



COUNCIL

Meeting No 2
Monday 27 February 2017
Notice No 2/1582
Notice Date 23 February 2017

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 Kerry Phelps AM, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoukas.

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

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

Councillor Scott left the meeting of Council at 5.14pm prior to discussion on Item 6.18 and returned at 5.15pm at the conclusion of discussion on that item. Councillor Scott was not present at, or in sight of, the meeting of Council during discussion or voting on Item 6.18.

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

Opening Prayer

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

ITEM 1 CONFIRMATION OF MINUTES

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

That the minutes of the meeting of Council of Monday 12 December 2016, and the minutes of the extraordinary meeting of Council of Monday 23 January 2017, as circulated to Councillors, be confirmed.

Carried unanimously.

ITEM 2 DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

Councillor Linda Scott disclosed a significant non-pecuniary interest in Item 6.18 on the agenda, in that one of the candidates she ran with during the Local Government Elections owns a business on the surrounding strip of land to be considered. Councillor Scott stated that she would not be present for discussion or voting on this item.

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 6.9 on the agenda, in that she has a business on George Street on part of the light rail route.

Councillor Vithoukas also disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she has a business on George Street on part of the light rail route.

(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 MINUTES BY THE LORD MAYOR

There were no Minutes by the Lord Mayor for this meeting of Council.

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 Forster -

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

Carried unanimously.

5.2 Petitions

Petition against the loss of car parking spaces

The following Petition (containing 306 signatures), of which notice was given by Councillor Scott, was laid on the table:

Wilson & Burren Streets cycleway & streetscape upgrades – net loss of 37 car spaces.

We, the undersigned, are concerned residents who wish to voice our opposition to the loss of 18 car spaces from Burren Street and the net loss of 19 car spaces from Wilson Street along the route of the upgrade.

We wish to bring to the attention of decision makers the reasons for our opposition:

1. Parking is already at a premium in this part of Newtown, Macdonaldtown and Darlington, and the net loss of 37 car spaces will cause severe inconvenience for many local residents
2. The net loss of so many spaces will force affected residents to seek alternative parking in nearby streets, putting more pressure on already contested limited parking
3. Many of us need our cars to go to and from work and have no realistic alternative means of transport. Where are we supposed to park?
4. Some of us use our cars to make a living as commercial travellers and have no alternative at all. Where are we supposed to park?
5. The loss of so many car spaces will negatively affect social visits from friends and family who rely on cars for private transport and have no realistic alternative form of transport. Where are they supposed to park?
6. The plans as published do not offer alternative parking solutions and appear to simply abandon those residents negatively affected
7. Further, the loss of entry to Brocks Lane from Wilson Street heading west and Burren Street heading is also a major inconvenience
8. We request that the City of Sydney reconsider this project and do not proceed with it unless alternative parking arrangements are made that result in no net loss of car spaces for affected local residents

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

It is resolved that the Petition be received and noted.

Carried unanimously.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 20 FEBRUARY 2017

PRESENT

Councillor Clover Moore
(Chair)

Deputy Lord Mayor, Councillor Dr Kerryn Phelps AM
(Deputy Chair)

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

At the commencement of business at 2.06pm those present were -

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

Councillor Scott left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.16pm prior to discussion on Item 6.18 and returned at 3.17pm following deferral of that item to the end of the meeting. Councillor Scott was not present at, or in sight of, the meeting of the Corporate, Finance, Properties and Tenders Committee during discussion on Item 6.18.

Councillor Scott left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.29pm prior to discussion of Item 6.18 in closed session and did not return to the meeting. Councillor Scott was not present at, or in sight of, the meeting of the Corporate, Finance, Properties and Tenders Committee during discussion or voting on Item 6.18.

Sub-Committee

The meeting of the Economic Development and Business Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 3.20pm.

Closed Meeting

At 3.27pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss confidential Attachment A to Item 18 on the agenda.

Open Meeting

At 3.35pm, 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 3.36pm.

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 20 February 2017 be received, and the recommendations set out below for Items 6.2 to 6.4 inclusive, 6.6 to 6.17 inclusive and 6.19 to 6.22 inclusive be adopted, with Item 6.1 being noted, and Items 6.5 and 6.18 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1

DISCLOSURES OF INTEREST

Councillor Angela Vithoukas disclosed a less than significant, non-pecuniary interest in Item 6.9 on the agenda, in that she is a business owner on George Street on part of the light rail path.

Councillor Linda Scott disclosed a significant non-pecuniary interest in Item 6.18 on the agenda, in that one of the candidates she ran with during the Local Government Elections owns a business on that strip. Councillor Scott stated that she would not be present for discussion or voting on this item.

No other Councillors disclosed any pecuniary or non-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

2016/17 QUARTER 2 REVIEW - DELIVERY PROGRAM 2014-2017 (S096187)

It is resolved that Council:

- (A) note the financial performance of Council for the second quarter, ending 31 December 2016, including the Quarter 2 Net Surplus of \$73.4M and the full year Net Surplus forecast of \$82.9M, as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) note the Quarter 2 Capital Works expenditure of \$91.2M, a revised full year forecast of \$259.9M and approve the proposed adjustments to the adopted budget, including the transfer of \$0.4M from capital works contingency as detailed in Attachment B to the subject report;
- (C) note the Information Services capital expenditure of \$4.3M, net of disposals, and a full year forecast of \$11.1M;
- (D) note the Quarter 2 Plant and Assets expenditure of \$4.8M, net of disposals, and full year forecast of \$17.7M;

- (E) note the operational performance indicators and Quarter 2 achievements against the Operational Plan 2016/17 objectives, as detailed in Attachment C to the subject report;
- (F) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 2, as detailed in Attachment D to the subject report; and
- (G) note the Environmental Sustainability Progress Report at Attachment E to the subject report.

Carried unanimously.

ITEM 6.3

INVESTMENTS HELD AS AT 31 DECEMBER 2016 (X005605)

It is resolved that the Investment Report as at 31 December 2016 be received and noted.

Carried unanimously.

ITEM 6.4

INVESTMENTS HELD AS AT 31 JANUARY 2017 (X005605)

It is resolved that the Investment Report as at 31 January 2017 be received and noted.

Carried unanimously.

ITEM 6.5

DRAFT DIGITAL STRATEGY (S118878)

It is resolved that:

- (A) Council approve the draft Digital Strategy, as shown at Attachment A to the subject report, to go on public exhibition for a period of six weeks; and
- (B) the Chief Executive Officer report back to Council after the exhibition period.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Scully –

That the recommendation of the Corporate, Finance, Properties and Tenders Committee be adopted.

Carried unanimously.

ITEM 6.6**LAND CLASSIFICATION - 303-305 PITT STREET, SYDNEY (X006753)**

It is resolved that Council classify 303-305 Pitt Street, Sydney, being the whole of the land contained in Lot 1 in Deposited Plan 66011, as operational land in accordance with section 31 of the Local Government Act 1993.

Carried unanimously.

ITEM 6.7**LEASE - APPROVAL FOR LEASE VARIATION OF STRATUM TUNNEL (PIPELINE) LEASE, 33 ALFRED STREET SYDNEY (S104857)**

It is resolved that:

- (A) Council approve a variation of the stratum tunnel pipeline lease at 33 Alfred Street, Sydney (registered lease O582165) with AMP Capital Investors Limited and AMP Capital Funds Management Limited. The variation will introduce a Bank Guarantee for an amount equal to 12 months gross rent and GST and an increase in Public Liability Insurance to \$20 million; and
- (B) authority be delegated to the Chief Executive Officer to finalise the terms of the lease variation.

Carried unanimously.

ITEM 6.8**CANCELLATION OF TENDER - EORA JOURNEY REDFERN TERRACE (S110604.003)**

It is resolved that:

- (A) Council cancel Tender 1650 for the Eora Journey Redfern Terrace;
- (B) Council not invite fresh tenders on the basis that it is unlikely a more satisfactory result would be achieved;
- (C) in accordance with section 55(3)(i) of the Local Government Act 1993, due to extenuating circumstances, being the unavailability of tenderers, authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with suitably qualified artist teams to undertake the project; and negotiate, execute and administer the contracts relating to the tender; and
- (D) Council be informed of the successful contractor by CEO Update.

Carried unanimously.

ITEM 6.9

EXEMPTION FROM TENDER – ENGINEERING SUPPORT – LIGHT RAIL (S124621.005)

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, a satisfactory result would not be achieved by inviting tenders;
- (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. The selected candidate has undertaken the works and the fee has marginally exceeded the tender threshold; and
- (C) Council approve the additional expenditure for the backfill costs of replacing the specialist engineer for the light rail project as outlined in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 6.10

EXEMPTION FROM TENDER AND CONTRACT EXTENSION - BOARD PORTAL SYSTEM SERVICE AGREEMENT (S117550.002)

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993, to extend the term of the Diligent Board Service Agreement by 12 months to 31 January 2018, with a further option to extend the term by no more than 12 months to 31 January 2019;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a variation to the Diligent Board Service Agreement to provide for the extension of the term under clause (A);
- (C) authority be delegated to the Chief Executive Officer to extend the variation by no more than 12 months to 31 January 2019, if required;
- (D) Council note that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders; and
- (E) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
 - (i) the City will shortly commence a process to procure a board portal system as a component of the broader Council and committee paper management system tendering process with expected implementation in 2018;
 - (ii) given the primacy of meetings of Council and committee within the City's governance framework, the maintenance of business continuity by way of secure electronic distribution of meeting papers while that tender process is underway is essential; and

- (iii) the contract extension costs are considered fair and reasonable.

Carried unanimously.

ITEM 6.11

EXEMPTION FROM TENDER - REQUEST FOR EXTENSION TO PROPERTY SERVICES CONTRACT (X007845)

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993, to extend the term of the Property Services Agreement by eight months to 28 January 2018, with a further option to extend the term by five months to 28 June 2018;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a variation to the Property Services Agreement to provide for the extension of the term under clause (A);
- (C) authority be delegated to the Chief Executive Officer to extend the variation by a further five months to 28 June 2018, if required;
- (D) Council note that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders; and
- (E) Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:
 - (i) sourcing a provider for a period of between eight to 13 months introduces a significant financial risk to Council due to the short engagement period;
 - (ii) due to the size and complexity of Council's Core property management portfolio, introducing a new supplier would result in an unacceptable level of operational risk; and
 - (iii) limited time is available from now to end of contract to achieve a robust tender process.

