



# COUNCIL

Meeting No 1  
Monday 19 February 2018  
Notice No 1/1592  
Notice Date 15 February 2018

*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, Prof Philip Thalys and Angela Vithoukas.

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

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

Councillor Scott left the meeting of Council at 9.07pm, prior to discussion on Item 6.5, and returned to the meeting at 9.08pm, at the conclusion of discussion and voting on Item 6.5.

Councillor Forster left the meeting of Council at 9.50pm, prior to discussion on Item 13.4, and returned at 9.55pm, at the conclusion of discussion and voting on Item 13.4.

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

Opening Prayer

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

**Filming of Council Meeting**

At this stage of the meeting, the Chair (the Lord Mayor) advised Council that a request had been received from Mr Lester Ranby, a freelance journalist and video producer, to film tonight's Council meeting, particularly Item 6.6 Property Disposal of Surplus Operational Land – Former Depot at Fig and Wattle Streets.

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

That permission be granted for Mr Lester Ranby to film tonight's Council meeting.

Carried unanimously.

**Congratulations to Councillors Forster, Miller and Phelps**

At this stage of the meeting, the Chair (the Lord Mayor) congratulated Councillor Christine Forster and Ms Virginia Edwards, who were married recently, and also Councillor Jess Miller and Mr Nic Walker who were married at the weekend. The Chair (the Lord Mayor) also congratulated Councillor Kerry Phelp and Ms Jackie Stricker-Phelps who renewed their commitment to each other following the passing of legislation permitting same sex marriage.

## **ITEM 1 CONFIRMATION OF MINUTES**

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

That the minutes of the meeting of Council of Monday 11 December 2017, as circulated to Councillors, be confirmed.

Carried.

## **ITEM 2 DISCLOSURES OF INTEREST**

### **(a) Section 451 of the Local Government Act 1993**

The Lord Mayor, Councillor Clover Moore, disclosed a less than significant, non-pecuniary interest in Item 6.10 on the agenda, Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification, as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. The Lord Mayor stated that she does not have a relationship with the two recipients and they have not contacted her about this item.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 6.10 on the agenda, Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification, as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. Councillor Kok stated that he does not have a relationship with the two recipients and they have not contacted him about this item.

Councillor Jess Scully made two disclosures as follows:

- a less than significant, non-pecuniary interest in Item 6.10 on the agenda, Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification, as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. Councillor Scully stated that she does not have a relationship with the two recipients and they have not contacted her about this item; and
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, Knowledge Exchange Grant Sponsorship – Social Enterprise Ecosystem Mapping – Wildwon, in that in her previous role at Vivid Sydney she engaged Wildwon to undertake project work. Councillor Scully stated that she has not engaged Wildwon since, that she has not received any money from Wildwon, and that she does not have any ongoing working relationship with the organisation.

Councillor Philip Thalys made two disclosures as follows:

- a less than significant, non-pecuniary interest in Item 6.10 on the agenda, Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification, as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. Councillor Thalys stated that he does not have a relationship with the two recipients and they have not contacted him about this item; and
- a less than significant, non-pecuniary interest in Item 9.3 on the agenda, City of Sydney Local Planning Panel – Appointment of Expert and Community Representatives, as he holds a Fractional Professorship at the University of New South Wales and two of the nominees also hold positions at the University of New South Wales. Councillor Thalys confirmed that he has not contacted or been contacted by the nominees about this item.

Councillor Jess Miller made two disclosures as follows:

- a less than significant, non-pecuniary interest in Item 6.10 on the agenda, Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification, in that she is a friend of the owner of Golden Age Bar & Cinema, Robert Barton, but did not speak with him regarding his application for a Support Grant. Councillor Miller stated that she is also a friend of the owner of Freda's Bar, Dave Abrams, and an occasional patron of his business, and further stated that she did not speak with him regarding his application for a Support Grant; and
- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, Knowledge Exchange Grant Sponsorship – Social Enterprise Ecosystem Mapping – Wildwon, in that she is a friend and former colleague of the Managing Director of Wildwon, Sally Hill, they having worked together in the past, but not in a financial capacity, but did not speak with her regarding this grant.

Councillor Linda Scott made three disclosures as follows:

- a significant, pecuniary interest in Item 6.5 on the agenda, External Memberships. Councillor Scott stated that she is the President of Local Government NSW, which is one of the external member organisations under discussion, and would step outside for this item;
- a less than significant, non-pecuniary interest in Item 5 on the agenda, Matters for Tabling, in that she will be seeking leave to table a petition on a parking matter that has proximity to her house; and
- a less than significant, non-pecuniary interest in Item 13.9 on the agenda, Independent Hearing and Assessment Panels, in that she is President of Local Government NSW, which has undertaken work in the sector on this issue.

Councillor Craig Chung disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, Draft International Education Action Plan – Public Exhibition, in that he is a Director of a Company which is engaged in the field of International Education. Councillor Chung stated that he would remain for the Council meeting and vote on the matter.

Councillor Christine Forster made two disclosures as follows:

- a significant, non-pecuniary interest in Item 13.4 on the agenda, #Time2Choose, in that she is employed by a listed Australian oil and gas company, Woodside Petroleum. Councillor Forster stated that she would leave the Council Chamber for discussion of that item; and
- a less than significant, non-pecuniary interest in Item 9.11 on the agenda, Development Application: 161 Castlereagh Street Sydney, in that she is a member of Sydney Rotary Club which meets regularly at the Castlereagh Boutique Hotel, one of the submitters at the Planning and Development Committee meeting on 12 February 2018, and a neighbour to the development site.

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 VALE NICHOLAS SHEHADIE AC, OBE****FILE NO: S051491****MINUTE BY THE LORD MAYOR**To Council:

It is with deep regret that I inform Council of the death of Sir Nicholas Michael Shehadie, AC, OBE, former Lord Mayor and Alderman of the City of Sydney, distinguished Australian and proud son of Redfern on 11 February 2018.

Born in Coogee, New South Wales on 15 November 1926, Nick Shehadie grew up in Redfern, attending Cleveland Street and later Crown Street schools. He first came to public attention in 1947 at the age of 16 as one of the New South Wales XV rugby team against New Zealand, later making his debut for Australia in the final Test against the touring All Blacks.

He was selected for the 1947–48 Wallaby tour and continued to play for the Wallabies until the late 1950s. He represented Australia 114 times, the first player to reach the century mark and played in 20 tests, three as captain.

Off the field, he worked in sales, becoming a sales manager with an asphalt company. Following his footballing career he established a successful vinyl tile supply business. In February 1957, he married medical practitioner, Marie Bashir, later Governor of New South Wales.

His lifelong dedication to public service began with his election to City of Sydney Council on 1 December 1962 as a Civic Reform alderman. His second term was cut short when the Council was dismissed on 13 November 1967. He became Deputy Lord Mayor following his election to the new shrunken Council on 27 September 1969. On 27 September 1973 his fellow aldermen elected him to be Lord Mayor.

As Alderman, Deputy Lord Mayor and Lord Mayor, Sir Nicholas was part of a council that saw the adoption of the first Sydney Strategic Plan, developed by the late George Clarke. That plan had four objectives related to management, accessibility, diversity and environment, 16 major policies and about 84 action priorities, covering not only land use and built form, but community services, finance, tourism, leisure and learning, and pollution control.

An early outcome of the plan was the transformation of Martin Place into a pedestrian plaza. As Lord Mayor, he also supported the Green Bans campaign to protect Woolloomooloo from over development. This led to the Federal and State Governments working together with the City of Sydney to develop a plan for Woolloomooloo, with the Federal Government purchasing land used for public housing.

After the late Leo Port succeeded him as Lord Mayor, Sir Nicholas continued as an alderman until 1977. In 1971, he was awarded an Order of the British Empire (OBE), knighted in 1976 and made a Companion of the Order of Australia in 1990.

In 1978, Sir Nicholas returned to his first love, sport, with his appointment as a trustee of the Sydney Cricket Ground, becoming Chair in 1990. In 2001, his final year as Chair, the Cricket Ground opened a Walk of Honour with 33 plaques honouring sporting champions, including Sir Nicholas.

He became Chairman of the New South Wales Rugby Union in 1979, and President of Australian Rugby Union from 1981 to 1987. As President, he was instrumental in the schoolboy rule changes which outlawed forceful scrum engagements aimed to avoid neck injuries and make schoolboy rugby safer. He worked with the International Rugby Football Board to establish a Rugby World Cup and was appointed joint chairman of the organising committee for the inaugural World Cup in 1987.

Away from sport, Sir Nicholas served as Chairman of the Special Broadcasting Service from 1981 to 1999 and national Chair for the Duke of Edinburgh's International Award, Australia from 1992 to 1994.

Sir Nicholas' final public service was providing steadfast and wonderful support to his life partner, Dame Marie Bashir, when she was Governor of New South Wales from March 2001 to October 2014.

I often met him at civic and ceremonial events during this period and it was obvious that he was very proud of her. He also had a great sense of humour and told my husband, Peter, when I became Lord Mayor that he would have to get used to carrying my handbag!

It is to Dame Marie and her family that I offer my sincere condolences.

#### RECOMMENDATION

It is resolved that:

- (A) All persons present in the Chamber stand for one minute's silence to mark the life of Sir Nicholas Shehadie and his contribution to Sydney, New South Wales and Australia.
- (B) A letter, under the Lord Mayor's signature, be conveyed to Sir Nicholas' wife, Dame Marie Bashir, expressing Council's sincere condolences to her and her family.

#### COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

Note – All Councillors, staff, press and members of the public present stood in silence for one minute as a mark of respect to Sir Nicholas Shehadie.

#### **Adjournment**

At this stage of the meeting, at 5.29pm, the Chair (the Lord Mayor) moved that the meeting be briefly adjourned for a few minutes.

At the resumption of the meeting of Council, at 5.32pm, those present were –

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

**ITEM 4 MEMORANDA BY THE CHIEF EXECUTIVE OFFICER**

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

## **ITEM 5 MATTERS FOR TABLING**

### **5.1 Disclosures of Interest**

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

That the Disclosure of Interest returns be received and noted.

Carried unanimously.

### **5.2 Petitions**

#### **(a) Newman St, Newtown Parking Restrictions**

At the meeting of Council, Councillor Scott tabled a petition (containing 10 signatures) in the following terms:

We are requesting that the existing parking restrictions in Newman St, Newtown be updated from 2 hrs 8AM-6PM Monday to Friday, to 2 hrs 24/7.

This will bring Newman St into line with Lighthouse and Gibbes Sts, which have recently been changed to 24/7. The result of the changes are an increase in demand for parking after 6PM and on weekends in those streets with less restrictions. In our opinion, the restrictions should be consistent for the whole block, to reduce the volume of cars entering the area to look for parking. We are also affected by the High School and the primary school.

The existing restrictions do not address the peak demand for parking. The main inflow is after 6PM and on weekends due to the proximity of King St and the tightening of parking restrictions to manage limited spaces for visitors. The volume of traffic and the coming and going of vehicle occupants has made the noise levels intolerable for some residents.

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

That the petition be received and noted.

Carried.

#### **(b) Community Petition to the City of Sydney**

At the meeting of Council, Councillor Chung tabled a petition (containing 300 signatures) in the following terms:

We the undersigned seek:

1. A traffic study, conducted by The City of Sydney on Maddox St between Euston and Mitchell Road. The study should investigate potential options for minimising or stopping trucks and other heavy vehicles through access of this section of Maddox Street. The study should investigate the feasibility of options including:
  - Closure of Maddox Street at Euston Road
  - Installation of traffic calming or limiting devices to prevent entry of trucks and heavy vehicles
  - Any other appropriate solutions that will have the effect of preventing trucks using Maddox Street to pass through the local residential area.

2. Until a solution can be agreed upon with the local residents regular patrols of Maddox Street by authorised rangers to fine non-compliant vehicles travelling on this part of Maddox Street.

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

That the petition be received and noted.

Carried.

### **Business of which due notice had not been given**

At this stage of the meeting, Councillor Phelps sought to introduce a motion for consideration as a matter of urgency.

It was then agreed that this matter be dealt with after Notices of Motion (see page 84).

### **Order of Business**

At this stage of the meeting, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, it was moved by Councillor Chung, seconded by Councillor Forster –

That the Order of Business be altered such that Items 13.1, 13.5 and 13.13 be brought forward and dealt with before Item 6.

Carried.

Following discussion, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, Council agreed that the Order of Business be further altered such that Item 6.6 be brought forward and dealt with after Item 13.1.

## **ITEM 13 NOTICES OF MOTION**

### **KINGS CROSS MASTERPLAN (S129260)**

1. Moved by Councillor Forster, seconded by Councillor Phelps –

It is resolved that Council:

(A) note:

- (i) the Kings Cross/Potts Point area of the City of Sydney is an internationally renowned precinct with a long and rich history, and a unique cultural identity and character;
- (ii) prior to the introduction of the State Government's lockout laws in February 2014, Kings Cross was a popular late night trading precinct, with tens of thousands of people visiting the area every Friday and Saturday nights;
- (iii) since the introduction of the lockouts, patronage in the area has declined sharply, resulting in a reduction in alcohol-related incidents, but also negatively impacting all local businesses trading both during the day and at night time;
- (iv) the Kings Cross precinct is now in a transition phase from a late night entertainment hub to a residential hot spot, with increased interest in redevelopment due to its improving amenity, access to public transport and proximity to the central business district;
- (v) a development application (DA D/2017/1705) which has been lodged for the construction of a large residential apartment building at 18-28 Darlinghurst Road, has caused widespread concern among local residents and business owners;

- (vi) a community meeting held on 18 January 2018 was attended by more than 200 local stakeholders who wished to express their concern about the scale of the development at 18-28 Darlinghurst Road and its potential impact on local heritage values, amenity and cultural identity;
  - (vii) the Sustainable Sydney 2030 Community Strategic Plan (2013), which sets out goals designed to make the city "green, global and connected", is based on the concept of the "City of Villages" surrounding the CBD, but only mentions "Kings Cross" on one occasion in its 84 pages; and
  - (viii) City of Sydney Council currently has no strategic local plan to preserve or guide the character of the Kings Cross/Points Point precinct through its current transition period; and
- (B) request the Chief Executive Officer to urgently begin work, in consultation with local residents and business operators and organisations, on a Masterplan for the Kings Cross precinct which would guide future redevelopment of the area, including the provision of affordable housing, a balance of residential and retail amenity and the need to preserve its unique cultural character.

