



COUNCIL

Meeting No 8
Monday 18 September 2017
Notice No 8/1588
Notice Date 14 September 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 Kerryn Phelps AM, Linda Scott, Jess Scully, Philip Thalis and Angela Vithoulkas.

At the commencement of business at 5.02pm, those present were:-

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

Following the consideration of Items 11.8, 11.9 and 11.11 earlier in the meeting, Councillor Forster left the meeting of Council upon its adjournment at 8.33pm at the conclusion of Item 11.7, and returned to the meeting at 8.47pm during discussion on Item 11.12.

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

Opening Prayer

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

Recording of Council Meeting

The Chair (the Lord Mayor) advised Council that a request had been received from a journalist from the publication, Central Sydney, to record parts of the meeting of Council.

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

That permission be granted for a journalist from the publication, Central Sydney, to record parts of the meeting of Council.

Carried.

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 7 August 2017, and the minutes of the extraordinary meeting of Council of Tuesday 29 August 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 less than significant, non-pecuniary disclosure in Item 8.3 on the agenda, in that she received a small donation in the last Council campaign from a person who objected to this development, and advised the meeting that it was below the public declaration threshold.

At a later stage of the meeting, during discussion on Item 11.7, Councillor Scott disclosed a less than significant, non-pecuniary interest in Item 11.7 on the agenda, in that she is an Executive and Board member of Local Government NSW.

At a later stage of the meeting, during discussion on Item 11.7, Councillor Forster disclosed a less than significant, non-pecuniary interest in Item 11.7 on the agenda, in that she is a member of the Board of Local Government NSW. Councillor Forster advised the meeting that she does not have a pecuniary interest because the Notice of Motion is seeking only to submit the motion for consideration at the Local Government NSW Annual Conference.

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

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

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

ITEM 3.1 MOORE PARK UNDER THREAT AGAIN**FILE NO:** **S051491****MINUTE BY THE LORD MAYOR**To Council:

On 23 June 2010, the City of Sydney hosted a packed rally at Paddington Town Hall to defend Moore Park after a leaked letter revealed the NSW Government would transfer control of Moore Park from the Centennial Park and Moore Park Trust (CPMPT) to the Sydney Cricket and Sports Ground Trust (SCSGT). Speakers included the Hon Neville Wran, the Hon Malcolm Turnbull and CPMPT Chair John Walker.

In July 2010, then Premier Kristina Keneally announced Moore Park would remain under the control of the Centennial Park and Moore Park Trust.

In March 2016, Council endorsed my Lord Mayoral Minute for a rally following leaks that the Sydney Cricket and Sports Ground Trust again planned to seize control of Moore Park for a massive spectator stadium and elite sporting complex.

A promotional video prepared as part of a secret pitch to the State Government showed Allianz Stadium Moore Park to be replaced with a new 55,000 seat stadium on Kippax Lake and a massive sport and entertainment hub with 2,500 underground car parking spaces in Moore Park West, linked by a bridge across Anzac Parade, exactly where \$38 million was wasted to build the Tibby Cotter Bridge—useless for pedestrians and cyclists, but perfect for spectator parking.

Our public meeting was not required when Premier Baird publicly announced on 14 April 2016 that the majority of \$1.6 billion public funding would be allocated to sporting facilities in Sydney's west, with Allianz Stadium refurbished only.

(i) Sporting Stadia

Moore Park is again under threat, with powerful interests manipulating the NSW Government to prioritise public funds to rebuild Allianz Stadium, despite the absence of a credible public business case or informed public consultation. We are witnessing a strategy to win by secrecy, by drip-feeding the public with half information, and by hiding actual intentions in order to avoid public outrage.

The Sydney Cricket and Sports Ground Trust has continued to lobby for demolition and redevelopment of Allianz Stadium. On 20 August 2017, Premier Gladys Berejiklian said she was prepared to commit more public money and fast track work before the March 2019 election.

Built in 1988 as a bicentenary project, Allianz Stadium was designed by eminent Sydney architect Philip Cox and received multiple awards. The elegant curved form sits lightly in the surrounding parkland and heritage neighbourhood context. Despite Allianz Stadium rarely being full and record low crowds - the 2015 season, for example, has about 40 per cent capacity across the NRL, Super Rugby and A-League – it is likely a new stadium will be much larger and bulkier, with an emphasis on corporate boxes, and would thus have a greater impact on parkland and heritage.

Many Sydney NRL clubs, who would be forced to move to the new venue, oppose building a new stadium. Demolition would leave Sydney Roosters, Super Rugby's Waratahs and A-League side Sydney FC without a home ground for at least three years.

Limited public funds for sports facilities should not be focussed on show-case stadia that underwrite private business interests, but should support grass-roots sporting clubs that build the health and well-being of children, youth and local communities. Government money proposed in this stadia package could achieve a generational shift in sporting access in all communities where population changes have made access difficult, especially in Sydney's west.

Work at the current Allianz stadium could be limited to refurbishment for modern safety requirements, rather than wasting millions building a new stadium.

(ii) Former Showground/Entertainment Quarter

On the former Showground site adjacent to the stadia, a 30-year lease on the Entertainment Quarter has been bought for \$80 million by Carsingha Investments—reported to be a consortium of 10 business people, including Gerry Harvey, John Singleton and Mark Carnegie, as well as Sydney Swans chairman Andrew Pridham and board member Greg Paramour.

The Moore Park Master Plan (*Moore Park 2040*), adopted by the State Government in May despite public concern, proposes greater flexibility and a broader range of uses in the Entertainment Quarter. This includes commercial elite sporting facilities and a night time precinct, with new access to the stadia, a zone along Driver Avenue for commercial activities for sports fans, short term accommodation and expanded car parking.

The Trust has indicated that Carsingha Investments is planning redevelopment, without any public consultation or disclosure. Sydney Roosters are rumoured to want a 'Centre of Excellence' within the Entertainment Quarter, including a training area for elite sport.

This is an agenda to annex and redevelop the Entertainment Quarter as ancillary to the sporting stadia with offices, services, accommodation and parking.

It is a massive departure from the area's current role to support Sydney's film and television industry, and grow our creative economy. It is contradictory to the original vision for community sport and recreation activities, some of which provide revenue to the parklands. It is another attempt to bypass the intent of my 1992 legislation that vested the Showground, which is public land, in the Centennial Park and Moore Park Trust.

The EQ needs revitalising, but should be used for community sport and recreation, consistent with the parkland context, and with possible secondary cultural and creative uses, to enhance the film and television activities.

The priority in the City of Sydney is for community sporting fields, especially with a high population of young people (18 to 39 years) and 74.5% of residents living in high density housing.

Our Open Space, Sports and Recreation Needs Study 2016 identifies that by 2031 our local government area will need ***as many as 20 more sports fields***. An additional ***17-18 multi-purpose courts, 21 full size indoor courts for basketball, netball, volleyball and other sports, and 11 indoor multi-purpose courts*** will also be required by 2031.

And while the Moore Park Master Plan has a welcome commitment to phase out on-grass event parking, it proposes ‘dispersing’ event parking with ‘no net loss of parking’ and increased capacity at five existing car parks.

The Centennial Park and Moore Park Trust has not undertaken essential traffic, transport and parking modelling—and has provided no information on how cars can be accommodated without impacts on the parkland or to avoid newly expanded carparks becoming commuter car parks increasing congestion, nor how they would be accessed without significant impacts on local roads.

The Master Plan commits to a working group to address traffic movement, congestion and parking issues. It has met once with no public strategy or plans to meet again.

The State Government has the responsibility to coordinate a public planning process to develop an integrated traffic and transport plan for the Moore Park precinct—clearly outlining the protections of public space, disclosing costs where private benefit is provided, and addressing light rail, current and future mode share, travel needs, behaviours and patterns, transport outcomes, performance of the existing and future transport network, trip generation survey, parking rates, the future role of shared vehicles and automated vehicles in managing travel demand, impacts on surrounding suburbs and a Travel Plan.

(iii) Alexandria to Moore Park Road Widening

Also seriously impacting on Moore Park is the Roads and Maritime Services (RMS) massive road project providing a direct highway from WestConnex to Moore Park.

To manage the future 120,000 extra vehicles in the current proposal that will pour out of WestConnex at St Peters each day, the RMS has proposed the “Alexandria to Moore Park Connectivity Upgrade” (A2MP), with road widening and clearways up to six lanes (the scale of the Pacific Highway) and vehicles travelling at 60 km/hr along Euston Road, McEvoy Street and Lachlan Street, through densely-populated neighbourhoods, including Green Square, which will have 60,000 residents by 2030.

From north to south through the Green Square area, buses will be stuck in traffic, unable to run on time, with a four kilometre journey expected to take up to 30 minutes. Local traffic will struggle to get on and off the motorway, creating rat-runs on residential streets, with clearways creating an inhospitable environment for business and pedestrians. The inevitable consequence is worsening air and noise pollution, with apartment blocks just metres from fast moving traffic on the widened road.

The RMS ‘preliminary concept design’ fails to disclose the real impacts from the widening, which are likely to include compulsory property acquisitions and loss of more than 100 trees. Significant trees at risk from the road widening include:

- at least 14 Figs around 35 years old and 11 Washington Palms planted in the 1920s in Moore Park, along South Dowling Street near Dacey Avenue;
- 10 mature Figs planted around 1900, next to Waterloo Oval and Mt Carmel Reserve; and
- 41 mature Figs planted in the late 1960s in Moore Park along Dacey Avenue.

We have already lost too many significant trees due to the poor design of State infrastructure. Along Anzac Parade, 15 mature Fig trees dating from 1868-1917 and listed on the City's Register of Significant Trees were destroyed for light rail, with more than 60 trees removed along Alison Road.

At the eastern end, on the corner of Anzac Parade and Dacey Avenue, the RMS plans the largest non-motorway intersection in NSW, estimated to cost \$500 million. It will have 12 lanes of traffic, with light rail running through the middle. Pedestrians will need to cross five separate phases and it will take 10 minutes just to cross the road. And it carves off more public parkland at Moore Park and threatens more mature trees.

There is no obvious traffic benefit for this intersection—it does not solve an existing problem and light rail is intended to reduce local traffic demand. The only apparent use is to increase access to Moore Park for new commuter car parks and sporting fixtures that operate one or two days a week for six months of the year.

The people behind these schemes include Chair of the Sporting Trust Tony Shepherd, formerly chair of the WestConnex Sydney Motorway Corporation. Also on the Sporting Trust is former Premier O'Farrell, who committed State Government funding to WestConnex the day Infrastructure NSW proposed it in 2012 and announced construction of the wasteful Tibby Cotter bridge in 2014.

Other Trustees include: broadcaster Alan Jones; former News Ltd CEO John Hartigan; and CEO of Harvey Norman Katie Page, closely linked to Gerry Harvey, part of the consortium leasing the Entertainment Quarter.

Twenty million people visit the Centennial and Moore Parklands annually, while just two million attend Allianz stadium and the SCG. The needs of the majority must be prioritised in the use and planning of Moore Park. We should be improving and expanding open space, not further eroding it – three out of every four people in the City of Sydney live in an apartment. Moore Park is our city's backyard.

This is our land, public land, yet we are being excluded from the secret wheeling and dealing between a sporting corporation and the NSW State Government, which should be prioritising community needs and the future of Moore Park as an important recreational resource for inner Sydney, essential to provide active open space and sports playing fields for our dramatically increasing population, schools and community groups.

RECOMMENDATION

It is resolved that Council:

- (A) endorse the Lord Mayor to write to the Premier requesting that she:
- (i) publicly disclose the nature of any development-related discussions the State Government has had with the Sydney Cricket and Sports Ground Trust, the Centennial Park and Moore Park Trust and Carsingha Investments, their agents, consultants and lobbyists;
 - (ii) unequivocally rule out demolishing and rebuilding Allianz stadium at Moore Park in favour of safety upgrades and refurbishment, and direct sports stadium funding to western Sydney where it is needed;

- (iii) release a business case for public consultation ahead of any use of public funds for capital works on public land managed by the Sydney Cricket and Sports Ground Trust;
 - (iv) direct the Centennial Park and Moore Park Trust to focus revitalisation of the Entertainment Quarter on publicly accessible community sport and recreation, with possible secondary cultural and creative uses;
 - (v) place on public exhibition for at least 90 days any proposal for change of use or redevelopment of public land within the Moore Park precinct;
 - (vi) coordinate at a whole of government level a public process to prepare an integrated traffic and transport plan for the Moore Park precinct, clearly outlining protection for public open space, focused on maximising use of light rail and public transport, and completed in genuine consultation with key stakeholders, including residents, agencies and the City of Sydney; and
 - (vii) instruct the RMS to abandon the current concept for the Alexandria to Moore Park Connectivity Upgrade, including the proposed \$500 million continuous flow intersection in Moore Park; and
- (B) reaffirm its 2016 commitment to:
- (i) host a public meeting about the threats to Moore Park, if the Premier does not provide adequate commitments to protect Moore Park; and
 - (ii) prepare and distribute public materials informing the community of the proposals and their impacts.

COUNCILLOR CLOVER MOORE
Lord Mayor

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

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

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalis and Vithoulkas

Noes (2) Councillors Chung and Forster.

Motion carried.

ITEM 4.1 ELECTION OF DEPUTY LORD MAYOR**FILE NO:** **S062388****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER****To Council:**

Sections 231(2) and (3) of the *Local Government Act 1993* provide:

- (i) the Councillors may elect a person from among their number to be the deputy mayor; and
- (ii) the person may be elected for the mayoral term or a shorter term.

Payment of Fees

Section 249 of the Act provides:

- (i) a Council may pay the deputy mayor (if there is one) a fee determined by the Council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

On 5 June 2000, the City of Sydney Council resolved to:

- (i) "Pay Councillors the maximum of the range (*as determined annually by the Local Government Remuneration Tribunal*) as a matter of standing policy.
- (ii) Pay the Lord Mayor the maximum of the range (in addition to his fee as a Councillor) - as a matter of standing policy (less the Deputy Lord Mayor's fee).
- (iii) Pay the Deputy Lord Mayor, in addition to her fee as a Councillor, an amount equal to 10% of the mayoral fee actually paid to the Lord Mayor as a matter of standing policy."

Call for Nominations

At the Council meeting of 23 September 2016, Councillor Kerryn Phelps was elected Deputy Lord Mayor in accordance with the provisions of section 231 of the Local Government Act 1993 for a term commencing immediately and ending on 30 September 2017.

Nominations for the office of Deputy Lord Mayor are now invited. Nominations must be made in writing by two or more Councillors (one of whom may be the nominee). Nomination forms will be provided to Councillors.

Conduct of Election

The *Local Government (General) Regulation 2005* provides the method of conducting an election for Deputy Lord Mayor (further details on election procedures will be provided to Councillors). The last time the Deputy Lord Mayor's position was contested the method of voting selected by the Council was open, exhaustive voting.

RECOMMENDATION:

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term effective immediately until 30 September 2018;
 - (B) the method of voting be by open, exhaustive voting; and
 - (C) the Chief Executive Officer conduct the election forthwith.

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term effective immediately until 30 September 2018;
 - (B) the method of voting be by open, exhaustive voting; and
 - (C) the Chief Executive Officer conduct the election forthwith.

Carried.

At this stage of the meeting, the Chief Executive Officer, as Returning Officer, called upon the Acting Council Business Co-ordinator to assist with the conduct of the ballot.

The Acting Council Business Co-ordinator announced that one duly completed, written nomination had been received, namely –

Councillor Jess Miller (nominated by the Chair (the Lord Mayor), seconded by Councillor Thalis)

The Acting Council Business Co-ordinator invited other nominations from Councillors for the office of Deputy Lord Mayor.

The Acting Council Business Co-ordinator announced that a second, duly completed, written nomination had been received, namely –

Councillor Christine Forster (nominated by Councillor Chung, seconded by Councillor Phelps)

An election for the office of Deputy Lord Mayor was then conducted, in alphabetical order, and resulted as follows –

Councillor Forster 4 votes

Councillor Miller 6 votes

The Acting Council Business Co-ordinator then declared Councillor Miller duly elected to the office of Deputy Lord Mayor in accordance with the provisions of section 231 of the Local Government Act 1993 for a term commencing immediately and ending on 30 September 2018.

Note – the Chair (the Lord Mayor) congratulated Councillor Miller on her election as Deputy Lord Mayor.

At the invitation of the Chair (the Lord Mayor), Councillor Miller briefly addressed Council.

ITEM 4.2 COUNCIL COMMITTEES - FUNCTIONS, MEMBERSHIP, ELECTION OF DEPUTY CHAIRPERSONS

FILE NO: S062388

MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER

To Council:

The *Local Government (General) Regulation 2005* enables councils to establish such committees as it considers necessary (Reg. 260).

In 2016, Council resolved to adopt meeting times, functions, policies and procedures of the following Committees and Sub-Committees:

- Corporate, Finance, Properties and Tenders Committee, inclusive of the Economic Development and Business Sub-Committee, commencing at 2.00pm.
- Environment Committee, commencing at the conclusion of the Corporate, Finance, Properties and Tenders Committee.
- Cultural and Community Committee, comprising two sub-committees: the Cultural and Creative Sub-Committee and the Healthy Communities Sub-Committee, meeting consecutively at the conclusion of the Environment Committee.
- Planning and Development Committee, comprising three sub-committees: the Transport, Heritage and Planning Sub-Committee, the Major Development Assessment Sub-Committee and the Development Assessment Sub-Committee, commencing at the conclusion of the Cultural and Community Committee, with the Major Development Assessment Sub-Committee and Development Assessment Sub-Committee commencing at the conclusion of the Transport, Heritage and Planning Sub-Committee, no earlier than 5.00pm.

The administrative arrangements associated with Council's committees and sub-committees are detailed in the "Functions, Delegations, Policies and Procedures of Council Committees" (refer Attachment A).

Note – functions for the Corporate Finance, Properties and Tenders Committee have been revised to reflect the recent change in delegation in relation to the tender value.

Election of Deputy Chairpersons

Council may elect a Deputy Chairperson of each Committee and Sub-Committee and, if the Lord Mayor does not wish to be the Chairperson of any Committee, elect the Chairperson of each such Committee and Sub-Committee (Reg. 267).