Carried unanimously.

ITEM 6.12

TENDER - BOURKE STREET SHARED PATH STAGE 3 (S104584)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Bourke Street shared path;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and

- (C) the project operational budget be increased to engage Tenderer 'A' and to deliver the full scope of works as outlined in confidential Attachment A to the subject report.

Carried unanimously.

ITEM 6.13

TENDER – ALEXANDRIA TOWN HALL - FAÇADE, ROOF AND INTERIOR RESTORATION (S121245)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Alexandria Town Hall – façade, roof and interior restoration;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract and exercise any options relating to the tender; and
- (C) Council approve an increase in budget costs for this financial year, as shown in Attachment A to the subject report.

Carried unanimously.

ITEM 6.14

TENDER – JOYNTON AVENUE AND SOUTH SYDNEY HOSPITAL SITE HERITAGE WALL RAISING (S105612)

It is resolved that:

- (A) Council accept the tender offer from Tenderer 'A' for the Joynton Avenue and South Sydney Hospital site heritage wall raising project;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council note the financial implications detailed in confidential Attachment C to the subject report.

Carried unanimously.

ITEM 6.15

TENDER - BAY STREET DEPOT UPGRADE (S119435)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Bay Street Depot upgrade at 10-16 Bay Street, Ultimo; 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 – 110-122 OXFORD STREET ROOF UPGRADE (X006220)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the 110-122 Oxford Street roof upgrade; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

Carried unanimously.

ITEM 6.17

TENDER – SYDNEY CHRISTMAS 2017 - 2021 – SUPPLY AND INSTALL CHRISTMAS TREES, DECORATIONS AND INSTALLATIONS (S126946.001)

It is resolved that:

- (A) Council reject tenders received for supply and install Christmas trees, decorations and installations for Christmas 2017 – 2021 for the reasons set out in confidential Attachment A to the subject report;
- (B) Council not invite fresh tenders for the Sydney Christmas 2017 – 2021 – supply and install Christmas trees, decorations and installations, 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) 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 contracts relating to the works; and
- (D) Council be informed of the successful company for the Sydney Christmas 2017 – 2021 – supply and install Christmas trees, decorations and installations by way of a CEO Update.

Carried unanimously.

ITEM 6.18

TENDER - APPOINTMENT OF AN OPERATOR FOR THE CHINATOWN NIGHT MARKETS IN DIXON STREET MALL (X005131.001)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the operation of the Chinatown Night Markets, Dixon Street Mall for an initial term of one year, with two additional 24 month options to be granted at the City's sole discretion (a maximum of five years total);
- (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.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Scully –

That the recommendation of the Corporate, Finance, Properties and Tenders Committee be adopted.

Carried unanimously.

ITEM 6.19

TENDER - THE SUPPLY OF DUMPED ASBESTOS RESPONSE AND REMOVAL SERVICES (X005702.006)

It is resolved that:

- (A) Council accept the tender offers of Tenderers 'A', 'B' and 'C' for dumped asbestos response and removal services for a period of two years, with the option of three extensions of one year each, if appropriate;
- (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 approve the option referred to in clause (A), if appropriate, and the price negotiated by SSROC to extend the contract accordingly.

Carried unanimously.

ITEM 6.20**TENDER - INFORMATION TECHNOLOGY QA AND TEST MANAGEMENT SERVICES (X006445.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Information Technology QA and Test Management Services for a period of three years, with the option of two extensions of one year, if appropriate;
- (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 6.21**TENDER - EMPLOYEE ASSISTANCE PROGRAM (X006479.001)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the provision of an employee assistance program for a period of three years, with the option of an extension of two years, if appropriate;
- (B) authority be delegated do 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 6.22**TENDER – PANEL OF INVESTIGATION SERVICE PRACTITIONERS (S084563)**

It is resolved that:

- (A) Council accept the following tender offers for a period of three years, with the option for a further two year extensions:
 - (i) in respect of Tier one investigations, Tenderers 'A', 'B' and 'C'; and
 - (ii) in respect of Tier two Investigations, Tenderers 'A', 'B' and 'K';

- (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.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Kok, seconded by Councillor Vithoukias –

That the report of the Economic Development and Business Sub-Committee of its meeting of 20 February 2017 be received and the recommendation set out below for Item 6.23 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

ITEM 6.23

KNOWLEDGE EXCHANGE SPONSORSHIP - NEWCO BUSINESS INNOVATION FESTIVAL - USUAL SUSPECTS CREATIVE PTY LTD (\$112458.012)

It is resolved that:

- (A) Council approve a cash sponsorship of \$12,000 (excluding GST) to Usual Suspects Creative Pty Ltd for the Sydney NewCo event in March 2017; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Usual Suspects Creative Pty Ltd.

Carried unanimously.

Speakers

Ms Shani Langi addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.23.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 20 FEBRUARY 2017**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jess Miller
(Deputy Chair)

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

At the commencement of business at 3.56pm those present were -

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

Adjournment

At 3.57pm, it was moved by the Chair (the Lord Mayor) seconded by Councillor Miller -

That the meeting of the Environment Committee be adjourned to enable the Cultural and Community Committee meeting to commence and consider all items on the agenda.

Carried.

At the resumption of the meeting of the Environment Committee at 4.41pm, those present were –

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

The meeting of the Environment Committee concluded at 4.56pm.

Report of the Committee

Moved by Councillor Miller, seconded by Councillor Scully -

That the report of the Environment Committee of its meeting of 20 February 2017 be received, and the recommendation set out below for Item 7.2 be adopted, with Item 7.1 being noted, and Item 7.3 being dealt with as shown immediately following that item.

Carried unanimously.

ITEM 7.1**DISCLOSURES OF INTEREST**

Councillor Angela Vithoulkas disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda in that she is a business owner on George Street on part of the light rail route and this project is related to light rail.

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

The Committee recommended the following:

ITEM 7.2

KNOWLEDGE EXCHANGE SPONSORSHIP - SYDNEY FORUM - MID-TIER COMMERCIAL BUILDINGS (X005020.002)

It is resolved that:

- (A) Council approve a cash sponsorship of \$11,000 (excluding GST) to the Australian Institute of Refrigeration, Air Conditioning and Heating in support of the Sydney Forum - Mid-tier Commercial Buildings; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Australian Institute of Refrigeration, Air Conditioning and Heating.

Carried unanimously.

ITEM 7.3

SCOPING - WIMBO PARK LANDSCAPE DESIGN CONCEPT (X003575)

It is resolved that Council:

- (A) approve the project concept design for Wimbo Park, as shown in Attachment C to the subject report, for the purpose of coordinating with the CBD and South East Light Rail project team, proceeding with design development, and preparing relevant planning approvals, documentation and tender for construction works; and
- (B) note the financial implications outlined in confidential Attachment F to the subject report.

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

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE - 20 FEBRUARY 2017**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

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

At the commencement of business at 3.58pm those present were -

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

Councillor Scully left the meeting of the Cultural and Community Committee at 4.16pm during discussion on Item 8.4, and did not return.

Sub-Committees

Meetings of the following Sub-Committees of the Cultural and Community Committee commenced at the times shown below.

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

The Healthy Communities Sub-Committee, with Councillor Phelps as Deputy Chair, commenced at 4.15pm.

The meeting of the Cultural and Community Committee and all its Sub-Committees concluded at 4.40pm.

Report of the Cultural and Creative Sub-Committee

Moved by Councillor Scully, seconded by Councillor Phelps –

That the report of the Cultural and Creative Sub-Committee of its meeting of 20 February 2017 be received, and the recommendations set out below for Items 8.2 and 8.3 be adopted, with Item 8.1 being noted.

Carried unanimously.

ITEM 8.1**DISCLOSURES OF INTEREST**

No 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

STREET ART REVIEW (S054608)

It is resolved that the report be received and noted.

Carried unanimously.

Speakers

Dr Cameron McAullife and Ms Laura Pike addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.2.

ITEM 8.3

BUSKING IN THE CITY OF SYDNEY (\$122196.001)

It is resolved that:

- (A) Council approve the Busking in the City of Sydney discussion paper, as shown in Attachment A to the subject report, for public exhibition for a minimum period of two months; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Busking in the City of Sydney discussion paper in order to correct any minor drafting errors prior to its exhibition.

Carried unanimously.

Report of the Healthy Communities Sub-Committee

Moved by Councillor Phelps, seconded by Councillor Thalís -

That the report of the Healthy Communities Sub-Committee of its meeting of 20 February 2017 be received, with Items 8.4 and 8.5 being dealt with as shown immediately following those items.

Carried unanimously.

The Healthy Communities Sub-Committee recommended the following:

ITEM 8.4

COMMUNITY SERVICES GRANT - SETTLEMENT SERVICES INTERNATIONAL - WELCOME TO SYDNEY PILOT PROJECT (\$116523)

It is resolved that:

- (A) Council approve a one-off cash grant of \$100,000 (plus GST) and value-in-kind up to \$1,500 for the use of the City's community venues (subject to availability) to Settlement Services International for the Welcome to Sydney pilot project; and

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a grant agreement with Settlement Services International for the project.

At the meeting of Council, it was moved by Councillor Phelps, seconded by Councillor Thalís –

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

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Kok, Forster, Phelps, Miller, Scott, Scully and Thalís.

Noes (1) Councillor Vithoukás.

Motion carried.

ITEM 8.5

COMMUNITY SERVICES GRANT - WESTCONNEX ACTION GROUP - COMMUNITY AWARENESS CAMPAIGN (\$116523)

It is resolved that:

- (A) Council note the ongoing work of the WestConnex Action Group to raise awareness of the WestConnex Project and associated issues, including impacts for the City of Sydney local government area;
- (B) Council approve a cash grant of \$25,000 (excluding GST) to the WestConnex Action Group to continue their community awareness raising activities in 2017; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a grant agreement with WestConnex Action Group for the project under terms consistent with the Grants and Sponsorship Policy.

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

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

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Phelps, Miller, Scott, Scully, Thalís and Vithoukás.

Noes (2) Councillors Chung and Forster.

Motion carried.

ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 20 FEBRUARY 2017

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 Thalys and Angela Vithoukaskas.

At the commencement of business at 5.10pm those present were:

Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Thalys and Vithoukaskas.