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

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

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

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

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

The motion was declared lost.

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

It is resolved that Council:

- (A) note that the development application (DA D/2017/1705) lodged for the construction of a large residential apartment building at 18-28 Darlinghurst Road, has caused understandable concern among local residents and business owners;
- (B) note that the proposal:
  - (i) exceeds height controls and has significant access and servicing issues;
  - (ii) has a scale and building morphology that does not fit within the context of the heritage conservation area in and around Kings Cross;
  - (iii) lacks the frequency and graciousness of the ground floor lobbies found throughout the area;
  - (iv) has large retail footprints at ground level, destroying the fine-grain retail pattern that exists along Darlinghurst Road;

- (v) has an inadequate interface with Kingsley Hall, including impacts on the existing light well;
  - (vi) has an unsatisfactory interface with Barncleuth Lane, particularly the lack of activation and amenity, and the dominance of loading and serviced functions; and
  - (vii) provides an undesirable site amalgamation that will detrimentally affect the character of the area's streets and lanes due to the significant inactive frontage required by loading dock areas, and access and egress for car parks and fire stairs;
- (C) note that the Lord Mayor responded to the significant concerns about the development by requesting that the City's Design Advisory Panel review and provide advice on the development application; and
- (D) endorse work commenced on advice of the Design Advisory Panel to:
- (i) urgently commission an urban design study to identify design principles for the site, including an indicative design strategy to provide an illustration of how good design can achieve better outcomes within the current controls;
  - (ii) establish a Design Advisory Panel sub-committee to set the parameters of the urban design study and closely monitor progress; and
  - (iii) audit the current planning controls for improvements that could be considered and consulted with the community during the current review of the Late Night Development Control Plan and upcoming review of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

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

That the motion be amended such that the title read: 'Design Advisory Panel for DA D/2017/1705'.

The amendment was lost on the following show of hands –

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

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

Amendment lost.

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

That clause (D)(iii) of the motion be amended by the deletion, in the second line, of the words "and consulted with the community"; and the addition, at the end of the clause, of the following words:

"and communicate any proposed changes to the community prior to being placed on public exhibition".



The amendment was lost on the following show of hands –

Ayes (3) Councillors Chung, Forster and Phelps

Noes (7) The Lord Mayor, Councillors Kok, Miller, Scott, Scully, Thalís and Vithoukás.

Amendment lost.

### **Adjournment**

At this stage of the meeting, at 6.40pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Miller –

That the meeting be adjourned for approximately 15 minutes.

At the resumption of the meeting of Council, at 6.59pm, those present were –

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

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

That the motion be amended such that clause (D) (iv) be added as follows –

(D)

(iv) encourage Council to develop a masterplan for Kings Cross.

The Chair (the Lord Mayor) ruled that the amendment was previously voted down by Council and could not be dealt with.

The motion moved by Councillor Thalís was then put to the vote and was carried unanimously.

### **Point of Order**

During discussion on Item 13.1, Councillor Chung raised a point of order, stating that the alternative motion moved by Councillor Thalís did not relate closely enough to the original motion, effectively constituting a new motion.

The Chair (the Lord Mayor) did not uphold the point of order, stating that the alternative motion related closely to the subject matter of the original motion.

### **Dissent**

Councillor Forster moved dissent against the ruling of the Chair (the Lord Mayor).

The motion of dissent was lost on the following show of hands –

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

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

Motion of dissent lost.

### **Point of Order**

During discussion on Item 13.1, Councillor Scully raised a point of order in that Councillor Chung, when speaking on the motion, impugned the reputation and motives of other Councillors.

The Chair (the Lord Mayor) upheld the point of order.

### **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 Miller –

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

Carried.

### **ITEM 6.6**

#### **PROPERTY DISPOSAL OF SURPLUS OPERATIONAL LAND – FORMER DEPOT AT FIG AND WATTLE STREETS (S111009)**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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

It is resolved that:

- (A) in respect of the former Fig and Wattle Street Depot located at 14-26 Wattle Street, Council:
  - (i) note the Wattle Street Depot became surplus when operations at this depot were decommissioned in 1990 and consolidated to the City's Bay Street complex;
  - (ii) note the efforts made by the City to finalise negotiations with the Department of Education and Communities to acquire the Wattle Street Depot and their decision to redevelop the site of the current school;
  - (iii) note the site is located within the Ultimo Pymont Affordable Housing Levy area which enables the City to impose an affordable housing levy contribution on any development which may occur on the site; and
  - (iv) endorse the disposal of the surplus property at 14-26 Wattle Street (former Fig and Wattle Depot site), with a requirement that the purchaser:
    - (a) build an 80-place childcare centre and a multi-use two-court indoor recreational centre on the site, and transfer stratum ownership of these facilities back to the City;

- (b) build a through-site link from Wattle Street to Jones Street that complies with Disability Discrimination Act requirements; and
  - (c) where practicable, supply any sandstone to be removed from the site, cut into blocks for future use by the City;
- (B) Council endorse the proceeds from the sale being allocated to the funding of the City's 10 year capital works program; and
- (C) authority be delegated to the Chief Executive Officer to develop due diligence material for the sale, including, but not limited to, a disposal plan, including implementing opportunities to leverage value, determining the optimum method of sale, negotiating with interested parties as required, and entering into all necessary documentation to effect the sale and further stratum transfer back to the City at a price to be supported by an independent valuation.

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

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

It is resolved that:

- (A) consideration of this matter be deferred until such time that Council can consult with the community about the need for additional community facilities, open space and other resources; and
- (B) the results of the consultation be reported back to Council before any further consideration of the disposal of the Fig and Wattle Street site.

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

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

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

The Lord Mayor exercised her casting vote against the amendment.

The amendment was declared lost.

The motion was carried on the following show of hands –

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

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

Motion carried.

### **Speakers**

Ms Elizabeth Elenius, Ms Mary Mortimer, Mr Bill d'Anthes and Mr Saul Deane addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.6.

## Order of Business

Following discussion, in accordance with Clause 239(2) of the Local Government (General) Regulation 2005, Council agreed that the Order of Business be further altered such that Item 9.3 be brought forward and dealt with before Item 13.5.

### ITEM 9.3

#### **CITY OF SYDNEY LOCAL PLANNING PANEL – APPOINTMENT OF EXPERT AND COMMUNITY REPRESENTATIVES (S083226.006)**

The Transport, Heritage and Planning Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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

It is resolved that Council:

- (A) endorse the Minister's nomination of Richard Pearson as the Chair of the City of Sydney Local Planning Panel and Abigail Goldberg and Steven Layman as alternate chairs to the City of Sydney Local Planning Panel for a period of three years;
- (B) endorse the appointment of two expert members and at least two alternate members from the Minister's pool of experts to the City of Sydney Local Planning Panel: Shaun Carter (member), Helen Lochhead (member), Steve Kennedy (alternate member) and Peter Romey (alternate member) for a period of three years;
- (C) endorse the appointment of one community representative to the City of Sydney Local Planning Panel: Amelia Thorpe (member) and John McInerney AM (alternate member) for a period of three years;
- (D) note the legislative and draft operational procedures developed by the Department of Planning and Environment for the City of Sydney Local Planning Panel;
- (E) rename the Planning and Development Committee to be the Transport, Heritage and Planning Committee and endorse the revised Terms of Reference for that Committee as shown at Attachment E to the subject report;
- (F) in accordance with the requirements of the Environmental Planning and Assessment Act 1979, delegates its functions as a consent authority in relation to matters other than those required to be dealt with by either the Central Sydney Planning Committee or the City of Sydney Local Planning Panel to the Chief Executive Officer;
- (G) request the Lord Mayor write to NSW Premier, Gladys Berejiklian, NSW Minister for Planning, Anthony Roberts, and NSW Opposition Leader, Luke Foley, objecting to the NSW Government's imposition of local planning panels that have taken planning decisions out of the hands of elected local council representatives in Sydney and Wollongong, calling for the law to be urgently amended to return authority to local government by:
  - (i) making local planning panels voluntary, not mandatory; and
  - (ii) permitting the decisions of any planning panel to be referred to full Council for a final decision; and

- (H) request the Lord Mayor write to Local Government NSW, asking that it support the widespread concern about mandatory local planning panels by local councils and the community, and seek urgent legislative reform.

The motion was carried on the following show of hands –

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

Noes (2) Councillors Chung and Forster.

Motion carried.

### **ITEM 13 NOTICES OF MOTION**

#### **LOCAL PLANNING PANEL, TRANSPARENT COMMUNITY CONSULTATION (S129263)**

5. Moved by Councillor Phelps, seconded by Councillor Vithoukas –

It is resolved that the Chief Executive Officer be requested to explore ways to expand opportunities for interaction and consultation with residents regarding development applications through providing open forums to express support, rejection or partial approval of development applications:

- (A) online, including an identification verification system; and
- (B) in person, by removing administrative barriers to organising community meetings relating to development applications at Council venues, including booking deadlines and fees.

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

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

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

The Lord Mayor exercised her casting vote against the motion.

The motion was declared lost.

#### **TRAFFIC CALMING – MADDOX STREET ALEXANDRIA (S129259)**

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

It is resolved that Council:

- (A) note that in relation to Maddox Street, Alexandria between Euston Road and Mitchell Road:
- (i) the street is predominantly a residential street containing low density housing;
- (ii) there is a maximum weight limit of 3 tonnes for vehicles entering the street to pass through;

- (iii) residents have received no assistance from the City of Sydney to deter and prevent overweight vehicles from entering the street;
  - (iv) there have been significant breaches of the weight limits on the street, many of which have been reported to the City of Sydney. There is photographic evidence of some of the breaches; and
  - (v) the Lord Mayor has refused to take responsibility for the City of Sydney enforcing the weight limits; and
- (B) request that the Chief Executive Officer:
- (i) take immediate steps to clarify with Roads and Maritime Services the delegation to enable City rangers to enforce the weight limit on Maddox Street, between Euston and Mitchell Roads, Alexandria and, once confirmation is received, instruct staff to enforce the weight limit;
  - (ii) conduct a traffic study to determine the most effective traffic calming measures which can be installed to prevent heavy vehicles from entering Maddox Street between Mitchell and Euston Roads, Alexandria; and
  - (iii) report back to Council via a Council report within three months the results of the traffic study and proposals to prevent heavy vehicles from entering or passing through the affected street.

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

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

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

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

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

The motion was declared lost.

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

It is resolved that Council:

- (A) note that, in relation to Maddox Street, Alexandria, between Euston Road and Mitchell Road:
- (i) the street is predominantly a residential street containing low density housing;
  - (ii) some traffic calming measures were implemented in Maddox Street in August 2016 by widening the footpath and planting trees and garden beds;
  - (iii) there is a maximum weight limit of three tonnes for vehicles entering the street to pass through and the City has received complaints with photographs reporting possible weight limit breaches of trucks on the street;

- (iv) enforcement of oversize weight limits on trucks is currently the responsibility of the Roads and Maritime Services and the NSW Police;
  - (v) the City is only authorised to take enforcement action against vehicles that are classified as light vehicles and has written to Roads and Maritime Services to confirm an increase in the City of Sydney's enforcement authorisation to also include heavy vehicles on Maddox Street;
  - (vi) City Rangers are undertaking a study of Maddox Street to identify offending vehicles and any patterns of use to support the further requests for Roads and Maritime Services to undertake targeted enforcement; and
  - (vii) staff are currently undertaking a wider study of the impacts of WestConnex on local traffic in this area, including Maddox Street, and will be considering all measures to help protect the community, including road closures and traffic calming, which will need to be negotiated with Roads and Maritime Services; and
- (B) request that the Chief Executive Officer:
- (i) inform Councillors via CEO Update when confirmation is received from Roads and Maritime Services that City of Sydney staff are authorised to enforce heavy vehicles; and
  - (ii) report back to Councillors via CEO Update on the recommendations of the traffic study undertaken on the impacts of WestConnex on local traffic and, in particular, any measures specific to the Maddox Street area.

### **Adjournment**

At this stage of the meeting, at 8.40pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting be adjourned for 15 minutes.

At the resumption of the meeting of Council, at 8.55pm, those present were –

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

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was varied by the deletion of clause (A), and the subsequent re-numbering of all clauses, such that it read as follows –

It is resolved that Council request that the Chief Executive Officer:

- (A) inform Councillors via CEO Update when confirmation is received from Roads and Maritime Services that City of Sydney staff are authorised to enforce heavy vehicles; and
- (B) report back to Councillors via CEO Update on the recommendations of the traffic study undertaken on the impacts of WestConnex on local traffic and, in particular, any measures specific to the Maddox Street area.

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

**Extensions 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 Thalís –

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

Carried.

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

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

Carried.



**ITEM 6 REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 12 FEBRUARY 2018****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor Robert Kok  
(Deputy Chair)

Councillors Craig Chung, Prof Kerryn Phelps AM, Linda Scott, Jess Scully, Prof Philip Thalys and Angela Vithoukas.

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

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

Councillor Scott left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.15pm prior to discussion on Item 6.5, and returned to the meeting at 3.18pm during discussion on Item 6.7. Councillor Scott was not present at, or in sight of, the meeting of the Corporate, Finance, Properties and Tenders Committee during discussion and voting on Item 6.5.

**Apologies**

Councillor Christine Forster extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee as she was away.

Councillor Jess Miller extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

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

That the apologies from Councillors Forster and Miller be accepted and leave of absence from the meeting be granted.

Carried.

**Sub-Committee**

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukas as Deputy Chair, commenced at 3.22pm.

**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 Item 6 be brought forward and dealt with before Item 2.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 3.35pm.

Report of the Corporate, Finance, Properties and Tenders

Moved by Councillor Kok, seconded by Councillor Miller –

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 12 February 2018 be received, with Item 6.1 being noted, the recommendations set out below for Items 6.2 to 6.4 inclusive and 6.7 and 6.8 being adopted, and Item 6.5 being dealt with as shown immediately following that item, noting that Item 6.6 was dealt with at an earlier stage of the meeting.

Carried unanimously.

