**MOBILE VOLUNTARY FOOD SERVICES (\$129260)**

1. Moved by Councillor Forster, seconded by Councillor Chung -

It is resolved that:

(A) Council note:

- (i) in 2007, the City adopted the Mobile Free Food Services Policy and Voluntary Accord that aims to improve co-ordination between free mobile food services, facilitate service users' ability to exit from homelessness, and foster a collaborative approach that also considers amenity and relationships with the local community;
- (ii) since the Policy was adopted, there has been an increase in the number of services operating within the City, from nine in 2007 to more than 33 in 2016;
- (iii) despite the existence and intent of the City's Policy, many services continue to concentrate their efforts on a small number of locations, such as Martin Place; and
- (iv) according to a CEO Update dated 5 April 2016, the next review of the Policy was due in November 2016; and

(B) the Chief Executive Officer be requested to immediately initiate a review of the Mobile Free Food Services Policy and Voluntary Accord with the aim of bringing it back to Council by March 2017.

Variation. At the request of Councillor Phelps, and by consent, the motion was varied such that it read as follows:

It is resolved that:

(A) Council note:

- (i) in 2007, the City adopted the Mobile Free Food Services Policy and Voluntary Accord that aims to improve co-ordination between free mobile food services, facilitate service users' ability to exit from homelessness, and foster a collaborative approach that also considers amenity and relationships with the local community;
- (ii) since the Policy was adopted, there has been an increase in the number of services operating within the City, from nine in 2007 to more than 33 in 2016;
- (iii) despite the existence and intent of the City's Policy, many services continue to concentrate their efforts on a small number of locations, such as Martin Place;
- (iv) in February 2014, the Lord Mayor met with the NSW Minister for Family and Community Services to discuss ways in which the City of Sydney can work with the NSW Government and other Councils to improve the coordination, management and provision of charity food van services; and

- (v) according to a CEO Update dated 5 April 2016, the next review of the Policy was due in November 2016; and
- (B) the Chief Executive Officer be requested to initiate a review of the Mobile Free Food Services Policy and Voluntary Accord in mid-2017.

The motion, as varied by consent, was carried unanimously.

OPPOSITION TO PREMIER'S PLAN TO INCREASE LOW INCOME HOUSING RENTS (S129266)

2. Moved by Councillor Scott, seconded by Councillor Vithoulkas -

It is resolved that Council:

- (A) note:
 - (i) NSW Premier Mike Baird's request of the Independent Pricing and Regulatory Tribunal (IPART) to examine rents paid by tenants in social and affordable housing; and
 - (ii) as part of the abovementioned request, IPART will examine whether to charge different rents for social housing by reason of, among other things, location of property;
- (B) recognise the importance of socio-economic diversity in the City of Sydney;
- (C) express its opposition:
 - (i) to any proposal to increase rents for social housing over CPI; and
 - (ii) to the creation of different rates of rent by reason of location of property; and
- (D) request the Chief Executive Officer to prepare a submission to IPART reflecting the substance of this motion and other relevant City of Sydney policies on or before the close of submissions on 16 December 2016.

Variation. At the request of Councillor Kok, and by consent, the motion was varied such that it read as follows:

It is resolved that Council:

- (A) note:
 - (i) NSW Premier Mike Baird's request of the Independent Pricing and Regulatory Tribunal (IPART) to examine rents paid by tenants in social and affordable housing;
 - (ii) as part of the abovementioned request, IPART will examine whether to charge different rents for social housing by reason of, among other things, location of property;
 - (iii) IPART is currently seeking submissions on an Issues Paper, which are due by 16 December 2016; and

- (iv) public hearings and roundtables will be held in March and April 2017, which the City will participate in. A submission by the City on the draft Report will also be prepared when it is released in early 2017;
- (B) recognise the importance of socio-economic diversity in the City of Sydney;
- (C) express its opposition:
 - (i) to any proposal to increase rents for social housing over CPI; and
 - (ii) to the creation of different rates of rent by reason of location of property; and
- (D) request the Chief Executive Officer to prepare a submission to IPART on the Issues Paper reflecting the substance of this motion and other relevant City of Sydney policies on or before the close of submissions on 16 December 2016.