Councillor Scully arrived at the meeting of the Planning and Development Committee at 5.20pm, during discussion on Item 9.4.

Councillor Scott left the meeting of the Planning and Development Committee at 6.44pm at the conclusion of discussion on Item 9.8 and returned at 6.57pm, at the resumption of the meeting following its adjournment.

Apologies

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

Moved by Councillor Scott, seconded by Councillor Miller -

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

Carried.

Adjournment

At 6.45pm, it was moved by Councillor Kok, seconded by Councillor Forster -

That the meeting of the Planning and Development Committee be adjourned for a short period.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 6.57pm, those present were:

Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukaskas.

Councillors Chung and Forster returned to the meeting of the Planning and Development Committee at 7.00pm, during discussion on Item 9.10.

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 5.11pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.25pm.

The Development Assessment Sub-Committee, with Councillor Thalís as Deputy Chair, commenced at 6.57pm.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 8.15pm.

ITEM 9.1

DISCLOSURES OF INTEREST

(a) Section 451 of the Local Government Act 1993

No 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 Councillor Thalís, seconded by Councillor Kok -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 20 February 2017 be received, with Item 9.1 being noted, and the recommendations set out below for Items 9.2 to 9.7 inclusive being adopted.

Carried unanimously.

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

ITEM 9.2

PUBLIC EXHIBITION - PLANNING PROPOSAL – STREET ART AS EXEMPT DEVELOPMENT – AMENDMENTS TO SYDNEY AND SOUTH SYDNEY LOCAL ENVIRONMENTAL PLANS (X007826)

It is resolved that:

- (A) Council approve the Planning Proposal - Street Art as Exempt Development - Amendment to Sydney and South Sydney Local Environmental Plans, 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 the Planning Proposal - Street Art as Exempt Development - Amendment to Sydney and South Sydney Local Environmental Plans for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek confirmation whether it has the delegation to exercise the plan making functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979 to make the amending local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Street Art as Exempt Development - Amendment to Sydney and South Sydney Local Environmental Plans following receipt of the Gateway Determination and prior to public exhibition.

Carried unanimously.

ITEM 9.3

PUBLIC EXHIBITION – 7-15 RANDLE STREET, SURRY HILLS – PLANNING PROPOSAL AND SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT (X005366)

It is resolved that:

- (A) Council approve Planning proposal: 7-15 Randle Street, Surry Hills, 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 the Planning proposal: 7-15 Randle Street, Surry Hills 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: 7-15 Randle Street, Surry Hills Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the planning proposal;
- (D) Council seek authority from the Greater Sydney Commission to exercise the delegation of the Minister for Planning of all their functions under section 59 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan as amended by Planning proposal: 7-15 Randle Street, Surry Hills;

- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning proposal: 7-15 Randle Street, Surry Hills, and Draft Sydney Development Control Plan 2012: 7-15 Randle Street, Surry Hills Amendment following receipt of the gateway determination;
- (F) Council note that, following consideration of any submissions, and refinements as necessary, the planning proposal and draft DCP amendment will be reported back to Council for final approval; and
- (G) Council approve the City of Sydney as the Relevant Planning Authority, should a review process be triggered under Part 3 of the Environmental Planning and Assessment Act 1979, and in line with the recently released Planning Circular PS16-004 Independent reviews of plan making decisions.

Carried unanimously.

ITEM 9.4

PUBLIC EXHIBITION – 102–106 DUNNING AVENUE, ROSEBERY – PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND PLANNING AGREEMENT (S114603)

It is resolved that:

- (A) Council approve Planning Proposal: 102–106 Dunning Avenue, Rosebery, 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: 102–106 Dunning Avenue, Rosebery for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) 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;
- (D) Council approve Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment, shown at Attachment B to the subject report, for public exhibition with the Planning Proposal and in accordance with the Gateway Determination;
- (E) authority be delegated to the Chief Executive Officer to prepare a draft Planning Agreement between the City and the landowner in accordance with the Environmental Planning and Assessment Act 1979 with the following terms:
 - (i) finished affordable housing dwellings are to be provided on site in accordance with the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands under either:
 - (a) Option 1 (minimum option) – where the amount of affordable housing floor space is calculated based on the amount of gross floor area built on the site and the agreed market value of the affordable housing floor space. The affordable housing floor space is to be built by the landowner and dedicated or sold to a Tier 1 or Tier 2 community housing provider for no more than \$1; or

- (b) Option 2 (alternative option) – where affordable housing floor space is provided in addition to that required under Option 1. The landowner can sell the affordable housing floor space to a community housing provider for a capped amount. The capped sale amount is based on recouping the forgone value of the additional floor space on offer for affordable housing, plus an incentive amount, to be agreed between the City and the landowner;
 - (ii) dedication to Council of a 1.25 metre deep frontage to Jones Lane (approximately 50 square metres of land) for a footpath, with the value of the land and any associated works-in-kind offset against the amount calculated under the Guideline; and
 - (iii) carparking for affordable housing dwellings, number of spaces to be agreed between the City and the landowner;
- (F) Council note the estimated number of affordable housing dwellings resulting from Option 1, described at clause (E)(i)(a) above, is approximately eight dwellings, depending on the amount of total gross floor area built on the site, the market value of the resulting dwellings and the size of the affordable housing;
- (G) the draft Planning Agreement be exhibited in conjunction with Planning Proposal: 102–106 Dunning Avenue, Rosebery and Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment;
- (H) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Agreement after its exhibition and to subsequently enter into the Agreement, on behalf of Council, with the landowner;
- (I) authority be delegated to the Chief Executive Officer to make minor changes, and any changes required by the Greater Sydney Commission to Planning Proposal: 102–106 Dunning Avenue, Rosebery and Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment prior to the public exhibition;
- (J) Council note that, following consideration of any submissions, and any modifications as necessary, Planning Proposal: 102–106 Dunning Avenue, Rosebery, Draft Sydney Development Control Plan 2012: 102–106 Dunning Avenue, Rosebery amendment and the Planning Agreement will be reported back to Council for final approval;
- (K) Council approve the City of Sydney as the Relevant Planning Authority, should a review process be triggered under Part 3 of the Environmental Planning and Assessment Act 1979, and in line with the recently released Planning Circular PS16-004 Independent reviews of plan making decisions;
- (L) Council note the Sydney Development Control Plan 2012 contains objectives and provisions which protect the operational viability of existing employment uses where residential development is introduced; and
- (M) Council note the City is investigating a City-wide response to address the needs of the entertainment industry whilst protecting the amenity of noise sensitive uses.

Carried unanimously.

ITEM 9.5**POST EXHIBITION – PLANNING PROPOSAL – AMENDMENT TO SYDNEY LOCAL ENVIRONMENTAL PLAN 2013 – GREEN SQUARE TOWN CENTRE - MIRVAC GREEN SQUARE AND URBANGROWTH NSW (X005215)**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland, in the subject report;
- (B) Council approve Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland, shown at Attachment A 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 changes to Planning Proposal: Green Square Town Centre – Sites 355 Botany Road, 377-497 Botany Road and 956-960 Bourke Street, Zetland, to correct drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

ITEM 9.6**PUBLIC EXHIBITION - REVIEW OF LOCAL APPROVALS POLICY FOR MOBILE FOOD VENDING VEHICLES (S127259)**

It is resolved that:

- (A) Council approve the draft Mobile Food Vending Vehicles Local Approvals Policy, as shown at attachment A to the subject report, for public exhibition;
- (B) authority be delegated to the Chief Executive Officer to make minor changes to the draft Local Approvals Policy to correct drafting errors prior to public exhibition; and
- (C) Council approve the expansion of the Sydney Food Trucks program from the current maximum of 50 Category Two Vehicles (food trucks) operating at any one time, to a maximum of 100 Category Two Vehicles (food trucks) operating at any one time.

Carried unanimously.

ITEM 9.7**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 F 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 354-358 Bourke Street, Surry Hills, as detailed in Attachment B;
- (D) 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 20-26 Bayswater Road, Potts Point, as detailed in Attachment C;
- (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 Dixon Street, Sydney, as detailed in Attachment D;
- (F) 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 50 Murray Street, Sydney, as detailed in Attachment E; and
- (G) 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 Murray Street, Sydney, as detailed in Attachment F.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Miller -

That the report of the Major Development Assessment Sub-Committee of its meeting of 20 February 2017 be received, with the recommendation set out below for Item 9.9 being adopted, and Item 9.8 being dealt with as shown immediately following that item.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 9.8

DEVELOPMENT APPLICATION: 118A AND 120 DARLINGHURST ROAD DARLINGHURST (D/2016/476)

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 February 2017.

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

It is resolved that:

- (A) the variation sought to 4.3 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; and

- (B) consent be granted to Development Application No. D/2016/476, subject to the conditions as detailed in Attachment A1 to the assessment report prepared by Helena Miller (Consulting Planner, MG Planning) shown at Attachment A to the subject report to the Planning and Development Committee on 20 February 2017, subject to the amendment of Conditions (1), (2) and (5) such that they read as follows (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D.2016.476 dated 20 April 2016 and the following drawings prepared by Integrated Design Group:

Drawing Number	Drawing Name	Revision	Date
DA0200	Demolition Plan	F	23/12/16
DA1001	Second Basement Plan	L	23/12/16
DA1002	First Basement Plan	N	23/12/16
DA1003	Basement Mezzanine Plan	D	23/12/16
DA1100	Ground Floor Plan	N	23/12/16
DA1101	First Floor Plan	J	23/12/16
DA1102	Second Floor Plan	J	23/12/16
DA1103	Third Floor Plan	J	23/12/16
DA1104	Fourth Floor Plan	J	23/12/16
DA1105	Roof Plan	I	23/12/16
DA2000	East Elevation	I	6/01/17
DA2001	South Elevation	I	6/01/17
DA2002	West Elevation	I	6/01/17
DA2003	North Elevation	H	23/12/16
DA2004	Elevation detail (east)	I	6/01/17
DA2005	Elevation detail (west)	I	6/01/17
DA2101	Details – “Re-entrant” balcony	B	6/01/17
DA2102	Details – “Juliette balcony”	B	6/01/17
DA2103	Details – Colonnade	B	6/01/17
DA2104	Details – Colonnade Section	B	6/01/17
DA3001	Section AA	G	23/12/16
DA3002	Section BB	H	6/01/17
DA9300	FSR Calculations	H	23/12/16
DA9600	Materials and Finishes Schedule	B	6/01/17
DA9800	Perspectives – Victoria Street	G	6/01/17
DA9801	Perspectives – Darlinghurst Road	G	6/01/17
DA9803	View to Church 01	C	23/12/16
DA9804	View to Church 02	C	23/12/16

DA9805	View to Church 03	C	23/12/16
DA9806	View to Church 04	C	23/12/16
DA9808	Perspectives – SW corner	B	6/01/17
DA9807	Perspectives – SE Corner	B	6/01/17

and as amended by the conditions of this consent.