Previously, the Council has chosen to hold a separate election for each of the Deputy Chairperson positions. Elections were conducted by open, exhaustive voting (that is, by a show of hands or similar means for candidates duly nominated).

On 23 September 2016, Council elected Deputy Chairpersons for each of Council's Committees and Sub-Committees until 30 September 2017, with the Lord Mayor chairing all Committees.

Council may elect a Deputy Chairperson for each of the following Committees and Sub-Committees for the new term of office commencing immediately and ending on 30 September 2018:

- (1) Corporate, Finance, Properties and Tenders Committee;
- (2) Economic Development and Business Sub-Committee;
- (3) Environment Committee;
- (4) Cultural and Creative Sub-Committee;
- (5) Healthy Communities Sub-Committee;
- (6) Transport, Heritage and Planning Sub-Committee;
- (7) Major Development Assessment Sub-Committee; and
- (8) Development Assessment Sub-Committee.

RECOMMENDATION

It is resolved that:

- (A) the Functions, Delegations, Policies and Procedures of Council Committees, as shown at Attachment A to the subject Memorandum, be endorsed and adopted;
- (B) Council elect the Deputy Chairpersons of the Corporate, Finance, Properties and Tenders Committee and Environment Committee for a term effective immediately and ending on 30 September 2018;
- (C) Council elect the Deputy Chairpersons of the Sub-Committees of the Corporate, Finance, Properties and Tenders Committee, Cultural and Community Committee and the Planning and Development Committee for a term effective immediately and ending on 30 September 2018;
- (D) if the Lord Mayor does not wish to be the Chairperson of any Committee, Council elect the Chairperson of each such Committee for a term effective immediately and ending on 30 September 2018;
- (E) the method of voting be open, exhaustive voting; and
- (F) the Chief Executive Officer conduct the election forthwith.

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) the Functions, Delegations, Policies and Procedures of Council Committees, as shown at Attachment A to the subject Memorandum, be endorsed and adopted;
 - (B) Council elect the Deputy Chairpersons of the Corporate, Finance, Properties and Tenders Committee and Environment Committee for a term effective immediately and ending on 30 September 2018;
 - (C) Council elect the Deputy Chairpersons of the Sub-Committees of the Corporate, Finance, Properties and Tenders Committee, Cultural and Community Committee and the Planning and Development Committee for a term effective immediately and ending on 30 September 2018;
 - (D) if the Lord Mayor does not wish to be the Chairperson of any Committee, Council elect the Chairperson of each such Committee for a term effective immediately and ending on 30 September 2018;
 - (E) the method of voting be open, exhaustive voting; and
 - (F) the Chief Executive Officer conduct the election forthwith.

Carried.

The Chair (the Lord Mayor), in accordance with clause (D) of the Resolution, confirmed that she wished to be the Chair of all Committees.

At this stage of the meeting, the Chief Executive Officer, as Returning Officer, called upon the Acting Council Business Co-ordinator to assist with the conduct of the ballot.

The Acting Council Business Co-ordinator invited nominations from Councillors for the positions of Deputy Chairs of Committees and Sub-Committees.

- Nominations were made and accepted as follows. Elec

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Robert Kok (nominated by Councillor Miller, seconded by Councillor Thalia)

An election for the position of Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee was then conducted and resulted as follows:

Councillor Kok 6 votes

Councillor Phelps 4 votes

The Acting Council Business Co-ordinator then declared Councillor Kok duly elected to the position of Deputy Chairperson of the Corporate, Finance, Properties and Tenders Committee for a term commencing immediately and ending on 30 September 2018.

(B) Economic Development and Business Sub-Committee

One nomination for the Deputy Chairperson was received, as follows –

Councillor Angela Vithoulkas (nominated by Councillor Chung, seconded by Councillor Phelps)

The Acting Council Business Coordinator then declared Councillor Vithoulkas duly elected to the position of Deputy Chairperson of the Economic Development and Business Sub-Committee for a term commencing immediately and ending on 30 September 2018.

(C) Environment Committee

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Kerryn Phelps (nominated by Councillor Forster, seconded by Councillor Chung)

Councillor Jess Miller (nominated by Councillor Scully, seconded by Councillor Kok)

An election for the position of Deputy Chairperson of the Environment Committee was then conducted and resulted as follows –

Councillor Miller 6 votes

Councillor Phelps 4 votes

The Acting Council Business Co-ordinator then declared Councillor Miller duly elected to the position of Deputy Chairperson of the Environment Committee for a term commencing immediately and ending on 30 September 2018.

(D) Cultural and Creative Sub-Committee

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Craig Chung (nominated by Councillor Forster, seconded by Councillor Phelps)

Councillor Jess Scully (nominated by Councillor Miller, seconded by Councillor Thalis)

An election for the position of Deputy Chairperson of the Cultural and Creative Sub-Committee was then conducted and resulted as follows –

Councillor Chung 4 votes

Councillor Scully 6 votes

The Acting Council Business Co-ordinator then declared Councillor Scully duly elected to the position of Deputy Chairperson of the Cultural and Creative Sub-Committee for a term commencing immediately and ending on 30 September 2018.

(E) Healthy Communities Sub-Committee

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Kerryn Phelps (nominated by Councillor Chung, seconded by Councillor Forster)

Councillor Linda Scott (nominated by Councillor Scully, seconded by Councillor Miller)

An election for the position of Deputy Chairperson of the Healthy Communities Sub-Committee was then conducted and resulted as follows –

Councillor Phelps 4 votes

Councillor Scott 6 votes

The Acting Council Business Co-ordinator then declared Councillor Scott duly elected to the position of Deputy Chairperson of the Healthy Communities Sub-Committee for a term commencing immediately and ending on 30 September 2018.

(F) Transport, Heritage and Planning Sub-Committee

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Christine Forster (nominated by Councillor Chung, seconded by Councillor Phelps)

Councillor Philip Thalis (nominated by Councillor Kok, seconded by Councillor Miller)

An election for the position of Deputy Chairperson of the Transport, Heritage and Planning Sub-Committee was then conducted and resulted as follows –

Councillor Forster 4 votes

Councillor Thalis 6 votes

The Acting Council Business Co-ordinator then declared Councillor Thalis duly elected to the position of Deputy Chairperson of the Transport, Heritage and Planning Sub-Committee for a term commencing immediately and ending on 30 September 2018.

(G) Major Development Assessment Sub-Committee

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Christine Forster (nominated by Councillor Chung, seconded by Councillor Phelps)

Councillor Robert Kok (nominated by Councillor Thalis, seconded by Councillor Scully)

An election for the position of Deputy Chairperson of the Major Development Assessment Sub-Committee was then conducted and resulted as follows –

Councillor Forster 4 votes

Councillor Kok 6 votes

The Acting Council Business Coordinator then declared Councillor Kok duly elected to the position of Deputy Chairperson of the Major Development Assessment Sub-Committee for a term commencing immediately and ending on 30 September 2018.

(H) Development Assessment Sub-Committee

Two nominations for the Deputy Chairperson were received, as follows –

Councillor Philip Thalis (nominated by Councillor Kok, seconded by Councillor Miller)

Councillor Craig Chung (nominated by Councillor Forster, seconded by Councillor Phelps)

An election for the position of Deputy Chairperson of the Development Assessment Sub-Committee was then conducted and resulted as follows –

Councillor Chung 4 votes

Councillor Thalis 6 votes

The Acting Council Business Coordinator then declared Councillor Thalis duly elected to the position of Deputy Chairperson of the Development Assessment Sub-Committee for a term commencing immediately and ending on 30 September 2018.

Note – the Terms of Reference for Council's Committees are as follows:

TERMS OF REFERENCE - COUNCIL COMMITTEES

CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE

- Meeting Time: Monday 2.00pm
- Venue: Council Chamber
- Chairperson: The Lord Mayor, Councillor Clover Moore
- Deputy Chairperson: Councillor Robert Kok
- Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Philip Thalis
Councillor Angela Vithoulkas
- Quorum: A majority of the members of the Committee
- Functions:
- (1) To deal with all matters relating to:
- (a) Finance
 - (b) Consideration of budgets and quarterly budget performance
 - (c) Information Technology Policy
 - (d) Asset management
 - (e) Internal and external audit
 - (f) Fees and charges
 - (g) Rating matters
 - (h) Council vehicles and fleet management
 - (i) Industrial relations
 - (j) Organisational policy issues, eg, industrial agreements
 - (k) Council property management, including management, maintenance, leasing, licensing and sale of Council property (excluding footways but including the use, leasing and purchase of other non-Council property)
 - (l) Tenders valued at over \$5 million
 - (m) Grants and sponsorships

TERMS OF REFERENCE - COUNCIL COMMITTEES

- (n) Economic development and strategy
- (o) Global city relationships, trade and marketing
- (p) Innovation
- (q) Village economies
- (r) Small business
- (s) City retailing
- (t) Operational and promotional issues relating to restaurants and hotels
- (u) Tourism

(2) To form the following sub-committee, and to exercise the functions listed above through this sub-committee:

(a) Economic Development and Business Sub-Committee -

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: Councillor Angela Vithoulkas

Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Philip Thalis

Quorum: A majority of the members of the Sub-Committee

Functions: To exercise all of the functions of the Corporate, Finance, Properties and Tenders Committee in respect of economic development and business related matters.

TERMS OF REFERENCE - COUNCIL COMMITTEES

ENVIRONMENT COMMITTEE

Meeting Time: At the conclusion of the meeting of the Corporate, Finance, Properties and Tenders Committee

Venue: Council Chamber

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: The Deputy Lord Mayor, Councillor Jess Miller

Members: Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Philip Thalis
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Committee

Functions: To deal with all matters relating to:

- (a) Environmental management and sustainability
- (b) Design of City of Sydney projects, eg, public spaces, parks, city buildings and community facilities
- (c) Urban infrastructure, particularly roads, stormwater, drainage and footpaths
- (d) Parks and open spaces
- (e) Street trees
- (f) Street and footpath maintenance and cleaning
- (g) Graffiti removal
- (h) Waste and recycling
- (i) Street furniture
- (j) Street lighting
- (k) Grants and sponsorships

TERMS OF REFERENCE - COUNCIL COMMITTEES

CULTURAL AND COMMUNITY COMMITTEE

Meeting Time: At the conclusion of the Environment Committee

Venue: Council Chamber

Chairperson: The Lord Mayor, Councillor Clover Moore

Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Philip Thalis
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Committee

Functions:

- (1) To deal with all matters relating to:
- (a) Arts (including visual and performing) and culture within the City of Sydney
 - (b) City of Sydney events, programs and activities
 - (c) Assistance to community and cultural organisations
 - (d) Community services
 - (e) Recreation services
 - (f) Child care services
 - (g) Library services
 - (h) Cultural and social diversity
 - (i) Cultural, social and economic disadvantage
 - (j) Innovation
 - (k) Liquor licensing
 - (l) Community housing
 - (m) Cultural venue management
 - (n) Tourism
 - (o) the Film Industry

TERMS OF REFERENCE - COUNCIL COMMITTEES

(p) Grants and sponsorships

(2) To form the following sub-committees, and to exercise the functions listed above through these Sub-Committees:

(a) Cultural and Creative Sub-Committee –

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: Councillor Jess Scully

Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Philip Thalis
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Committee

Functions: To exercise the functions listed above in respect of cultural and creative matters.

(b) Healthy Communities Sub-Committee -

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: Councillor Linda Scott

Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Jess Scully
Councillor Philip Thalis
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Committee

Functions: To exercise the functions listed above in respect of matters related to healthy communities.

TERMS OF REFERENCE - COUNCIL COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

- Meeting Times: Transport, Heritage and Planning Sub-Committee – at the conclusion of the Cultural and Community Committee
Major Development Assessment Sub-Committee and the Development Assessment Sub-Committee - at the conclusion of the Transport, Heritage and Planning Sub-Committee but no earlier than 5.00pm
- Venue: Council Chamber
- Chairperson: The Lord Mayor, Councillor Clover Moore
- Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Philip Thalis
Councillor Angela Vithoulkas
- Quorum: A majority of the members of the Committee
- Functions:
- (1) To exercise the following functions (see also clause (2)):
- (a) Development applications not dealt with by the Central Sydney Planning Committee and other applications for approval under the Environmental Planning and Assessment Act 1979, including applications under Section 96 and Section 82A
- (b) Planning instruments, ie, LEPs, DCPs, Policies
- (c) Transport and access initiatives and issues
- (d) Parking policy
- (e) Traffic, and Pedestrian, Cycling and Traffic Calming Committee
- (f) Referrals from other authorities for comment on any of the above matters
- (g) Grants and sponsorships
- (h) All applications for footway usage approvals

TERMS OF REFERENCE - COUNCIL COMMITTEES

(2) To form the following sub-committees, and to exercise the functions listed above through these Sub-Committees:

(a) Transport, Heritage and Planning Sub-Committee -

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: Councillor Philip Thalis

Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Sub-Committee

Functions: To exercise functions in respect of the planning instruments, i.e., LEPs, DCPs, Policies and strategic and transport planning, and heritage matters.

(b) Major Development Assessment Sub-Committee -

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: Councillor Robert Kok

Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Philip Thalis
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Sub-Committee

Functions: To exercise all of the functions of the Planning and Development Committee in respect of any development application relating to a proposed building of four or more storeys (as defined in the applicable planning instrument) or such other development application as referred to the Sub-Committee by the Director City Planning, Development and Transport.

TERMS OF REFERENCE - COUNCIL COMMITTEES

(c) Development Assessment Sub-Committee -

- Chairperson: The Lord Mayor, Councillor Clover Moore
- Deputy Chairperson: Councillor Philip Thalis
- Members: The Deputy Lord Mayor, Councillor Jess Miller
Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Angela Vithoulkas
- Quorum: A majority of the members of the Sub-Committee
- Functions: To exercise all of the functions of the Planning and Development Committee in respect of any development application relating to a proposed building of less than four storeys (as defined in the applicable planning instrument) and any application for footway usage approval.
- Delegations: Council delegates its powers under the Environmental Planning and Assessment Act 1979 to the Planning and Development Committee and, subject to clauses (2) (b) and (c) above, to the Major Development Assessment and Development Assessment Sub-Committees:
- (a) under section 80(1) to determine development applications;
 - (b) under section 80(3) to grant deferred commencement consent;
 - (c) under section 80(4) and 80(5) to grant staged development consent;
 - (d) under Section 82A except where the determination being reviewed had been made by Council or by the Planning and Development Committee;
 - (e) and under section 96 to approve modifications to any of those consents;
- except where the Chairperson determines that an application, or applications, be referred to Council for determination.
- The items to which the delegation applies are to be so listed on the agenda.

TERMS OF REFERENCE - COUNCIL COMMITTEES

The Council also authorises the Planning and Development Committee and the Major Development Assessment and Development Assessment Sub-Committees to approve submissions, relating to the matters listed above, to other consent authorities.

Procedure: At meetings of the Planning and Development Committee, the three Sub-Committees will convene and meet as required.

TERMS OF REFERENCE - COUNCIL COMMITTEES

POLICIES AND PROCEDURES OF COMMITTEES

- (a) The structure and functions of Committees is standing policy of Council.
 - (b) All correspondence from, or to, all Committees, and Sub-Committees, shall be handled through normal Council processes.
 - Correspondence to any Committee/Sub-Committee shall be tabled at the Committee meeting and placed on the relevant file.
 - The contents of any outward correspondence, purporting to state the views of a Committee/Sub-Committee, shall conform with existing Council policy and shall be circulated to Councillors via the CEO update.
 - (c) All Committees and Sub-Committees shall be advisory to Council and have no independent role, except where specific authorities are delegated to them by Council.
 - (d) Matters dealt with in Committee shall be submitted to Council without recommendation only when the chairperson so determines.
 - (e) The chairpersons of Standing Committees and Sub-Committees shall have a casting vote in the event of an equality of voting.
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ITEM 4.3 CENTRAL SYDNEY PLANNING COMMITTEE - ELECTION OF COUNCILLORS**FILE NO:** **S062388****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER****To Council:**

The Central Sydney Planning Committee (CSPC) is constituted by the *City of Sydney Act 1988*. Section 34(1) of the Act provides that the Committee shall consist of seven members:

- (a) The Lord Mayor of Sydney;
- (b) two Councillors of the City of Sydney elected by the Council; and
- (c) four persons (two of whom are senior State government employees and two of whom are not State or local government employees) appointed by the Minister administering Part 4 of the Planning Act, each having expertise in at least one of architecture, building, civic design, construction, engineering, transport, tourism, the arts, planning or heritage.

The persons currently appointed by the Minister pursuant to clause (c) are Mr Peter Poulet, Mr Gary White, Ms Gabrielle Trainor and the Hon. Robert Webster.

Previously, the Council has chosen to hold a separate election for each of the two Council-appointed positions; the elections were by open, exhaustive voting (that is, by a show of hands or similar means for candidates duly nominated).

At the Council meeting of 23 September 2016, Council elected Councillors Philip Thalis and Robert Kok to the two positions on the CSPC, effective immediately until 30 September 2017.

The Act provides that Council may appoint an alternate for each of the elected members. Last year, Council appointed Councillor Kerryn Phelps as alternate to Councillor Thalis and Councillor Jess Scully as alternate to Councillor Kok until 30 September 2017.

RECOMMENDATION

It is resolved that:

- (A) Council elect two Councillors to be members of the Central Sydney Planning Committee effective immediately and ending on 30 September 2018;
- (B) the method of voting be open, exhaustive voting;
- (C) the Chief Executive Officer conduct the election forthwith; and
- (D) Council appoint alternates for each member elected.

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) Council elect two Councillors to be members of the Central Sydney Planning Committee effective immediately and ending on 30 September 2018;
- (B) the method of voting be open, exhaustive voting;
- (C) the Chief Executive Officer conduct the election forthwith; and
- (D) Council appoint alternates for each member elected.

Carried unanimously.

At this stage of the meeting, the Chief Executive Officer, as Returning Officer, called upon the Acting Council Business Co-ordinator to assist with the conduct of the ballot.

The Acting Council Business Co-ordinator invited nominations from Councillors for the first position on the Central Sydney Planning Committee.

The Acting Council Business Co-ordinator announced that two nominations had been received, namely –

Councillor Craig Chung	(nominated by Councillor Forster, seconded by Councillor Vithoulkas)
Councillor Philip Thalis	(nominated by Councillor Scully, seconded by Councillor Miller)

Councillors Chung and Thalis in turn indicated acceptance of their nominations.