**ITEM 6.1****DISCLOSURES OF INTEREST**

The Lord Mayor, Councillor Clover Moore, disclosed a less than significant, non-pecuniary interest in Item 6.10 of the Corporate, Finance, Properties and Tenders Committee (Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification) as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. The Lord Mayor stated that she does not have a relationship with the two recipients and they have not contacted her about this item.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 6.10 of the Corporate, Finance, Properties and Tenders Committee (Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification) as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. Councillor Kok stated that he does not have a relationship with the two recipients and they have not contacted him about this item.

Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 6.10 of the Corporate, Finance, Properties and Tenders Committee (Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification) as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. Councillor Scully stated that she does not have a relationship with the two recipients and they have not contacted her about this item.

Councillor Philip Thalys disclosed a less than significant, non-pecuniary interest in Item 6.10 of the Corporate, Finance, Properties and Tenders Committee (Grants and Sponsorships – Round One 2017/18 – Economic Grants – Business Support Grants – Live Music And Performance and Night Time Diversification) as two of the recipients, Freda's and Golden Age, hosted a Clover Moore Independent Team campaign function leading up to the 2016 election. Councillor Thalys stated that he does not have a relationship with the two recipients and they have not contacted him about this item.

Councillor Linda Scott disclosed a significant, pecuniary interest in Item 6.5, External Memberships. Councillor Scott stated that she is the President of Local Government NSW, which is one of the external member organisations under discussion, and would step outside for this item.

No other 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**

### **2017/18 QUARTER 2 REVIEW - DELIVERY PROGRAM 2017-2021 (S096187)**

It is resolved that Council:

- (A) note the financial performance of Council for the first quarter, ending 31 December 2017, including the Quarter 2 Net Surplus of \$86.4M and the full year Net Surplus forecast of \$50.4M, as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) note the Quarter 2 Capital Works expenditure of \$83.2M and a revised full year forecast of \$276.4M, and approve the proposed adjustments to the adopted budget, including bringing forward of \$12.7M in funds into 2017/18 capital budget, as detailed in Attachment B to the subject report;
- (C) note the Information Services capital expenditure of \$2.6M, net of disposals, and a full year forecast of \$7.6M;
- (D) note the Quarter 2 Plant and Assets expenditure of \$4.2M, net of disposals, and the full year forecast of \$16.8M;
- (E) note the Quarter 2 Property Divestment proceeds of \$28.0M, and the full year forecast net divestment of \$31.2M;
- (F) note the operational performance indicators and Quarter 2 achievements against the Operational Plan 2017/18 objectives, as detailed in Attachment C to the subject report;
- (G) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 2, as detailed in Attachment D to the subject report; and
- (H) note the Environmental Sustainability Progress Report, as shown at Attachment E to the subject report.

Carried unanimously.

## **ITEM 6.3**

### **INVESTMENTS HELD AS AT 31 DECEMBER 2017 (X011299)**

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

Carried unanimously.

**ITEM 6.4**

**INVESTMENTS HELD AS AT 31 JANUARY 2018 (X011299)**

It is resolved that the Investment Report as at January 2018 be received and noted.

Carried unanimously.

**ITEM 6.5**

**EXTERNAL MEMBERSHIPS – 2017 - 2018 (S050647)**

It is resolved that Council receive and note the City's membership of the Associations outlined in Attachment A to the subject report.

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

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

Carried unanimously.

**ITEM 6.6**

**PROPERTY DISPOSAL OF SURPLUS OPERATIONAL LAND – FORMER DEPOT AT FIG AND WATTLE STREETS (S111009)**

Note – this matter was dealt with at an earlier stage of the meeting (see page 18).

**ITEM 6.7**

**LAND TRANSFER - STRATUM LOT ABOVE CRANE LANE – CIRCULAR QUAY TO LEND LEASE (X000578)**

It is resolved that:

- (A) Council endorse the transfer of Lot 1 in Deposited Plan 880891 being a stratum limited in height and depth containing the footbridge spanning Crane Lane to Lend Lease; and
- (B) authority be delegated to the Chief Executive Officer to enter into all necessary documentation as may be required to facilitate the transfer of Lot 1 in Deposited Plan 880891 being City-owned, operational classified land to Lend Lease.

Carried unanimously.

**ITEM 6.8****TENDER - TREE MAINTENANCE SERVICES (X007081)**

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for Tree Maintenance in the Northern Service Area for a period of five years, with the option of an extension of one year if appropriate;
- (B) Council reject and negotiate the tender offers for Tree Maintenance in the Southern Service Area;
- (C) Council not invite fresh tenders on the basis that it is unlikely a more satisfactory result would be achieved;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract relating to the tenders, including to exercise the option to extend the contract term and negotiate the price to extend the contracts accordingly; and
- (E) Council be informed of the successful tenderer in the Southern Service Area by CEO update prior to executing and administering the contracts relating to this tender.

Carried unanimously.

**Report of the Economic Development and Business Sub-Committee**

Moved by Councillor Vithoukias, seconded by Councillor Scully –

That the report of the Economic Development and Business Sub-Committee of its meeting of 12 February 2018 be received, with the recommendations set out below for Items 6.9 and 6.10 being adopted.

Carried unanimously.

The Economic Development and Business Sub-Committee recommended the following:-

**ITEM 6.9****KNOWLEDGE EXCHANGE SPONSORSHIP - GLOBAL SUMMIT OF WOMEN 2018 (X013353)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$20,000 (excluding GST); and
- (B) authority be delegated to the Chief Executive Officer to negotiate and enter into a sponsorship agreement with Salvation Communications Pty Ltd in respect of the City's sponsorship of Global Summit of Women 2018 described in clause (A) above.

Carried unanimously.

## Speakers

Ms Lee Kelly addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.9.

### ITEM 6.10

#### **GRANTS AND SPONSORSHIP – ROUND ONE 2017/18 – ECONOMIC GRANTS – BUSINESS SUPPORT GRANTS – LIVE MUSIC AND PERFORMANCE AND NIGHT TIME DIVERSIFICATION (\$117676)**

It is resolved that:

- (A) Council approve the cash grant recommendations for 2017/18 under the Business Support Grants - Live Music and Performance Program listed as follows:

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>Conditions</b>
Brand X Productions Incorporated	Live performance infrastructure upgrade, East Sydney Community and Arts Centre, Darlinghurst.	The installation of a semi-permanent floor, portable staging and a theatre lighting system to permit the Centre to function as both a rehearsal space and a small-scale performance venue allowing Sydney's independent performing artists to develop and present new work.	<b>\$30,000</b>	Nil
Esperance Hotel Group Pty Ltd	Hudson Ballroom venue upgrade, Hudson Ballroom, Sydney	Upgrades to in-house musical instruments and audio equipment to improve artist and audience experience and increase the frequency and diversity of live music programming.	<b>\$30,000</b>	Applicant to work with Live Music Strategy Advisor on refining the scope of the project Applicant to provide supplier quotes
Plain Vanilla Beverages Pty. Ltd.	Acoustic Management and Live Recording at Knox Street Bar, Chippendale.	The installation of acoustic treatments to improve internal acoustics and sound transfer from the venue, replacement of a small amount of audio equipment, and the introduction of live recording at this small bar and performance venue.	<b>\$5,650</b>	Applicant to confirm their current appropriate DA approval

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>Conditions</b>
Staved Pty Ltd	Acoustics and Air Conditioning Upgrade, Staves Brewery, Glebe.	The installation of a new PA system, professional stage curtains, acoustic window treatments and air-conditioning to increase and improve live music and comedy events.	<b>\$12,800</b>	Applicant to submit supplier quotes
The Roosevelt Pty Ltd	Return of live music to The Roosevelt, Kings Cross	The installation of stage and audio equipment to facilitate a return of small scale jazz, acoustic and other musical acts to this historically significant venue.	<b>\$30,000</b>	Subject to DA approval
The trustee for Oxford Underground Unit Trust	Sound Production Upgrade to Oxford Art Factory Main Stage, Oxford Street, Darlinghurst.	Equipment upgrade for the PA system and fold-back speakers to improve artist and audience experience in this live music venue in the Darlinghurst Entertainment Precinct.	<b>\$7,900</b>	Applicant to provide suppliers quotes Applicant to work with Live Music Strategy Advisor on verifying what the investment will be spent on.
The World Bar Pty Limited	Project Phoenix, The World Bar, Kings Cross.	Equipment upgrade to international standard PA and mixing equipment for live performers and DJs to improve the venue's suitability for a wider range of local and touring acts, audio control and audience experience.	<b>\$27,450</b>	Applicant to provide supplier quotes Applicant to work with Live Music Strategy Advisor on reviewing the list of equipment to be purchased.
Three Silent Partners Pty Ltd	Acoustics upgrade for Freda's, Chippendale	Upgrade of acoustic treatments and audio equipment in both the bar and basement theatres to improve internal acoustics, increase frequency and diversity of programming and reduce potential sound transfer.	<b>\$30,000</b>	Applicant to provide more detailed quotes Applicant to submit a revised budget

- (B) Council approve the cash grant recommendations for 2017/18 under the Business Support Grants - Night Time Diversification Program listed as follows:

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>Conditions</b>
City Recital Hall Limited	Open House + 2by20, City Recital Hall, Angel Place, Sydney	A monthly program of music trivia, slam poetry, emerging songwriters and 'In-Conversations', followed by two 20 minute sets of music with artists across cabaret, jazz, folk, RnB and musical theatre in the Recital Hall's underutilised ground floor foyer and partnering with eateries in Angel Place.	<b>\$21,000</b>	Funding to go towards artists fees
Darlinghurst Theatre Limited	Up Close & Intimate, Eternity Playhouse, Darlinghurst	A program of stripped-back cabaret style performances featuring local artists playing songs that have shaped their lives and careers, held between seasons of plays at the theatre to increase activity and build new audiences.	<b>\$28,000</b>	Applicant to work with Night Time City
Golden Age Cinema & Bar Pty Ltd	Live on the Golden Stage, Golden Age Cinema, Surry Hills	A regular program of live music events to attract new audiences and provide artists the opportunity to experiment, such as through the performance of live film scores, in a unique and intimate venue.	<b>Year 1 only - \$25,000</b>	Funding to go towards artists fees Funding to be granted upon receipt of a Live Music Programming Plan. Applicant to work with the Cultural Strategy team on developing their Live Music Programming Plan.



<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>Conditions</b>
LPR Promotions Pty Ltd	Late Night Lounge at Foundry 616, Harris Street, Ultimo.	An after-midnight live music and dining program for jazz and other diverse music genres catering to music lovers through an entertainment experience in a safe late night environment.	<b>\$7,500</b>	Funding to be granted upon receipt of a Live Music Programming Plan. Applicant to work with the Cultural Strategy team on developing their Live Music Programming Plan.
Naomi Taplin trading as Studio Enti	Studio Enti Dinner Series, Foley Street, Darlinghurst	A program of themed dinners collaborating with guest chefs and artists exploring the connection between food, ceramics, art, music and sustainability hosted within the ceramics studio in Darlinghurst.	<b>\$19,750</b>	Applicant to submit revised budget Applicant to work with Health and Building Team
The Feather Tribe Pty Ltd	Friday Night Fun At The Tribe, Foley Street, Darlinghurst	A fortnightly event, transforming a creative retail store into an artistic hub and community cinema with a mixture of 'Paint and Sip' evenings and 'Beanbag and Popcorn Arthouse Movie Nights'.	<b>\$12,100</b>	Nil
The trustee for IM Operating Unit Trust	Live Music, Imperial Hotel, Erskineville	A regular program of live music and performance with a focus on local artists to relaunch the iconic hotel after renovations building a safe and engaging night-time culture in the Erskineville precinct.	<b>\$25,000</b>	Funding to go towards artists' fees Funding to be granted upon receipt of a Live Music Programming Plan. Applicant to work with the Cultural Strategy team on developing their Live Music Programming Plan.

<b>Applicant</b>	<b>Project Name</b>	<b>Project Description</b>	<b>\$ Amount Recommended</b>	<b>Conditions</b>
The trustee for Oxford Underground Unit Trust	OAF After Midnight, Oxford Arts Factory, Oxford Street, Darlington	A curated fortnightly program of live music held after midnight on the main stage after earlier shows have ended, to increase performance opportunities for artists and connect with a broader audience.	<b>\$10,000</b>	Funding to go towards local artists fees Funding to be granted upon receipt of a Live Music Programming Plan. Applicant to work with the Cultural Strategy team on developing their Live Music Programming Plan.
The Trustee for The KX Operations Trust	KX Presents, Kings Cross Hotel, Potts Point	A regular program of live music, providing increased performance opportunities for local artists and positive participation in late night social experiences for broad audiences.	<b>Year 1 only - \$25,000</b>	Funding to go towards artists fees Funding to be granted upon receipt of a Live Music Programming Plan. Applicant to work with the Cultural Strategy team on developing their Live Music Programming Plan.
Viewbray Pty. Limited	Ariel Evening Events Program, Ariel Bookshop, Darlington.	A fortnightly 'In Conversation' evening with local book authors, hosted by journalist Jayne Anderson, to build and extend the author series into an annual niche writer's festival, promoting the local area and the arts.	<b>\$15,000</b>	Applicant to submit revised budget

- (C) Council note that all grant amounts are exclusive of GST and all value-in-kind offered is subject to availability; and

- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy.

Carried unanimously.

**ITEM 7 REPORT OF THE ENVIRONMENT COMMITTEE - 12 FEBRUARY 2018**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillors Robert Kok, Prof Kerryn Phelps AM, Prof Philip Thalys, Linda Scott and Jess Scully.

At the commencement of business at 3.48pm those present were -

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

**Apologies**

Councillor Christine Forster extended her apologies for her inability to attend the meeting of the Environment Committee as she was away.

Councillor Jess Miller extended her apologies for her inability to attend the meeting of the Environment Committee.

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

That the apologies from Councillors Forster and Miller be accepted and leave of absence from the meeting be granted.

Carried unanimously.

The meeting of the Environment Committee concluded at 3.53pm.

**Report of the Committee**

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

That the report of the Environment Committee of its meeting of 12 February 2018 be received, with Item 7.1 being noted and the recommendations set out below for Items 7.2 and 7.3 being adopted.

Carried unanimously.