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

(Amended 27 February 2017)

(2) ~~COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD EXTERNAL MATERIALS, FINISHES AND FACADE TREATMENTS~~

~~The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications (Drawing Number 9600 Issue B) prepared by Integrated Design Group dated 06/01/2017 subject to the following amendment~~

Further resolution of the external materials, finishes and facade treatments, including proportions of openings, is required. Revised details to be submitted should also note the following:

- ~~(a) The reference to (or similar) is to be deleted wherever shown and materials are to be in accordance with that specified in the Schedule (subject to the amendments in this condition) with no substitution allowed;~~
- (b) Material 4 (Stained precast concrete panels – White (Dulux ‘Lexicon Half’) is to be amended to a warmer shade of white rather than the brilliant white proposed; and
- (a)(c) The materiality of the *elevations to Victoria Street, and Darlinghurst Road and facing St John’s Anglican Church* elevations is to be amended consistent with the advice of the Heritage Council to relate to the material quality of the existing buildings in the precinct of the heritage conservation area, which is predominantly brick. In particular, as advised by the Heritage Council, the cladding of the colonnade on the south side with sandstone tiles to create visual connectivity with the church is not considered appropriate and is to be amended.**
- (b) *The materials on the facades of Victoria Street, Darlinghurst Road and facing St John’s Anglican Church be amended to include alternatives to precast concrete and a greater use of a pressed face brick for the lower three storeys. Generally integral materials should be preferred to applied finishes or painted surfaces.***

- (c) *While generally maintaining the arrangement of the plans as lodged, the large areas of solid wall currently shown on the facade facing St Johns Anglican Church are to be redesigned to provide more open corner treatments, such as a combination of windows, balconies and external screens.*
- (d) *The detailed design and articulation of balconies be amended, to reduce the perception of bulk without increasing the building footprint which may include use of alternative materials and colours, vertical differentiation and expressed joints.*
- (e) *The inclusion of a footpath awning to the Victoria Street frontage.*
- (f) *The colonnade is to be flush with the adjoining ground levels to the south, rather than it being set at a lower level as plans currently show.*

Revised details in accordance with the above ~~The above modifications~~ are to be submitted to and approved by ~~the~~ Director of City Planning, Development and Transport prior to the issue of ~~any~~ **the first** Construction Certificate.

(Amended 27 February 2017)

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed ~~RL 64.430 (AHD)~~ **RL 64.130 (AHD)** to the top of the building and ~~RL 62.430 (AHD)~~ **RL 62.130 (AHD)** to the gutter line of the building.
- (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.

(Amended 27 February 2017)

Carried unanimously.

Speakers

Mr Ian Cumming, Ms Liz Illingworth, Ms Christina Litchfield, Mr Jonathan Chaitow, Mr Edward Vaughan, Ms Coralee Rough and Mr Ken McPhail addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.8.

ITEM 9.9

DEVELOPMENT APPLICATION: 746-750A GEORGE STREET HAYMARKET (D/2016/633)

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance, as the proposal does not require the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;

- (B) the variation sought to clause 4.3 – 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; and
- (C) consent be granted to Development Application No. D/2016/633, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

Report of the Development Assessment Sub-Committee

Moved by Councillor Thalís, seconded by Councillor Forster -

That the report of the Development Assessment Sub-Committee of its meeting of 20 February 2017 be received, with the recommendations set out below for Items 9.13 and 9.14 being adopted, and Items 9.10 to 9.12 inclusive being dealt with as shown immediately following those items.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 9.10

DEVELOPMENT APPLICATION: 223-225 LIVERPOOL STREET DARLINGHURST (D/2016/809)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 February 2017.

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

It is resolved that:

- (A) the variation sought to the 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
- (B) consent be granted to Development Application No. D/2016/809, subject to the conditions as detailed in **Attachment A** to the subject report to the Planning and Development Committee on 20 February 2017, subject to the amendment of Condition (6), the addition of conditions, and the subsequent renumbering of conditions (with amendments shown in ***bold italics*** (additions) and **~~bold strikethrough~~** (deletions) as follows:

SCHEDULE 1A

New condition to be inserted after existing Condition (1):

DESIGN MODIFICATIONS - TOILET DOORS TO LEVEL 3

The design of the building must be modified as follows:

- (a) *The external, eastern facing toilet doors on Level 3 are to be deleted, with access to the toilets only from within the internal floorplate of level 3.*

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the first Construction Certificate.

New condition to be inserted after existing Condition (4):

WALKWAYS ON LEVEL 3

The 1.06m wide accessible walkway on Level 3, on the eastern and western elevations only, are not to be used by staff of the offices and are to be accessed for essential maintenance purposes only.

Amendment of existing Condition (6):

(6) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building façade, including all external finishes, colours and glazing, must be in accordance with the materials schedule and sample board, and specifications prepared by Fender Katsalidis Mirams Architects (FKM) submitted with the development application dated 17 June 2016. The roof and the ***louvered screen to the plant room are to both be a Colorbond material in the colour 'Terrain'.***

New condition to be inserted after existing Condition (6):

REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade and the roof of the building does not exceed 20%, prior to issue of the Construction Certificate.

SCHEDULE 1B

New condition to be inserted after existing Condition (30):

CONSTRUCTION TRAFFIC MANAGEMENT LIAISON COMMITTEE

- (a) *Prior to the commencement of any work, a Construction Traffic Management Liaison Committee is to be established by the developer to ensure that construction traffic and access issues, in respect to the private lane to the south and west of the subject site, can be dealt with expeditiously and cooperatively.*

- (b) The Committee is to be comprised of interested parties representing the subject site and the Park Apartments (18-32 Oxford Street).**
- (c) The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Traffic Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.**
- (d) Prior to the commencement of work, the Site Manager is to provide the members of the Committee with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.**
- (e) A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.**
- (f) The Committee meetings are to be recorded/minuted and shall be made available to Council Officers on request.**
- (g) The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes.**
- (h) The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.**

Carried unanimously.

Speakers

Ms Anna Collingwood, Ms Lynne Westman, Mr Craig Stuckey and Mr Tony Whaling addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.10.

ITEM 9.11

SECTION 96 MODIFICATION APPLICATION: 332 VICTORIA STREET DARLINGHURST - BLOODY MARY'S (D/2005/866/D)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 February 2017.

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

It is resolved that consent be granted to Section 96 Modification Application No. D/2005/866/D, subject to the amendment of conditions (with modifications shown in ***bold italics*** (additions) and ~~striketrough~~ (deletions)), as detailed in **Attachment A** to the subject report to the Planning and Development Committee on 20 February 2017, and the Memo dated 15 February 2017 from the Director City Planning, Development and Transport, circulated prior to the meeting of the Planning and Development Committee, amended as follows:

REAR WALL

- 1A. A new masonry wall with a minimum height 1.8metres, measured from the existing ground level, is to be constructed to replace the existing fence at the rear of the property fronting to Nimrod Street. A door is to be included in this wall which is to be used for emergencies and servicing only. This wall is required to ameliorate acoustic impacts arising from the increase in patron numbers.**

Detailed architectural drawings, materials and finishes are to be submitted to and approved by the Director City Planning, Development and Transport prior to issue of any construction certificate.

(Amended 27 February 2017)

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás

Noes (1) Councillor Forster.

Motion carried.

Speakers

Mr Kristian Karlsen, Mr Duncan McEwen, Mr Jeremy Rockey and Ms Cinta Taylor addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

ITEM 9.12

DEVELOPMENT APPLICATION: 443 GLEBE POINT ROAD GLEBE (D/2016/1609)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 27 February 2017.

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

It is resolved that:

- (A) the variation sought to Clause 4.4 'Floor space ratio' development standard 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 4.3 'Height of buildings' 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
- (C) consent be granted to Development Application No. D/2016/1609, subject to the conditions as detailed in Attachment A to the subject report, subject to the addition of the following new condition:

(2A) REAR ROOF EXTENSIONS

- (a) ***The external faces of the roof extensions to the rear of a building are to be:***
 - (i) ***set down a minimum of 200mm below the ridge line as measured along the roof slope from the ridge; and***
 - (ii) ***set back a minimum of 200mm from the rear wall as measured along the roof slope from the outer face of the wall.***
- (b) ***The roof of the extension must have a minimum 5 degree pitch, and slope down from the ridge towards the rear elevation of the property.***
- (c) ***The flashing or waterproofing of the rear roof extension is not to span***
- (d) ***The external walls of the extension must be clad with weatherboards, corrugated steel or a similar profiled material.***
- (e) ***The sliding windows are to be deleted and replaced with vertically proportioned, timber framed windows with a paint finish.***
- (f) ***External blinds (venetian or fabric) are required, which may be manually and automatically retracted.***

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the first Construction Certificate.

Carried unanimously.

Speakers

Mr Kieran McNerney addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.12.

ITEM 9.13**DEVELOPMENT APPLICATION: 30-34 HICKSON ROAD MILLERS POINT (D/2016/1481)**

It is resolved that:

- (A) the variation sought to Clause 4.3 '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; and
- (B) consent be granted to Development Application No. D/2016/1481, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

ITEM 9.14**DEVELOPMENT APPLICATION: 201-217 KENT STREET SYDNEY - AON BUILDING (D/2016/1545)**

It is resolved that:

- (A) the variation sought to the height 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/2016/1545, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

**ITEM 10 EXEMPTION FROM TENDER – VARIATION TO EXISTING CONTRACT -
BENLEDI HOUSE ROOF AND STORMWATER UPGRADE (X006299)**

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

It is resolved that:

- (A) Council approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the “additional hazardous and contaminated material removal”, noting that, due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reason why a satisfactory outcome would not be achieved by inviting tenders are:
 - (i) a contractor for the construction works has already been appointed in accordance with the City’s procurement processes; and
 - (ii) the additional costs required to establish another remediation contractor on site is not considered value for money. If the work were separately contracted, it is not considered that better value for money or suitable timeframes would be achieved for Council;
- (C) Council approve an increased contract contingency to the existing Head Contractor to cover extended construction work as described in confidential Attachment A to the subject report; and
- (D) Council note the financial and contractual implications detailed in confidential Attachment A.

