

ITEM 13. NOTICES OF MOTION**PUBLIC QUESTIONS (S129260)****1. By Councillor Forster**

It is resolved that:

(A) Council note:

- (i) community participation is a central requirement for councils under section 8A of the NSW Local Government Act 1993 (the Act);
- (ii) section 8A of the Act, covering Guiding principles for councils, provides, among other things, that:
 - (a) part (2)(a) "Councils should recognise diverse local community needs and interests";
 - (b) art (2)(e) "Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions"; and
 - (c) part (3) "Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures";
- (iii) section 232, covering the role of a councillor, provides, among other things, that councillors must:
 - (a) part (1)(e) "facilitate communication between the local community and the governing body";
 - (b) part (1)(f) "uphold and represent accurately the policies and decisions of the governing body"; and
 - (c) part (2) "[be] accountable to the local community for the performance of the council"; and
- (iv) other local councils in Australia promote community participation, transparency and accountability by inviting public questions without notice prior to meetings of council. For example, the City of Melbourne's *Conduct of Meetings Local Law 2010* provides for public questions to be asked in 15-minute periods at the start and end of the meetings of council committees; and

(B) request the Chief Executive Officer to make changes to section 14.8 of the City of Sydney Code of Meeting Practice and any other sections as required in order to implement the inclusion of public question sessions at the start of the Corporate, Finance, Properties and Tenders Committee, Environment Committee, Cultural and Community Committee, and Planning and Development Committee, in the second half of 2017, with the guidelines for the sessions to include:

- (i) a total of five minutes to be provided for public questions relevant to that committee;

- (ii) notice of the questioner's presence must be provided in writing to the Secretariat prior to the start of the relevant committee meeting;
- (iii) each question must be of no longer than 45 seconds duration;
- (iv) the question must not canvass an item on the agenda of the relevant committee;
- (v) the Lord Mayor may disallow any question on the grounds that it, or a substantially similar question, has been asked in any of the three previous Council cycles, or is objectionable, irrelevant, raises an issue of a confidential nature, or is intended to embarrass a Councillor or member of council staff; and
- (vi) if a question is allowed, the Lord Mayor may elect to answer or refer to the Deputy Chair of the committee or any other Councillor, or may take the question on notice and provide a written response in the minutes of the next full Council meeting.

IMPACT OF CONSTRUCTION ON SMALL BUSINESS (S129267)

2. By Councillor Vithoukas

It is resolved that:

(A) Council note:

- (i) the New South Wales Government has publicly declared 2017 as the 'year of construction';
- (ii) while public infrastructure continues apace, private development is also impacting small businesses across the local government area;
- (iii) more than 80 percent of all businesses in the City of Sydney are defined as small business, contributing an estimated \$25 billion a year to the local economy;
- (iv) as the City of Sydney notes, small businesses are the foundation of our City's economy;
- (v) small businesses are often locked into long-term commercial leases of up to 10 years that are signed prior to construction concept, planning and implementation;
- (vi) construction timeframes often stretch for months and years, causing disruption and negatively impacting the ability of the business owners to trade and build their businesses; and
- (vii) if commercial tenants wish to raise issues related to construction projects, they are often unsure who to contact to voice their concerns or to raise objections; and

- (B) the Chief Executive Officer be requested to:
- (i) investigate the possibility of implementing formal measures that will assist small businesses in the local government area negatively impacted by long-term major construction;
 - (ii) investigate how development applications could be amended to:
 - (a) nominate a staff member within the planning department as a point of contact for small business owners to raise issues and resolve problems in a timely manner for the life of the development; and
 - (b) develop protocols where a developer/builder would formally communicate directly with small business owners impacted by their construction timetable and/or construction zone to ensure that best practice is maintained and to minimise the economic impact on the business throughout the life of the project; and
 - (iii) report back to Councillors via the CEO update.