**ITEM 7.1**

**DISCLOSURES OF INTEREST**

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

The Committee recommended the following:-

**ITEM 7.2**

**SECTOR SUSTAINABILITY PLANS – PUBLIC EXHIBITION (S123730)**

It is resolved that Council approve the draft Making Sydney a Sustainable Destination and Sydney's Sustainable Office Building Plan Sector Plans, as shown at Attachments A and C, respectively, to the subject report, for public exhibition for a period of eight weeks.

Carried unanimously.

**ITEM 7.3**

**KNOWLEDGE EXCHANGE SPONSORSHIP - TOURISM ACCOMMODATION AUSTRALIA (NSW) AWARDS FOR EXCELLENCE 2018 (X005020.002)**

It is resolved that:

- (A) Council approve a cash sponsorship of \$5,000 (excluding GST) for each of 2017/18, 2018/19 and 2019/20 to Tourism Accommodation Australia, a division of the Australian Hotels Association NSW, in support of the Tourism Accommodation Australia (NSW) Engineer of the Year and Best Environmental Initiatives Awards; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Tourism Accommodation Australia, a division of the Australian Hotels Association NSW.

Carried unanimously.

**ITEM 8 REPORT OF THE CULTURAL AND COMMUNITY COMMITTEE –  
12 FEBRUARY 2018**

**PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillors Craig Chung, Robert Kok, Prof Kerryn Phelps AM, Linda Scott, Jess Scully, Prof Philip Thalís and Angela Vithoukás.

At the commencement of business at 3.54pm those present were -

The Lord Mayor, Councillors Kok, Phelps, Scott, Scully and Thalís.

Councillor Chung arrived at the meeting of the Cultural and Community Committee at 3.56pm during discussion on Item 8.2.

Councillor Vithoukás arrived at the meeting of the Cultural and Community Committee at 4.04pm during discussion on Item 8.3.

**Apologies**

Councillor Christine Forster extended her apologies for her inability to attend the meeting of the Cultural and Community Committee as she was away.

Councillor Jess Miller extended her apologies for her inability to attend the meeting of the Cultural and Community Committee.

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

That the apologies from Councillors Forster and Miller be accepted and leave of absence from the meeting be granted.

Carried unanimously.

**Sub-Committees**

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

The Cultural and Creative Sub-Committee, with Councillor Scully as Deputy Chair, commenced at 3.55pm.

The Healthy Communities Sub-Committee, with Councillor Scott as Deputy Chair, commenced at 3.58pm.

The meeting of the Cultural and Community Committee and all its Sub-Committees concluded at 4.36pm

**ITEM 8.1****DISCLOSURES OF INTEREST**

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

At a later stage of the meeting, prior to discussion on Item 8.3:

- Councillor Craig Chung disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, Draft International Education Action Plan – Public Exhibition, in that he is a Director of a Company which is engaged in the field of International Education. Councillor Chung stated that he would remain for the Committee meeting and vote on the matter.
- Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 8.4 on the agenda, Knowledge Exchange Grant Sponsorship – Social Enterprise Ecosystem Mapping – Wildwon, in that in her previous role at Vivid Sydney she engaged Wildwon to undertake project work. Councillor Scully stated that she has not received any money from Wildwon and does not have any ongoing working relationship with the organisation.

Report of the Cultural and Creative Sub-Committee

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

That the report of the Cultural and Creative Sub-Committee of its meeting of 12 February 2018 be received, with Item 8.1 being noted and the recommendation set out below for Item 8.2 being adopted.

Carried unanimously.

The Cultural and Creative Sub-Committee recommended the following:

**ITEM 8.2****PUBLIC ART LEGACY PROJECT - BIENNALE OF SYDNEY PARTNERSHIP (S103805)**

It is resolved that:

- (A) Council extend the City's existing Partnership Agreement with the Biennale of Sydney, for the acquisition or long term loan of artworks, commissioned by the Biennale of Sydney, for each of the 2020, 2022 and 2024 events, that would enter the City of Sydney's public art collection, City Art;
- (B) Council endorse an increase in value to reflect the 2.5% CPI increase since June 2012 from \$150,000 exclusive of GST per annum or \$300,000 exclusive of GST per Biennale to \$155,000 (exclusive of GST) per annum or \$310,000 (exclusive of GST) per Biennale, with funding to accumulate over the period of three Biennales if no suitable work is available for acquisition, to a total of \$930,000 (excluding GST);
- (C) authority be delegated to the Chief Executive Officer to enter into a new Partnership Agreement with the Biennale of Sydney; and

- (D) following the identification of a suitable artwork by a Biennale curator, and the Public Art Advisory Panel's recommendation of a proposed artwork, a report be provided to Council for endorsement.

Carried unanimously.

### **Speakers**

Ms Jo-Anne Birnie-Danzker addressed the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee) on Item 8.2.

### Report of the Healthy Communities Sub-Committee

Moved by Councillor Scott, seconded by Councillor Miller -

That the report of the Healthy Communities Sub-Committee of its meeting of 12 February 2018 be received, with the recommendations set out below for Items 8.3 and 8.4 being adopted, and Item 8.5 being dealt with as shown immediately following that item.

Carried unanimously.

The Healthy Communities Sub-Committee recommended the following:

### **ITEM 8.3**

#### **DRAFT INTERNATIONAL EDUCATION ACTION PLAN - PUBLIC EXHIBITION (S126553.001)**

It is resolved that:

- (A) Council approve the draft International Education Action Plan, as shown at Attachment A to the subject report, for public exhibition for a minimum of eight weeks; and
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments prior to the exhibition of the draft International Education Action Plan.

Carried unanimously.

### **Speakers**

Mr Sean Stimson, Mr Toshi Kawaguchi and Ms Hannah Conejos addressed the meeting of the Cultural and Community Committee (Healthy Communities Sub-Committee) on Item 8.3.



**ITEM 8.4****KNOWLEDGE EXCHANGE GRANT SPONSORSHIP – SOCIAL ENTERPRISE ECOSYSTEM MAPPING – WILDWON (\$112458.024)**

It is resolved that:

- (A) Council approve the grant of:
- (i) a cash sponsorship of \$30,000 (excluding GST); and
  - (ii) in-kind contribution to the value of \$324 in the form of waived community venue hire fees
- to Wildwon Projects Pty Ltd for the Social Enterprise Ecosystem Mapping Project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the sponsorship agreement with Wildwon Projects Pty Ltd for the purposes set out in clause (A) which must specify that the payment by the City of the grant detailed in clause (A) is conditional on Wildwon Projects Pty Ltd preparing and obtaining the City's approval of the following documents:
- (i) an engagement plan for the project;
  - (ii) a revised budget; and
  - (iii) a methodology for a scoping phase to the project.

Carried unanimously.

**Speakers**

Ms Sally Hill addressed the meeting of the Cultural and Community Committee (Healthy Communities Sub-Committee) on Item 8.4.

**ITEM 8.5****FUNDING CHANGES TO AGEING AND DISABILITY SERVICES: IMPLICATIONS FOR CITY SERVICES (X007199.007)**

It is resolved that Council:

- (A) note that funding provided to the City by the Commonwealth and NSW Governments for:
- (i) disability services will cease on 30 June 2018; and
  - (ii) aged care services will continue until 30 June 2020;
- (B) note that the arrangements for future funding of aged care services are not yet finalised and are subject to consultation and decision by the Commonwealth Government; and

- (C) endorse the proposed approach and recommendations, outlined in Confidential Attachment A to the subject report, for managing the transition to new models of funding for aged care and disability services to align with the introduction of reforms in aged care and disability funding.

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

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

It is resolved that:

- (A) Council note that funding provided to the City by the Commonwealth and NSW Governments for:
  - (i) disability services will cease on 30 June 2018; and
  - (ii) aged care services will continue until 30 June 2020;
- (B) Council note that the arrangements for future funding of aged care services are not yet finalised and are subject to consultation and decision by the Commonwealth Government; and
- (C) Council endorse the proposed approach and recommendations, outlined in Confidential Attachment A to the subject report, for managing the transition to new models of funding for aged care and disability services to align with the introduction of reforms in aged care and disability funding.
- (D) Council note the essential role of advocacy, both individual and systematic, in providing services to those with disabilities which meet individuals' needs and support a high quality of life;
- (E) Council note that the Victorian State Government has committed to fully funding disability advocacy after the National Disability Insurance Scheme has been rolled out;
- (F) the City support the Stand by Me campaign and call on the NSW State Government to ensure that there is funding provision made available for NSW-specific disability advocacy organisations beyond 2018; and
- (G) the Lord Mayor write to the NSW Premier, Gladys Berejiklian, and the NSW Minister for Disability Services, Ray Williams, expressing the view outlined in clause (F).

Carried unanimously.

**ITEM 9 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - 12  
FEBRUARY 2018****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

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

At the commencement of business at 4.37pm those present were:

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

The Lord Mayor left the meeting of the Planning and Development Committee at 6.24pm, prior to the commencement of discussion on Item 9.13, and did not return.

**Apologies**

Councillor Christine Forster extended her apologies for her inability to attend the meeting of the Planning and Development Committee as she was away.

Councillor Jess Miller extended her apologies for her inability to attend the meeting of the Planning and Development Committee.

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

That the apologies from Councillors Forster and Miller be accepted and leave of absence from the meeting be granted.

Carried.

**Adjournment**

At 5.01pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Thalys -

That the meeting of the Planning and Development Committee be adjourned for approximately 10 minutes.

Carried.

At the resumption of the meeting of the Planning and Development Committee at 5.13pm, those present were:

The Lord Mayor, Councillors Chung, Kok, Scott, Scully, Thalys and Vithoulikas.

Councillor Phelps returned to the meeting of the Planning and Development Committee at 5.15pm during discussion on Item 9.5.

**Sub-Committees**

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

The Transport, Heritage and Planning Sub-Committee, with Councillor Thalís as Deputy Chair, commenced at 4.38pm.

The Major Development Assessment Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 5.13pm.

The Development Assessment Sub-Committee, with Councillor Thalís as Deputy Chair, commenced at 5.40pm.

The meeting of the Planning and Development Committee and all its Sub-Committees concluded at 6.37pm.

## **ITEM 9.1**

### **DISCLOSURES OF INTEREST**

#### **(a) Section 451 of the Local Government Act 1993**

Councillor Philip Thalís disclosed a less than significant, non-pecuniary interest in Item 9.3 on the agenda (City of Sydney Local Planning Panel – Appointment of Expert and Community Representatives) as he holds a Fractional Professorship at the University of New South Wales and two of the nominees also hold positions at the University of New South Wales. Councillor Thalís confirmed that he has not been contacted by the nominees about this item.

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

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

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

### Report of the Transport, Heritage and Planning Sub-Committee

Moved by Councillor Thalís, seconded by Councillor Miller -

That the report of the Transport, Heritage and Planning Sub-Committee of its meeting of 12 February 2018 be received, with Item 9.1 being noted, and the recommendations set out below for Items 9.2 and 9.4 being adopted, noting that Item 9.3 was dealt with at an earlier stage of the meeting.

Carried unanimously.

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

**ITEM 9.2****RELEVANT PLANNING AUTHORITY FOR PLANNING PROPOSAL - 4-6 BLIGH STREET, SYDNEY (X011838)**

It is resolved that Council accept the role of the relevant planning authority to prepare a planning proposal.

Carried unanimously.

**ITEM 9.3****CITY OF SYDNEY LOCAL PLANNING PANEL – APPOINTMENT OF EXPERT AND COMMUNITY REPRESENTATIVES (S083226.006)**

Note – this matter was dealt with at an earlier stage of the meeting (see page 20).

**ITEM 9.4****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 K to the subject report;
- (C) exercise its power to issue an Order 6 as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 102 Erskineville Road, Erskineville, 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 163-169 Oxford 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 174-178 King Street, Newtown, 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 68-70 Dixon Street, Haymarket, 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 157 King Street, Newtown, as detailed in Attachment F;
- (H) 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 326 King Street, Newtown, 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 783-787 George Street, Haymarket, 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 145 King Street, Newtown, 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 537-551 George Street, Sydney, as detailed in Attachment J; and
- (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 71 York Street, Sydney, as detailed in Attachment K.

Carried unanimously.

#### Report of the Major Development Assessment Sub-Committee

Moved by Councillor Kok, seconded by Councillor Miller -

That the report of the Major Development Assessment Sub-Committee of its meeting of 12 February 2018 be received, with the recommendations set out below for Items 9.6 to 9.8 inclusive and 9.10 being adopted, and Items 9.5 and 9.9 being dealt with as shown immediately following those items.

Carried unanimously.

The Major Development Assessment Sub-Committee recommended the following:

#### **ITEM 9.5**

##### **DEVELOPMENT APPLICATION: 9 DOODY STREET ALEXANDRIA (D/2017/469)**

The Major Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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

It is resolved that consent be granted to Development Application No. D/2017/469, subject to:

- the conditions as detailed in Attachment A to the subject report to the Planning and Development Committee on 12 February 2018, amended as follows (with additions shown in ***bold, italics*** and deletions shown in ~~strikethrough~~):

#### **(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The Hydrant Diesel Pump (Identified as HDP on the ground floor and southern elevation plans) is to be relocated, redesign and/or removed so that it does not rely on an adjacent site for serviceability and use.

- (b) ***The location and design of the garbage storage area and associated collection area shall be redesigned so that the development may be serviced from within the boundaries of the site.***
- (c) ***The “Fire Hydrant Booster New” illustrated on the ground floor plan in the north western corner shall be relocated so that it is wholly within the boundaries of 9 Doody Street.***
- (d) ***The plans shall be amended to delete the annotation along the western boundary of the site which states “Retain Ex. Bamboo Screen”.***

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

### (13) ALLOCATION OF CAR PARKING

The number of car parking spaces to be provided for the development shall not exceed the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Car Parking Type	Number
Office/Commercial and business Staff/Employee parking In 2 x 11 each mechanical stacker system	22
Accessible office and business parking	1
Visitor parking	1
Subtotal	24
Motorcycle parking	2
Service vehicle /delivery/courier spaces Australian Standard B99 vehicle space	1
Total	27

***The car parking numbers listed in the table above relate to spaces located on 9 Doody Street only.***

***No consent is given or implied to the use of visitor or car parking spaces indicated on the architectural plans that are located on adjacent properties as part of this development consent.***

### (84) EASEMENT FOR PUBLIC ACCESS

Prior to the issue of any Occupation Certificate for the development, the owner of the site is to enter into a Deed of Agreement with Council to create an Easement for Public Access (and associated Positive Covenant). The Easement (and associated Positive Covenant) is to be over the existing Right of Carriageway (which was created by the registration of Deposited Plan 1119470). The Easement is to be of variable width between 2.89m and 3m wide and within the western boundary of the site extending from the southern alignment of Doody Street to the southern boundary of the site. ***It shall enable the passage of pedestrians, cyclists and other means apart from motorised vehicles.*** The Easement is to be created at a future date when required by Council, and is to be appurtenant to Council in terms granting rights for public access to Council's satisfaction.