Carried unanimously.

ITEM 11 QUESTIONS ON NOTICE**IN-GROUND TRAFFIC LIGHT TRIAL (S129276)**

1. By Councillor Vithoukas

Question

On 25 May 2016, the NSW Government announced an advertising campaign “Towards Zero” aimed at reducing injuries and fatalities on Sydney roads. The announcement included a set of initiatives, one of which was a \$250,000 trial of in-ground traffic light technology at key city centre intersections.

Since late January 2017, the installation of in-ground traffic light technology has commenced at the intersections of Goulburn and Pitt Streets and Dixon and Hay Streets.

1. Where else in the city will it be trialled?
2. How long will the trials last?
3. What is the criteria to evaluate success or failure of the trial?

Answer by the Lord Mayor

Late last year, the NSW Government approached the City to inform of an intention to trial in-ground traffic signals at three CBD locations: Goulburn Street and Pitt Street, Dixon Street and Hay Street and Martin Place at Pitt Street.

The City was generally supportive of the trial, but raised concerns around the proposal to use Martin Place. The City advised against this location, on the grounds that it would detract from the Government’s plans to install a permanent memorial for the victims of the Martin Place siege, which will feature lighting of its own, and that the lights would not fit with the heritage surrounds.

Earlier this year, the RMS progressed with the installation of the lighting at the intersections of Goulburn and Pitt Streets; and Dixon and Hay Streets. The City is unsure as to whether the RMS has any plans to include Martin Place at a later date.

The trial is being conducted by the RMS and TfNSW’s Centre for Road Safety. At this time, we are unsure how long the trial is planned to last and what criteria will be used to monitor and evaluate the effectiveness of the trial.

APPOINTMENT OF CITY OF SYDNEY CAMPAIGNER AND WESTCONNEX FUNDING (S129276)

2. By Councillor Vithoukas

Question

During February 2017, the City of Sydney advertised a 12-month contract position for a Campaigner to “work closely with the Lord Mayor, informing and working with the community and business to tackle and solve threats to our sustainable, vibrant, attractive and liveable city.” One element of the role involved advocacy around WestConnex.

Also, if an additional \$25,000 grant is given to the WestConnex Action Group (WAG) during February's Council meeting, the total amount received by that organisation, from the City of Sydney, will total \$70,000.

1. Will the City of Sydney Campaigner also raise awareness and campaign for the rights of small business owners negatively impacted by construction across the City of Sydney local government area?
2. Will funding be forthcoming to support organisations that would directly assist small business owners impacted by construction in the same way as WAG?

Answer by the Lord Mayor

This is a 12 month term position to coordinate efforts to get the best result possible on high priority issues for the city community, including measures to increase the supply of affordable housing and drive practical action on climate change.

The strongest calls from the community in both the election for the City of Sydney and the State election for the seat of Newtown have been for action against the destructive WestConnex toll road. NSW voters will have to pick up a massive \$16.8 billion and rising bill for WestConnex in their taxes, Western Sydney residents will pay further tolls for a motorway that delivers negligible benefits for a few years before it is at capacity once more and the tollway will have extraordinarily detrimental impacts on open space, congestion and liveability for inner-Sydney.

This position will help deliver on the election commitments made to the community. With a new Premier, the seventh while I've been here, we have a good opportunity to get things back on track.

STREET CLEANSING (S129268)

3. By Councillor Chung

Question

With respect to street bin waste collections in the City of Sydney, divided by geographic locations:

1. Please provide a map indicating the location of street waste bins.
2. How often and at what times are each street waste bin emptied and cleansed?
3. What extraordinary requests have been received to empty street waste bins by date and location for the period 2015 and 2016?
4. Please provide any waste volume data for individual street waste bins, locations or areas for the period 2015 and 2016.

With respect to street and footpath cleansing using heavy machinery (street sweeper or the like), divided by geographic location:

1. How often and at what times are individual streets and footpaths cleaned using this method?
2. What extraordinary requests have been received to cleanse individual streets by date and location for the period 2015 and 2016?

With respect to street and footpath cleansing using light equipment (such as gurney, brooms and the like), divided by geographic location:

1. How often and at what times are individual streets and footpaths cleaned using this method?
2. What extraordinary requests have been received to cleanse individual streets by date and location for the period 2015 and 2016?

Answer by the Lord Mayor

Given the detailed nature of this question, I have asked the Chief Executive Officer to meet with you.

1-5 FLINDERS STREET, DARLINGHURST (S129269)

4. By Councillor Forster

Question

On 29 February 2016, Council resolved to endorse in principle the disposal of 1-5 Flinders Street and request the Chief Executive Officer to conduct an Expression of Interest (EOI) to identify suitable proponents to acquire, refurbish and use the property at 1-5 Flinders Street, consistent with the City's objectives of urban renewal and report back to Council on the outcomes of this process and recommendations.

In an answer to a Question on Notice in May 2016, the Lord Mayor stated that it was envisaged that selection of the EOI agent would be made in mid-June 2016, with the EOI running for four weeks. The Lord Mayor also stated that it was expected that responses would not be evaluated until the end of July/early August 2016.

Can the Lord Mayor please provide an update on the progress of the February 2016 Council resolution?

Answer by the Lord Mayor

As has been previously advised, this matter is in progress. The outcomes of the Expression of Interest process and accompanying recommendations will be reported back to Council in due course.

FIG AND WATTLE STREET DEPOT SITE REMEDIATION UPDATE (S129269)

5. By Councillor Forster

Question

In a response to my August 2016 Question on Notice about the Fig and Wattle Street Depot site remediation, the Lord Mayor stated that the indicative timeframe for completion of the final site audit statement and site audit report of July 2016 would be delayed until October 2016 to accommodate a request for storage arising from the Light Rail Project.

It is now February 2017. When will the Remediation Action Plan and Site Audit Statement for the Fig and Wattle Street Depot be made public?

When will the Remediation Action Plan be implemented, noting that there is no funding for this implementation in the 2016/17 Quarter 2 Review – Delivery Program 2014-2017?

Answer by the Lord Mayor

On 29 August 2016, the City's principal environmental consultants JBS&G issued the draft Conceptual Site Model and Preliminary Human Health and Ecological Risk Assessment; and the draft Sampling, Analysis and Quality Plan to address the data gaps identified in the Preliminary Risk Assessment.

The Site Auditor, having reviewed these reports, requested additional works, including the requirement for deep drilling and vapour/landfill gas assessment on selected boundaries.

The scope of works required by the Sampling, Analysis and Quality Plan focused on installations, including 5 new groundwater wells, 20 vapour sampling points and soil samples from 25 locations and 5 targeted locations.

The installations and sampling work took place between 25 November and 14 December 2016.

These results will be used for the future Human Health and Ecological Risk Assessment and finalising the Remediation Action Plan.

JBS&G expect the Remediation Action Plan, Site Auditors Report and Part B Site Audit Statement will be completed by late May, 2017.

Remediation works are being funded from Property operational budget.

As advised on 15 August 2016, the Remediation Action Plan and Site Audit Statement will be a matter of public record as part of the planning process.

EMERGENCY SERVICES PROPERTY LEVY COSTS (S129275)

6. By Councillor Scott

Question

What costs has the City incurred in order to comply with the Emergency Services Property Levy, broken down by staff and other expenses?

Answer by the Lord Mayor

The City has already spent \$50,000 to date to contract an experienced rates professional to focus on project management, change management and land classifications in order to comply with the NSW Treasury's stipulated deadlines. This project manager will remain until October 2017 to ensure successful implementation of the new State levy.

A further \$7,000 has been spent to upgrade the City's rates modelling software, and additional costs will be incurred in software configuration and testing, updating land values, printing, mailing communications and customer service support.

NSW Treasury has committed to make the Emergency Services Property Levy a cost-neutral exercise for Council. To this end, an initial payment of \$72,500 has been received from the NSW Government towards our expenses, and we expect full reimbursement of our upfront costs over the next two years. The City also expects an ongoing annual payment to cover the recurring costs of administering the levy and acting as the State's collection agent.

CITY'S APPLICATION FOR ADDITIONAL PERMANENT RATE INCREASE (S129275)

7. By Councillor Scott

Question

I refer to the City's application to the Office of Local Government for an additional permanent increase to the City's rate base of 1%. Has the City formally submitted the application?

Which areas of the City will be covered by this application?

What is the projected increase in revenue for the City from this application?

Answer by the Lord Mayor

The City has submitted the application for the permanent rate increase which relates to Crown Land which has now become rateable as a consequence of the Darling Harbour Live project (specifically the ICC hotel and Darling Square development). A similar application was previously made in 2013 for the Barangaroo development.

A CEO Update which provides information on the rest of this question was circulated on 10 February 2017.

DUMPED MATERIALS (S129275)

8. By Councillor Scott

Question

How many reports of dumped materials has the City of Sydney received each year over the past four years?

What proportion of these reports were attended by City staff?

What proportion of these reports resulted in the City arranging collection of those materials?

Of those materials not collected, what were the City's reasons for non-collection?

What was the average time between a report of dumped materials being made and the City's collection of materials?

Answer by the Lord Mayor

Over the past four years, a total of 31,980 illegal dumps were reported to the City. The total number of reported illegal dumps each year was:

2013 – 6572 illegal dumps
2014 – 7117 illegal dumps
2015 – 8318 illegal dumps
2016 – 9973 illegal dumps

All reported dumps are attended to by City staff.

Almost all reported dumps are collected by City staff. Less than 0.2% of reported dumps are identified to contain a hazardous substance and, in this case, a suitably qualified contractor is arranged to collect the dumped material.

The average time between receiving a report of dumped material and the time of collection is between one to two days.

REPLACEMENT OF CITY'S WASTE BINS (S129275)

9. By Councillor Scott

Question

How often are the City's waste bins, residential, commercial and public, replaced?

How many requests has the City received each year, over the past four years, for the replacement of residential, commercial or public waste bins?