SWIMMING POOLS AND LEARN TO SWIM PROGRAM (\$129267)

3. By Councillor Vithoukas

It is resolved that:

- (A) Council note:
- (i) over the summer period of 2016/17, it was reported that there were 18 fatal drownings in backyard swimming pools and other locations across New South Wales;
 - (ii) the number of drownings is a tragedy that must be addressed through whatever means possible, including education and compliance;
 - (iii) the Office of Local Government notes that local councils are responsible for promoting backyard swimming pool safety in their local communities through locally appropriate swimming pool inspection programs and community education;
 - (iv) the City of Sydney has 98 registered public pool and spa premises within its local government area which are inspected and tested every six months, with City-owned pools inspected every three months;
 - (v) in NSW, the owners of properties with a swimming pool and/or a spa pool are required to register their pools and spas on the NSW Swimming Pool Register. Information about this program is available via the City of Sydney website;
 - (vi) while the City of Sydney facilitates inspections of swimming pools and spas, it owns and manages five swimming pools across the local government area;
 - (vii) each of the City of Sydney swimming pools offers learn to swim classes for \$18.50 each, with the cost discounted for additional children from the one family, and private lessons for \$51.00; and

- (viii) the City of Sydney is in a position to promote water safety in conjunction with other organisations; and
- (B) the Chief Executive Officer be requested to:
 - (i) work with the City's digital engagement team to develop a campaign about swimming pool safety and feature the issue more prominently on the City of Sydney website, especially during the summer months;
 - (ii) liaise with the Royal Life Saving Society Australia to determine how the City of Sydney can promote swimming pool and water safety initiatives;
 - (iii) investigate possibilities for the City of Sydney becoming involved in initiatives like Learn to Swim Week, a program that is supported by pool industry participants and not-for-profit groups, that promotes the opportunity for children under 5 to attend free swimming lessons. Learn to Swim week will be held 23 September – 2 October 2017;
 - (iv) determine whether discounted swimming lessons can be offered at City of Sydney pools throughout the year and heavily promote initiatives that support water safety; and
 - (v) report back to Councillors via the CEO update.

LIVE MUSIC AND PERFORMANCE (\$129264)

4. By Councillor Scully

It is resolved that Council:

- (A) commend City staff for their work with the Harold Park Hotel and the Australian Hotels Association to enable live music to return to the Harold Park Hotel courtyard on Sunday 19 February 2016;
- (B) note all of the 49 actions in the Live Music and Performance Action Plan (LMAP) within the control of the City are either completed or part of the ongoing work of Council (29), or in progress (20). Some of the key outcomes include:
 - (i) new programs to support live music – 'Live and Local' (a program which helps local centres program live music), 'Gig Buddies' (which helps people with disabilities enjoy live music) and 'Amplify' (a pilot program which helps venues engage musicians);
 - (ii) 1,846 free student rehearsal bookings made by 139 users across 31 City spaces;
 - (iii) \$572,696 in artist fees paid for City-produced events during 2015/2016;
 - (iv) over \$13.6 million in grants to live music and performance projects since July 2014;
 - (v) eight musicians and performers housed in City of Sydney live/work spaces;

- (vi) 1,976 'music' or 'performance' listings on the What's On City webpage since re-launch in September 2015 (680,000 page views); and
 - (vii) 101 workshops for people wanting to establish live music venues;
- (C) note the City is a member of a Night-Time Economy Taskforce established by the NSW Government, which has responsibility for implementing the Action Plan resulting from the Government's Night-Time Economy Roundtable (which included government agencies, the City, resident groups, night time businesses, medical professionals and the live music sector);
- (D) note that the NSW Government Night-Time Economy Taskforce is investigating the remaining 11 LMAP actions within its authority, including the temporary use of spaces and places for live music and performance, noise regulation, access to loading zones, user-pays policing and liquor licensing; and
- (E) note that City staff are currently developing a comprehensive package of planning, regulatory, compliance, process and other reforms to support live music and performance, low impact cultural uses and night time economy businesses for consideration by Council.

LIVE STREAMING OF COMMITTEE MEETINGS (\$129259)

5. By Councillor Chung

It is resolved that Council:

- (A) note:
- (i) live streaming of Committee meetings provides access, transparency, accountability, openness and good governance to the conduct of Committee meetings;
 - (ii) live streaming of Committee meetings is an issue of equity and allows those constituents who are unable to attend meetings in person to engage in the democratic process. This is particularly true for women and families, workers who cannot attend meetings at 2.00pm, residents with disability and access issues, residents with childcare obligations, those with transport challenges and business owners who are unable to attend a Committee meeting at 2.00pm;
 - (iii) utilising Council's Facebook page and other direct channels to publicise the live streaming of Committee meetings will immediately expose a large number of constituents and stakeholders to the proceedings of Council;
 - (iv) broadcasting is entirely consistent with the long standing practice of many other NSW metropolitan and regional councils, as well as federal and state parliaments, which televise proceedings in order to make them accessible to all members of the public;
 - (v) as a Global City, Sydney is lagging behind the world's leading cities on openness and transparency by not permitting live streaming of Committee meetings;