An election for the office of the first position on the Central Sydney Planning Committee was then conducted, in alphabetical order, and resulted as follows –

Councillor Chung	4 votes
Councillor Thalis	6 votes

The Acting Council Business Co-ordinator then declared Councillor Thalis duly elected to the first position on the Central Sydney Planning Committee for a term commencing immediately and ending on 30 September 2018.

The Acting Council Business Co-ordinator invited nominations from Councillors for the second position on the Central Sydney Planning Committee.

The Acting Council Business Co-ordinator announced that two nominations had been received, namely –

Councillor Angela Vithoulkas	(nominated by Councillor Phelps, seconded by Councillor Chung)
Councillor Jess Scully	(nominated by Councillor Thalis, seconded by Councillor Kok)

Councillors Vithoulkas and Scully in turn indicated acceptance of their nominations.

An election for the office of the second position on the Central Sydney Planning Committee was then conducted, in alphabetical order, and resulted as follows –

Councillor Scully 6 votes

Councillor Vithoulkas 4 votes

The Acting Council Business Co-ordinator then declared Councillor Scully duly elected to the second position on the Central Sydney Planning Committee for a term commencing immediately and ending on 30 September 2018.

The Acting Council Business Co-ordinator invited nominations from Councillors for the first alternate position (to Councillor Thalis) on the Central Sydney Planning Committee.

The Acting Council Business Co-ordinator announced that two nominations had been received, namely –

Councillor Robert Kok (nominated by Councillor Miller, seconded by Councillor Thalis)

Councillor Craig Chung (nominated by Councillor Forster, seconded by Councillor Phelps)

Councillors Kok and Chung in turn indicated acceptance of their nominations.

An election for the office of the first alternate position on the Central Sydney Planning Committee was then conducted, in alphabetical order, and resulted as follows –

Councillor Chung 4 votes

Councillor Kok 6 votes

The Acting Council Business Co-ordinator then declared Councillor Kok duly elected to the first alternate position (to Councillor Thalis) on the Central Sydney Planning Committee for a term commencing immediately and ending on 30 September 2018.

The Acting Council Business Co-ordinator invited nominations from Councillors for the second alternate position on the Central Sydney Planning Committee.

The Council Business Coordinator announced that two nominations had been received, namely –

Councillor Linda Scott (nominated by Councillor Scully, seconded by Councillor Thalis)

Councillor Angela Vithoulkas (nominated by Councillor Phelps, seconded by Councillor Forster)

Councillors Scott and Vithoulkas in turn indicated acceptance of their nominations.

An election for the office of the second alternate position on the Central Sydney Planning Committee was then conducted, in alphabetical order, and resulted as follows –

Councillor Scott 6 votes

Councillor Vithoulkas 4 votes

The Acting Council Business Co-ordinator then declared Councillor Scott duly elected to the second alternate position (to Councillor Scully) on the Central Sydney Planning Committee for a term commencing immediately and ending on 30 September 2018.

ITEM 4.4 LOCAL PEDESTRIAN, CYCLING AND TRAFFIC CALMING COMMITTEE - POLICIES AND PROCEDURES, MEMBERSHIP AND ELECTION OF CHAIRPERSON

FILE NO: **S062388**

MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER

To Council:

The Local Pedestrian, Cycling and Traffic Calming (LPCTC) Committee is a Statutory Committee, established under the *Roads Act* and in accordance with administrative procedures required by Roads and Maritime Services (RMS).

Councils have been delegated certain powers from RMS regarding the regulation of traffic on local roads. A condition of this delegation is that councils must take into account the advice of their LPCTC Committee before exercising these powers.

The LPCTC Committee itself, however, has no decision-making powers. It is primarily a technical review body which is required to advise Council and Council staff on traffic-related matters. Council and Council staff are not therefore bound or required to implement a proposal supported by the LPCTC Committee. Any proposal supported by the LPCTC Committee must be approved by either the elected Council or authorised Council staff (depending on the nature of the proposal) if it is to be implemented. This can only be done when the advice of the Committee is unanimous. Where the advice of the Committee is not unanimous, Council must separately notify and obtain the endorsement from RMS and the NSW Police Force.

Membership of the LPCTC Committee, as required by RMS delegation, is four formal (voting) representatives, one from each of the following:

- Council (Chairperson);
- Police Service;
- Roads and Maritime Services; and
- Local Members of Parliament or their nominee.

Note – Representatives of the NSW Police Force and representatives of State MPs can only vote on issues in their command or electorate respectively.

The Chairperson and alternate Chairperson are to be determined by Council, and Council's representative may be any Councillor or Council officer. Council (in consultation with the formal members of the LPCTC Committee) may also decide to have additional informal (non-voting) representatives who can provide non-binding input on matters under consideration.

The current Policies and Procedures of the LPCTC Committee provide for informal (non-voting) representation from each of the following:

- State Transit Authority;
- Transport Workers' Union;
- Property NSW; and
- a cycling representative appointed by the Lord Mayor.

Council staff convene meetings and provide administrative support for the Committee, including the preparation of agendas, reports and minutes, and formally represent Council when both the Chairperson and the alternate are absent.

On 23 September 2016, the Lord Mayor and Councillor Thalis were appointed Chairperson and Alternate Chairperson of the LPCTC Committee, respectively, for the term of office ending on 30 September 2017. Council is now required to appoint a Chairperson and Alternate Chairperson for the new term of office commencing immediately and ending on 30 September 2018.

RECOMMENDATION

It is resolved that:

- (A) the Policies and Procedures of the Local Pedestrian, Cycling and Traffic Calming (LPCTC) Committee, as contained in Attachment A to the subject Memorandum, be endorsed and adopted;
- (B) the informal (non-voting) representatives to the LPCTC Committee, as outlined in the subject Memorandum, be endorsed;
- (C) Council appoint Councillor as the Chairperson of the LPCTC Committee for a term effective immediately and ending on 30 September 2018; and
- (D) Council appoint Councillor as the alternate Chairperson of the LPCTC Committee for a term effective immediately and ending on 30 September 2018.

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) the Policies and Procedures of the Local Pedestrian, Cycling and Traffic Calming (LPCTC) Committee, as contained in Attachment A to the subject Memorandum, be endorsed and adopted;

- (B) the informal (non-voting) representatives to the LPCTC Committee, as outlined in the subject Memorandum, be endorsed;
- (C) Council appoint Councillor Philip Thalis as the Chairperson of the LPCTC Committee for a term effective immediately and ending on 30 September 2018; and
- (D) Council appoint Councillor Linda Scott as the alternate Chairperson of the LPCTC Committee for a term effective immediately and ending on 30 September 2018.

The motion was carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Kok, Miller, Scott, Scully and Thalis

Noes (4) Councillors Chung, Forster, Phelps and Vithoulkas.

Motion carried.

Note – the Terms of Reference for the Local Pedestrian, Cycling and Traffic Calming Committee are as follows:

TERMS OF REFERENCE - LOCAL PEDESTRIAN, CYCLING AND TRAFFIC CALMING COMMITTEE

LOCAL PEDESTRIAN, CYCLING AND TRAFFIC CALMING COMMITTEE

The Local Pedestrian, Cycling and Traffic Calming (LPCTC) Committee is a Statutory Committee, established under the Roads Act and in accordance with administrative procedures established by Roads and Maritime Services.

Chairperson: Councillor Philip Thalis

Alternate Chairperson: Councillor Linda Scott

Members: There are four formal members of the Traffic Committee:

- (a) Four formal (voting) representatives, one from each of the following-
- the City of Sydney Council (Chairperson)
 - the NSW Police Service
 - the NSW Roads and Maritime Services
 - Local State Members of Parliament or their nominee.

Note: representatives of the NSW Police Service and representatives of State MPs can only vote on issues in their command or electorate respectively.

- (b) Informal (non-voting) representatives, where relevant, from each of the following -
- State Transit Authority
 - Transport Workers' Union
 - Property NSW
 - a cycling representative appointed by the Lord Mayor

The Chairperson and their alternate shall be determined by Council.

The views of informal members are considered but not binding.

Administration: Council staff convene meetings and provide administrative support for the Committee, including the preparation of agendas, reports and minutes, and formally represent Council when both the Chairperson and the alternate are absent.

TERMS OF REFERENCE - LOCAL PEDESTRIAN, CYCLING AND TRAFFIC CALMING COMMITTEE

- Function: Council has been delegated certain powers from the Roads and Maritime Services with regard to traffic matters on local roads. A condition of this delegation is that Council must take into account the advice of the LPCTC Committee. The LPCTC Committee has no decision-making powers. It is primarily a technical review body which is required to advise Council on traffic related matters. All proposals recommended by the LPCTC Committee must still be formally approved by either the elected Council or authorised Council staff (depending on the nature of the proposal). This can only be done when the advice of the Committee is unanimous. Where the advice of the Committee is not unanimous, Council must separately notify and obtain endorsement from Roads and Maritime Services and the NSW Police Service.
- Meetings/Attendance: The LPCTC Committee generally meets every third Wednesday of the month at 2pm in the Council Chamber, Level 1, Sydney Town Hall, George Street, Sydney. Members of the public are welcome to attend and speak to an item on the LPCTC Committee agenda. Addresses to the Committee are limited to 3 minutes, but this can be extended at the discretion of the Chairperson. If a member of the public wishes to attend, it is requested that they inform the Committee Secretary in advance on 9265 9648.
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ITEM 4.5 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017 - NOMINATION OF DELEGATES**FILE NO:** X011005**MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER****To Council:**

This memorandum seeks Council's consideration of the nomination of Councillors as voting delegates to the Local Government New South Wales (LGNSW) Annual Conference, to be held from Monday 4 December to Wednesday 6 December at the Hyatt Regency, Sydney.

The Conference is the main policy-making event for the local government sector. This year the conference will involve two types of voting - delegates will vote on motions which determine the policies and priorities for LGNSW and the sector, and eligible delegates will vote in elections for the LGNSW Office Bearers and the Board.

Nomination of Voting Delegates – Policy Motions

The formula for calculating the number of voting delegates is prescribed at Rule 23 of the LGNSW Rules. In accordance with this formula, based on population, it is anticipated the City is entitled to nominate up to 10 Councillors as voting delegates in 2017. It is therefore proposed that Council nominates the Lord Mayor and all Councillors to attend, pending confirmation from LGNSW by 13 October 2017.

Each voting delegate appointed by Council is generally entitled to cast one vote only. However, as Councillors Forster and Scott are also Directors on the LGNSW Board, it is anticipated they will be entitled to exercise two votes (one vote as Council delegate and one vote as LGNSW Board Director).

The deadline to provide LGNSW with the names of delegates who will vote on policy motions is Wednesday 1 November 2017. Additional nominations received after the closing date cannot be accepted. However, the names of voting delegates may be substituted at any time, in line with Rule 34 of the LGNSW Rules.

Voting delegates must be registered to attend the Conference and also be registered as voting delegates. Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf.

Election of LGNSW Board of Directors

Councillors wishing to nominate as a candidate for a position on the LGNSW Board must use the prescribed form, which the Australian Electoral Commission will make available when it calls for nominations at a date to be confirmed.

If an office is contested, nominated voting delegates will vote by attendance at the Conference on Tuesday 5 December 2017.

Members are required to advise LGNSW of the names of the delegates voting in the election once the AEC has issued the election notice.

Business Sessions / Consideration of Motions

The Conference will include discussion and debate on a range of motions from councils relating to current and emerging policy issues that are facing local government in NSW.

There will be addresses from the NSW Premier, the LGNSW President, the Minister and Shadow Minister for Local Government, and the Minister for Roads, Maritime and Freight.

Below is a brief overview of the draft program for 2017:

Monday 4 December
<ul style="list-style-type: none">• Delegate registration• Concurrent briefing sessions – ‘Coming together post-amalgamation’ or ‘Elected life and good governance: building your capabilities’ (optional events not included in the conference registration fee)• LGNSW Board President’s opening reception
Tuesday 5 December
<ul style="list-style-type: none">• Delegate registration• Voting for the LGNSW Board President, Vice Presidents, Treasurer and Directors• Address from the NSW Premier• Business sessions and consideration of motions
Wednesday 6 December
<ul style="list-style-type: none">• Delegate registration• Australian Local Government Women’s Association Breakfast (not included in the conference registration fee)• Addresses from the Minister and Shadow Minister for Local Government• Keynote speakers• Concurrent briefing sessions – ‘Environment and Planning’, ‘Infrastructure and Economics’ or ‘People and Communities’ (optional events not included in the conference registration fee)• Conference dinner including the Outstanding Service Awards <p>Close of Conference</p>

Please refer to Attachment A (Draft Program) and Attachment B (Registration Guide) for more information, noting that speaker and program details may change.

Councillors' Expenses and Facilities Policy

Councillors Forster, Chung and Scott were the City of Sydney delegates at the 2016 LGNSW Conference held at Wollongong. Expenditure incurred for the 2016 Conference totalled \$4,727.79.

The Councillors' Expenses and Facilities Policy 2017 provides for Councillors to attend the LGNSW Annual Conference at Council's expense. Funds are available in the 2017/18 Operating Budget to cover registration fees, travel and other reasonable expenses incurred by Councillors.

In 2017, the Conference registration fees are either \$899 (early bird rate) or \$999 per person. Briefing sessions incur an additional cost (\$44 for one session, or \$66 for two sessions). Transportation to the venue, meals and other incidental expenses will also be additional costs.

As the Conference is being held at the Hyatt Regency in Sydney in 2017, expenditure may reasonably be anticipated to be considerably less per person than in 2016 when costs included overnight accommodation.

RECOMMENDATION

It is resolved that:

- (A) Council appoint the Lord Mayor and all Councillors as its voting delegates for voting on motions and for the Board at the Local Government New South Wales (LGNSW) Annual Conference to be held in Sydney from Monday 4 December to Wednesday 6 December 2017;
- (B) all registration fees, travel and other reasonable expenses associated with the attendance of Councillors at the Conference be met by the City in accordance with the Councillors' Expenses and Facilities Policy 2017; and
- (C) Council note that a spouse, partner or other person may accompany a Councillor at the Conference, and the City will meet the cost of their registration fees and official Conference dinners.

MONICA BARONE
Chief Executive Officer

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

It is resolved that:

- (A) Council appoint the Lord Mayor and all Councillors as its voting delegates for voting on motions and for the Board at the Local Government New South Wales (LGNSW) Annual Conference to be held in Sydney from Monday 4 December to Wednesday 6 December 2017;
- (B) all registration fees, travel and other reasonable expenses associated with the attendance of Councillors at the Conference be met by the City in accordance with the Councillors' Expenses and Facilities Policy 2017; and

- (C) Council note that a spouse, partner or other person may accompany a Councillor at the Conference, and the City will meet the cost of their registration fees and official Conference dinners.

Carried.

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

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

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

Carried.

5.2 Petitions**Visitor Parking on John St, Pyrmont**

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

Attn - City of Sydney.

Seven terraces in John St Pyrmont have no off-street parking whatsoever. Since the introduction of a voucher system for visitor parking, residents have incurred large costs in parking payments for visitors and especially tradespeople doing much needed renovations to properties.

We the undersigned ask that the City implement a fairer system of visitor parking on John St Pyrmont: a visitor parking permit system linked to the household or street.

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

It is resolved that the Petition be received and noted.

Carried.

ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 11 SEPTEMBER 2017

PRESENT

The Lord Mayor, Councillor Clover Moore
(Chair)

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

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

At the commencement of business at 2.04pm those present were -

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

Councillor Chung arrived the meeting of Corporate, Finance, Properties and Tenders Committee at 2.08pm during discussion on Item 6.7 which had been brought forward.

Sub-Committee

The meeting of the Economic Development and Business Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 2.40pm.

Order of Business

The Corporate, Finance, Properties and Tenders Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Items 6.7 and 6.8 be brought forward and dealt with before Item 6.2.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.47pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 11 September 2017 be received, with Item 6.1 being noted, the recommendations set out below for Items 6.4 and 6.6 to 6.9 inclusive being adopted, and Items 6.2, 6.3 and 6.5 being dealt with as shown immediately following those items.

Carried unanimously.

ITEM 6.1

DISCLOSURES OF INTEREST

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

The Committee recommended the following:

ITEM 6.2

INVESTMENTS HELD AS AT 31 AUGUST 2017 (X005605)

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

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 6.3

REVISED CODE OF MEETING PRACTICE - ADOPTION (S051923)

It is resolved that the revised Code of Meeting Practice, as shown at Attachment A to the subject report, be adopted.

Note – the recommendation of the Corporate, Finance, Properties and Tenders Committee was not adopted.

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

It is resolved that the revised Code of Meeting Practice, as shown at Attachment A to the subject report, be adopted **with revisions as follows** (additions shown in ***bold italics*** and deletions shown in ***strikethrough***):

- on page 23 of the Code of Meeting Practice, at 6.4 ***Disclosure of Pecuniary Interests and Presence in Meetings***, the first paragraph under the heading ***Declarations of Pecuniary Interest***, to read:

A councillor who has a pecuniary interest in a matter being considered at a council or committee meeting must disclose the existence of the interest and also the nature of that interest. Councillors are requested to make such a disclosure in writing and provide the written disclosure to the Chief Executive Officer prior to ***or at the commencement of the meeting***.

- on page 23 of the Code of Meeting Practice, clause 6.4 (b) to read:

6.4 (b) ***submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.***

- on page 24 of the Code of Meeting Practice, clause 6.6 (1) to read as follows:

6.6 (1) A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned, and who **will be or** is present at a meeting of the council or committee at which the matter is being considered, must consider disclosing ~~a-the~~ non-pecuniary interest, in accordance with the council's code of conduct, ~~to the meeting as soon as practicable~~ **in writing to the Chief Executive Officer prior to or at the commencement of each committee or council meeting.**

- on page 24 of the Code of Meeting Practice, clause 6.6 (3) (b) to read as follows:

6.6 (3) (b) **submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.**

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

That the motion be amended such that it read as follows:

It is resolved that the revised Code of Meeting Practice, as shown at Attachment A to the subject report, be adopted, subject to the following amendments (with deleted text shown in ~~strike-through~~ and inserted text shown in ***bold italics***), such that it read as follows:

- a) 6.4 A councillor who has a pecuniary interest in a matter being considered at a council or committee meeting must disclose the existence of the interest and also the nature of that interest. Councillors are ~~requested~~ to make such a disclosure in writing and provide the written disclosure to the Chief Executive Officer prior to **or at the commencement of the** meeting. (page 23 of the Code of Meeting Practice)
- b) 6.4 (b) **submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.** (page 23 of the Code of Meeting Practice)
- c) 6.6 (1) A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned, and who **will be or** is present at a meeting of the council or committee at which the matter is being considered, must consider disclosing ~~a the~~ non-pecuniary interest, in accordance with the council's code of conduct, ~~to the meeting as soon as practicable~~ **in writing to the Chief Executive Officer prior to or at the commencement of each committee or council meeting.** (page 24 of the Code of Meeting Practice)
- d) 6.6 (3) (b) **submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.** (page 24 of the Code of Meeting Practice).