Broken down by residential, commercial and public, what proportion of these requests resulted in replacement bins being provided by the City?

What was the average time between a request being made and the provision of a replacement waste bin?

What were the City's reasons for denial of requests for replacement waste bins?

Answer by the Lord Mayor

The City is responsible for residential and street litter (public) bins. The City is not responsible for commercial waste bins.

For residential bins the following applies:

Residential bins are replaced on an as needed basis, usually for the reason that they are damaged or missing.

Over the past four years a total of 26,731 new residential bins have been issued. The total number of residential bins replaced each year was:

- 2013 – 5490 residential bins
- 2014 – 5913 residential bins
- 2015 – 7468 residential bins
- 2016 – 7860 residential bins

This includes resident requests to replace damaged or missing bins, requests to up or down size bin capacity, as well as issuing bins for new buildings.

The City responds to all requests and replaces bins which are reported as damaged or missing.

The average time between a request being made and the provision of a replacement residential bin is approximately five days. Bin deliveries are scheduled twice a week.

If bins are damaged or missing, requests for replacement bins are always fulfilled by the City. The City would only deny the request for a replacement bin if there was already a bin deemed suitable for use (for example, a dirty bin without any damage can still be used even though a resident requests a new one).

For Street Litter Bins the following applies:

Street litter bins are replaced on an as needed basis, usually where they are damaged.

Damage to street litter bins is often identified by Council staff and, in this instance, the City does not maintain records of the total number of bins replaced.

City staff replace all damaged City-owned bins. Some street litter bins are owned by JCDecaux and, if these are damaged, JCDecaux are obligated to replace these bins.

The City does not maintain records of the time taken to replace damaged street litter bins.

All damaged street litter bins are replaced unless it is no longer suited to a particular location.

GARBAGE TRUCKS (S129275)

10. By Councillor Scott

Question

How many garbage trucks has the City purchased in the last 15 years, broken down by year and type?

How many garbage trucks does the City currently operate, broken down by year and type?

When not being driven, please detail where each vehicle is stored.

Broken down by vehicle, when were the oldest trucks still in operation purchased?

When were the most recent trucks purchased?

When are the oldest trucks expected to be replaced?

How often does the City purchase new trucks? And how many trucks are purchased?

Answer by the Lord Mayor

From 2004 till current day the City has purchased 41 garbage trucks as follows:

Year	No. of garbage trucks	Truck Type
2004	1	1 x Garbage Compactor 8M
2005	3	2 x Garbage Compactor 15M, 1 x 4M
2006	2	2 x Garbage Compactor 15M
2007	2	2 x Garbage Compactor 8M
2008	5	3 x Garbage Compactor 15M, 2 x 8M
2009	3	1 x Garbage Compactor 15M, 2 x 8M
2010	3	2 x Garbage Compactor 15M, 1 x 4M
2011	4	2 x Garbage Compactor 15M, 1 x 4M, 1 x 8M
2012	2	2 x Garbage Compactor 12M
2013	3	2 x Garbage Compactor 15M, 1 x 8M
2014	5	2 x Garbage Compactor 4M, 3 x 8M
2015	5	4 x Garbage Compactor 15M, 1 x 8M
2016	3	2 x Garbage Compactor 15M, 1 x 8M
Total	41	

Note. "M" denotes cubic metre carrying capacity.

The City currently owns 18 garbage trucks (refer years 2012-2016 in the above table for further details).

Council vehicles are deployed where needed, but are normally housed at one of the following depots:

- Bay Street Depot, Ultimo
- Epsom Road Depot, Alexandria
- Marian Street Depot, Redfern
- Burke Street Depot, Woolloomooloo

The oldest garbage truck that Council owns is 4.5 years old.

The most recent garbage trucks were deployed into service in December 2016.

The four oldest trucks are due to be disposed of and replaced in 2017/2018.

Under the City's Fleet Asset Management Plan, garbage trucks are replaced after five years' service. The number of garbage trucks purchased each year depends on vehicle age and condition.

NON-RESIDENTIAL ROLL (S129275)

11. By Councillor Scott

Question

Will the City review non-residential compliance with the legal requirement to enrol on the non-residential roll? If so, when does the City expect such a review to be completed?

Will the review be publicly available?

I refer to the initial direct mail out to the 142,167 owners, occupiers and rate paying lessees beginning in October 2015. How much did this mail out cost the City?

As a result of the CEO's review of the non-residential roll, what actions will the City take in the future in relation to its administration of the non-residential roll?

Answer by the Lord Mayor

Councillors received a CEO Update on 17 February 2017 which provided detailed information on the implementation of the non-residential register. As advised in that CEO Update, Councillors will be briefed on the future methodology shortly.

RESTAURANT ASSOCIATES CONTRACT – BUSINESS DEVELOPMENT FUND (S129275)

12. By Councillor Scott

Question

I refer to the Business Development Fund (BDF) as provided for in the City's Town Hall Catering Agreement with Restaurant Associates Pty Ltd. Broken down by year, how much money has the City appropriated to the BDF since 2004?

Broken down by year, how much money from the BDF has been spent?

Broken down by year, please provide an outline of all items of expenditure from the BDF.

I refer to Item 6.3 of the meeting of Council, 12 December 2016. What is the status of the "process map to be developed to support the handling of BDF expenditure by both parties in the future"?

Answer by the Lord Mayor

The City does not contribute or devote any monies or assets to the BDF.

The terms of the current contract between the City and Restaurant Associates requires a percentage of the caterer's turnover (3% + \$60,000 per annum) be allocated to a BDF which is held and maintained by the caterer.

Under the terms of the agreement, the BDF is used for activities and projects that are agreed on a mutual basis by both parties for the specific development of catering business in the venues covered by the contract (Sydney Town Hall and the Barnet Long Room at Customs House).

The table below breaks down the BDF expenditure over the current term which commenced 1 January 2014.

An audit of the BDF transactions was completed in 2016. Note previous contract terms data is not readily available.

Table: Actual BDF Expenditure (contract/calendar years) as at 31 December 2016 ex GST

Contract year	2014	2015	2016	Total
Equipment	0	54,379.00	17 993.58	72 312.58
Advertising & Photography	13 401.56	47,896.72	15498.44	76 796.72
Trade Show Participation	38 389.23	119 079.52	56 700.32	214 169.07
Showcase, Educational & Familiarisation activities	98 463.87	267 671.79	2,915.00	369 050.66
Total	150 254.66	489 027.03	93 047.34	732 329.03

Not included in this table is the purchase of two new ovens delivered in February 2017 for a total cost of \$105,800 excluding GST. These ovens were required for the operation in the Sydney Town Hall kitchens during the Level 4 upgrade period. They will be transferred to the new Level 4 kitchen post refurbishment.

PARKING INFRINGEMENT REVENUE (\$129275)

13. By Councillor Scott

Question

I refer to the City's 2016/17 Quarter 2 Review, Delivery Program 2014-2017. Broken down by quarter over the past four years, what proportion of the Enforcement Income received by the City was in relation to parking infringements?

Broken down by quarter over the past four years, what proportion of Enforcement and Infringement Costs pertains to parking infringements?

Please outline the proportion of parking infringements by time of day and week.

Please outline the proportion of parking rangers by time of day and week.

Broken down by month and by role, how many enforcement staff vacancies were there in the years ending 31 December 2015 and 31 December 2016?

Broken down by month, what proportion of the budgeted salaries of enforcement staff was not spent?

Broken down by month, how many required hours of duty were not worked?

Answer by the Lord Mayor

Given the detailed nature of this question, I have asked the Chief Executive Officer to meet with you.

24 HOUR ACCESS TO PUBLIC TOILETS (\$129275)

14. By Councillor Scott

Question

Can the City provide an update as to the progress of its efforts to make public toilets in the local government area accessible 24 hours a day?

Are the City's public toilets now accessible 24 hours?

If not, when does the City expect its public toilets to be accessible 24 hours?

If so, does the City have any data in relation to the utilisation of these toilets broken down by time of the day?

Answer by the Lord Mayor

The City owns and manages 55 public toilets within the local government area. Of these, the City operates 17 which are accessible 24 hours a day.

About 30% of the City's public toilets, mainly those located within central Sydney and the night-time entertainment precincts, are open 24 hours per day. These include:

- 14 automated public toilets (APT) located at:
 - Fitzroy Gardens (Kings Cross);
 - Taylor Square (Oxford St);
 - Circular Quay (Alfred St);
 - Belmore Park (Hay St);
 - Wynyard Park (York St);
 - Lang Park (York St);
 - Hyde Park (Liverpool St, College St, Macquarie Street, Elizabeth Street and Park Street); and
- Three non-automated (traditional) toilets located at George Street Harbour Bridge (The Rocks); Watson Road (Millers Point); Wentworth Park, (Glebe).

The operational hours of public toilets are influenced by a range of factors, including their location, demand, pedestrian flow and public safety. As new public toilets are built, they will be assessed for their suitability to be accessible 24 hours a day.

City of Sydney public toilets located within public buildings such as libraries and public buildings are open during business hours for security reasons.

The Public Toilet Strategy (pages 8-9) includes an overview of public toilet usage and user demographics. A detailed study of usage at key facilities was undertaken in 2012. Key data indicated:

- Kings Cross 24-hour APT witnessed peak use (7-13 uses per hour) between 10pm and 2am with moderate use (5-7 uses per hour) between 6am and 6pm.
- Hyde Park (Macquarie Street) 24-hour APT witnessed moderate use (4-6 uses per hour) between 8am and 10pm.
- Sydney Park (twin unit non-automated facility located near kiosk and playground open daylight hours) – witnessed peak use (around 40 uses per hour) between 10am and 4pm with usage tapering off to less than 5 uses per hour at 6pm.

The City's Public Toilet Strategy can be viewed at:

http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0007/199816/2013-460160-02-Policy-Attachment-C-Public-Toilet-Strategy-Adopted.pdf

T2 - 1-5 FLINDERS STREET, DARLINGHURST (S129275)

15. By Councillor Scott

Question

Please outline the steps taken by the City towards the sale of the T2 Building in Taylor Square.

Answer by the Lord Mayor

Please refer to my answer to Question on Notice No. 4.

PUBLIC ART (S129275)

16. By Councillor Scott

Question

Can Councillors please be provided with a copy of the research underpinning the City's public art strategy and planning amendments?