- (vi) live streaming of Committee meetings meets the Lord Mayor's stated objectives of being consultative, open, transparent and accountable and reinforces her statement that "*Peoples' democratic rights should be defended*"; and
 - (vii) live streaming provides an archived public record of discussions and resolutions made by Council. It means that all Councillors are equally subject to public scrutiny, which is a fundamental tenet of public office and democracy; and
- (B) request that the Chief Executive Officer:
- (i) undertake a 12 month trial of live streaming of all City of Sydney Committee meetings, such trial to commence no later than May 2017;
 - (ii) ensure all live streams are archived permanently for direct public access from Council's website;
 - (iii) widely publicise the trial for a period of no less than 12 months with a permanent and prominent first page notice on Council's website, letter box drops to all residents and businesses, social media and other appropriate media;
 - (iv) ensure that the words of each speaker are clear and audible to all viewers listening to the broadcast; and
 - (v) amend the City of Sydney Code of Meeting Practice to enable the live streaming of Council Committee meetings.

LIVE MUSIC AND PERFORMANCE ACTION PLAN (S129266)

6. By Councillor Scott

It is resolved that Council:

- (A) note:
- (i) the unanimous Resolution of Council to adopt the 'City of Sydney Live Music and Performance Action Plan' of 7 April 2014;
 - (ii) that, following preliminary research and scoping, work to review the Sydney Development Control Plan (DCP) 2012, to optimise its support for live music and performance by identifying and protecting areas with strong traditions of live music and performance and by supporting areas where urban and cultural amenity can be improved by live music and performance activity, was formally commenced in July 2016;
- (B) request the Chief Executive Officer:
- (i) in this forthcoming review of the DCP, to include an assessment of the viability of compulsory soundproofing in all future development in the City of Sydney; and

- (ii) to bring recommendations to amend the DCP 2012 back to Council for consideration by July 2017.

AFFORDABLE HOUSING (\$129266)

7. By Councillor Scott

It is resolved that Council:

(A) note:

- (i) the City's non-binding target of 15% or 10,050 of total dwelling stock to be affordable and social housing within the local government area by 2030;
 - (ii) the creation of the City's Affordable Housing Fund to promote the development of affordable and social housing by community housing providers, not-for-profit and for-profit organisations; and
 - (iii) that there is currently no publicly available information on the City's website about the application process for community housing providers, not-for-profit and for-profit organisations to apply for funding from the City's Affordable Housing Fund; and
- (B) request the Chief Executive Officer to prepare publicly available information that comprehensively outlines the process to apply for financial support and approval from the City's Affordable Housing Fund for inclusion in:
- (i) the affordable and diverse housing fund link on the City's website;
 - (ii) the City's Grants and Sponsorship Policy; and
 - (iii) the City's Grants and Sponsorship Program Guidelines 2017.

WESTCONNEX LEGAL ACTION FUND (\$129266)

8. By Councillor Scott

It is resolved that Council:

(A) note:

- (i) NSW Department of Planning has received over 13,000 submissions from the community raising concerns in relation to WestConnex;
- (ii) the planning approval has been granted to the second major tunnel section of WestConnex, which will run between the existing M5 East at Kingsgrove and a giant spaghetti-junction interchange at St Peters;
- (iii) the conditions to which the approval is subject, in particular Condition B.43, which states that the project, "on balance, be designed to improve traffic by not adversely impacting on the performance of the road network for all road users, including but not limited to vehicles, freight, public transport and active transport"; and

- (iv) that the question of whether or not WestConnex will not adversely impact on the performance of the road network for all road users needs to be urgently legally determined;
- (B) authorise the Chief Executive Officer (CEO) to expend up to \$20,000 sourced from the General Contingency briefing legal counsel to determine the possibility of restraining WestConnex from implementing the St Peter's interchange in light of the above facts;
- (C) request the CEO to report back to Councillors via a CEO Update as soon as possible; and
- (D) request the CEO to write to affected Council General Managers asking that their councils consider participating in joint legal action.

PUBLISHING COUNCILLOR EXPENDITURE ONLINE (S129266)

9. By Councillor Scott

It is resolved that Council request the Chief Executive Officer to assess the viability of implementing a system by which to:

- (A) publish councillor expenditure publicly online; and
- (B) publish councillor expenditure in real time.