In addition, Council will have the right to Caveat the interest created under the Deed of Agreement.

- the addition of the following new condition, Condition (2A):

**(2A) RETENTION OF SIDE GATE**

***The existing gate along the western edge of the site servicing the driveway for the benefit of both 9 Doody Street and the site at the rear, 32 Ralph Street be retained.***

***Prior to the issue of any Construction Certificate, amended plans shall be submitted to, and approved by, Council's Area Planning Manager, to illustrate the retention of this gate.***

***Any future alteration or removal of this gate will require the consent of all owners of the gate.***

Carried unanimously.

**Speakers**

Mr Gavin Elterman and Mr Paul Manning addressed the meeting of the Planning and Development Committee (Major Development Assessment Sub-Committee) on Item 9.5.

**ITEM 9.6**

**DEVELOPMENT APPLICATION: 74 CROWN STREET WOOLLOOMOOLOO (D/2017/534)**

It is resolved that consent be granted to Development Application No. D/2017/534, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

**ITEM 9.7**

**DEVELOPMENT APPLICATION: 98-104 GOULBURN STREET SYDNEY (D/2017/956)**

It is resolved that:

- (A) pursuant to the provisions of Clause 6.21 (5) of Sydney Local Environmental Plan 2012, a competitive design process is considered to be unreasonable and unnecessary in this instance;
- (B) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, the preparation of a site specific development control plan is considered to be unreasonable and unnecessary in this instance; and
- (C) consent be granted to Development Application No. D/2017/956, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.



**ITEM 9.8****DEVELOPMENT APPLICATION: 1-73 BROADWAY ULTIMO (D/2017/1591)**

It is resolved that:

- (A) the requirement for a competitive design process for the proposal in accordance with Clause 6.21(5)(ii) of the Sydney Local Environmental Plan 2015 is unnecessary in the circumstances of this application;
- (B) the request to vary the requirements of Clause 4.4 floor space ratio in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2015 is supported in the circumstances of this application; and
- (C) consent be granted to Development Application No. D/2017/1591, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

**ITEM 9.9****DEVELOPMENT APPLICATION: 10-18 WILLIAM STREET BEACONSFIELD (D/2017/922)**

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2017/922 after the draft Voluntary Planning Agreement, in accordance with the public benefit offer made by Ponvera Pty Limited dated 24 January 2018, has been publicly exhibited and any submissions considered; and
- (B) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, 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 Miller –

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

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

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2017/922 after the draft Voluntary Planning Agreement, in accordance with the public benefit offer made by Ponvera Pty Limited dated 24 January 2018, has been publicly exhibited and any submissions considered; and

- (B) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions as detailed in Attachment A to the subject report to the Planning and Development Committee on 12 February 2018, amended as follows by the addition of a new Deferred Commencement Condition - Condition (5) – DESIGN MODIFICATIONS – DEEP SOIL (with additions shown in ***bold, italics***):

**SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

- (A) PART A – DEFERRED COMMENCEMENT CONDITIONS

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

- (5) *DESIGN MODIFICATIONS – DEEP SOIL***

***The design must be modified to maximise deep soil on site to achieve Apartment Design Guide Objective 3E-1 and ‘design criteria’ requirements.***

The amendment was carried unanimously.

The substantive motion was carried unanimously.

**ITEM 9.10**

**DEVELOPMENT APPLICATION: 41-45 ERSKINE STREET SYDNEY (D/2017/1167)**

It is resolved that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/1167, subject to the conditions as detailed in Attachment A to the subject report.

Carried unanimously.

Report of the Development Assessment Sub-Committee

Moved by Councillor Thalys, seconded by Councillor Miller -

That the report of the Development Assessment Sub-Committee of its meeting of 12 February 2018 be received, with Item 9.12 being noted, the alternative recommendation set out below for Item 9.14 being adopted, and Items 9.11 and 9.13 being dealt with as shown immediately following those items.

Carried unanimously.

The Development Assessment Sub-Committee recommended the following:

#### ITEM 9.11

#### DEVELOPMENT APPLICATION: 161 CASTLEREAGH STREET SYDNEY (D/2017/725)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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

It is resolved that consent be granted to Development Application No. D/2017/725, subject to the conditions as detailed in Attachment A to the subject report to the Planning and Development Committee on 12 February 2018, amended as follows (with additions shown in **bold, italics** and deletions shown in ~~strike through~~):

#### (2) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of patrons permitted in the premises at any one time is 680 persons being made up of (390 indoors and 290 outside).
- (b) The capacity for each area shall not exceed the following maximum numbers at any given time.
  - (i) Area 1 (western bar) 288 patrons;
  - (ii) Area 2 (outdoor seating area) 16 patrons;
  - (iii) Area 3 (outdoor seating area) 66 patrons;
  - (iv) Area 4 (eastern bar) 102 patrons;
  - (v) Area 5 (outdoor seating area) 52 patrons;
  - (vi) Area 6 (outdoor seating area) 12 patrons;
  - (vii) Area 7 and 8 (standing areas) 144 patrons
- (c) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,
- (iii) pub,
- (iv) registered club,
- (v) restaurant.

***Note: Should approval be granted under a separate development application for attenuation measures to the Castlereagh Boutique Hotel at 169 Castlereagh Street, such as double glazing, consideration shall be given to the modification of Condition (2) and any other operational management condition under a separate application.***

#### **(4) HOURS OF OPERATION – OUTDOOR AREAS**

The hours of operation of the outdoor areas are regulated as follows:

- (a) The hours of operation must be restricted to between 10.00am to 10.00pm Mondays to Sundays.
- (b) Notwithstanding (a) above, the outdoor area may operate between 7.00am and ~~10.00am~~ **10.00pm** Sundays, Mondays, Tuesdays and Wednesdays and 7.00am to 11.00pm Thursdays, Fridays and Saturdays for a period of 1 year from the date of the issue of the approved transfer of the Liquor License. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) A further application may be lodged to continue the operating hours outlined in (b) above not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

***Note: Should approval be granted under a separate development application for attenuation measures to the Castlereagh Boutique Hotel at 169 Castlereagh Street, such as double glazing, consideration shall be given to the modification of Condition (4) and any other operational management condition under a separate application.***

#### **(6) OUTDOOR PATRON CAPACITY PLAN**

The applicant shall submit an Outdoor Patron Capacity Plan for the management and control of the dissemination of the 290 external population at night. The Plan is to be agreed to by a Suitably Qualified Acoustic Consultant\* (the Consultant).

The Plan shall include an assessment of the following measures to stagger the departure of the 290 'outdoor' patrons at closing time:

- (a) Details of how the external patron capacity (290 persons) will be managed to ensure compliance with the acoustic conditions, namely CONDITION 7 NOISE - ADDITIONAL REPORTING FOR OUTDOOR PATRONS, CONDITION 10 COMPLIANCE WITH THE ACOUSTIC REPORT;
- (b) A plan showing how the outdoor area is to be demarcated for patron capacity limits and management in accordance with CONDITION 2 MAXIMUM CAPACITY OF PERSONS;
- (c) A methodology statement detailing how all acoustic parameters are complied with. The methodology statement shall include the following measures:
  - (i) Staff to make an announcement to the effect that the outdoor area will be closed at 11.00pm on Thursday, Friday and Saturday nights and that patrons should leave the Hotel and the vicinity quickly and quietly to avoid potential disturbance to the surrounding area;
  - (ii) Last orders for drinks for 'outdoor' patrons to be 10.30pm on Thursday, Friday and Saturday nights, and
  - (iii) Details on how staff will monitor patron behaviour in, and in the vicinity of, the Hotel until all patrons have left taking all practical steps to ensure the quiet and orderly departure of patrons.
- (d) A requirements section which accurately details controls that must be implemented to effect compliance with this consent.

The Plan shall be submitted and approved by the Area Planning Manager prior to the issue of any Occupation Certificate.

Where this document contradicts the existing Plan of Management approved under CONDITION (11) – PLAN OF MANAGEMENT, this document prevails.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

***Note: Should approval be granted under a separate development application for attenuation measures to the Castlereagh Boutique Hotel at 169 Castlereagh Street, such as double glazing, consideration shall be given to the modification of Condition (6) and any other operational management condition under a separate application.***

The motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

## Speakers

Mr Paul Brasch, Mr Ben McBeath, Mr Simon Tilley, Mr Ben White, Mr Peter Knowland and Mr David Ripplingill addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.11.

### ITEM 9.12

#### DEVELOPMENT APPLICATION: 4 CIRCULAR QUAY EAST, SYDNEY (D/2017/745)

Note – At the request of the applicant, by correspondence received by Council on 12 February 2018, this Development Application was withdrawn. Pursuant to clause 52 of the Environmental Planning and Assessment Regulation 2000, as the application has been withdrawn, it is taken for the purposes of the Act never to have been made. Subsequently, this matter was not considered at the meeting of the Planning and Development Committee or at the meeting of Council.

### ITEM 9.13

#### DEVELOPMENT APPLICATION: 63-65 EVELEIGH STREET REDFERN (D/2017/591)

The Development Assessment Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 19 February 2018.

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

It is resolved that:

- (A) the variation sought to Clause 21 - Floor to Space Ratio of Schedule 5 of State Environmental Planning Policy (State Significant Precincts) 2005 pursuant to State Environmental Planning Policy No.1 – Development Standards be supported in this instance; and
- (B) ~~deferred commencement~~ consent be granted to Development Application No. D/2017/591, subject to the conditions as detailed in **Attachment A** to the subject report to the Planning and Development Committee on 12 February 2018, amended as follows (with any additions shown in ***bold italics*** and any deletions in ~~strikethrough~~):
  - the deletion of the following:

#### ~~SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)~~

~~The following deferred commencement conditions must be satisfied prior to the consent becoming operative:~~

- (C) ~~PART A - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)~~

~~The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:~~

**(1) — DESIGN MODIFICATIONS**

- (a) ~~The southern boundary wall of No.65 Eveleigh Street shall be set back a minimum of 500mm from the southern property boundary shared with No.67 Eveleigh Street. No new windows are to be provided on this elevation.~~

~~Amended plans illustrating compliance with the above shall be submitted to and approved by Council's Area Planning Manager.~~

- ~~(2) — Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.~~

- ~~(3) — The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.~~

- ~~(4) — Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.~~

- the deletion of Conditions (4) and (5) (in **PART B – CONDITIONS OF CONSENT**):

**(4) — RWA1 REDFERN WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006**

~~To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the *Redfern-Waterloo Authority Contributions Plan 2006*.~~

~~The levy is to be calculated as 2% of the proposed capital investment value, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*.~~

~~Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution in the amount of \$11,672 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid to Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern-Waterloo Fund towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.~~

~~Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of a Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to the issue of a Construction Certificate, written verification of this should be provided by UrbanGrowth NSW Development Corporation and provided to the Principal Certifying Authority. No deferred or periodic payments are permitted.~~

~~Phone 02 9202 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.~~

~~A copy of *Redfern-Waterloo Authority Contributions Plan 2006* is available for inspection at the offices of UGDC, (see website for details), or from the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au).~~

~~**(5) RWA2 REDFERN-WATERLOO AUTHORITY AFFORDABLE HOUSING CONTRIBUTIONS PLAN 2006**~~

~~To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.~~

~~In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006* the levy is 1.25% of the additional total gross area of the proposed development and is calculated at \$84.60 per square metre being the rate at 1 July 2017 to 30 June 2018. Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 9 of the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.~~

~~Pursuant to the *Redfern-Waterloo Affordable Contributions Plan 2006*, a contribution in the amount of \$28,848.60 plus indexation in accordance with the Building Price Index is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund towards the provision of affordable housing within the Redfern-Waterloo area.~~

~~Proof of payment of this contribution and calculation of any indexing shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.~~

~~Phone 02 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.~~

~~A copy of *Redfern-Waterloo Affordable Housing Contributions Plan 2006* is available for inspection at the Redfern-Waterloo Authority office, (see website for details), or from the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au)~~

Carried unanimously.



## Speakers

Mr Rodney Molesworth addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.13.

## ITEM 9.14

### DEVELOPMENT APPLICATION: 71 EVELEIGH STREET REDFERN (D/2017/618)

It is resolved that:

- (A) the variation sought to Clause 21 - Floor to Space Ratio of Schedule 5 of State Environmental Planning Policy (State Significant Precincts) 2005 pursuant to State Environmental Planning Policy No.1 – Development Standards be supported in this instance; and
- (B) consent be granted to Development Application No. D/2017/618, subject to the conditions as detailed in Attachment A to the subject report.

Note – the recommendation of the Planning and Development Committee was not adopted. The following alternative recommendation was adopted (as contained in the memo dated 19 February 2018 from the Director City Planning, Development and Transport, and circulated prior to the meeting of Council).