Answer by the Lord Mayor

The City's Public Art (City Art) Strategy was endorsed by Council in 2011. The Strategy provides nine guiding principles for how public art is implemented in the LGA. Implementation of public art in the LGA in public and private projects is guided by this Strategy.

All relevant documentation relating to the strategy may be accessed on the City's website.

LIVE MUSIC (S129275)

17. By Councillor Scott

Question

Can Councillors please be provided with the research commissioned from Urbis researching rates of alcohol consumption in live music and performance venues?

What was the total cost of the City's engagement of Urbis in relation to this research?

Answer by the Lord Mayor

The results of the pilot study conducted by Urbis will be provided to Councillors shortly. The cost of the Urbis study was \$59,706 (excluding GST).

CITY PROPERTIES (S129275)

18. By Councillor Scott

Question

Broken down by City-owned property, please detail each currently vacant property, the reason for this vacancy and when it is expected to be tenanted.

Answer by the Lord Mayor

Vacant property are those City-owned properties that are currently physically empty but otherwise occupiable.

This list does not include City-owned properties which are currently not occupied, leased or being put to other community and /or commercial use and have been defined as unoccupied buildings, that is, those buildings that are currently uninhabitable due to the following circumstances:

- property is a Capital Works Corporate Plan item, with significant construction activity underway/planned to commence;
- property is earmarked for imminent upgrade works, scope of such upgrades is often defined during the process of being leased with scope matching the intended end-use;
- property is listed for delivery of strategic infrastructure and/or allocated for disposal.

Property Name	Location/ Level/ Suite	Reason for Vacancy	Expected timeframe for occupation.
307 Pitt Street	Ground Floor Retail	City Convenience Store vacated the premises without notice. City making good and recharging tenant.	Targeting June 2017 to have lease terms agreed with prospective tenant.
309 Pitt Street	Level 6	Tenant defaulted on lease and vacated premises.	Targeting June 2017 to have lease terms agreed with prospective tenant.
Bandstand Café	Green Park	Lease expired. EOI undertaken in 2016. Letter of Offer signed by prospective tenant.	Targeting March 2017 for premises to be occupied.
Bellevue Cottage	Cafe - Bellevue Cottage	Reject and Negotiate (post EOI) in progress to lease to a new tenant. Letter of Offer signed.	Now leased, awaiting Lease Execution. Occupation due March 2017
Hyde Park (North)	Tram Shelter	Alternative Kiosk location during Kiosk Relocation program due to Light Rail.	Occupiers being sort via EOI. Targeting June 2017 to fill vacancy.
137 Palmer Street, Woolloomooloo	Ground	Newly created space. Lease offered to café operator.	Targeting March 2017 for occupation.
Pirrama Park Cafe & Kiosk	Kiosk	Reject and Negotiate (post EOI) in progress to lease to a new tenant. Letter of Offer subject to negotiation.	Occupation due March 2017.
15 Norman Street	Residential	Lease expired. Leasing Agent appointed, instructed and marketing premises.	Targeting March 2017 for premises to be occupied.
17 Norman Street,	Residential	Lease expired. Leasing Agent appointed, instructed and marketing premises.	Targeting March 2017 for premises to be occupied.
56-76 Oxford St	Ground, Shops 58- 64	Premises were part of Agreement to Lease to Woolworths. Shops 62 and 64 are currently under offer to boutique supermarket operator, subject to supply of adequate power, which is to be installed by City Projects July 2017. Amended lease proposal issued Feb 17. Shops 58 and 60 are currently out to market.	Subject to finalising lease negotiations and Planning approvals for fitout and completion of Sub Station installation; targeting July 2017 for occupation.

Property Name	Location/ Level/ Suite	Reason for Vacancy	Expected timeframe for occupation.
56-76 Oxford St	Level 2, Suite 4	Repairs to cracked wall being completed. Painting and carpet replacement to be completed Feb / March 2017. Leasing Agents instructed and premises being marketed for lease.	Targeting July 2017 to have lease terms agreed (subject to installation of Sub Station)
56-76 Oxford St	Level 2, Suite 5	Will be put out to lease following completion of Riser Installation Capital works.	Targeting June 2017 to have lease terms agreed.
82-106 Oxford St	Level 1, Ground and Basement Shop 82	Formerly occupied by American Apparel who went into Voluntary Administration and closed in December 2016. Leasing Agents appointed, instructed and marketing premises.	Short term activation Program February to March 2017. Leasing submission received from Beverage operator. Targeting June 2017 to have leasing terms agreed. Occupation subject to DA and Liquor Licence applications.
82-106 Oxford St	Level 2, Suites 21, 27, 27A, 28	Under offer to companies or being marketed by leasing agents	Targeting occupation date or lease term agreements, June 2017.

APPRENTICES (\$129275)

19. By Councillor Scott

Question

Broken down by year, please detail how many apprentices the City has employed over the last decade.

Answer by the Lord Mayor

The following is the calendar year by year number of apprentices employed at the City from 2007 to 2017.

Year	Total Apprentices employed during the year (persons)	Total number of Apprentice positions
2007	3	3
2008	3	3
2009	2	2

Year	Total Apprentices employed during the year (persons)	Total number of Apprentice positions
2010	3	3
2011	9*	7
2012	7	7
2013	9*	7
2014	7	7
2015	7	8
2016	7	8
2017	7	8

*In 2011 and 2013, where apprentices left or completed their apprenticeship, they were replaced with newly recruited apprentices.

Currently, the City employs 7 apprentices in the positions of Apprentice Gardner (5), Electrician (1) and Stonemason (1). There is a vacant role (1) for an apprentice vehicle mechanic in Fleet Services. An Aboriginal Employment Strategy trainee is engaged in this team with a view to transitioning this trainee to the vehicle mechanic apprenticeship in 2018.

OXFORD STREET (S129275)

20. By Councillor Scott

Question

Please provide an update on the City's plans for City-owned properties on Oxford Street.

Answer by the Lord Mayor

The Oxford Street Property Activation Strategy 2014 has progressed, with significant works being completed and others currently underway. The leasing of Shop 98 Oxford Street to Ariel Books (iconic Paddington retail operator) is a recent major sign of success for this Strategy.

Any updates to the 2014 Activation Strategy for Oxford Street will be notified to Councillors.

PANEL OF INVESTIGATORS (S129275)

21. By Councillor Scott

Question

I refer to the meeting of the Corporate, Finance, Properties and Tenders Committee on 20 February 2017, Item 22 "Tender – Panel of Investigation Service Practitioners". When did the City first appoint this panel? How long is the term of service of members of the panel?

Broken down by year, how many investigations have been undertaken by the Panel?

Answer by the Lord Mayor

The establishment of the first panel was approved by Council on 7 November 2011. The term of service of members of the panel is three years, with the option to extend for two years, which may be exercised at the discretion of the City.

Investigations undertaken by the Panel are as follows:

- 7/11/2011 to 30/6/2012 – Two
- 2012/13 – One
- 2013/14 – Two
- 2014/15 – Two
- 2015/16 – Two
- 1/7/16 to 21/2/2017 – Nil

AFFORDABLE HOUSING FUND (\$129275)

22. By Councillor Scott

Question

What new funds are proposed for the Affordable Housing Fund for the financial year 2017/18?

Answer by the Lord Mayor

From the \$10.3 million Affordable and Diverse Housing Fund, \$1.75M has been committed to projects conditional upon development consent. The total remaining funds of \$8.55M are uncommitted. The City provides information on the Affordable and Diverse Housing Fund on its website that the fund is open for applications and regularly engages with Community Housing Providers to provide information on the fund.

LIVE MUSIC AND PERFORMANCE LISTINGS (\$129275)

23. By Councillor Scott

Question

Broken down by year, since 2004, please provide the number of live music and performance listings in the City of Sydney local government area.

Answer by the Lord Mayor

Staff investigated the availability of City of Sydney local government area listing data in 2013 as part of the development of the Live Music and Performance Action Plan, and provided some preliminary, indicative results within the Action Plan itself.

As part of its work, the Taskforce commissioned a study of live music and performance listings in gig guides in the Sydney street press publication *The Drum Media* (now known as *The Music*) that showed a 61 per cent decline over a nine-year period (from 540 in a sample week in 2004 down to 213 in the same period in 2013). Although this research is indicative only, it demonstrates a downward trend in opportunities for musicians and performers in Sydney.

Since the Action Plan's adoption, staff have investigated the viability of using listing data to track industry changes in a more robust way. The investigation highlighted that listing data used by industry to promote performances to audiences was not reliable enough to justify collecting it ongoing or as an indicator on which to base policy decisions. Reasons for this include:

- there is no single or central source of live music and performance listings for the City of Sydney local government area;
- it is not possible to combine or compare data across listing services, due to the wide variety of approaches taken to collecting, collating and publishing listings;
- the changing nature of industry media and marketing platforms since 2004, including the shift from print to online and changes in editorial priorities; and
- limited access to historical online listing data.

As such, staff have focused their data collection and research efforts on the specific commitments made in the Action Plan and seeking more robust data produced by government agencies such as the Australian Bureau of Statistics and Australia Council for the Arts, or collected by industry associations such as APRA and Live Performance Australia.

ITEM 12 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

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

ITEM 13 NOTICES OF MOTION**PUBLIC QUESTIONS (S129260)**

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

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.

Foreshadowed Motion. Councillor Scully foreshadowed that, should the motion moved by Councillor Forster be lost, she would move an alternative motion.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoukaskas

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

Adjournment

At this stage of the meeting, at 6.28pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting be adjourned for 15 minutes.

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukaskas

Noes (1) Councillor Forster.

Motion carried.

At the resumption of the meeting of Council, at 6.43pm, those present were –

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

Councillor Scully then moved her foreshadowed motion, seconded by Councillor Miller, as follows:

It is resolved that Council note that:

- (A) the City of Sydney has numerous mechanisms which enable the public to obtain information;
- (B) these mechanisms are widely used as demonstrated by the following:
 - (i) the City's 24/7 call centre receives over 275,000 calls each year;
 - (ii) the City's customer service centres assist 113,000 customers each year;
 - (iii) the City's corporate website receives around four million visits each year;
 - (iv) around 860,000 notification letters are sent each year;
 - (v) around 8,500 replies to individual letters are sent each year;
 - (vi) the City's on-line community engagement hub attracts 200,000 unique visitors each year;
 - (vii) the City responds to about 12,000 submissions a year; and
 - (viii) around 100 community consultation events are held annually; and
- (C) Councillors have various means to seek information on behalf of their constituents.