13.6 Voting at Committees

Procedures in committees

- (1) Subject to subclause (3), each committee of a council may regulate its own procedure.

- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).
- (4) ***Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee must verbally declare their casting vote.***

14.10 Voting Procedure in Committees

- (1) Subject to subclause 3, each committee of a council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee is to be by open means (such as on the voice or by show of hands).
- (4) ***Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee must verbally declare their casting vote.***

A show of hands on the amendment resulted in an equality of voting as follows:

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoulkas

Noes (5) The Lord Mayor, Councillors Miller, Kok, Scully and Thalis.

The Lord Mayor exercised her casting vote against the amendment. The amendment was declared lost.

The motion was carried unanimously.

ITEM 6.4

NON-RESIDENTIAL REGISTER METHODOLOGY AND PLAN 2017 - 2020 (X001907.006)

It is resolved that Council:

- (A) note that it remains impossible for the City to fully comply with the amendments to the *City of Sydney Act 1988* regarding the non-residential register and rolls that commenced on 6 February 2015;
- (B) note that the inability of the City to fully comply with the amendments to the *City of Sydney Act 1988* represents a significant risk and may result in legal challenge, including challenge to the validity of the outcome of any City election;
- (C) endorse the Non-residential Register Methodology and Plan 2017 - 2020 to maintain the non-residential register to 2020, as shown at Attachment A to the subject report; and

- (D) note that a review of the Non-residential Register Methodology and Plan 2017 - 2020 by an independent auditor identified no very high, high, medium, or low risk findings and that this review was tabled at the Audit Risk and Compliance Committee meeting on 25 May 2017. A copy of this review was circulated to the Lord Mayor and Councillors by the Chief Executive Officer on 31 July 2017.

Carried unanimously.

ITEM 6.5

NAMING PROPOSAL - LOUISA LAWSON PLACE (X005053)

It is resolved that:

- (A) Council give in-principle approval to the name "Louisa Lawson Place" for the public open space located in Central Sydney, bounded by Kent Street, Sussex Street and Napoleon Street; and
- (B) endorse the public exhibition of the naming proposal for community comment for a period of at least 28 days.

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.

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

It is resolved that:

- (A) Council give in-principle approval to the name "Louisa Lawson Place" for the public open space located in Central Sydney, bounded by Kent Street, Sussex Street and Napoleon Street;
- (B) Council endorse the public exhibition of the naming proposal for community comment for a period of at least 28 days, ensuring that previous submitters to the naming proposal are directly notified of this new consultation period; and
- (C) a further report be submitted to Council at the end of the exhibition period.

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

ITEM 6.6

NAMING PROPOSAL - FRANCES NEWTON RESERVE (X007323)

It is resolved that:

- (A) Council approve the name "Frances Newton Reserve" for the pocket park under construction at 222 Palmer Street, Darlinghurst; and

- (B) an application be made to the Geographical Names Board for the naming of the pocket park as approved in clause (A) in accordance with the *Geographical Names Act 1996*.

Carried unanimously.

ITEM 6.7

NAMING PROPOSAL - HAROLD PARK (X007323)

It is resolved that:

- (A) Council approve the name "Harold Park" to the new park currently under construction at Forest Lodge; and
- (B) an application be made to the Geographical Names Board for the naming of the new park as approved in clause (A) in accordance with the *Geographical Names Act 1996*.

Carried unanimously.

Speakers

Mr John Dumesny addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.7.

ITEM 6.8

NAMING PROPOSAL - NITA MCCRAE PARK (X077323)

It is resolved that:

- (A) Council approve the name "Nita McCrae Park" for the pocket park in front of the Abraham Mott Hall and the Harry Jensen Centre, Millers Point; and
- (B) an application be made to the Geographical Names Board for the naming of the pocket park as approved in clause (A) in accordance with the *Geographical Names Act 1996*.

Carried unanimously.

Speakers

Mr John Dunn and Ms Yasmina Bonnet addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.8.

ITEM 6.9**NAMING PROPOSAL - HYPERION PARK AND KINGSBOROUGH WAY (X010461)**

It is resolved that:

- (A) Council provide in-principle approval to name the new park to be constructed within the development site bounded by Bourke Street, Merton Street and McPherson Lane as "Hyperion Park" and that the name be placed on public exhibition for community comment for a minimum period of 28 days;
- (B) Council provide in-principle approval to name the new street to be constructed between Bourke Street and O'Dea Avenue as "Kingsborough Way" and that the name be placed on public exhibition for community comment for a minimum period of 28 days; and
- (C) a further report be submitted to Council, on the results of the public consultation process.

Carried unanimously.

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Kok, seconded by Councillor Scully –

That the report of the Economic Development and Business Sub-Committee of its meeting of 11 September 2017 be received and the recommendation set out below for Item 6.10 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

ITEM 6.10**KNOWLEDGE EXCHANGE SPONSORSHIP - STARTCON 2017 (X010493)**

It is resolved that:

- (A) Council approve:
 - (i) a cash sponsorship of \$20,000 (excluding GST); and
 - (ii) value in-kind sponsorship for banner pole hire of up to \$3,600 (excluding GST) for a Silver Sponsorship Package of StartCon 2017; and
- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with StartCon Pty Ltd in respect of the City's sponsorship of StartCon 2017 described in (A) above.

Carried unanimously.

Speakers

Ms Cheryl Mack addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.10.

ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 11 SEPTEMBER 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, Linda Scott, Jess Scully, Philip Thalis and Angela Vithoulkas.

At the commencement of business at 2.48pm those present were -

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

Order of Business

The Environment Committee agreed, for the convenience of the public present, that the Order of Business be altered such that Item 7.3 be brought forward and dealt with before Item 7.2.

The meeting of the Environment Committee concluded at 3.19pm.

Report of the Committee

Moved by Councillor Miller, seconded by Councillor Thalis -

That the report of the Environment Committee of its meeting of 11 September 2017 be received, with Item 7.1 being noted, and Items 7.2 and 7.3 being dealt with as shown immediately following those items.

Carried unanimously.

The Committee recommended the following:

ITEM 7.1

DISCLOSURES OF INTEREST

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

ITEM 7.2**SYDNEY HARBOUR BRIDGE SOUTHERN CYCLEWAY - PROJECT AGREEMENT
(S123575)**

It is resolved that:

- (A) Council note that Roads and Maritime Services (RMS) intends to deliver the Sydney Harbour Bridge Southern Cycleway as part of a suite of access improvements to the Harbour Bridge, including the Toll Plaza removal, a cycleway connection on the northern side of the Harbour Bridge and pedestrian lifts on the eastern side of the bridge;
- (B) Council approve the key terms of the Project Agreement between the City and RMS for project governance and the provision of the design and construction documentation of the Sydney Harbour Bridge Southern Cycleway from Kent Street to the Harbour Bridge, as outlined in Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the Project Agreement on behalf of the City, with any minor changes necessary, providing the key terms are substantially the same;
- (D) Council note that the Project Agreement does not confer on RMS a licence to occupy and use public land for the construction of the cycleway, and that applicable legislative requirements will need to be complied with prior to a licence being granted; and
- (E) as part of the design process, City staff seek to reclaim land that was removed in 1956 as part of construction of the Bradfield Highway back to Observatory Hill Park, and enable better pedestrian access on the eastern side of the Sydney Harbour Bridge through the provision of stairs.

At the meeting of Council, it was moved by Councillor Miller, seconded by Councillor Thalis –

That the recommendation of the Environment Committee be adopted.

Carried unanimously.

ITEM 7.3**STREETSCAPE IMPROVEMENTS – BOWMAN STREET PYRMONT – APPROVAL OF
PROJECT SCOPE (S1231818)**

The Environment Committee decided that consideration of this matter be deferred to the meeting of Council on 18 September 2017.

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

It is resolved that Council:

- (A) approve the scope of the Bowman Street Streetscape Improvements, as described in the subject report and shown in the Refined Concept Design in Attachment B to the subject report, for progression to design development, documentation and construction; and
- (B) explore options to retain the number of parking spaces available in Bowman Street, subject to further consultation with the community and approval by the City of Sydney Local Pedestrian, Cycling and Traffic Calming Committee.

Carried unanimously.

Speakers

Ms Elizabeth Elenius, Mr Phillip Minos and Mr Gordon Streight addressed the meeting of the Environment Committee on Item 7.3.

ITEM 8 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 11 SEPTEMBER 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 Thalis and Angela Vithoulkas.

At the commencement of business at 3.20pm those present were:

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

Councillor Forster left the meeting of the Planning and Development Committee at 5.40pm during discussion on Item 8.3 and returned to the meeting at 5.50pm during discussion on Item 8.4.

Councillor Vithoulkas left the meeting of the Planning and Development Committee at the adjournment of the meeting at 3.22pm and did not return, having conveyed her apologies for her inability to return to the meeting, as she was unwell.

Adjournment

At 3.22pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the meeting of the Planning and Development Committee be adjourned to enable consideration of items by the Major Development Assessment and Development Assessment Sub-Committees, such items not to be considered prior to 5.00pm.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.08pm, those present were:

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

Councillor Scott returned to the meeting of the Planning and Development Committee at 5.13pm during discussion on Item 8.3.

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 Thalis as Deputy Chair, commenced at 3.21pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.08pm.

The Development Assessment Sub-Committee, with Councillor Thalis as Deputy Chair, commenced at 6.00pm.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.25pm.

ITEM 8.1

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.

At a later stage of the meeting, during discussion on Item 8.3 on the agenda, Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 8.3 in that one of the objectors to the subject development made a very small contribution to her last campaign, but it was below the public declaration threshold.

(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 Thalis, seconded by Councillor Forster-

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 11 September 2017 be received, with Item 8.1 being noted, and the recommendation set out below for Item 8.2 being adopted.

Carried unanimously.

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

ITEM 8.2

FIRE SAFETY REPORTS (S105001.002)

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 M 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 Investigation Officer in 7-9 York Street, Sydney, 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 Investigation Officer in 254 Crown Street, Darlinghurst, as detailed in Attachment C;
- (E) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 10-24 Flinders Street, Darlinghurst, 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 Investigation Officer in 10B Challis Avenue, Potts Point, as detailed in Attachment E;
- (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 Investigation Officer in 173-175 Oxford Street, Darlinghurst, as detailed in Attachment F;
- (H) exercise its power to issue an Order 6 as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 2 Victoria Park Parade, Zetland, as detailed in Attachment G;
- (I) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 289-295 Sussex Street, Sydney, as detailed in Attachment H;
- (J) exercise its power to issue an Order 6 as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 55-59 Regent Street, Chippendale, as detailed in Attachment I;
- (K) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 341 George Street, Sydney, as detailed in Attachment J;
- (L) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 2 Circular Quay East, Sydney, as detailed in Attachment K;
- (M) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 65 York Street, Sydney, as detailed in Attachment L; and
- (N) not exercise its power to issue an Order 6 at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 175-183 Darlinghurst Road, Darlinghurst, as detailed in Attachment M.

Carried unanimously.

Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Thalis -

That the report of the Major Development Assessment Sub-Committee of its meeting of 11 September 2017 be received, with Items 8.3 and 8.4 being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

ITEM 8.3

DEVELOPMENT APPLICATION: 35-47 WILSON LANE DARLINGTON (D/2016/1388)

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 18 September 2017.

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

It is resolved that development consent be refused for Development Application No. D/2016/1388 for the following reasons:

(1) The proposal fails to demonstrate design excellence

The proposal fails to demonstrate design excellence under clause 6.21(3) and clause 6.21(4) of Sydney Local Environmental Plan 2012 (LEP) having regard to the site planning, massing of buildings, impact on the public domain, and impact on the special character area.

The site planning and proposed massing is poorly resolved resulting in:

- Poor amenity – a number of rooms and the main communal living area are located at below ground or lower ground and will have very poor amenity, including low levels of solar access (discussed in more detail below) and natural ventilation. At the meeting of the Planning and Development Committee on 11 September 2017, Committee members advised there is a good opportunity to relocate lower ground level floor space to a new fourth level away from side boundaries to improve amenity while maintaining impacts of the additional height within the LEP height limit, including impacts on streetscape and character. The applicant elected not to do this in their revised scheme, which is disappointing.
- Poor relationship to Wilson Street – the proposed western wing has an oblique angle setback from the street that does not relate well to Wilson Street which consists predominantly of terrace houses fronting on to the street with minimal or no setback. It awkwardly exposes part of the party wall of the neighbouring house to the west, and does not respond to the massing and predominant horizontal and vertical proportions of existing buildings.
- Extensive loss of trees – the proposal retains only 9 out of 40 trees. There is opportunity to relocate lower ground level floor space to a new fourth level and modify the site layout to retain more trees.

Particulars:

- a) The proposal fails to demonstrate design excellence under clause 6.21(3) and clause 6.21(4) of Sydney Local Environmental Plan 2012 having regard to architectural design, massing of buildings, impact on the public domain, and impact on the special character area.
- b) The proposed western wing fails to achieve and satisfy the outcomes expressed in the character statement and supporting principles of the Darlington/West Redfern under clause 2.3.2(a) of Sydney Development Control Plan 2012.
- c) The proposed western wing fails to respond to and complement heritage items and contributory buildings within the heritage conservation area, including streetscapes, under clause 2.3.2(b) of Sydney Development Control Plan 2012.
- d) The proposed western wing fails to adequately respond to the height, massing and predominant horizontal and vertical proportions of existing buildings under clause 2.3.2(g) of Sydney Development Control Plan 2012.

(2) The proposal fails to provide adequate solar access to communal living rooms

The proposal fails to provide adequate solar access to living rooms under clause 29(2)(c) of State Environmental Planning Policy (Affordable Rental Housing) ('the Affordable Housing SEPP').

Clause 29(2)(c) says a consent authority must not refuse consent to development if one or more communal living rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. The Affordable Housing SEPP does not specify a minimum area for communal living rooms.

The proposal includes 7 communal living areas of which only 3 receive any direct sunlight in mid-winter. The main communal living area is located on the new basement / lower ground level and, on the applicant's calculation, receives 2.5 hours of direct sunlight at an oblique angle. The other 2 communal living areas that receive direct sunlight, which are similar in size to the private rooms, receive 3 hours and 5.5 hours respectively.

The proposed level of solar access is not considered adequate given:

- The large number of rooms and students proposed (more than 200 rooms and students).
- The large number of private rooms that won't receive any winter sun.
- That most of the communal living rooms do not comply with solar access controls.
- The communal living rooms that do comply with solar access controls are very small.

- The proportion of communal living spaces that will enjoy useful sunlight is very small.

Particulars:

- a) The proposal fails to provide adequate solar access to communal living rooms under clause 29(2)(c) of State Environmental Planning Policy (Affordable Rental Housing).

(3) The proposal fails to provide adequate solar access to studio units

Given the large number of studio units proposed (more than 200), the low level of solar access to communal living rooms and that students typically spend a higher proportion of time in their rooms studying, it is reasonable to require adequate levels of solar access to studio units.

The Affordable Housing SEPP specifies solar access controls for indoor communal living areas, but not studio units. While the Apartment Design Guide under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies to residential flat buildings and not boarding houses (student accommodation), in the absence of solar access controls for studio units, the Apartment Design Guide can be used as a guide to determine reasonable levels of solar access for studio units in studio accommodation.

Objective 4A-1 of the Apartment Design Guide requires that living rooms and private open spaces of at least 70% of apartments in a building receive at least 2 hours direct sunlight between 9am and 3pm at mid-winter and that no more than 15% of apartments in a building receive no sunlight.

The applicant claims 58% of the 211 studio units within the development will receive 2 or more hours of solar access during mid-winter (to at least 50% of the window areas). This includes 13 units on the lower ground level facing Wilson Lane that have windows above head height at 'wheel height' on the laneway. As pedestrians in Wilson Lane will be able to look down into students' rooms, most, if not all, students in the 13 rooms will close their blinds for a substantial part of the day to protect privacy.

Excluding these 13 rooms for the solar access calculations means 51.5% of studio units receive 2 or more hours of sunlight, while 48.5% receive less than 2 hours. This is substantially less than the minimum 70% of apartments required to receive 2 or more hours of sunlight in the Apartment Design Guide. There is a high percentage of units (well above the 15% in SEPP 65) that would receive no mid-winter sun.

Overall, the proposal fails to provide adequate solar access to studio units, especially in the context of the low level of solar access to communal living areas and the high proportion of studio units that do not receive 2 or more hours of sunlight having regard to Objective 4A-1 of the Apartment Design Guide.

Particulars:

- a) The proposal fails to provide adequate solar access to studio units having regard to the low level of solar access to communal living areas and the high proportion of studio units that do not receive 2 or more hours of sunlight having regard to Objective 4A-1 of the Apartment Design Guide.

(4) The proposal includes lower ground and basement units

The proposal fails to demonstrate it is consistent with the aim of clause 1.2(h) of Sydney Local Environmental Plan 2012 to enhance the amenity and quality of life of local communities.

The proposal locates the main communal living area and a substantial number of studio units at below (basement) or lower ground level. These will receive very poor amenity, including solar access, ventilation, outlook, privacy, risk of damp and risk of flooding.

Particulars:

- a) The proposal fails to demonstrate it is consistent with the aim of clause 1.2(h) of Sydney Local Environmental Plan 2012 to enhance the amenity and quality of life of local communities.

(5) The proposal fails to demonstrate it is compatible with the character of the local area

Clause 30A of the Affordable Housing SEPP says a consent authority must not consent to development unless it has taken into consideration whether the design of development is compatible with the character of the local area.