It is resolved that consent be granted to Development Application No. D/2017/618, subject to the conditions as detailed in Attachment A to the subject report to the Planning and Development Committee on 12 February 2018, amended as follows (with any additions shown in **bold, italics** and any deletions shown in ~~strikethrough~~):

- the deletion of Conditions (3) and (4):

~~(3) — **RWA1 REDFERN WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006**~~

~~To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the *Redfern Waterloo Authority Contributions Plan 2006*.~~

~~The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern Waterloo Authority Contributions Plan 2006*.~~

~~Pursuant to the *Redfern Waterloo Authority Contributions Plan 2006*, a contribution in the amount of \$2,534 plus indexation between the date of approval and date of payment, in accordance with Consumer Price Index (All Groups Index) for Sydney, is to be paid to Urban Growth NSW Development Corporation (UGDC) for deposit into the Redfern Waterloo Fund towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.~~

~~Proof of payment of this contribution to the UGDC shall be provided to the Certifying Authority prior to the issue of a Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to the issue of a Construction Certificate, written verification of this should be provided by UrbanGrowth NSW Development Corporation and provided to the Principal Certifying Authority. No deferred or periodic payments are permitted.~~

~~Phone 02 9202 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.~~

~~A copy of *Redfern-Waterloo Authority Contributions Plan 2006* is available for inspection at the offices of UGDC, (see website for details), or from the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au).~~

~~(4) **RWA2 REDFERN-WATERLOO AUTHORITY AFFORDABLE HOUSING CONTRIBUTIONS PLAN 2006**~~

~~To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions are required in accordance with the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.~~

~~In accordance with *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006* the levy is 1.25% of the additional total gross area of the proposed development and is calculated at \$84.60 per square metre being the rate at 1 July 2017. Between the date of determination and the date the levy is required to be paid, the levy is indexed in accordance with the Building Price Index, Sydney as published in Rawlinson's Australian Construction Handbook. This is in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 9 of the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*.~~

~~Pursuant to the *Redfern-Waterloo Affordable Contributions Plan 2006*, a contribution in the amount of \$9,940.50 plus indexation in accordance with the Building Price Index is to be paid via bank cheque for deposit into the Redfern-Waterloo Fund towards the provision of affordable housing within the Redfern-Waterloo area.~~

~~Proof of payment of this contribution and calculation of any indexing shall be provided to the Certifying Authority prior to the issue of a Construction Certificate. No deferred or periodic payments are permitted.~~

~~Phone 02 9209 4220 to confirm indexed amount of the contribution, prior to preparation of a bank cheque made out to the UrbanGrowth NSW Development Corporation.~~

~~A copy of *Redfern-Waterloo Affordable Housing Contributions Plan 2006* is available for inspection at the Redfern-Waterloo Authority office, (see website for details), or from the website [www.ugdc.nsw.gov.au](http://www.ugdc.nsw.gov.au)~~

Carried unanimously.

**Speakers**

Mr Rodney Molesworth addressed the meeting of the Planning and Development Committee (Development Assessment Sub-Committee) on Item 9.14.

**ITEM 10 GRANT OF FINANCIAL ASSISTANCE TO AUSGRID - PERMANENT DEMAND REDUCTION INCENTIVES PROGRAM (X011796)**

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

It is resolved that:

- (A) Council note the importance of enduring energy conservation measures and increased solar PV generation in the City of Sydney local government area in order to achieve the goals of Sustainable Sydney 2030;
- (B) Council note that, in accordance with section 356 of the Local Government Act 1993, public notice of at least 28 days has been given of this resolution;
- (C) Council grant financial assistance of up to \$750,000 to The Trustee for Blue Op Partner Trust & Others (ABN [78 508 211 731](#)) trading as Ausgrid for the purpose of promoting enduring energy conservation measures and increased solar PV generation in the City of Sydney local government area by way of Ausgrid's Permanent Demand Reduction Incentives Program;
- (D) Council note the intended terms and conditions for the grant set out in the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer an agreement with Ausgrid in respect of the grant of financial assistance.

The motion was carried on the following show of hands -

Ayes (8) The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Scott, Scully and Thalys

Noes (2) Councillors Phelps and Vithoukias.

Motion carried.

**ITEM 11 QUESTIONS ON NOTICE****SURRY HILLS NEIGHBOURHOOD PARKS (S129269)**

1. By Councillor Forster

**Question**

1. From 2004 to date:
  - (a) How many times has returfing occurred in Shannon Reserve in Surry Hills?
  - (b) What dates did returfing occur?
  - (c) What was the cost of each returfing project?
2. From 2004 to date:
  - (a) How many times has returfing occurred in Fred Miller Reserve in Surry Hills?
  - (b) What dates did returfing occur?
  - (c) What was the cost of each returfing project?

**Answer by the Lord Mayor**

The City renews and replaces worn turf in its parks to address heavy wear and the impacts of site conditions. We also regularly do maintenance to improve turf health including increased aeration, resting of turf, fertilising and irrigation. A new type of turf (Zoysia) has been used in Fred Miller Reserve that is more tolerant for shady sites.

1. Shannon Reserve has been returfed five times in the past 14 years:
  - (a) October 2006, \$8,600 – 100% of park returfed
  - (b) September 2012, \$8,900 – 75% of park returfed
  - (c) September 2013, \$5,900 – 50% of park returfed
  - (d) October 2014, \$16,900 – 100% of park returfed
  - (e) October 2016, \$6,000 – 50% of the park returfed
2. Fred Miller Reserve has been returfed five times in the past 14 years.
  - (a) August 2007, \$3,900 – 100% of the park returfed
  - (b) September 2013, \$5,900 - 100% of the park returfed
  - (c) November 2015, \$4,200 – 50% of the park returfed
  - (d) September 2016, \$10,600 - 100% of the park returfed

- (e) January 2018, \$8,900 – 50% of the park returned

## **THE CRESCENT SKATEPARK AND OPEN SPACE (S129269)**

### **2. By Councillor Forster**

#### **Question**

On 26 August 2013, Council adopted the Johnstons Creek Parklands Master Plan. On 8 December 2014, Council endorsed the scope of the proposed works arising out of the adopted the Master Plan. The proposed scope included the removal of all Council-owned buildings along The Crescent and the remediation of contaminated land to create new green open space. It also included a new skate space at the northern end of The Crescent and the clearing of the arches under the viaduct to connect the new open space to Federal Park.

On 26 October 2015, Council endorsed the refined concept design for the new open space at The Crescent and related works in Federal Park. Construction was to take place between October 2016 and June 2017.

To date, the space at the end of The Crescent remains empty and unused behind a locked fence. Balmain Rentals, the previous tenant, finished trading at the location on 2 April 2017.

1. Why is this project over 15 months behind schedule?
2. What is the current timeline for the construction of the new skate space and the clearing of the arches under the viaduct?
3. What is the expected completion date of this project?

#### **Answer by the Lord Mayor**

It has taken longer than anticipated to secure consent from the Heritage Office and the Roads and Maritime Service (RMS).

The Heritage Office required design changes to the proposed work near the heritage brick Light Rail viaduct. Design documentation was amended to address the requirements from the Heritage Office and their consent has now been received.

A narrow section of the skate space in the north of the project site sits over RMS land, for which their consent was also required. Formal notification from RMS was received on 24 January 2018, advising that the RMS do not provide concurrence to the works adjacent to The Crescent. The RMS cite that the proposed works may restrict their strategic network enhancements associated with WestConnex works. The project team is reviewing the design to consider options for locating the skate space within the City-owned land.

Construction is expected to begin late October 2018 and conclude in mid-August 2019.

**CLOUD ARCH ARTWORK EXHIBITION PERIOD AND FUNDING (\$129272)**

3. By Councillor Phelps

**Question**

Noting that:

1. the public exhibition period relating to the Cloud Arch public artwork, between 11 December 2017 and 19 January 2018 had three public holidays and fell across a typical shut-down period for households and workplaces; and
2. the \$2.5m contract awarded on 28 July 2014 will now be incorporated into an overall cost of \$11.3m;

I request that the Lord Mayor:

1. explain why D/2017/1652, relating to the Cloud Arch public artwork, took three months to be placed on exhibition for public comment after Council approved an increase in funding for the changes on 29 August 2017;
2. clarify what portion of the \$11.3m allocated to the artwork is related to the artist's contract and how much is expected for installation; and
3. confirm that no further increase in cost relating to the Cloud Arch artwork will be brought to Council, with an expectation that ratepayers will continue to foot the bill.

**Answer by the Lord Mayor**

1. Following the Council resolution of 29 August 2017, the Development Application was prepared. In order to complete the Statement of Environmental Effects it was necessary to finalise a range of technical issues, including liaison with TfNSW.
2. The proportion of the \$11.3M allocated to the artist is 4.2 per cent. Councillors were provided with a confidential memo in August 2017 as part of the Council report describing the breakdown of the project costs.
3. The Expression of Interest is currently open for arch fabrication and installation. The successful bidders will then be subject to a tender process, at which time the final price will be known. Reviews by experienced quantity surveyors have been done to develop the estimated project cost, including allowances for contingencies.

**D/2017/1705 (BOURBON AND EMPIRE HOTELS, 18-20 DARLINGHURST ROAD, 22-28 DARLINGHURST ROAD, 30-30B DARLINGHURST ROAD, 32-32A DARLINGHURST ROAD) PRE-SUBMISSION CONSULTATION BETWEEN COUNCIL STAFF AND APPLICANT (\$129272)**

4. By Councillor Phelps

**Question**

1. Could the CEO please explain what steps are being taken to respond to and incorporate community concerns raised in response to D/2017/1705?

2. Could the CEO explain the process of pre-submission consultation that Council staff engaged in with the developer prior to the submission being made?
3. Given the submission appears to breach Sydney Local Environmental Plan 2012 and Potts Point Heritage Conservation Area notes and recommendations, including height limits, natural lighting, traffic management, design excellence, respect for historical significance and community expectation, what did staff tell the applicant with regard to planning controls and the importance of adherence to these regulations?
4. Did staff engage in discussions about the relevant sections of the Sydney Local Environmental Plan 2012 and Heritage Conservation Area recommendations relating to the above issues?
5. What further community consultation will the Council commit to, in addition to the Local Planning Panel's procedures, given the public interest and scale of this development?

### **Answer by the Lord Mayor**

Development Application D/2017/1705 for the redevelopment of the Bourbon Hotel and Empire Hotel sites ("the Bourbon DA") is currently in a preliminary stage of assessment. The DA has been notified and advertised (as required by Sydney DCP 2012) and advice has been sought from internal and external referral groups and the City of Sydney Design Advisory Panel.

It is good practice for applicants and land owners to seek pre-lodgement advice from City staff prior to submitting a formal application for development.

Prior to submitting the Bourbon DA, the Applicant sent drawings to City staff and requested a pre-lodgement meeting. City staff gave initial preliminary feedback and requested further detailed information regarding the design and planning non-compliances to better inform discussions. Unfortunately, the Applicant and their representatives did not respond to the pre-lodgement commentary prior to lodging the DA. As such, City staff did not have the further opportunity to provide detailed commentary on the proposal, particularly in relation to the objectives and compliance with planning controls, prior to lodgement.

Issues raised in all submissions (relevant to the DA) are considered by staff when assessing an application. The issues are required to be addressed in the assessment report that will be prepared for consideration by the determining body, most likely to be the Local Planning Panel (LPP) based on the cost of the proposed development. All persons who made a submission will be invited to attend the meeting of the relevant LPP and if they wish, address the panel members.

If amended plans are received during the assessment process and require re-notification under Sydney DCP 2012, then the community will be provided with an opportunity to make further comments on the amended plans.



**KINGS CROSS TOILETS MAINTENANCE (S129272)**

5. By Councillor Phelps

**Question**

1. Ongoing reports from residents have described the lack of maintenance and frequent closure of the three toilets at Fitzroy Gardens, adjacent to the Kings Cross Police Station. What evidence can the CEO provide to demonstrate that the toilets are being appropriately serviced with regard to:
  - (a) cleaning;
  - (b) plumbing; and
  - (c) vandalism?
2. Given these are the only toilets in the busy Kings Cross area, could the Lord Mayor please provide details of the following:
  - (a) What plans are in place to build more public toilet facilities for the Kings Cross/Potts Point area?
  - (b) What security measures could be put in place to reduce vandalism?

**Answer by the Lord Mayor**

The City's property services provider, Brookfield Global Integrated Solutions (BGIS), has confirmed that the toilets are being appropriately serviced.

There has been a reduction in cleaning complaints and the toilets are currently being cleaned five times a day. The toilets also have a self-cleaning mode.

Plumbing is part of the regular maintenance program. The vacuum pump, oil and air filter are changed monthly and the carbon tanks drained. The cleaners check and report any operational issues when onsite.

The majority of toilet breakdowns are caused by misuse, particularly flushing debris down the toilets. Electrical, re-lamping and door repairs are other common repairs.

To address the blockages, BGIS are working with their plumbing contractor on increasing the drainage pipe diameter with the aim of reducing blockages. If the piping diameter is increased this may reduce the frequency of toilet breakdowns.

Security for these toilets include the location beneath the Police Station and a CCTV camera covering the toilet entrances and surrounding area. Staff will continue to monitor, report and investigate incidents to determine if additional security is needed.

The City's Public Toilet Strategy recommended new automated public toilets on Darlinghurst Road, Kings Cross. Feasibility studies were done to assess suitable locations and a preferred site has been identified on Bayswater Road between Darlinghurst Road and Kellet Street. Consultation is under way. These new facilities are budgeted and scheduled for installation during 2018/19 financial year.

**LOCAL PLANNING PANEL, TRANSPARENT COMMUNITY CONSULTATION (S129272)**

6. By Councillor Phelps

**Question**

1.
  - (a) How will staff communicate community sentiment and submissions regarding development applications in the City of Sydney Local Government Area to the Local Planning Panel?
  - (b) Please provide any associated documents that will assist in the communication of the content of submissions to the Local Planning Panel. For example, a template that summarises the submissions which will be provided with the full file of submissions.
2. What assistance will staff provide the community representative/s to undertake their role?
3. What will be the future role of elected City of Sydney Councillors in conveying community expectations and commenting on development applications?

**Answer by the Lord Mayor**

Information about submissions will be included in the relevant development assessment report to the Panel. Reports will be provided in the same manner as provided to the Planning and Development Committee and to the Central Sydney Planning Committee.

Persons who have made submissions (including Councillors) related to development applications will be notified of the date of the Local Planning Panel and will be able to register to address the Local Planning Panel meeting prior to a determination being made. This is the same as the current process for the Planning and Development Committee and the Central Sydney Planning Committee. Councillors remain able to make submissions in their personal capacity and on behalf of their constituents.

Council staff will provide administrative support to the Local Planning Panel.

**NEW YEAR'S EVE – DAWES POINT (S129275)**

7. By Councillor Scott

**Question**

I refer to the event held at Dawes Point on New Year's Eve.

1. When was the New Year's Eve event at Dawes Point first held?
2. Broken down by year since 2004, please detail the number of guests invited, and attending, the New Year's Eve event held at Dawes Point.
3. Broken down by year since 2004, please detail the total expenditure, broken down by category of expenditure, on the New Year's Eve event held at Dawes Point.

4. A CEO Update of 15 December 2017 states that the Dawes Point event is to “accommodate guests of sponsor and agencies who support New Year’s Eve.”