Amendment. Moved by Councillor Forster, seconded by Councillor Chung –

That the motion be amended by the addition, at the end of clause (C), of the words “apart from offering themselves up to questions from the public without notice”.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Chung, Forster and Scott

Noes (7) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully, Thalys and Vithoukas.

Amendment lost.

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukas.

Noes (2) Councillors Chung and Forster.

Motion carried.

Extension of Time

During discussion on Item 13.1, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Councillor Scully be granted an extension of time of one minute to speak on this matter.

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukias

Noes (1) Councillor Forster.

Motion carried.

IMPACT OF CONSTRUCTION ON SMALL BUSINESS (\$129267)

2. Moved by Councillor Vithoukias, seconded by Councillor Chung -

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.

Foreshadowed Motion. Councillor Thalís foreshadowed that, should the motion moved by Councillor Vithoukás be lost, he would move an alternative motion.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoukás

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalís.

Motion lost.

Councillor Thalís then moved his foreshadowed motion, seconded by Councillor Scully, as follows:

It is resolved that Council note in order to address impacts of public infrastructure and private development on small businesses:

- (A) the NSW Government's Office of Small Business Commissioner has a range of programs, services and support to minimise the impacts, including a dispute and resolution service which can be utilised for commercial tenancies; and
- (B) the City has a system of procedures and mechanisms to minimise the impacts of construction across the local government area, including:
 - (i) construction liaison committees for the duration of construction to provide a direct contact for residents and businesses to raise issues directly with the developer and/or builder required through conditions of consent (generally for larger projects); and
 - (ii) construction liaison officers to monitor construction sites and liaise with developers, builders and residents during the construction process.

The motion was carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully and Thalís

Noes (3) Councillors Chung, Forster and Vithoukás.

Motion carried.

Extensions of Time

During discussion on Item 13.2, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Councillor Vithoukas be granted an extension of time of two minutes to speak on this matter.

Carried.

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

That Councillor Vithoukas be granted another extension of time of two minutes to speak on this matter.

Carried.

SWIMMING POOLS AND LEARN TO SWIM PROGRAM (S129267)

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

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.

Amendment. Moved by Councillor Kok –

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, rivers, lakes and beaches across New South Wales. None occurred in the City of Sydney;
 - (ii) the City of Sydney has spent \$130,000 on promoting its aquatic programs and services such as *'Learn to Swim'*, through digital and print communications, and provided incentives for new members;
 - (iii) the City of Sydney recently developed a 'Swim Safely' flyer made available at Sydney airport for international students;
 - (iv) City of Sydney staff are working on a strategy to encourage participation in swimming programs for people from culturally and linguistically diverse backgrounds to reduce drowning deaths in high risk and vulnerable populations;
 - (v) 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;
 - (vi) each of the City of Sydney swimming pools offers learn to swim classes that run around 230,000 swimming lessons per year for 6 month olds to adults for \$18.50 each, with the cost discounted for additional children from the one family, and private lessons for \$51.00;

- (vii) the City of Sydney is a partner with the 'Swim and Survive' program, a safety initiative of the Royal Life Saving Society (Australia), that is taught across our local government area;
 - (viii) the City of Sydney waives lane hire for local public schools participating in 'Swim and Survive' and provides a discounted entry rate for more than 300 participants weekly who meet the hardship criteria to qualify for the City of Sydney's 'Access Card' that offers \$5.50 per class; and
 - (ix) 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; and
- (B) the Chief Executive Officer be requested to get information and report back via the CEO update on what we do for Learn to Swim Week.

Following discussion, Councillor Vithoulkas withdrew her Notice of Motion.

LIVE MUSIC AND PERFORMANCE (S129264)

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.

Note. At the meeting of Council, the content of the original Notice of Motion was varied by Councillor Scully. Subsequently, it was:

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

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;
- (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; and
- (F) request the Chief Executive Officer to include an assessment of the viability of compulsory soundproofing in all future development, along with other options which would enable cultural vitality and residential amenity to co-exist as part of the work developing this package.

Variation. At the request of Councillor Vithoukias, and by consent, the motion was varied by the addition of the following new clause, as clause (E), and the subsequent renumbering of all following clauses –

- (E) note that the City should continue to encourage the NSW Government to reconsider actioning 'Action 3.3' of the Sydney Night-Time Economy Roundtable recommendations through its Night-Time Economy Taskforce membership. This action point recommended conducting and promoting a trial of public transport to 4am on Friday and Saturday nights. This recommendation should be actioned as a priority to move people in and out of the City safely and conveniently following live music and performance attendance;

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

LIVE STREAMING OF COMMITTEE MEETINGS (S129259)

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

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.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoulkas

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

Extension of Time

During discussion on Item 13.5, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Councillor Chung be granted an extension of time of two minutes to speak on this matter.

Carried.

LIVE MUSIC AND PERFORMANCE ACTION PLAN (S129266)

6. Moved by Councillor Scott, seconded by Councillor Vithoukas -

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.

Variation. Following discussion, and by consent, Councillor Scott varied her motion by the deletion of clause (B)(ii).

The motion, as varied by consent, was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoukas

Noes (8) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scully and Thalys.

Motion lost.

AFFORDABLE HOUSING (S129266)

7. Moved by Councillor Scott, seconded by Councillor Vithoukas -

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.

Adjournment

At this stage of the meeting, at 8.16pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of Council, at 8.29 pm, those present were –

The Lord Mayor, Councillors Chung, Kok, Miller, Scott, Scully, Thalís and Vithoukas.

Councillors Forster and Phelps returned to the meeting of Council at 8.30pm during discussion on Item 13.7.

Foreshadowed motion. Councillor Thalís foreshadowed that, should the motion moved by Councillor Scott be lost, he would move an alternative motion.

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Scott and Vithoulkas.

Noes (6) The Lord Mayor, Councillors Kok, Miller, Phelps, Scully and Thalís.

Motion lost.

Councillor Thalís then moved his foreshadowed motion, seconded by the Chair (the Lord Mayor), as follows:

It is resolved that Council:

(A) note:

- (i) the City's target is for 15% 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 and Diverse Housing Fund to promote the development of affordable and social housing by community housing providers, not-for-profit and for-profit organisations;
- (iii) that the City's website provides information about the aims and objectives of the fund, available funding, the application process and contact details for community housing providers, not-for-profit and for-profit organisations;
- (iv) that the NSW Federation of Housing Associations, who represent all community housing providers in NSW, has distributed the Council resolution and assessment criteria to all of its members and provided contact details within the City for more information;
- (v) that staff continue to engage with the community housing sector and provide information about the fund to the various organisations such as City West Housing, Bridge Housing, St George Community Housing, Mission Australia Housing, and Common Equity NSW; and
- (vi) that staff are currently preparing the guidelines for this program to be incorporated into the Grants and Sponsorship Guidelines, with amendments to the Grants and Sponsorship Policy to be reported to Council later in the year; and

(B) call on the Federal and State Governments and Oppositions to develop comprehensive policies to address the affordable housing crisis that includes:

- (i) state and federal taxation reforms;
- (ii) changes to banking and lending policies;
- (iii) the extension of the affordable levy across the City of Sydney and to other local councils;
- (iv) investment in new innovative housing models; and

- (v) the integration of housing and infrastructure delivery through Sydney metropolitan planning and an increased target in the District Plans.

Carried unanimously.

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.

Note. At the meeting of Council, the content of the original Notice of Motion was varied by Councillor Scott. Subsequently, it was –

Moved by Councillor Scott, seconded by Councillor Vithoukias –

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 dated 20 April 2016 granted to the New M5, in particular, the 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) the Australian National Audit Office's report "The Approval and Administration of Commonwealth Funding for the WestConnex Project", dated 14 February 2017; and
 - (v) that the question of whether or not WestConnex will not adversely impact on the performance of the road network for all road users, as well as other factors, 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.

Foreshadowed motion. Councillor Miller foreshadowed that, should the motion moved by Councillor Scott be lost, she would move an alternative motion.

The motion was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoukias.

Noes (8) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scully and Thalís.

Motion lost.

Councillor Miller then moved her foreshadowed motion, seconded by the Chair (the Lord Mayor), as follows:

It is resolved that:

- (A) Council note:
 - (i) NSW Department of Planning has received over 13,000 submissions from the community raising concerns in relation to WestConnex;
 - (ii) 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) 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";
 - (iv) the question of whether or not WestConnex will not adversely impact on the performance of the road network for all road users should be legally determined;
 - (v) however, any third-party legal proceedings against the Government in relation to State Significant Infrastructure require approval by the Minister as set out in the Environmental Protection Act 1979;
 - (vi) the Lord Mayor wrote to the former Ministers for Planning and Roads and Maritime Services in December 2016 requesting that they demonstrate how Condition B.43 is being complied with in relation to the WestConnex project, but has not yet received a response; and
 - (vii) the City will continue to work with all interested parties to pursue valid legal challenges in relation to the WestConnex project;
- (B) the Lord Mayor write to the NSW Premier and Leader of the Opposition calling on them to commit to changing the Environmental Protection Act to remove the requirement for Ministerial approval for third-party legal action relating to a State Significant Infrastructure project; and
- (C) the Council reaffirm its strong opposition to this destructive project which will not meet its stated objectives, will not work for Western Sydney commuters, will massively increase congestion and worsen air quality in the inner city and which has repeatedly been condemned by all reviews undertaken.

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukias.

Noes (2) Councillors Chung and Forster.

Motion carried.

PUBLISHING COUNCILLOR EXPENDITURE ONLINE (S129266)

9. Moved by Councillor Scott, seconded by Councillor Vithoukias

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.

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

It is resolved that Council:

(A) note that Council:

- (i) is required to publicly exhibit and adopt a Councillors' Expenses and Facilities Policy within 12 months of the election of a new Council and to make the adopted policy publicly available;
- (ii) makes the Councillors' Expenses and Facilities Policy available online on the City's website; and
- (iii) publishes total Councillor expenditure in the annual report; and

(B) request the Chief Executive Officer develop a process to report Councillor expenditure online quarterly.

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

At 9.02pm the meeting concluded.

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