The proposed lower ground floor and west wing is not consistent with the character of the local area. Few, if any, buildings in the local area include basements. Additionally, most buildings in the local area front on to the street and are not set back. By contrast, the proposed west wing is awkwardly set back at an oblique angle.

Particulars:

- a) The proposal fails to demonstrate it is compatible with the character of the local area under clause 30A of State Environmental Planning Policy (Affordable Rental Housing).

(6) The proposal does not facilitate the effective delivery of new affordable housing

The proposal does not support the aim under clause 3(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009 to facilitate the effective delivery of new affordable housing.

At the meeting of the Planning and Development Committee on 11 September 2017, the applicant advised students will need to pay about \$500 per week to rent a studio unit in the proposed development. While the rent includes some costs, such as electricity, it is still substantially higher than commonly accepted definitions of affordable housing even when these costs are excluded. Rent for community rental housing is typically less than 30% of the gross income of very low to moderate income households.

Particulars:

- a) The proposal does not facilitate the effective delivery of new affordable housing under clause 3(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

(7) The proposal fails to satisfy the Objects of the Environmental Planning and Assessment Act 1979

The proposal fails to satisfy the objects under *Section 5(a)(i) of the Environmental Planning and Assessment Act 1979*. The proposal does not encourage proper development for the purpose of promoting the social welfare of the community and a better environment.

Particulars:

- a) The proposal fails to satisfy the objects under *Section 5(a)(i) of the Environmental Planning and Assessment Act 1979*.

(8) The proposal is not in the Public Interest

As a matter for consideration pursuant to clause 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not in the public interest for the reasons outlined above.

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

That consideration of this matter be deferred to allow the applicant and staff to discuss Councillor Thalis's proposed reasons for refusal and whether or not some modifications can be made to the development application.

Following discussion, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That consideration of this matter be deferred to the end of the meeting (see page 553).

The motion was carried on the following show hands –

Ayes (6) The Lord Mayor, Councillors Kok, Miller, Scott, Scully and Thalis

Noes (4) Councillors Chung, Forster, Phelps and Vithoulkas.

Motion carried.

Adjournment

At this stage of the meeting, at 6.35pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

That the meeting be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of Council, at 6.55pm, those present were –

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

ITEM 8.4**DEVELOPMENT APPLICATION: 89 CROWN STREET DARLINGHURST (D/2017/363)**

It is resolved that:

- (A) pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012, Council grant a variation to the development standard under Clause 30 (1) (h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 – motorbike parking; and
- (B) consent be granted to Development Application No. D/2017/363, subject to the conditions as detailed in Attachment A to the subject report:

At the meeting of Council, it was moved by Councillor Kok, seconded by Councillor Thalis –

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

Carried unanimously.

Speakers

Mr Chris Jordan addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 8.4.

Report of the Development Assessment Sub-Committee

Moved by Councillor Thalis, seconded by Councillor Kok -

That the report of the Development Assessment Sub-Committee of its meeting of 11 September 2017 be received, with Item 8.5 being dealt with as shown immediately following that item.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

ITEM 8.5**DEVELOPMENT APPLICATION: 75-81 DARLINGHURST ROAD POTTS POINT
(D/2016/1330)**

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 18 September 2017.

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

It is resolved that:

- (A) the variation sought to Clause 4.3 building height in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 be supported;
- (B) the variation sought to Clause 4.4 Floor Space Ratio in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 be supported; and
- (C) consent be granted to Development Application No. D/2016/1330, subject to the conditions as detailed in **Attachment A** to the Planner's report to the Planning and Development Committee on 11 September 2017, subject to the addition of Conditions (1A), (1B) and (1C) and the amendment of Condition (7) as follows (with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~):

(1A) 'PORKY'S' NEON SIGNAGE

The under awning facade 'Porky's' sign, under awning "Porky's nite spot" sign and strip lighting to the underside of the awning are to be retained in-situ.

The three existing "Porky's" wall signs located on the facade at first/second floor level are to be retained and one or more of these signs should be re-interpreted on the site.

Details of the re-interpretation plan, including the location and fixing of signage retained on site and photographic details of any signs not retained on site, must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued.

(1B) BALCONY TO LEVEL 1 TO BE DELETED

The glass block / translucent outdoor balcony/courtyard to level 1 is to be deleted from the plans.

Amended drawings must be submitted to and approved by Council's Director City Planning, Development and Transport prior to any Construction Certificate being issued.

(1C) AIR CONDITIONING TO BAY WINDOWS

Any air conditioning provided within the bay window areas must be fully concealed both internally (via an integrated bay window seat/bench) and externally. The air conditioning units must not be visible from the street externally or through the glazing of the bay windows.

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the building must not exceed ~~3.25~~ **3.02:1** and for the calculated in accordance with Sydney LEP 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is **881.92 949.52sqm.**
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Areas in the development, utilising the definition under Sydney LEP 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

Notes:

~~The ground floor courtyard area that is covered by built form above (either floor or outdoor meeting area at Level 1 or Level 3 floor) has been included in this calculation of GFA.~~

The ground floor courtyard area is excluded from GFA.

The 'end of journey' floorspace including lockers, bike parking and shower facilities within the basement has been included in this calculation of GFA.

~~The open outdoor meeting area on level 1 has been excluded from the GFA calculation.~~

Carried unanimously.

Speakers

Mr Andrew Woodhouse, Ms Kate Bartlett and Mr Blair Young addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 8.5.

ITEM 9 QUESTIONS ON NOTICE**FUNDING FOR LORD MAYORAL MINUTE ITEMS (S129276)**

1. By Councillor Vithoulkas

Question

As a general rule, the Lord Mayor often puts forward Lord Mayoral Minutes that request funding. Where in the budget does this money come from?

Often a contingency budget is mentioned. How much is allocated to this contingency budget each year?

How much funding has been requested for actions stemming from Lord Mayoral Minutes for Financial years ending 2013, 2014, 2015, and 2016?

Please provide a detailed breakdown of the funding for individual items over the aforementioned financial years.

Answer by the Lord Mayor

Operational contingencies are included each year in the City's operating expense budget to cater for unforeseen circumstances and events that arise after the adoption of the budget.

For the 2017/18 financial year \$4.5M has been allocated as follows

- (a) General Contingency of \$1.5M; and
- (b) CEO Contingency of \$3.0M.

In 2012/2013, \$41,136 was allocated from a Lord Mayor Minute endorsed by Council to support the Local Government campaign on a constitutional recognition referendum.

In 2013/2014, \$285,947 was allocated to actions arising from Lord Mayoral Minutes endorsed by Council, primarily in response to natural disasters such as the NSW Bushfires (\$145,947), support for New Democracy and the Thomas Kelly Foundation (\$60,000) and supporting Millers Point tenants (\$50,000).

In 2014/2015, \$577,500 was allocated to actions arising from Lord Mayoral Minutes endorsed by Council, including \$200,000 each to Red Cross appeals following the Nepal earthquake and Vanuatu cyclone, \$60,000 each to the Rabbitohs Souths Cares initiative and the Bays Precinct Collaborative Engagement, \$37,500 to the Safe Space and Take Kare Ambassadors program and \$10,000 to Beyond Blue in memory of Tori Johnson after the Sydney Siege.

\$120,000 was allocated to actions arising from Lord Mayoral Minutes endorsed by Council in 2015/2016, including support for climate change events in the lead up to the Paris summit (\$70,000), community groups campaigning against WestConnex (\$40,000), and the Vinnies CEO Sleepout Appeal (\$10,000).

REPAIR OF FOOTPATHS (S129276)

2. By Councillor Vithoulkas

Question

Due to the amount of construction projects that are currently in progress across the City of Sydney:

1. When will the City start working on repairing the unsafe, uneven, cracked, broken and dangerous footpaths that are impeding members of all ages within our community?
2. Is there a temporary strategy in place to address these issues during construction? If so, what is it?
3. How much of the City's 2017/2018 budget has been allocated to the repair of footpaths?
4. What was the budget for repairs of footpaths in the last two financial years, 2015/2016 and 2016/2017?

Answer by the Lord Mayor

The City has ongoing maintenance regimes and renewal programs in place for the repair of all City footpaths.

City Asset Inspectors are aware of the increased construction in the City and are reporting any footpath hazards for maintenance.

Many of the trenches associated with the construction work are the responsibility of service utilities who excavate the footpath to access their assets. City staff are also coordinating with the service utilities to ensure the footpath is quickly restored to its original condition. Due to the major infrastructure projects, particularly in the CBD, the City of Sydney is limited in what repair work can be done at this stage until infrastructure developments are completed.

The City's budget in 2017/2018 for the repair of footpaths is \$2.91 million. The budgets for the previous years 2015/16 and 2016/17 were \$3.65 million and \$3.97 million respectively. The budget allocated for footpath maintenance and renewal considers the expected damage caused by construction in the City and is also based on asset condition assessments that are conducted prior to the budget approval process.

Over the past three financial years, the City has allocated an additional \$4.5M annually for upgrades to CBD footpaths.

COMMERCIAL PARTNERSHIP WITH SBS TV (S129276)**3. By Councillor Vithoulkas****Question**

The CEO Update of 9 September 2017 contained information about a commercial partnership that has been negotiated between the City and SBS Small Business Secrets to produce advertorial content about Sydney Tech Start-ups.

What is the cost of this contract to the City?

Answer by the Lord Mayor

The total partnership cost is \$80,000 (plus GST) which includes the following:

- seven 4-minute video case studies promoting Sydney-based startup success stories in the Small Business Secrets Program with a reach of 1.2 million viewers plus 34,000 on demand views;
- seven 30-second video snapshots to promote across SBS social media channels that have over 426,000 subscribers;
- The City of Sydney will have 12-month use rights for all the above content across the City's communication channels and any third party channels;
- The video content will also be distributed through the following channels:
 - Sydney Startup Hub (to launch in November 2017). Created by Jobs For NSW, the Sydney Startup Hub is the first of its kind in Australia and is located at 11-31 York Street in Sydney's CBD. It brings together leading incubators and accelerators in a high-density startup cluster. The video content will be displayed on large screens in the foyer/reception area of the Startup Hub.
 - San Francisco Business Times social and online channels. The City is providing content to accompany a Sydney-focused supplement in the San Francisco Business Times printed newspaper promoting Sydney as a startup city. The newspaper has a readership of 51,000. The video content will be distributed to the San Francisco Business Times social and online channels with 2.5 million monthly views.

CITY OF SYDNEY INITIATIVES SYDNEY LIGHT RAIL (S129276)**4. By Councillor Vithoulkas****Question**

Sydney light rail construction commenced in 2015 in the City of Sydney local government area.

What initiatives and actions has the City of Sydney undertaken to support small business owners impacted by Sydney Light Rail Construction since that time?

What initiatives and actions has the City of Sydney undertaken to support residents impacted by Sydney Light Rail Construction since that time?

Answer by the Lord Mayor

City staff meet regularly with Transport for NSW to discuss plans for programs to be run by Transport for NSW to support local businesses and communities. The City's primary contribution to this program is to provide marketing support to promote the activations, to facilitate logistics such as access to power, or provide introductions to local business representatives such as the Surry Hills Creative Precinct.

The City has provided the following support to businesses and residents:

Business Grants

Surry Hills Creative Precinct

- \$27,200
- Salon networking events for local businesses
- Four Creative Tours for media influencers, run by Culture Scouts
- Eastside Destination Marketing – collaboration between Surry Hills, Darlinghurst and Potts Point. Media strategy and media famils; marketing collateral including walking map, guide for local businesses, social media toolkit, digital and social media content

Eastside Destination Marketing

- This collective project also receives \$20,000 to Darlinghurst Business Partnership and \$25,000 to Potts Point Partnership
- Enables business workshops to upskill regarding social media and promotion opportunities: AirBnB, Facebook, Instagram

Haymarket Chamber

- \$69,600
- Market of Lights
- Live Play Work guide to Haymarket – promoting local business to residents
- Digital destination marketing

Sydney CBD Chamber

- \$7,500 for three networking events – each event included Light rail construction updates to members

Village Festival Grant – Surry Hills Neighbourhood Centre

- Year 2 - \$25,000
- Marketing support, promoting local businesses and driving footfall to the local area during construction/festival period

Knowledge Exchange Grant – General Assembly

- Four seminars designed to specifically upskill SME's in digital business opportunities (to counter any shift in foot traffic and better prepare for future proofing business)

City Thought Leaders

- Seminar series @ Customs House
- 10 seminars for businesses around key topics including how to maximise business opportunities around major events

How to maximise business opportunities – leveraging major events

- Tool Kit and Guide to opportunities to maximise major events including event calendar
- Distributed directly to SME businesses
- Supported through one of the City Thought Leaders seminars – case studies delivered demonstrating how to leverage these opportunities and capitalise on growth of foot traffic during major events.

Chairs in Squares

- Ongoing and ad hoc provision of temporary outdoor furniture in Martin Place, Regimental Square, World Square, QVB and Zone 4 and 5 on George Street during Christmas activations.
- Temporary seating was also provided to support other events and locations including support during Head On exhibition on George Street, seating outside World Square during Chinese New Year and Christmas, and seating outside of QVB. As new locations become available the City will consider for temporary seating opportunities.

Major Events

- Christmas – Christmas in the Villages Shop local campaign
- Chinese New Year– Haymarket promotion on George and Dixon Streets

City Sponsored Events

- Coordinated approval process for event activations such as Head On Festival, Vivid, Sydney Festival – use of public domain in areas surrounding George Street

City Hosted Workshops

- CBD business workshop with senior business leaders to develop scope of works to ensure activation, signage opportunities, communications etc were managed during construction.
- Inception workshops with CBD businesses and Surry Hills businesses prior to work commencing
- Hosted drop in sessions for Business

Footway Dining Fees

- Waiving of all footway dining fees along the alignment during construction.

Marketing Activities

- Marketing support is provided for stakeholder activations and associated events aimed at enhancing street and public space vibrancy and footfall near construction zones
- This ongoing marketing activity promotes and amplifies the 'Open for Business' messaging and has included distribution of event collateral, cross-promotional opportunities, and sharing of stakeholder content across the City's channels such as social media, What's On and within e-newsletters such as Creative City Sydney and City Business

- The City actively supports and amplifies TfNSW's business support campaigns including:
 - George Street Christmas activations
 - Additional marketing support has been provided to City sponsored events staged along the construction route such as Head On Festival
 - ArtMoves EOI (a public artwork activation project)
 - Surry Hills Festivals, including Double Take projections and pop-up installations
 - Live it up Locally video series
 - Head to Surry Hills local shopping campaign
- Marketing activity has ensured integration of activation plans with the City's major events including Christmas and Chinese New Year

Planning and Construction assistance

- Cleansing and waste team dedicated to assisting TfNSW keep the areas around the construction clean and tidy.
- Expertise in the areas of traffic operations to assist TfNSW create opportunities for loading and improve local access.

Streamlining approvals and processes:

- The City is supporting the NSW Office of the Small Business Commissioner Small Biz Bus, and TfNSW's pop up Light Rail Customer Information Stall, including location facilitation/approval and promotion. Eg: 26 February 2016 and 4–9 July 2016, outside Sydney Town Hall; 11 May 2016, at Dixon Street Mall, Haymarket; 6 July 2016, at Collins Street closure Surry Hills

Community Engagement

- The City's Strategy Community Consultation team attends all public meetings related to the project to facilitate responses from the City's services, such as waste and tree management, to address any resident issues.

TOILETS IN KINGS CROSS (S129268)

5. By Councillor Chung

Question

In October 2013 and June 2015, Councillors asked questions of the Lord Mayor as to the state of the public toilets in Fitzroy Gardens, Kings Cross.

Answers were given that the maintenance of the toilets at that time was hindered by the requirement of transporting hydraulic parts from Germany. In addition, the City increased the cleaning regime for the port-a-loos at the time to 12 times a day.

Numerous local residents have contacted my office because every Saturday for the past six weeks at least one of the three toilets has been out of order.

This is especially inconvenient as the Saturday Markets take place and attract large crowds.

1. Were the hydraulic parts referred to in previous answers to Questions on Notice ordered and installed? If so, when? If not, why not?

2. How many times is the toilet block cleaned each day?
3. How often is the toilet block checked for repair and maintenance upgrades?
4. What repairs and maintenance have been conducted on the public toilets over the past 2 years?
5. Does the cleaning and/or repair check schedule increase during weekends?
6. Since 2015, how many complaints has the City of Sydney received about the state of repair of this specific toilet block?
7. What were the nature of these complaints to City of Sydney staff?
8. Since 2015, how many complaints has the City of Sydney received about the state of cleanliness of these toilets?

Answer by the Lord Mayor

1. Yes. Parts were fitted on 7 December 2015.
2. Cleaning was decreased from 12 times a day to nine times and are currently being cleaned five times a day due to the reduction of cleaning complaints. Please note these units have a self-cleaning option.
3. The vacuum pump oil and air filter are changed monthly and the carbon tanks drained. The cleaners also check and report any operational issues when onsite.
4. The bulk of the callouts are to address blockages due to misuse. Electrical, re-lamping and door repairs are other common repairs.
5. No.
6. A total of 11 complaints have been logged about the state of repair since 2015.
7. The majority of complaints are due to blockages caused by items being flushed into the toilets.
8. Nine cleaning complaints have been recorded since 2015.

24/7 SAFE SPACE GRANT (S129269)

6. By Councillor Forster

Question

On 8 August 2017, the NSW Government announced that an after-hours service for rough sleepers in Sydney has been secured and that the Wayside Chapel will deliver the hub in Potts Point, with the after-hours service to be fully funded by the NSW Government.

Given these circumstances, what is the purpose of the grant of \$100,000 per year over three years that the City committed to the Department of Family and Community Services at the August 7 Council Meeting? Will the Lord Mayor now rescind this grant?

Answer by the Lord Mayor

NSW Family and Community Services are continuing to negotiate an agreement with the Wayside Chapel for extending the hours of operation of the Potts Point service to 11pm, seven days per week. These hours align with the current development consent for the location.

In a secondary process, NSW Family and Community Services intend to negotiate an agreement with Wayside Chapel to establish a 24/7 service. This process will be subject to securing appropriate development consent and undertaking community consultation with neighbours of the service. The Wayside Chapel has not yet made an application for change to development consent.