The motion, as varied by consent, was carried unanimously.

SAFETY MAPPING SERVICES (S129266)

3. Moved by Councillor Scott, seconded by Councillor Vithoulkas -

It is resolved that Council:

- (A) note:
 - (i) that the City of Sydney is a place of inclusion, tolerance and opportunity; and
 - (ii) Plan International Australia's Melbourne-based campaign entitled "Free to Be", which allows women and girls to detail places they avoid and places that could be improved around Melbourne; and
- (B) request the Chief Executive Officer to assess the viability of the City of Sydney:
 - (i) partnering with or participating in efforts to introduce a safety mapping service for the City of Sydney or creating awareness of the availability of such services and increasing uptake of such services, if such services already operate in the City of Sydney; and
 - (ii) using the data by the City of Sydney for the purposes of planning lighting upgrades and other safety improvements in areas reported in need of improvement.

Variation. At the request of Councillor Miller, and by consent, the motion was varied such that it read as follows:

It is resolved that Council:

- (A) note:
 - (i) that the City of Sydney is a place of inclusion, tolerance and opportunity; and

- (ii) Plan International Australia's Melbourne-based campaign entitled "Free to Be", which allows women and girls to detail places they avoid and places that could be improved around Melbourne; and
- (B) request that the Chief Executive Officer:
- (i) contact the City of Melbourne to gain a greater understanding of the "Free to Be" scheme, its merits and the resource implications of a similar program in the City of Sydney; and
 - (ii) update Councillors via a CEO Update.

The motion, as varied by consent, was carried unanimously.

ALCOHOL-FREE ZONE APPLICATION – RUGBY 7s (S129259)

4. By Councillor Chung

It is resolved that Council:

- (A) note:
- (i) the HSBC World Rugby Sevens Series is being held at Allianz Stadium on 3-5 February 2017, following the inaugural Sydney event which took place in February 2016;
 - (ii) over the course of the 2016 event, 115 people were ejected from the stadium due to intoxication, attempting to re-enter the stadium while intoxicated and bringing unauthorised liquor into the stadium;
 - (iii) residents report that many patrons were leaving the stadium to consume alcohol in and around residential areas in Paddington, resulting in anti-social behaviour including public urination, vandalism and litter;
 - (iv) as a result, the Surry Hills Local Area Command submitted an application to Council on 16 November 2016 to impose a temporary alcohol free-zone over the period 3-5 February 2017 (inclusive) in Moore Park Road (between Greens and Cook roads), Oxford Street (between Greens Road and 435 Oxford Street), Greens Road (between Oxford Street and Moore Park Road), Oatley Road, Regent Street, Regent Lane, Renny Street, Stewart Street, Gordon Street, Bent Street and Elizabeth Street;
 - (v) the application by Surry Hills Local Area Command reflects police concerns about a repeat of the issues reported in 2016 during the 2017 HSBC World Rugby Sevens Series; and
 - (vi) the South Paddington Residents Association has expressed concerns over the potential for repeated anti-social behaviour in local areas during the 2017 HSBC Rugby Sevens Series; and

- (B) request that the Chief Executive Officer expedite action on the Surry Hills Local Area Command's application to establish the proposed temporary alcohol-free zone on 3-5 February 2017 (inclusive), by initiating a proper public consultation process, as stipulated under s644A of the Local Government Act 1993, in time to have the proposal approved by an extraordinary meeting of Council and implemented prior to the start of the 2017 HSBC World Rugby Sevens Series.

Note - At the meeting of Council, Councillor Chung withdrew his Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 13.

At 6.18pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 27 February 2017 at which
meeting the signature herein was subscribed.