Please detail:

- (a) broken down by year since 2004, a full list of the sponsors and agencies included; and
- (b) the mechanisms by which invitations for this event are determined.

**Answer by the Lord Mayor**

The Dawes Point viewing area has been in operation since 1996.

Tickets are negotiated as part partnership and agency agreements. The allocation is approved by the CEO.

In 2017, 1,483 tickets were issued to the Dawes Point event for contractual commitments to sponsors, government agencies and other stakeholders who supported the event. This included:

- Contractual sponsorship arrangements, including ABC, Australian Radio Network, Lion, Casella Wines, Amora and Grace Hotels, Coca Cola, Electric Canvas, APN Outdoor Media, the official coin partner (The Mint), and charity partner UNICEF—619 tickets.
- Government agencies, including Roads and Maritime Services, Department of Premier and Cabinet, Place Management NSW, Port Authority of NSW, Royal Botanic Gardens and Domain Trust, Royal Australian Navy, Transport for NSW, Ambulance Service NSW, Destination NSW, Fire and Rescue NSW, NSW Police Force, NSW Rural Fire Service, NSW Trains, Office of Environment and Heritage, State Emergency Services, State Transit Authority, and Sydney Trains—308 tickets.
- External Creative Agency—100 tickets.
- Park Hyatt—150 tickets.
- Artists engaged for the event—30 tickets.
- Lord Mayor and Councillors—32 tickets.
- Working staff—67 tickets.
- Volunteers, including Dawes Point Welcome Hosts, Lord Mayor Picnic Welcome Hosts, Spectator Services Team Leaders—100 tickets.
- Other event contractual requirements (to gain value for money from suppliers, build relationships with key stakeholders and attract new sponsors)—77 tickets.

It would be an unreasonable impact on staff resources to collate 14 years of records.

**NEW YEAR'S EVE – 2016-2021 ENVIRONMENTAL ACTION STRATEGY (S129275)**

8. By Councillor Scott

**Question**

I note the Lord Mayor's comments to the media in May 2017 that the Lord Mayor's New Year's Eve celebration would be "permanently cancelled as part of a re-prioritisation of City funds to support initiatives under the 2016-2021 Environmental Action Strategy."

Please detail:

1. the total funds budgeted on initiatives of the 2016-2021 Environmental Action Strategy in the:
  - (a) 2015/16 financial year;
  - (b) 2016/17 financial year; and
  - (c) 2017/18 financial year.

Please provide break down by year.

2. Please detail the budgeted expenditure on initiatives of the 2016-2021 Environmental Action Strategy for the:
  - (a) remainder of the 2017/18 financial year;
  - (b) 2018/19 financial year; and
  - (c) 2019/20 financial year.

Please provide break down by year.

3. Of this expenditure, how much has been redirected from expenditure on the Lord Mayor's New Year's Eve celebration?
4. Please detail the cost of the 2017 Dawes Point New Year's Eve event.
5. Please advise how funds recovered from the cancellation of the Lord Mayor's celebration were directed towards initiatives of the 2016-2021 Environmental Action Strategy.

**Answer by the Lord Mayor**

\$2.4 million has been allocated within the 2017/18 operating budget and over the next five years to fund initiatives, in addition to business as usual, which were identified in the 2016-2021 Environmental Action Strategy.

In response to a Question on Notice in September 2017, I advised that not holding an event at the Opera House saved \$463,000 from the budget. The change also avoided a potential new cost. At the time the City set its budget, the Opera House advised us that the northern boardwalk was unavailable. The western boardwalk was considered but the Opera House advised that there would be a significant additional charge for its use.

The report to Council on Council on 8 May 2017, *Integrated Planning and Reporting Program and Budget 2017/18 – Public Exhibition* contained information about all the projects in the Environmental Action 2016 – 2021 Strategy and Action Plan which have been allocated funding this financial year. For information on how they will accelerate our action on climate change please refer to the Environmental Action 2016 – 2021 Strategy and Action Plan.

The budget for the 2017 Dawes Point event for New Year's Eve is as follows:

Description	Budget
Artist Fees – event	\$45,000
Artist Fees – cost-share with ABC	\$30,000
Technical Services	\$30,000
Barricade Hire	\$15,000
Catering	\$175,000
Decorations	\$20,000
Lighting Hire	\$40,000
Portaloos Hire	\$12,000
Security	\$28,000
Signage	\$2,000
Staging Equipment & Facilities	\$70,000
Equipment Hire	\$30,000
Traffic Management Costs	\$24,000
Other Event Costs	\$15,000
Printing & Photocopying	\$2,500
Staffing (temporary/casual staff)	\$83,000
TOTAL	\$621,500

## **PARKS (S129275)**

9. By Councillor Scott

### **Question**

1. Please detail parks planned to be created, or rejuvenated, in:
  - (a) the remainder of the 2017/18 financial year;
  - (b) the 2018/19 financial year; and

(c) the 2019/20 financial year.

Please provide break down by year.

2. Please detail, broken down by project and by financial year, the budgeted cost of these works.

### Answer by the Lord Mayor

The City manages over 360 parks and over 200ha of parks and open space. The City is currently delivering a number of new significant parks at Green Square. These new parks, combined with new parks delivered by developers and sites transferred by other agencies, could potentially increase City-managed open space by 29ha over the next five years.

Existing parks are upgraded and renewed based on asset condition. Projects are delivered to ensure ongoing provision of safe parks in good asset condition, providing high quality presentation, amenity and recreation opportunities to the community.

New Parks		
17/18	18/19	19/20
Matron Ruby Grant Park (inc. Green Square Creative Centre) (\$30.7m)  Harold Park (\$14.2m)	Dyuralya Square, Green Square (\$1.6m)  The Crescent Lands, Annandale (\$8m)  222 Palmer, East Sydney (\$1.2m)	Gunyama Park, Green Square (inc. Aquatic Centre) (\$102m)  Drying Green Park (\$19.7m)  City Centre Playground (\$5.3m)  Sydney Park Skate Facility (\$6.5m)
Park Renewals		
17/18	18/19	19/20
Victoria Park (\$6.1m)  Waterloo Fitness Station (\$500k)  Kirsova 2 Playground Erskineville (\$160k)  Kimberley Grove Playground, Rosebery (\$200k)  Hyde Park North pathway works (\$7.5M)	Hyde Park South Works including Café (\$449k)  Sportsfield Development Program (\$6m)  Sydney Park CARES Precinct (\$2.5m)  James Hilder, Surry Hills*  Beaconsfield Playground*  Daniel Dawson, Redfern*  Strickland Park, Chippendale*	Shannon Reserve, Surry Hills (\$1m)  Ernest Pederson Reserve, Glebe*  Hollis Park Playground, Newtown*  Fig Lane Park playground, Ultimo*  Maybanke Park, Pyrmont*  Les White, Erskineville*  Ross Street Playground and 71 Alfred Road, Forest Lodge*

	<p>Albert Reserve, Erskineville*</p> <p>Redfern Skate*</p> <p>Crete Reserve, Rosebery*</p> <p>Clyne Reserve, Millers Point*</p> <p>Womerah Gardens, Darlinghurst*</p> <p>Wattle and Broadway Rest area</p> <p>Kings Lane Reserve, Darlinghurst *</p> <p>Archibald Fountain and Water Stairs waterproofing*</p> <p>Hyde Park Lighting*</p>	<p>Peace Park, Chippendale*</p> <p>Douglas Street Peoples Park, Redfern*</p> <p>Vine Street Reserve, Darlington*</p> <p>South Sydney Rotary Park, Eveleigh*</p> <p>Cardigan Reserve, Glebe*</p>
	<p>Combined renewal budget of \$10,851,000*– program and project specific budgets to be confirmed</p>	<p>Combined renewal budget of \$10,561,912*– program and project specific budgets to be confirmed</p>

\* The program for 18/19 and 19/20 park renewal is indicative only based on asset condition. Detailed delivery programs and budgets will be developed during initiation of each project.

**ITEM 12 SUPPLEMENTARY ANSWERS TO PREVIOUS QUESTIONS**

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



**ITEM 13 NOTICES OF MOTION****KINGS CROSS MASTERPLAN (S129260)**

1. By Councillor Forster

Note – this matter was dealt with at an earlier stage of the meeting (see page 14).

**POCKET PARK AUDIT (S129260)**

2. By Councillor Forster

It is resolved that Council:

(A) note:

- (i) according to the City of Sydney website, there are more than 400 parks and open spaces in the local government area covering more than 188 hectares, including approximately 50 individually listed local neighbourhood or "pocket" parks;
- (ii) Fred Miller Reserve in Bourke Street, Surry Hills, is typical of such neighbourhood parks, which are generally extremely heavily used by local residents and dog owners; and
- (iii) in recent years, Fred Miller Reserve, which is heavily overshadowed by large trees, has been re-turfed several times, with each refurbishment requiring the closure of the park for extended periods; and

(B) request the Chief Executive Officer to conduct an audit of local neighbourhood parks within the City of Sydney to ascertain the cost and frequency of re-turfing, and to identify which would be better suited for the installation of synthetic grass.

Note – at the meeting of Council, Councillor Forster withdrew her Notice of Motion and advised that she would resubmit it to the next meeting of Council.

**PARKING SIGNAGE AUDIT (S129260)**

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

It is resolved that Council:

(A) note:

- (i) private and business vehicles are a vital part of inner Sydney's transport mix, providing for many journeys and delivery services that cannot be easily or economically made by alternative mode;
- (ii) these trips take place in the constrained environment of inner-city neighbourhoods and the CBD, where there is inevitable competition for on-street parking space;

- (iii) since July 2012, the City of Sydney has received \$189,616,000 in enforcement income, most of which is from parking infringement notices issued by City of Sydney Rangers;
  - (iv) parking signage throughout the local government area often identifies multiple parking zone categories and associated time limits on single poles, resulting in complex and confusing combinations of symbols, timings and restrictions;
  - (v) parking signage clutter is an acknowledged problem in the City of Sydney, resulting in a unanimous February 2015 resolution which requested that the Chief Executive Officer review the initiatives of other cities and local councils to identify relevant strategies that could further reduce statutory signage clutter in our local government area; and
  - (vi) the February 2015 resolution also called on the Lord Mayor to work with other Metropolitan Mayors to develop a proposal to put to the State Government for improved statutory road signage, with a view to reducing visual clutter and providing consistent, user-friendly signage across metropolitan Sydney;
- (B) again request the Lord Mayor to work with other Metropolitan Mayors to develop a proposal to put to the State Government for improved statutory road signage to reduce visual clutter and provide consistent, user-friendly designs in metropolitan Sydney; and
- (C) request the Chief Executive Officer to:
- (i) initiate an audit of all City of Sydney parking signage with the aim of identifying signage clutter and complexity; and
  - (ii) as soon as is practically possible, remove all unnecessary signage and take steps to simplify all remaining signage, in line with current Australian Standard signage and line-marking arrangements.

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

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:

- (A) note that the City, since 2004, has taken significant steps to improve our streets including reducing parking signage clutter. Initiatives include:
- (i) using yellow line-marking to represent “No Stopping” restrictions instead of signage;
  - (ii) where available, using existing infrastructure such as light poles and traffic signal posts to affix required parking signage, instead of creating new clutter by installing additional parking stems;
  - (iii) placing repeat signs at 40 metres rather than 30 metres apart, reducing the number of additional parking stems and associated clutter;

- (iv) regularly inspecting the City's footpaths, roads and signage across, including by asset inspectors and Rangers;
  - (v) upgrading main streets through its Main Streets Upgrade program, with a key aim being to reduce clutter, with upgrades planned for other streets;
  - (vi) installing Smartpoles in the City Centre and our village main streets to reduce clutter by integrating multiple functions, such as lighting and signage, into a single pole; and
  - (vii) adopting the Sydney Street Design Code to reduce clutter and guide the design, palette and layout of our streets;
- (B) note that, in February 2015, Council resolved to request the Chief Executive Officer to identify strategies to reduce signage clutter and request the Lord Mayor to put forward a proposal to the State Government for improved statutory road signage;
- (C) note that, in March 2015, City staff met with Roads and Maritime Services (RMS) staff to discuss options to simplify on-street parking signage, including:
- (i) using line-marking to represent "No Parking" restrictions – this option has been used successfully in the United Kingdom;
  - (ii) for dual parking restrictions on the same plate (eg. 2P/4P), removing the need to have separate arrows for each restriction if the restriction applies in the same direction;
  - (iii) rather than having separate signs for mobility parking, allowing vehicles displaying a valid Mobility Parking Scheme (MPS) permit to park for double the time of the posted restriction – this has been used successfully by other states; and
  - (iv) consider other innovative options, like electronic parking signs and New York-style graphical arrangements;
- (D) note that, in 2016, Roads and Maritime Services advised the City it requires all parking signage to be consistent with relevant Australian Standards, that it had arranged for the City's proposed options to be considered by the relevant Australian Standards committee, but the Committee did not support the City's suggested options;
- (E) request the Lord Mayor to write to the Minister for Roads, Maritime and Freight requesting the NSW Government reconsider its position and urgently agree to a joint targeted trial of measures to simplify on-street parking signage;
- (F) again request the Lord Mayor to work with other Metropolitan Mayors to develop a proposal to put to the State Government for improved statutory road signage to reduce visual clutter and provide consistent, user-friendly designs in metropolitan Sydney; and
- (G) request the Chief Executive Officer to:
- (i) initiate an audit of all City of Sydney parking signage with the aim of identifying signage clutter and complexity; and

- (ii) as soon as is practically possible, remove all unnecessary signage and take steps to simplify all remaining signage, in line with current Australian Standard signage and line-marking arrangements.

The motion, as varied by consent, was carried.