The City will continue to work with NSW Family and Community Services regarding its contribution of \$100,000 per annum over three years to the operation of a 24/7 service. Council will be advised should there be any proposed change to the use of, or requirement for this funding.

NEW YEAR'S EVE (S129272)

7. By Councillor Phelps

Question

On 8 May 2017, the Lord Mayor informed Council that the annual New Year's Eve event located on the Northern Boardwalk at the Opera House would end, with the funds being diverted to 'accelerate the implementation and progress achievement of the Environmental Action 2016 – 2021 Strategy and Action Plan'.

1. What is the expected budget for the New Year's Eve activities for 2017, broken down by line item?
2. How does that compare to actual expenditure for NYE 2014, 2015, and 2016?
3. What is the total estimated saving generated by cancellation of the Lord Mayor's New Year's Eve event at the Opera House for 2017?
4. How much funding will be applied and to which projects within the Environmental Action 2016 -2021 Strategy and Action Plan and how are these funds expected to accelerate environmental initiatives as announced?

Answer by the Lord Mayor

The cancellation of the Lord Mayor's New Year's Eve event at Sydney Opera House was one of the cost-savings measures identified during a detailed internal review during the development of the 2017-18 budget to ensure the City could accelerate work on the Environmental Action 2016 – 2021 Strategy and Action Plan.

Cancelling the Lord Mayor's New Year's Eve event has saved \$463, 500 from the budget. Saving those funds was one of the budget savings that allowed the City to increase funding for climate related initiatives by \$2.4 million.

Please refer to the report to Council on 8 May, *Integrated Planning and Reporting Program and Budget 2017/18 – Public Exhibition* for information about all the projects in the Environmental Action 2016 – 2021 Strategy and Action Plan. For information on how they will accelerate our action on climate change please refer to the Environmental Action 2016 – 2021 Strategy and Action Plan.

In 2017, the New Year's Eve budget is \$7.1 million which reflects increased provision for safety and crowd management requirements (which will not be known until closer to the event); increases due to renewal of multi-year contracts; increased staffing costs due to the event falling on a Sunday; transfer of some New Year's Eve costs from other divisions, and increased provisions for cost sharing with State agencies which have yet to be determined.

In 2016, the New Year's Eve budget was \$6.8 million. The actual expenditure was \$6.6 million due to savings across a number of items. The actual expenditure for NYE 2015 was \$6.6 million and 2014 was \$7 million.

ESTABLISHMENT OF 24/7 SAFE SPACE (S129272)

8. By Councillor Phelps

Question

At a Council meeting on 7 August 2017, The Lord Mayor announced that she had "done a deal" with Lanz Priestley, the organiser of the tent protest in Martin Place, for the tents to be removed within 24 hours and that a "24/7 safe space" would be established "immediately".

Council was asked to commit \$100,000 per year for three years to be paid to the NSW Government's Family and Community Services towards the cost of this safe space.

Before that same evening, Lanz Priestley had announced to media that he had not agreed to a deal and that the tents would stay.

1. Where was this "24/7 safe space" which Council was told would be established "immediately"?
2. Why has this "24/7 safe space" still not materialised?
3. Why did Lanz Priestley deny that he had agreed to remove all tents within 24 hours?
4. Will the Council return the funding of \$100,000 for reallocation to other Council priorities including homeless services?

Answer by the Lord Mayor

I informed the Council on 7 August 2017 – as I had informed the Premier - following a discussion with Lanz Priestley, spokesperson for the homeless people in Martin Place, he agreed that the homeless community would pack up the tent city and accept the NSW Family and Community Services offer of temporary leading to permanent accommodation if a temporary 'safe place' could be provided with a commitment to a long-term 'safe place'.

The Council:

- noted that agreement had been reached with Lanz Priestly to dismantle tents in Martin Place if an immediate 24/7 communal safe space in the city centre was established while a permanent 24/7 safe space was developed; and
- resolved to support the establishment of a 24/7 safe space in Central Sydney that provides food, showers and laundry facilities with support and links to homelessness services, through:
 - a) approving a grant to the Department of Family and Community Services of up to \$100,000 (ex GST) per year for up to three years; and
 - b) providing temporary use of a Council property for an immediate interim facility subject to Family and Community Services providing necessary support services.

The establishment of an immediate interim facility did not progress at that time as the NSW Government decided to address the situation with the *Sydney Public Reserves (Public Safety) Bill 2017* which enabled the Police to direct people to leave Martin Place for up to six hours and remove tents and other structures.

NSW Family and Community Services are continuing to negotiate an agreement with the Wayside Chapel for extending the hours of operation of the Potts Point service to 11pm, seven days per week. These hours align with the current development consent for the location.

In a secondary process, NSW Family and Community Services intend to negotiate an agreement with Wayside Chapel to establish a 24/7 service. This process will be subject to securing appropriate development consent and undertaking community consultation with neighbours of the service. The Wayside Chapel has not yet made an application for change to development consent.

The City will continue to work with NSW Family and Community Services regarding its contribution of \$100,000 per annum over three years to the operation of a 24/7 service. Council will be advised should there be any proposed change to the use of, or requirement for this funding.

DEMOLITION OF HENSLEY HALL BUILDING FAÇADE (S129272)

9. By Councillor Phelps

Question

Recently removed hoardings at 37-41 Hensley Hall, Bayswater Road, Kings Cross have revealed the unauthorised demolition of the heritage listed façade facing Bayswater Road.

1. What heritage features did Council expect would be retained?
2. Has Council received any explanation from the developer?
3. What recourse options are available to Council?
4. What recourse options are Council exploring?

5. When did Council become aware of the breach?

Answer by the Lord Mayor

It was the City's expectation through D/2015/32/B, that the two gable ends, spandrels, parapets and columns of the façade would be retained.

The elevation plan approved within development consent D/2015/B is shown below:



The elevation plan approved within the Construction Certificate for the development is shown below:



*Red = To be demolished, Grey = To remain, Green = To be rebuilt
Black box = Contains the elements removed without approval*

The matter was brought to the attention of compliance staff on 30 August 2017. An inspection on 31 August 2017 found that a column, spandrels and parapets had been demolished without approval. The two gable ends had been retained and safely supported.

The developer has advised that the timber (originally thought to be masonry) spandrels and parapets had become unstable due to rot, and could not be retained. The developer has committed to reconstructing the demolished elements using brick.

The demolition of the column, spandrels and parapets constitutes unauthorised building work and enforcement action is being considered in accordance with Council's Compliance Policy.

CUTLER FOOTWAY (S129275)

10. By Councillor Scott

Question

I refer to the CEO Update of 29 April 2016, which states that the Cutler Footway, also known as the Burton Street Bridge, has been closed for safety maintenance.

When will the Cutler Footway be re-opened to use for the public?

Answer by the Lord Mayor

This answer will be provided via CEO Update.

LIVE MUSIC (S129275)

11. By Councillor Scott

Question

Between the implementation of the Live Action Music and Performance plan in June 2014 and February 2017, a total value of \$10.89 million was funded to live music, with \$2.8 million of that being small grants of \$100,000 or less.

To date, how many City venues in total have been equipped with appropriate infrastructure for live music and given approval to operate as a performance venue?

What works have been thus far budgeted?

Which works have commenced, and not yet completed?

Of the total applications for grants made, how many were rejected as compared to how many were approved?

Will further grant rounds occur? If so, when will they open?

Answer by the Lord Mayor

This answer will be provided via CEO Update.

BIKE SHARING IN THE PUBLIC DOMAIN (S129275)

12. By Councillor Scott

Question

Has the Lord Mayor received a response to her May 2017 correspondence to the Minister for Roads, Melinda Pavey, regarding the response to managing bike sharing in the public domain?

If so, could the response be provided to Councillors?

What powers does the City have to regulate bike sharing in the public domain?

Answer by the Lord Mayor

This answer will be provided via CEO Update.

INFORMATION SERVICES (S129275)

13. By Councillor Scott

Question

Please provide details of the \$3 million from the 2016/17 information services capital works expenditure pushed into the future years forward estimates, including to which project the funding is for, and which future years funding is allocated.

Answer by the Lord Mayor

This answer will be provided via CEO Update.

PLANT AND ASSETS (S129275)

14. By Councillor Scott

Question

Please provide details of the \$11.1 million from the 2016/17 plant and assets expenditure pushed into the future years forward estimates, including which project the funding is for, and to which future years funding is allocated.

Answer by the Lord Mayor

This answer will be provided via CEO Update.

NEW YEAR'S EVE (S129275)

15. By Councillor Scott

Question

I refer to the Budget for the 2017/18 New Year's Eve celebrations. Could you please provide a breakdown of how this budget will be allocated to specific events?

1. Of these events, how many will involve invited guests, and how many will be open to the public? Could you please provide a breakdown of how many events will be accessible to invited guests only, and how many will be open to the public?
2. Of events involving invited guests, could you please advise how many invitations will be issued to these events, broken down by event?
3. Of events involving invited guests, could you please advise how many people are expected to attend these events, broken down by event?

Answer by the Lord Mayor

This answer will be provided via CEO Update.

NEW YEAR'S EVE (S129275)

16. By Councillor Scott

Question

Broken down by year, since 2004, please detail the number of guests invited, and attending, the Lord Mayor's New Year's Eve party.

Answer by the Lord Mayor

This answer will be provided via CEO Update.

STAFFING (S129275)

17. By Councillor Scott

Question

Broken down by year, since 2004, please detail the staff numbers in the Lord Mayor's office by FTE.

Answer by the Lord Mayor

This answer will be provided via CEO Update.

PUBLIC SUBMISSIONS (S129275)**18.** By Councillor Scott**Question**

Please detail the City's procedure for public submissions, including details of:

- (a) who decides whether a submission will be made on behalf of the City;
- (b) the approval process, once a submission has been drafted; and
- (c) where City business units play a formal or informal role.

Answer by the Lord Mayor

This answer will be provided via CEO Update.

CAPITAL WORKS PROGRAM (S129275)**19.** By Councillor Scott**Question**

Please provide details of the \$55.4 million from the 2016/17 capital works program pushed into the future years' forward estimates, including which project the funding is for, and to which future years funding is allocated.

Answer by the Lord Mayor

This answer will be provided via CEO Update.

INDIGENOUS AND TORRES STRAIT ISLANDER PROCUREMENT POLICIES (S129276)**20.** By Councillor Scott**Question**

The City's Reconciliation Action Plan lists "explore opportunities to increase supplier diversity," and "provide opportunities for Aboriginal and Torres Strait Islander businesses to develop the knowledge and capabilities required to effectively tender for contracts" as two key action points to increase economic opportunities for Indigenous people in our City.

Further, the Eora Journey Development Plan states "increased level of public-sector contracts awarded to Aboriginal and Torres Strait Islander business" as a short-to-medium-term procurement goal. Action points 1.14, 1.15, 2.6 and 4.11 of this plan are also designed to support City procurement from Indigenous people and business.

Could Councillors be updated as to the progress of these action points?

Broken down by year, from the implementation of these plans to date, how many Indigenous and Torres Strait Islander-owned enterprises have been awarded tenders?

Broken down by year, from the implementation of these plans to date, how many enterprises focusing on Indigenous and Torres Strait Islander issues and concerns have been engaged in the procurement process? How many were successful?

From the implementation of these plans to date, has the City's procurement spend with Aboriginal and Torres Strait Islander businesses increased? If so, by how much?

Answer by the Lord Mayor

This answer will be provided via CEO Update.

ITEM 10 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS

Supplementary Answers to Questions on Notice are as follows:

Question on Notice – Council 15 May 2017

MAJOR INFRASTRUCTURE PROJECTS (S129275)

16. By Councillor Scott

Question

I note on page 50 of the City's Draft Delivery program 2017-2021, projects over \$20 million are detailed. Please provide the same details for projects budgeted between \$10 million and \$20 million.

Answer by the Lord Mayor

The CEO has advised me that the Chief Financial Officer will meet with you regarding these matters.

Supplementary Answer

The City's draft Capital Works Program includes budget allocations for Significant Projects greater than \$20 million, and *Asset Enhancement* and *Asset Renewal (Rolling Programs)* for works usually individually valued at under \$10 million. Within each rolling program are specifically identified project budgets, along with provisional allowances set aside for future works requirements, which are allocated to specific project items as program works are prioritised.

Program works are prioritised according to the City's asset renewal schedule, priorities identified through the Local Pedestrian, Cycling and Traffic Calming program and also opportunistically. If another authority or private developer is undertaking works in an area identified as part of the future program, the City may bring work forward, or delay it, to align the timing of all the work. Grants may also become available, such as Black Spot funding or approvals be delayed which can impact the timing of some works.

The schedule below details all project and rolling program budgets exceeding \$10 million over the life of the long term financial plan, not already separately identified as significant projects. A number of the rolling programs, including the future provisional allocations, also exceed \$20 million over the ten year period.

Project Name	2017/18	Total Project / Program Budget	Comment
Capital Programs – Asset Enhancement Projects			
Open Space and Parks – Asset Enhancement			
Hyde Park Tree Replacement & Other Works	5,690,251	19,693,591	Project underway

Perry Park – Recreational Facilities	5,816,863	13,635,260	Project underway
Future Open Space – New Parks	0	61,600,000	Allowance for embellishment of newly acquired open space
Community, Cultural and Recreation Property Related Projects – Asset Enhancement			
Darling Exchange Library – Fit-Out works	2,660,828	10,000,004	Scheduled to commence in 2017/18
Future Community & Recreational Facilities	0	67,354,557	Allowance for future augmentation of City facilities
Provisional Funding for Pool Refurbishments	0	23,525,040	Allowance for future major refurbishments
Public Domain – Asset Enhancement			
George Street Spine – Laneways	0	14,572,500	Ongoing program of works
Village and Activity Strip Street Upgrade	0	37,400,000	Provisional allowance for future major projects
Bicycle Related Works – Asset Enhancement			
Bondi Junction to City Cycleway	500,000	11,759,787	Ongoing project
Wilson and Burren Street Cycleway	1,211,438	11,461,443	Ongoing project
Stormwater Drainage – Asset Enhancement			
Joynton Avenue Stormwater Drainage Upgrade	2,624,400	13,880,001	Ongoing project
Shea's Creek Trunk Drain and Walls	0	18,200,000	Specific works from Flood Plain Management Study
Drainage Improvement Program from Flood Plain Management Study	0	10,000,000	Provisional sum for future major works
Capital Programs – Asset Renewal Projects			
Public Art LGA – Asset Renewal			
Public Art Restoration	634,000	6,333,000	Ongoing City-wide program

Public Domain – Asset Renewal			
City Centre Sydney Square	0	11,150,000	Future allowance – further feasibility / design required
New Traffic Lights and Pedestrian Improvements	360,465	6,685,465	Ongoing City-wide program
PCTC Works Program	1,108,970	17,308,970	Ongoing City-wide program
Open Space and Parks – Asset Renewal			
In Road Tree Planting	1,700,000	15,400,000	Ongoing City-wide program
Public Domain Landscaping Program	1,200,000	10,800,000	Ongoing City-wide program
Street Trees Planting Program	1,090,700	12,790,700	Ongoing City-wide program
Small/Local Parks and Playground Renewal	0	31,955,821	Ongoing program of small park renewal / upgrade
Future Capital Projects – Open Space Renewal	1,500,000	73,309,219	Future allowance for major park renewals
Community, Cultural and Recreation Property Related Projects – Asset Renewal			
Future Year Community Properties Renewal	0	62,000,000	General Program of Renewal Works – more specific works have been allocated in earlier years of plan
Corporate and Investment Property Related Projects – Asset Renewal			
Sydney Town Hall External Works	0	16,347,278	Next stage of works (cost estimate subject to change)
Future Year Corporate and Investment Properties Renewal	210,000	83,160,000	General Program of Renewal Works
Infrastructure – Roads Bridges Footways – Asset Renewal			
Bridges – Major Works Program	2,500,000	9,790,000	General Program of Renewal Works
Road Renewal	2,331,477	38,531,477	General Program of Renewal Works
Footway Renewal	2,916,833	41,216,833	General Program of Renewal Works
Paver In-Fill Program (CBD Granite Paving)	4,338,400	55,338,400	General Program of Renewal Works

Stormwater Drainage – Asset Renewal			
Drainage Renewal - Minor	2,334,078	24,890,654	General Program of Renewal Works

Question on Notice – Council 26 June 2017

CITY'S OPEN SPACE AND PARKS BUDGET (S129275)

12. By Councillor Scott

Question

I refer to the City's open space and parks budget for 2017/18.

Please specify the individual budget allocated for each new park planned by the City.

Please specify the expected completion times for each new park planned by the City.

Please specify the individual budget allocated for each existing park maintained by the City.

Please specify the individual budget allocated for each existing park to be upgraded by the City.

Please specify the expected completion times for each existing park to be upgraded by the City.

Answer by the Lord Mayor

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

Supplementary Answer

Due to the detailed nature of the information requested a full response could not be provided in time for the Council meeting held on 26 June 2017. The information is now presented below.

Parks & Open Space Projects	2017/18 Budget (\$)	Completion	Comment
Hyde Park Tree Replacement & Other Works	5,690,251	2019	New paths, lighting, furniture
Belmore Park	75,000	2018	Master plan
Sydney City Farm	500,000	2018	New - orchard, farmers market, depot storage
Sydney Park Cycle Centre Public Toilet	249,000	2018	Additional public toilets

Parks & Open Space Projects	2017/18 Budget (\$)	Completion	Comment
Synthetic Sports Field Installations	1,000,000	2022	Feasibility study underway to prioritise projects and budget
Wimbo Park Surry Hills	200,000	2020	New park – design coordination with light rail
City Centre Playground Works	363,790	2019	Design of new playground at Cook+Phillip Park
New Park - Green Square (Mandible Street)	75,000	2018	New - feasibility and flood study
Urban Skate Park - Sydney Park	1,500,000	2019	New skate park
Street Trees Planting Program	1,090,700	2018	700 new street trees
Parks Signage Program	667,500	2018	Ongoing program of replacement and new park signs
Public Domain Landscaping Program	1,200,000	2018	New and upgrade - 10,000 sq metres of street gardens
Playground upgrades/shade sails – Kimberley Grove playground (Rosebery), Kirsova 2 playground (Erskineville)	400,000	2018	Playground upgrades
In Road Tree Planting – Bowman Street (Pymont), Ripon Way (Rosebery)	1,700,000	2018	New tree planting
Fitness Stations in Larger Parks	290,000	2018	New fitness station at Waterloo Park
Victoria Park Upgrade	1,996,281	2018	Upgrade of Lake Northam, paths, lighting
Parks General stage 12 Elizabeth McCrea Reserve (Redfern)	451,288	2018	Playground upgrade
Parks General stage 12 Shannon Reserve (Surry Hills)	861,241	2019	Park upgrade
Parks General stage 12 Beaconsfield Park	623,000	2018	Park upgrade

Parks & Open Space Projects	2017/18 Budget (\$)	Completion	Comment
Future Capital Projects - Open Space Renewal – Vine Street Playground (Redfern), Hollis Park Playground (Newtown), Redfern Park skate space, Stewart Street Park (Paddington)	1,500,000	2018	Upgrade - Park and playground renewal
Gunyama Park Aquatic and Recreation Centre (including pool)	37,716,046	2019	New park, sports field and aquatic centre
GS Creative Centre, Community Shed and Matron Ruby Grant Park	5,450,649	2018	New park and community centre
Drying Green Park, Green Square	6,899,698	2018	New park
Dyuralya Park, Green Square	3,996,924	2018	New park
The Crescent Lands at Johnstons creek	2,993,811	2018	New playground and skate park

The City has 365 parks and open spaces and over 5,600 street gardens, rain gardens and verges. Budgets for maintenance of these assets is not allocated per park or asset type. The cost to maintain these assets in 2017/18 is projected to be \$19.8M.

Question on Notice – Council 26 June 2017

ILLEGAL BROTHELS (S129268)

15. By Councillor Chung

Question

1. How many illegal brothels has the City of Sydney shut down each year between 2004 and the present?
2. How many premises inspections has the City performed on massage and para-medical therapeutic premises in the past 12 months in order to detect compliance with conditions of development consent?
3. Does the City regularly use online resources to investigate whether a premises may be unlawfully providing sex services?
4. Is the Lord Mayor aware of the substantial online evidence which explicitly describes allegedly unlawful use of some premises in Pyrmont operating as illegal brothels?

Answer by the Lord Mayor

1. There are currently 47 brothels operating within the City's local government area with development consent. To obtain data on compliance investigations and outcomes for a 13 year period is time consuming and information can be provided once collected to Councillors via a CEO update.

2. Over the past year the City's Health and Building Unit has investigated 49 complaints of illegal brothels. Of these, seven warranted further investigation, including the execution of a search warrant on one instance. The City does not have a program of pro-active inspections of massage premises, rather inspections of these premises are conducted when complaints are received.
3. The City investigates concerns raised about illegal brothels and massage parlours. Complaints are recorded within the City's Customer Service System (CSM). A desktop audit and an inspection of the premises is then conducted in order to gather evidence to substantiate the concerns raised in the complaint. The desktop audit can include conducting internet searches for evidence of advertising and activity on online forums which could provide circumstantial evidence of the alleged use. Research is also conducted into the consent history of the property, as well as any prior history of non-compliances by the operator.

Should the initial investigation identify evidence to confirm the reasonable possibility of a non-approved use, then the City may engage a private investigator to undertake a covert inspection. Any evidence gathered is used to determine what enforcement action will be taken, including the issuing of an Order to cease the unauthorised use.
4. I have received very little correspondence about this issue, and I refer allegations and evidence of illegal development to City staff to investigate.

Supplementary Answer

At the Council meeting of 26 June 2017 Councillor Chung asked questions regarding illegal brothels. Answers were provided by the Lord Mayor to all questions, however a full response to one of the questions could not be provided due to the time it would take to collect the relevant data to provide a complete response. The question asked 'how many illegal brothels has the City of Sydney shut down each year between 2004 and the present?'

A review of the City's records relating to compliance investigations concerning massage premises has been conducted. Data prior to 2012 is more difficult to obtain due to the lack of electronic records, however, it shows that between 2004 and 2011, the City commenced three Class 4 proceedings seeking the closure of premises, and one order was issued.

In the 5-year period between 2012 and 2017, approximately 290 reports were received alleging sex on premises in breach of the Environmental Planning and Assessment Act. Of these, 64 resulted in enforcement action being taken. No prosecutions were commenced, and there was one court action taken to enforce a 'cease use' order.

ITEM 11 NOTICES OF MOTION**SYDNEY LIGHT RAIL CONSTRUCTION AND SUPPORT FOR IMPACTED BUSINESSES AND RESIDENTS (S129267)**

1. By Councillor Vithoulkas
 - (A) Council note:
 - (i) during October 2015, Sydney Light Rail construction began, including the removal of buses from George Street in the CBD;
 - (ii) Light Rail construction has significantly impacted the traffic and pedestrian flow of the city and it has had a detrimental impact on business and residents located along the construction zone;
 - (iii) the City of Sydney is represented on the Sydney Light Rail Community Reference group and the Sydney Light Rail Business Reference group. These groups, which have been operating since 2014, provide a forum through which the needs of all businesses and affected communities along the alignment are represented in the development of the project. Also, that recommendations can be made regarding potential initiatives to mitigate the impacts of construction;
 - (iv) the City of Sydney is contributing \$220 million towards the light rail project;
 - (v) the NSW Government has recently acknowledged the severity of light rail construction on businesses and residents along the route; and
 - (vi) the NSW Government has announced they will be providing rent relief to businesses negatively impacted by light rail construction in the City of Sydney local government area, as well as other local government areas along the construction route; and
 - (B) the Chief Executive Officer be requested to provide regular information, via the CEO update, from the City of Sydney representative on the Sydney Light Rail Community Reference group and the Sydney Light Rail Business Reference group about issues raised and outcomes determined at those meetings.

Note - at the meeting of Council, the content of the original Notice of Motion was varied by Councillor Vithoulkas. Subsequently, it was:

Moved by Councillor Vithoulkas, seconded by Councillor Scott –

It is resolved that:

- (A) Council note:
 - (i) during October 2015, Sydney Light Rail construction began, including the removal of buses from George Street in the CBD;
 - (ii) Light Rail construction has significantly impacted the traffic and pedestrian flow of the city and it has had a detrimental impact on business and residents located along the construction zone;

- (iii) the City of Sydney is represented on the Sydney Light Rail Community Reference group and the Sydney Light Rail Business Reference group. These groups, which have been operating since 2014, provide a forum through which the needs of all businesses and affected communities along the alignment are represented in the development of the project; and
 - (iv) while the minutes of the reference group meetings are published on the Sydney Light Rail website, they are high level summaries that do not expand on broad areas of discussion or all issues raised during the meetings; and
- (B) the Chief Executive Officer be requested to provide a written summary, via the CEO update, about discussion, issues and outcomes determined at those meetings that may not be covered in the published minutes.

During discussion on this matter, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That consideration of this matter be deferred and it be dealt with after Item 11.13 (see page 551).

The motion was carried on the following show of hands –

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

Noes (1) Councillor Vithoulkas

Motion carried.

ACKNOWLEDGEMENT OF CANREVIVE VOLUNTEERS AND COMMUNITY CONTRIBUTION (S129259)

2. By Councillor Chung

Many aspects of the City of Sydney's vibrant culture and lifestyle are direct results of the thousands of hours that are undertaken by committed volunteers given to countless causes and organisations throughout the city.

Across our local community there is an unending list of organisations that are only able to function due to the dedicated work of local volunteers.

From homelessness to art to education to health and many more, the amount of varied issues and industries that our City's volunteers work in to improve our local community is inspiring.

We should especially acknowledge the efforts of the CanRevive organisation to offer community services for Chinese-speaking people and families in their journey with cancer. By providing information and emotional support to cater for cultural and linguistic needs, CanRevive minimises the potentially devastating impact a cancer diagnosis can have on individuals and the community.

The CanRevive office is located in the City of Sydney CBD.

To date, CanRevive have helped well over 1,000 cancer patients and their families, with over 80 people attending activities in their centres per week across the Sydney region, including a centre in the CBD.

To the volunteers of CanRevive who have committed their time from 5 to over 20 years, we appreciate your contribution.

5 YEARS

- Man Fong Lai
- Raymond Chan
- Virginia Darley
- Anita Wu
- Kathlyn Ku
- Monica Chan
- Yuan Chyi Chan
- Janice Ying

10 YEARS

- Vonne Chu
- Gladys Tse
- Yi Fang Yu
- Andrew Yu
- Ann Ng
- Ella Cheung

15 YEARS

- Joyce Yiu
- Norma Leong
- Betty Lai

20 YEARS

- Winnie Yeung

Moved by Councillor Chung, seconded by Councillor Kok –

It is resolved that Council acknowledge:

- (A) the tens of thousands of volunteers that offer their time every year to support causes for our local community, and issues that our local community is passionate about; and
- (B) the significant contribution local volunteers make towards the environment, atmosphere and prosperity of the City of Sydney.

Carried unanimously.

DOCKLESS BIKE SHARING (S129260)

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

It is resolved that:

(A) Council note:

- (i) increasing cycling is supported under the City of Sydney's Sustainable Sydney 2030 Strategy and Cycling Strategy;
 - (ii) new share bike businesses are being established in Sydney, offering increased active transport options for residents and visitors, which could help ease pressure on existing public transport systems;
 - (iii) the City supports the concept of bike share and recognises its potential to transform travel in our city;
 - (iv) without adequate regulation, share bikes' large numbers of bicycles will occupy public space in Sydney. Potentially this could include City of Sydney bicycle racks, places where motorcycles park, parks and pedestrian spaces. Other issues could include the abandonment of shared bikes and the possibility they will be parked incorrectly and cause obstructions;
 - (v) according to the CEO Update of 14 July 2017, the City is committed to working with all interested parties to establish a balanced position consistent with Council's long-term transport goals "that manages the fair use of public space";
 - (vi) under the Local Government Act 1993 – Section 125 Abatement of public nuisances, a "Council may abate a public nuisance or order a person responsible for a public nuisance to abate it"; and
 - (vii) the Act defines "abatement" as the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings; and "nuisance" as interference with the enjoyment of public or private rights in a variety of ways...For example, any wrongful or negligent act or omission in a public road that interferes with the full, safe and convenient use by the public of their right of passage is a public nuisance; and
- (B) the Chief Executive Officer be requested to engage with the operators of share bike businesses as they are established in Sydney to ensure that share bikes are being parked in appropriate locations and in appropriate numbers to ensure they do not represent a public nuisance under the provisions of the Local Government Act 1993.

Amendment. Moved by Councillor Miller, seconded by Councillor Scully –

That the motion be amended, such that it read as follows:

It is resolved that Council note:

- (A) increasing cycling is supported under the City of Sydney's Sustainable Sydney 2030 Strategy and Cycling Strategy;

- (B) new share bike businesses are being established in Sydney, offering increased active transport options for residents and visitors, which could help ease pressure on existing public transport systems;
- (C) the City supports the concept of bike share and recognises its potential to transform travel in our city;
- (D) without adequate regulation, large numbers of share bikes could occupy public space in Sydney. Potentially this could include City of Sydney bicycle racks, places where motorcycles park, parks and pedestrian spaces. Other issues could include the abandonment of shared bikes and the possibility they will be parked incorrectly and cause obstructions;
- (E) according to the CEO Update of 14 July 2017, the City is committed to working with all interested parties to establish a balanced position consistent with Council's long-term transport goals "that manages the fair use of public space";
- (F) under the Local Government Act 1993 – Section 125 Abatement of public nuisances, a "Council may abate a public nuisance or order a person responsible for a public nuisance to abate it";
- (G) the Act defines "abatement" as the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings; and "nuisance" as interference with the enjoyment of public or private rights in a variety of ways...For example, any wrongful or negligent act or omission in a public road that interferes with the full, safe and convenient use by the public of their right of passage is a public nuisance;
- (H) the Chief Executive Officer has met with bike share operators to discuss helmet provision, bike maintenance, insurance, re-distribution of bikes and use of public space to maintain safety and accessibility; and
- (I) as the City has received legal advice it cannot regulate bike share, the Lord Mayor wrote to the Premier on 9 June 2017 asking the Government to urgently develop a policy for managing bike share.

A show of hands on the amendment resulted in an equality of voting as follows –

Ayes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalis

Noes (5) Councillors Chung, Forster, Phelps, Scott and Vithoulkas.

The Chair (the Lord Mayor) exercised her casting vote in favour of the amendment.

The amendment was declared carried.

The substantive motion was carried on the following show of hands –

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

Noes (3) Councillors Chung, Forster and Vithoulkas.

Substantive motion carried.

BICYCLE USAGE ON FOOTPATHS (S129260)

4. Moved by Councillor Forster, seconded by Councillor Phelps -

It is resolved that:

(A) Council note:

- (i) new "disruptive" food delivery businesses are emerging in Sydney, adding significantly to the numbers of commercial cyclists, which already include couriers, using local roads, separated cycle paths, shared paths and footpaths; and
- (ii) NSW Road Rule 250 states that the rider of a bicycle who is 12 years old or older must not ride on a footpath; and

(B) the Chief Executive Officer be requested to:

- (i) engage with all delivery services operating within the City of Sydney that employ cyclists to educate these organisations and their employees on the importance of pedestrian and cyclist safety and the legal requirements associated with cycling in NSW; and
- (ii) direct the City of Sydney Rangers unit to actively engage with cyclists illegally using footpaths as thoroughfares, reminding them of the importance of pedestrian safety and the legal requirements associated with cycling in NSW.

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

Following discussion, Councillor Forster withdrew her Notice of Motion.

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

It is resolved that:

(A) Council note:

- (i) new "disruptive" food delivery businesses are emerging in Sydney, adding significantly to the numbers of commercial cyclists, which already include couriers, using local roads, separated cycle paths, shared paths and footpaths;
- (ii) NSW Road Rule 250 states that the rider of a bicycle who is 12 years old or older must not ride on a footpath;
- (iii) the Chief Executive Officer has met with all delivery services operating within the City of Sydney that employ cyclists to discuss improving rider behaviour; and
- (iv) City of Sydney staff actively engage with cyclists through the 'Share the Path' program to improve riding behaviour and cyclist and pedestrian safety.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Vithoulkas.

Motion carried.

COLLABORATIVE CREATIVE SPACES (S129266)

5. Moved by Councillor Scott, seconded by Councillor Miller -

It is resolved that:

(A) Council note:

- (i) the need for more creative spaces, including storage space, within the City of Sydney, particularly for small to medium-sized creative organisations;
- (ii) there is an identified need for space to be provided to facilitate a more sustainable approach to maintaining props, sets and large creative materials;
- (iii) that there is community interest in collaborative City Creative Library space for creative groups. Mainstage theatre companies have numerous storage units that collect past props and wardrobe that are then recycled or reused. For the independent sector there is an enormous amount of waste due to the fact that there is simply nowhere to store props, sets or wardrobe for extended periods of time; and
- (iv) that access to storage space was identified as a key priority in the Creative City Cultural Policy and Action Plan in items 2.9 and 3.18, as well as being identified as a key community concern under Strategic Priority Three; and

(B) request that the Chief Executive Officer:

- (i) conduct an investigation into the feasibility of the City of Sydney increasing their provision of collaborative creative spaces, including storage space in the form of a library for props, sets and large creative materials;
- (ii) as part of this investigation, examine the possibility of engaging a small to medium-sized theatre company or companies to manage the library, with a system of token annual membership that producers pay to enable them to borrow and store items; and
- (iii) facilitate a working party to explore these solutions, and report back to Councillors via the CEO Update on the progress.

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

The motion moved by Councillor Scott was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoulkas

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

Motion lost.

Councillor Scully then moved her foreshadowed motion, seconded by Councillor Thalis, as follows –

It is resolved that Council:

(A) note:

- (i) the shortage of affordable space is a critical issue facing the creative sector with increasing the availability of inexpensive rehearsal and non-curated performance spaces the highest priority for the small, emerging and independent music and performing arts sector;
- (ii) the Creative City Policy and Action Plan and Live Music and Performance Action Plan includes numerous actions aimed at addressing this shortage;
- (iii) the City has worked to alleviate this shortage by making properties available through a number of programs, including the Creative Live Work Spaces, William Street Creative Hub, the Oxford Street Creative Spaces Program, the Short Term Empty Spaces Program and the Accommodation Grants Program;
- (iv) the City continues to pursue, support, encourage and welcome initiatives by the private sector to provide affordable creative space, such as the Greenlands Creative Hub, the temporary Fringe Hub in Alexandria and Frasers Properties Kensington Street creative spaces;
- (v) the City has actively promoted public discussion and supported detailed research on the impact of regulation on the availability of affordable space, including the discussion paper *New Uses for Old Buildings: Creative Spaces and the Built Environment* and the Fringe Pop-up Theatres Project;
- (vi) staff are preparing a detailed discussion paper drawing on this research which will, *inter alia*, include options for regulatory reform to help address the shortage of affordable creative space and make it easier to use existing space for low impact and temporary performances;
- (vii) while storage is a critical issue for the small independent theatre sector, some independent producers are looking at ways to address this collaboratively; and
- (viii) the small, independent and emerging areas of the creative sector are fragmented and under-resourced but its energy, vitality and capacity of experimentation is essential for the survival and renewal of the creative sector overall; and

(B) request the Chief Executive Officer to:

- (i) continue to liaise with the creative sector, including participants in the small, independent and emerging areas of the creative sector in order to understand and address its needs and priorities;
- (ii) encourage and facilitate greater collaboration between participants in the small, independent and emerging areas of the creative sector in developing sector-led solutions to critical challenges, such as the provision of storage; and
- (iii) explore opportunities for the City to support the small, independent and emerging areas of the creative sector to implement sector-led solutions.

The motion was carried unanimously.

Order of Business

At this stage of the meeting, it was agreed that Items 11.6 to 11.11 be dealt with in the following order: 11.6, 11.8, 11.9, 11.11, 11.7 and 11.10.

It was then moved by Councillor Scott, seconded by the Chair (the Lord Mayor) –

That Items 11.6, 11.8, 11.9 and 11.11 be dealt with and voted on in globo.

Note – it was subsequently agreed by consensus that these items be dealt with separately.