#### **#TIME2CHOOSE (S129262)**

#### **4. Moved by Councillor Miller, seconded by Councillor Scully –**

It is resolved that Council:

(A) note that:

- (i) the Lock the Gate Alliance includes dozens of major landholders, community groups, Not for Profits and thousands of people from Greater Sydney and regional NSW;
- (ii) the Alliance is planning a major rally in Sydney on Saturday 24 March 2018 titled #Time2Choose, to call on the NSW Government to protect land, water and people from the impacts of coal and gas mining;
- (iii) between 2010 and June 2017, the coal mining industry, with the backing of the NSW Government, has increased capacity to open cut and longwall-mine an extra 63 mega tonnes of coal per annum;
- (iv) there are 10 new mines currently being assessed by the NSW Department of Planning which would produce approximately an additional 75 mega tonnes of coal per annum;
- (v) these mines have been proposed for the Hunter, in far north western NSW (near Narrabri), the picturesque Bylong Valley, the Southern Highlands, the Liverpool Plains and in our drinking water catchment;
- (vi) taken together they severely threaten farmland, bushland and water supplies in NSW and would be bigger together than the controversial Adani Carmichael coal mine in Queensland in terms of coal volume, size of landscape destroyed and the extent of the water demand;
- (vii) in addition, over the next 12 months, NSW will consider the largest coal seam gas field ever proposed in this state - three times the size of the Penrith council area;
- (viii) despite the fact that out of 23,000 submissions about the proposal by Santos to mine Narrabri only 1.3% actually supported the idea, the NSW Government seems intent on proceeding – another example of this Government treating the community with contempt;
- (ix) when former United Nations Climate Chief, and now head of the Global Covenant of Mayors for Climate and Energy, Christiana Figueres, was in Sydney recently for a City Talk she said the next three years are crucial in the fight against climate change, and “investments made in infrastructure now will be in our emissions portfolio in 2050.”

- (x) it is clear that, if the NSW Government proceeds with these proposed projects, they will be condemning future generations to the dangerous impacts of climate change documented by scientists all around the world;
  - (xi) the City of Sydney is proud to take a leading role in the fight against climate change, working closely with our residents, businesses and other cities around the world;
  - (xii) every person living and working in the City requires a secure drinking water supply and has a connection to our regional farming communities - our air, water, food and land are inextricably linked - and they need and deserve our support; and
  - (xiii) the City strongly supports regional farming communities and stands with them in opposition to these new proposed mines;
- (B) request the Lord Mayor write to the NSW Premier outlining our support for regional farming communities in their opposition to these projects and encouraging her to support a future of vibrant communities and diverse economies founded on clean food and water and a safe climate; and
- (C) ask the Chief Executive Officer to promote the #Time2Choose rally on the City's digital and social platforms, including What's On, and assess what in-kind support the City can provide to assist Lock the Gate.

Variation. At the request of Councillor Vithoulkas, and by consent, the motion was varied by the addition of clause (D), as follows –

- (D) request that the Chief Executive Officer update Councillors via CEO Update of any value-in-kind measures the City is taking to assist Lock the Gate.

The motion, as varied by consent, was carried on the following show of hands:

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

Noes (1) Councillor Chung.

Motion, as varied by consent, carried.

#### **LOCAL PLANNING PANEL, TRANSPARENT COMMUNITY CONSULTATION (S129263)**

##### **5. By Councillor Phelps**

Note – this matter was dealt with at an earlier stage of the meeting (see page 21).

**NIGHTLIFE AND CREATIVE SECTOR ADVISORY PANEL (S129263)**

6. Moved by Councillor Phelps, seconded by Councillor Forster –

Noting the community discontent regarding the composition of the Nightlife and Creative Sector Advisory Panel, which currently only includes positions for those financially invested in the development of the industry, it is resolved that Council amend the Terms of Reference for the Nightlife and Creative Sector Advisory Panel to include positions for a:

- (A) dramatic arts representative;
- (B) visual arts representative; and
- (C) community representative.

A show of hands on the motion 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 Thalís.

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

Motion lost.

**PERMANENT ARTWORK ON OXFORD STREET TO COMMEMORATE THE LGBTQI COMMUNITY (S129263)**

7. Moved by Councillor Phelps, seconded by Councillor Forster –

It is resolved that Council:

- (A) note that Councillor Forster asked the Lord Mayor at the Council Meeting on 24 February 2014 if the Lord Mayor could “update Councillors on the progress of the plans to install the permanent symbol” on Oxford Street to commemorate the LGBTQI community;
- (B) note that the Lord Mayor moved a successful motion at the Council Meeting on 24 February 2014 to:
  - (A) *endorse the installation of a permanent iconic artwork at Taylor Square to mark the 40th anniversary of Sydney Gay and Lesbian Mardi Gras in 2018 and achieve the aspirations of the gay, lesbian, bisexual, transgender and intersex communities for this artwork, as set out in this Minute; and*
  - (B) *request the Chief Executive Officer to undertake the work required to achieve this objective, including providing for the necessary funding in the draft 2014-2017 Corporate Plan and forward estimates and consulting further with GLBTI communities.*
  - (C) *endorse the immediate installation in Taylor Square of a rainbow flag to acknowledge and celebrate the GLBTI community in the five-year interim period while a permanent artwork is being developed.*

- (C) note that the 24 February 2014 Lord Mayoral Minute stated that “The [permanent] artwork should be in place before the significant 40th anniversary of Mardi Gras in 2018.”;
- (D) note that, on 26 June 2017, the Council moved to put aside “\$80,000 to facilitate community consultation and the creation of a temporary public artwork in the Taylor Square and Oxford Street area”;
- (E) note that Mardi Gras called for Expressions of Interest for applicants interested in receiving a financial grant to install a temporary artwork to be displayed for three months on Oxford Street from the end of June 2018; and
- (F) call on the Chief Executive Officer to immediately undertake the work to deliver a permanent, iconic artwork on Oxford Street to commemorate the painful history and bright future of Sydney’s LGBTQI community, as promised in 2014.

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

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

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

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

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

The motion was declared lost.

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

It is resolved that Council note:

- (A) the permanent rainbow flag in Taylor Square has widespread LGBTIQ community acceptance, becoming a gathering place for LGBTIQ community events, including celebrations following the strong vote in support of marriage equality in November 2017;
- (B) the ceremonial raising of the flag prior to the Mardi Gras Parade arriving at Taylor Square is now a well-established event and a moving experience for those present;
- (C) the City flies approximately 100 rainbow banners to mark the annual Mardi Gras Festival, other significant LGBTIQ community events and at other times;
- (D) the City of Sydney has participated in the annual Sydney Gay and Lesbian Mardi Gras Parade every year since 2005;
- (E) Council granted \$800,000 to Mardi Gras Arts Ltd for the 2018, 2019 and 2020 Mardi Gras, including \$80,000 to facilitate community consultation and the creation of a temporary public artwork in Taylor Square and Oxford Street as part of Mardi Gras’ 40<sup>th</sup> anniversary celebrations;

- (F) that Mardi Gras has engaged in extensive community consultation and called for Expressions of Interest for a temporary artwork to mark the actual 40<sup>th</sup> anniversary of the first Mardi Gras on 24 June 2018 and be displayed for three months; and
- (G) Mardi Gras Arts Ltd, together with the Lord Mayor, will announce the selected artwork at the Museum of Love and Protest on Thursday 22 February.

Carried unanimously.

### **BIKE SHARING (S129263)**

8. Moved by Councillor Phelps, seconded by Councillor Forster –

It is resolved that Council:

- (A) note the growing community concern about the rapid deployment of dockless bike sharing schemes, including the lack of regulation, resultant littering, obstructions on footpaths and safety issues for pedestrians and riders;
- (B) note that many helmets are being separated from their bikes, causing users to ride share bikes illegally;
- (C) provide parking spaces to act as pick-up and drop-off points for share bikes throughout the city, similar to the car share space model; and
- (D) ensure that share bike operators be required to pay a fee for these spaces to offset expenses associated with the implementation of this resolution.

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

### **Adjournment**

At this stage of the meeting, at 10.37pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately five minutes.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Forster.

Motion carried.

At the resumption of the meeting of Council, at 10.45pm, those present were –

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



The motion was lost on the following show of hands –

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

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

Motion lost.

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

It is resolved that Council note:

- (A) there is some community concern about the increase of dockless bike sharing schemes, including the lack of regulation, resultant littering, obstructions on footpaths and safety issues for pedestrians and riders;
- (B) more than 60,000 Sydneysiders have downloaded the bike-sharing apps and there are hundreds of trips on shared bikes across Sydney each day;
- (C) regulation and management of bike share are issues that affect all Metropolitan Sydney local government areas, not just the City of Sydney;
- (D) the Lord Mayor wrote to the Premier on 9 June 2017 asking for an urgent response to managing the dockless bike schemes;
- (E) the Lord Mayor also wrote to the Minister for Transport on 17 November 2017, requesting the creation of a working group with representatives of relevant NSW Government authorities, local government and bike share operators to develop a best-practice approach to bike share;
- (F) the City of Sydney is also part of a group of six inner-Sydney councils whose guidelines set out standards and expectations for bike share operators that came into operation on 22 December 2017. They have been shared with Transport for NSW and other councils in greater Sydney;
- (G) City staff have been working closely with the bike companies on adopting our guidelines to encourage riders to park bikes safely at or near bike rings and racks, to avoid littering and obstruction of the public domain; and
- (H) bike share operators are responsible and expected to maintain their bikes, and promote legal and responsible riding.

The motion was carried on the following show of hands:

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

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

Motion carried.

## **INDEPENDENT HEARING AND ASSESSMENT PANELS (\$129266)**

### **9. By Councillor Scott**

It is resolved that:

(A) Council note that:

- (i) through the implementation of mandatory Independent Hearing and Assessment Panels, the NSW Government has forcibly taken planning decisions out of the hands of elected local council representatives in Sydney and Wollongong; and
- (ii) metropolitan councils are being denied rights afforded to regional councils as part of the implementation of mandatory Independent Hearing and Assessment Panels;

(B) the Lord Mayor write to NSW Premier Gladys Berejiklian and NSW Minister for Planning Anthony Roberts, expressing these concerns; and

(C) the Lord Mayor write to Local Government NSW, asking this organisation to support these calls of concern.

Note - At the meeting of Council, Councillor Scott withdrew her Notice of Motion, the matters raised in it having been dealt with at an earlier stage of the meeting in Item 9.3.

## **FUNDING FOR REDFERN LEGAL CENTRE (\$129266)**

### **10. Moved by Councillor Scott, seconded by Councillor Thalís –**

It is resolved that Council:

(A) note that community legal centre funding is the responsibility of state and federal governments;

(B) note that, in 2014, Council resolved to provide limited funding to allow for Redfern Legal Centre to provide tenants' support services in Millers Point, Dawes Point and The Rocks in response to the NSW Government's policy of selling all public housing in these areas;

(C) note the Council resolution of April 2016, providing Redfern Legal Centre up to \$100,000 cash funding to support public housing tenants impacted by the Waterloo Metro plans;

(D) note moves by the NSW Government to begin conversations regarding the sell off and redevelopment of Waterloo public housing, and the need for the Redfern Legal Centre to begin work on their work to support tenants immediately; and

(E) in response to community and Redfern Legal Centre requests, expand the scope of the \$100,000 cash funding available to Redfern Legal Centre to be available for use to support tenants of Waterloo and Redfern public housing to respond to the sale and redevelopment of public housing in their suburbs.

The motion, which was part of an in globo motion, was carried on the following show of hands:

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

Noes (2) Councillors Chung and Forster.

Motion carried.

### **NSW INDUSTRIAL RELATIONS COMMISSION OFFICES (S129266)**

**11.** Moved by Councillor Scott, seconded by Councillor Thalís –

It is resolved that

(A) Council note that:

- (i) the NSW Industrial Relations Commission is in the process of being relocated to Parramatta by the NSW State Government; and
- (ii) the building on Bridge Street in which the NSW Industrial Relations Commission has been located has remarkable and important historic significance to our City;

(B) the Lord Mayor write to NSW Premier Gladys Berejiklian and NSW Minister for Industrial Relations Dominic Perrottet, urging the NSW Government to keep this building in public hands; and

(C) the City of Sydney publicly advocate for this building to be kept in public hands.

The motion, which was part of an in globo motion, was carried on the following show of hands:

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

Noes (2) Councillors Chung and Forster.

Motion carried.

### **PEDESTRIAN ACCESS IN WALSH BAY (S129266)**

**12.** Moved by Councillor Scott, seconded by Councillor Thalís –

It is resolved that Council request that the Chief Executive Officer:

- (A) investigate mechanisms and strategies to increase pedestrian accessibility between Walsh Bay and Millers Point, with a focus on increasing pedestrian accessibility and utility on Pottinger Street; and
- (B) provide Council with the outcome of these investigations, and actions taken, via the CEO Update.

The motion, which was part of an in globo motion, was carried on the following show of hands:

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

Noes (2) Councillors Chung and Forster.

Motion carried.

### **TRAFFIC CALMING – MADDOX STREET ALEXANDRIA (S129259)**

13. By Councillor Chung

Note – this matter was dealt with at an earlier stage of the meeting (see page 21).

### **Business of which due notice had not been given**

At this stage of the meeting, at 10.55pm, Councillor Phelps sought to introduce the following motion:

#### **Water Testing at Council Swimming Facilities**

It is resolved that Council:

- (A) note that the Council's environmental health officers conduct monthly chemical testing at Council swimming facilities;
- (B) provide information to Councillors about which laboratory currently conducts testing for the Council's five public swimming facilities, specifically whether the facility is a specialised environmental testing laboratory or a standard medical laboratory;
- (C) publish the status of water quality tests conducted at the Council's swimming facilities via public, online monthly updates, similar to the NSW Government's 'Beachwatch' reports;
  - (i) these should include information about the type of test conducted, frequency of testing and results of the test conducted;
- (D) publish information publicly immediately when an unacceptable level of bacteria has been detected;
- (E) provide information about when bacterial testing is conducted, specifically whether tests for bacteria take place on a regular basis or only when chemical testing is abnormal;
- (F) conduct bacterial testing at Council swimming facilities on a monthly basis; and
- (G) confirm whether the Council testing procedures meet world's best practice testing standards and provide details confirming this.

It was then moved by Councillor Phelps, seconded by Councillor Vithoukas –

That the proposed motion, of which due notice had not been given, be considered at this meeting of Council.

The motion was carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Chung, Forster, Phelps, Scott and Vithoukas

Noes (4) Councillors Kok, Miller, Scully and Thalís.

Motion carried.

Note. Pursuant to the provisions of Clause 241(3) of the Local Government (General) Regulation 2005, the Chair (the Lord Mayor) ruled this matter to be not urgent and the matter was not dealt with at this meeting of Council.

At 11.05pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on 19 March 2018 at which  
meeting the signature herein was subscribed.