Note – Councillors Chung and Forster stated that they wished to put on the record that, in voting for the motions contained in Items 11.6 to 11.11 inclusive to be submitted to the Local Government NSW Annual Conference, they were not endorsing the content of the motions.

2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – PLASTIC BAGS (S129266)

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

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW adopt a policy that opposes single use plastic bags, and advocates to the NSW State Government to ban the single use bag.

Carried unanimously.

2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – CONSTITUTIONAL RECOGNITION (S129266)

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

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW fund a campaign to call for constitutional recognition of local government at the next Australian Federal election.

Carried unanimously.

2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – STATE SIGNIFICANT DEVELOPMENT (S129266)

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

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW:

- a) adopt a policy to oppose the current conception of State Significant Development provisions in the New Planning Act that allow for the large-scale resumption of land owned and managed by Councils; and
- b) advocate to the NSW Government that the NSW Planning Act be reformed to change the requirements for the NSW Government to declare areas as State Significant to ensure:
 - (i) there is a clear justification of public benefit; and
 - (ii) that if the land is owned by Council, a clear timeframe is outlined to hand the land back to the Council.

Carried unanimously.

2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – AFFORDABLE HOUSING (S129266)

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

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW adopt a policy that supports the development of NSW affordable housing targets.

Carried unanimously.

2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - STIPENDS (S129266)

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

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW adopt a policy that requires LGNSW Executive and Board members, when appointed to a Board or Committee via appointment from LGNSW where a payment or stipend is paid, to donate that payment to LGNSW for the benefit of the organisation and its members.

Amendment. Moved by Councillor Kok –

That the motion be amended, such that it read as follows:

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW encourage LGNSW Executive and Board members who receive a standard stipend or fees from entities as a result of appointment to those entities by LGNSW consider donating those fees or stipends to a charity with objectives which complement the objectives of LGNSW.

Following discussion, Councillor Kok withdrew his amendment.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was varied such that it read as follows:

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW adopt a policy that requires LGNSW Executive and Board members, when appointed to a Board or Committee via appointment from LGNSW where a payment or stipend is paid, to donate that payment to LGNSW for the benefit of the organisation and its members, as long as there is policy in place to ensure no-one is worse off.

The motion, as varied by consent, was carried.

Adjournment

At this stage of the meeting, at 8.33pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 10 minutes.

The motion was carried on the following show of hands:

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

Noes (1) Councillor Forster.

Motion carried.

At the resumption of the meeting of Council, at 8:45pm, those present were –

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

Councillors Chung and Thalis returned to the meeting of Council at 8.46pm, during discussion on Item 11.10.

Councillor Forster returned to the meeting of Council at 8.47pm, during discussion on Item 11.12.

2017 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – PROPERTY DEVELOPMENT (S129266)

10. By Councillor Scott

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW adopt a policy which prohibits property developers from holding office as local Councillors in NSW.

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 Thalis –

It is resolved that Council submit the following motion for consideration at the 2017 Local Government NSW Annual Conference:

That LGNSW lobby the NSW State Government to amend section 275(1) of the Local Government Act 1993 (NSW) to include “property developers” in the list of persons disqualified from holding civic office, and to include an appropriate definition of “property developers” that does not include small scale property development by owner-occupiers.

That LGNSW lobby the NSW State Government to amend section 275(1) of the Local Government Act 1993 (NSW) to include “former Council administrators” in the list of persons disqualified from holding civic office.

Carried unanimously.

AUDIT OF BOARDING HOUSES IN THE CITY OF SYDNEY LOCAL GOVERNMENT AREA (S129263)

12. Moved by Councillor Phelps, seconded by Councillor Vithoulkas -

It is resolved that:

(A) Council note:

(i) boarding houses play a vital role in providing much needed accommodation for people unable to access the wider private rental market or social housing;

- (ii) the Boarding Houses Act 2012 aims to improve the standards of registered boarding houses by:
 - (a) establishing a publicly available register of registrable boarding houses in NSW;
 - (b) increasing inspection powers for local councils;
 - (c) introducing occupancy rights for people living in boarding houses; and
 - (d) modernising the laws that apply to boarding houses accommodating people with 'additional needs'; and
 - (iii) evidence collected by the Newtown Neighbourhood Centre indicates less than half of all boarding houses within the City of Sydney local government area (LGA) have registered with NSW Fair Trading, despite this being a key requirement of the Boarding Houses Act 2012; and
- (B) the Chief Executive Officer be requested to instruct staff to undertake an audit of boarding houses in the City of Sydney LGA with a cross check against the Fair Trading register to identify:
- (i) properties that are registered with Fair Trading and their inspection records; and
 - (ii) properties that are known to City of Sydney to be operating as boarding houses but have failed to register with Fair Trading.

Amendment. Moved by Councillor Thalis, seconded by the Chair (the Lord Mayor) –

That the motion be amended, such that it read as follows:

It is resolved that:

- (A) Council note:
- (i) boarding houses play a vital role in providing much needed accommodation for people unable to access the wider private rental market or social housing;
 - (ii) the Boarding Houses Act 2012 aims to improve the standards of registered boarding houses by:
 - (a) establishing a publicly available register of registrable boarding houses in NSW;
 - (b) increasing inspection powers for local councils;
 - (c) introducing occupancy rights for people living in boarding houses; and
 - (d) modernising the laws that apply to boarding houses accommodating people with 'additional needs'; and

- (iii) evidence collected by the Newtown Neighbourhood Centre indicates less than half of all boarding houses within the City of Sydney local government area (LGA) have registered with NSW Fair Trading, despite this being a key requirement of the Boarding Houses Act 2012; and
- (B) the Chief Executive Officer be requested to write to Fair Trading asking they undertake an audit of boarding houses in the City of Sydney LGA to ensure properties operating as a boarding house are registered as required by the Boarding Houses Act 2012.

The amendment was carried.

The substantive motion was carried unanimously.

NOMINAL DEFENDANT'S SCHEME FOR CYCLISTS (S129263)

13. Moved by Councillor Phelps, seconded by Councillor Vithoulkas –

It is resolved that:

- (A) Council note:
- (i) the likelihood of accidents between bikes and pedestrians is increasing as greater numbers of cyclists are using our roads and shared paths;
 - (ii) "between now and 2030, our most sustainable, cost-effective and enjoyable modes of transport are likely to remain walking and bike riding. These two transport options require special focus from the City if we are to deliver our vision for a truly sustainable Sydney. In 2011, 32.5 per cent of city residents reported they walked or rode to work – more than in any other area across metropolitan Sydney. We need to make walking a comfortable, convenient, interesting, safe and easy choice."; and
 - (iii) according to data from Bicycle NSW the vast majority of NSW cyclists do not have third party or public liability insurance; and
- (B) the Chief Executive Officer be requested to call on the State Government to introduce an insurance plan to cover pedestrians who are injured by a cyclist where the cyclist is at fault and uninsured or unidentified.

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

The motion moved by Councillor Phelps resulted in an equality of voting as follows –

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoulkas

Noes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalis.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

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

It is resolved that:

Council note:

- (A) “between now and 2030, our most sustainable, cost-effective and enjoyable modes of transport are likely to remain walking and bike riding. These two transport options require special focus from the City if we are to deliver our vision for a truly sustainable Sydney. In 2011, 32.5 per cent of city residents reported they walked or rode to work – more than in any other area across metropolitan Sydney. We need to make walking a comfortable, convenient, interesting, safe and easy choice”;
- (B) the City’s preferred option is to build a 200km bike network of dedicated bike paths separating riders from traffic and pedestrians. This network includes some shared paths, which are unavoidable;
- (C) injuries to pedestrians in accidents with cyclists are rare and insufficient to warrant a nominal defendant insurance scheme; and
- (D) City of Sydney staff engage with cyclists regularly at key locations across the City to improve riding behaviour and pedestrian and cyclist safety through the ‘Share the Path’ Program.

A show of hands on the motion resulted in an equality of voting as follows –

Ayes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalis

Noes (5) Councillors Chung, Forster, Phelps, Scott and Vithoulkas.

The Chair (the Lord Mayor) exercised her casting vote in favour of the motion.

The motion was declared carried.

SYDNEY LIGHT RAIL CONSTRUCTION AND SUPPORT FOR IMPACTED BUSINESSES AND RESIDENTS (S129267)

1.

This item was deferred from an earlier stage of the meeting (see page 537).

The motion, as previously moved by Councillor Vithoulkas and seconded by Councillor Scott, was put to the vote and was carried.

The motion, as adopted by Council, is as follows:

It is resolved that:

(A) Council note:

- (i) during October 2015, Sydney Light Rail construction began, including the removal of buses from George Street in the CBD;

- (ii) Light Rail construction has significantly impacted the traffic and pedestrian flow of the city and it has had a detrimental impact on business and residents located along the construction zone;
 - (iii) the City of Sydney is represented on the Sydney Light Rail Community Reference group and the Sydney Light Rail Business Reference group. These groups, which have been operating since 2014, provide a forum through which the needs of all businesses and affected communities along the alignment are represented in the development of the project; and
 - (iv) while the minutes of the reference group meetings are published on the Sydney Light Rail website, they are high level summaries that do not expand on broad areas of discussion or all issues raised during the meetings; and
- (B) the Chief Executive Officer be requested to provide a written summary, via the CEO update, about discussion, issues and outcomes determined at those meetings that may not be covered in the published minutes.

Extension of Time

During discussion on this matter, 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 Thalis –

That Councillor Vithoulkas be granted an extension of time to speak on this matter.

Carried.

ITEM 8.3**DEVELOPMENT APPLICATION: 35-47 WILSON LANE DARLINGTON (D/2016/1388)**

This item was deferred from an earlier stage of the meeting (see page 506).

The amendment, as previously moved by Councillor Chung and seconded by Councillor Forster for deferral of the matter was put to the vote and lost on the following show of hands –

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

Noes (6) The Lord Mayor, Councillors Kok, Miller, Scott, Scully and Thalis.

Amendment lost.

The motion moved by Councillor Thalis, seconded by Councillor Miller that development consent be refused for Development Application No. D/2016/133 was put to the vote and carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Kok, Miller, Scott, Scully and Thalis

Noes (4) Councillors Chung, Forster, Phelps and Vithoulkas.

Motion carried.

The motion, as adopted by Council, is as follows:

It is resolved that development consent be refused for Development Application No. D/2016/1388 for the following reasons:

(1) The proposal fails to demonstrate design excellence

The proposal fails to demonstrate design excellence under clause 6.21(3) and clause 6.21(4) of Sydney Local Environmental Plan 2012 (LEP) having regard to the site planning, massing of buildings, impact on the public domain, and impact on the special character area.

The site planning and proposed massing is poorly resolved resulting in:

- Poor amenity – a number of rooms and the main communal living area are located at below ground or lower ground and will have very poor amenity, including low levels of solar access (discussed in more detail below) and natural ventilation. At the meeting of the Planning and Development Committee on 11 September 2017, Committee members advised there is a good opportunity to relocate lower ground level floor space to a new fourth level away from side boundaries to improve amenity while maintaining impacts of the additional height within the LEP height limit, including impacts on streetscape and character. The applicant elected not to do this in their revised scheme, which is disappointing.

- Poor relationship to Wilson Street – the proposed western wing has an oblique angle setback from the street that does not relate well to Wilson Street which consists predominantly of terrace houses fronting on to the street with minimal or no setback. It awkwardly exposes part of the party wall of the neighbouring house to the west, and does not respond to the massing and predominant horizontal and vertical proportions of existing buildings.
- Extensive loss of trees – the proposal retains only 9 out of 40 trees. There is opportunity to relocate lower ground level floor space to a new fourth level and modify the site layout to retain more trees.

Particulars:

- a) The proposal fails to demonstrate design excellence under clause 6.21(3) and clause 6.21(4) of Sydney Local Environmental Plan 2012 having regard to architectural design, massing of buildings, impact on the public domain, and impact on the special character area.
- b) The proposed western wing fails to achieve and satisfy the outcomes expressed in the character statement and supporting principles of the Darlington/West Redfern under clause 2.3.2(a) of Sydney Development Control Plan 2012.
- c) The proposed western wing fails to respond to and complement heritage items and contributory buildings within the heritage conservation area, including streetscapes, under clause 2.3.2(b) of Sydney Development Control Plan 2012.
- d) The proposed western wing fails to adequately respond to the height, massing and predominant horizontal and vertical proportions of existing buildings under clause 2.3.2(g) of Sydney Development Control Plan 2012.

(2) The proposal fails to provide adequate solar access to communal living rooms

The proposal fails to provide adequate solar access to living rooms under clause 29(2)(c) of State Environmental Planning Policy (Affordable Rental Housing) ('the Affordable Housing SEPP').

Clause 29(2)(c) says a consent authority must not refuse consent to development if one or more communal living rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. The Affordable Housing SEPP does not specify a minimum area for communal living rooms.

The proposal includes 7 communal living areas of which only 3 receive any direct sunlight in mid-winter. The main communal living area is located on the new basement / lower ground level and, on the applicant's calculation, receives 2.5 hours of direct sunlight at an oblique angle. The other 2 communal living areas that receive direct sunlight, which are similar in size to the private rooms, receive 3 hours and 5.5 hours respectively.

The proposed level of solar access is not considered adequate given:

- The large number of rooms and students proposed (more than 200 rooms and students).
- The large number of private rooms that won't receive any winter sun.
- That most of the communal living rooms do not comply with solar access controls.
- The communal living rooms that do comply with solar access controls are very small.
- The proportion of communal living spaces that will enjoy useful sunlight is very small.

Particulars:

- a) The proposal fails to provide adequate solar access to communal living rooms under clause 29(2)(c) of State Environmental Planning Policy (Affordable Rental Housing).

(3) The proposal fails to provide adequate solar access to studio units

Given the large number of studio units proposed (more than 200), the low level of solar access to communal living rooms and that students typically spend a higher proportion of time in their rooms studying, it is reasonable to require adequate levels of solar access to studio units.

The Affordable Housing SEPP specifies solar access controls for indoor communal living areas, but not studio units. While the Apartment Design Guide under State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies to residential flat buildings and not boarding houses (student accommodation), in the absence of solar access controls for studio units, the Apartment Design Guide can be used as a guide to determine reasonable levels of solar access for studio units in studio accommodation.

Objective 4A-1 of the Apartment Design Guide requires that living rooms and private open spaces of at least 70% of apartments in a building receive at least 2 hours direct sunlight between 9am and 3pm at mid-winter and that no more than 15% of apartments in a building receive no sunlight.

The applicant claims 58% of the 211 studio units within the development will receive 2 or more hours of solar access during mid-winter (to at least 50% of the window areas). This includes 13 units on the lower ground level facing Wilson Lane that have windows above head height at 'wheel height' on the laneway. As pedestrians in Wilson Lane will be able to look down into students' rooms, most, if not all, students in the 13 rooms will close their blinds for a substantial part of the day to protect privacy.

Excluding these 13 rooms for the solar access calculations means 51.5% of studio units receive 2 or more hours of sunlight, while 48.5% receive less than 2 hours. This is substantially less than the minimum 70% of apartments required to receive 2 or more hours of sunlight in the Apartment Design Guide. There is a high percentage of units (well above the 15% in SEPP 65) that would receive no mid-winter sun.

Overall, the proposal fails to provide adequate solar access to studio units, especially in the context of the low level of solar access to communal living areas and the high proportion of studio units that do not receive 2 or more hours of sunlight having regard to Objective 4A-1 of the Apartment Design Guide.

Particulars:

- a) The proposal fails to provide adequate solar access to studio units having regard to the low level of solar access to communal living areas and the high proportion of studio units that do not receive 2 or more hours of sunlight having regard to Objective 4A-1 of the Apartment Design Guide.

(4) The proposal includes lower ground and basement units

The proposal fails to demonstrate it is consistent with the aim of clause 1.2(h) of Sydney Local Environmental Plan 2012 to enhance the amenity and quality of life of local communities.

The proposal locates the main communal living area and a substantial number of studio units at below (basement) or lower ground level. These will receive very poor amenity, including solar access, ventilation, outlook, privacy, risk of damp and risk of flooding.

Particulars:

- a) The proposal fails to demonstrate it is consistent with the aim of clause 1.2(h) of Sydney Local Environmental Plan 2012 to enhance the amenity and quality of life of local communities.

(5) The proposal fails to demonstrate it is compatible with the character of the local area

Clause 30A of the Affordable Housing SEPP says a consent authority must not consent to development unless it has taken into consideration whether the design of development is compatible with the character of the local area.

The proposed lower ground floor and west wing is not consistent with the character of the local area. Few, if any, buildings in the local area include basements. Additionally, most buildings in the local area front on to the street and are not set back. By contrast, the proposed west wing is awkwardly set back at an oblique angle.

Particulars:

- a) The proposal fails to demonstrate it is compatible with the character of the local area under clause 30A of State Environmental Planning Policy (Affordable Rental Housing).

(6) The proposal does not facilitate the effective delivery of new affordable housing

The proposal does not support the aim under clause 3(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009 to facilitate the effective delivery of new affordable housing.

At the meeting of the Planning and Development Committee on 11 September 2017, the applicant advised students will need to pay about \$500 per week to rent a studio unit in the proposed development. While the rent includes some costs, such as electricity, it is still substantially higher than commonly accepted definitions of affordable housing even when these costs are excluded. Rent for community rental housing is typically less than 30% of the gross income of very low to moderate income households.

Particulars:

- a) The proposal does not facilitate the effective delivery of new affordable housing under clause 3(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

(7) The proposal fails to satisfy the Objects of the Environmental Planning and Assessment Act 1979

The proposal fails to satisfy the objects under *Section 5(a)(i) of the Environmental Planning and Assessment Act 1979*. The proposal does not encourage proper development for the purpose of promoting the social welfare of the community and a better environment.

Particulars:

- a) The proposal fails to satisfy the objects under *Section 5(a)(i) of the Environmental Planning and Assessment Act 1979*.

(8) The proposal is not in the Public Interest

As a matter for consideration pursuant to clause 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not in the public interest for the reasons outlined above.

Extension of Time

During discussion on this matter, 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 Phelps –

That Councillor Thalis be granted an extension of time to speak on this matter.

Carried unanimously.

Speakers

Ms Alice Anderson, Mr Stephen Gouge and Mr Brian Mariotti addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 8.3.

At 9.40pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on 23 October 2017 at which
meeting the signature herein was subscribed.