

19 August 2019

At 5.00 pm

Volume 2 - Minutes by the Lord Mayor



Council

Sydney 2030 Green Global Connected

Agenda

- 1. Confirmation of Minutes**
- 2. Disclosures of Interest**
- 3. Minutes by the Lord Mayor**
 - 3.1 Industry Awards for City Projects
 - 3.2 Breathable Sydney
 - 3.3 The Star Casino and the Credibility of the Planning System
 - 3.4 The Crisis in the Building and Construction Sector
- 4. Memoranda by the Chief Executive Officer**
 - 4.1 Appointment of New Member to the Nightlife and Creative Sector Advisory Panel
- 5. Matters for Tabling**
- 6. Report of the Corporate, Finance, Properties and Tenders Committee**
 - 6.1 Disclosures of Interest
 - 6.2 2018/19 Quarter 4 Review – Delivery Program 2017–2021
 - 6.3 Investments Held as at 30 June 2019
 - 6.4 Owner's Consent - 14-26 Wattle Street, Ultimo
 - 6.5 International Travel – 2019 Smart China Expo, Chongqing and 2019 Seoul Friendship Festival
 - 6.6 Contract Variation - Data Network Services
 - 6.7 Cancellation of Tender - Project Management of City of Sydney Heritage Study of Activity Street Precincts S1 to S9
 - 6.8 Tender - Southern Sydney Regional Organisation of Councils (SSROC) Incorporated: Cleaning and Inspection of Gross Pollutant Traps and Ancillary Services

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- 6.9 Tender - Reject and Negotiate - Appointment of an Operator for the Joynton Park Market, Zetland
- 6.10 Tender - Reject and Negotiate - Joynton Avenue Stormwater Drainage Upgrade Geotechnical Investigation
- 6.11 Tender - Reject and Negotiate - Provision of Virtual Customer Assistant and Live Chat Solution
- 6.12 Exemption from Tender - Variation to Existing Consultancy Services Contract for Green Square Town Centre Essential Infrastructure and Public Domain
- 6.13 Exemption from Tender and Contract Extension - Environmental Monitoring, Analysis and Reporting

Economic Development and Business Sub-Committee

- 6.14 Commercial Creative and Business Events Sponsorship - Vivid Sydney 2020-2022
- 6.15 Knowledge Exchange Sponsorship - Tech Startups Action Plan Initiatives

7. Report of the Environment Committee

- 7.1 Disclosures of Interest
- 7.2 Proposed Motion to Local Government NSW 2019 Annual Conference - Government Accommodation Procurement and Environmental Ratings
- 7.3 Project Scope - Beaconsfield Park Playground Upgrade, Beaconsfield
- 7.4 Project Scope - Cardigan Street Reserve Upgrade, Glebe
- 7.5 Project Scope - Clyne Reserve Upgrade, Millers Point
- 7.6 Project Scope - Daniel Dawson Playground Upgrade, Alexandria
- 7.7 Project Scope - James Hilder Playground Upgrade, Surry Hills
- 7.8 Project Scope - Palmerston Avenue Steps and Sarah Peninton Reserve Upgrade, Glebe

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- 7.9 Project Scope - Fig Lane Park Playground Upgrade, Ultimo
- 7.10 Project Scope - Kings Lane Reserve Upgrade, Darlinghurst
- 7.11 Project Scope - Hollis Park Playground Upgrade, Newtown
- 7.12 Project Scope - Strickland Park Upgrade, Chippendale

8. Report of the Cultural and Community Committee

- 8.1 Disclosures of Interest
- 8.2 Grants and Sponsorship - Round One 2019/20- Funding to The Gender Centre Inc, Alexandria Residents Action Group Incorporated and Newtown Neighbourhood Centre Incorporated

Cultural and Creative Sub-Committee

- 8.3 Grants and Sponsorship - City Recital Hall Limited - Operational Funding 2020-2025

9. Report of the Transport, Heritage and Planning Committee

- 9.1 Disclosures of Interest
- 9.2 Public Exhibition - Draft Local Strategic Planning Statement and Draft Housing Strategy
- 9.3 Public Exhibition - Planning Proposal - 1-11 Oxford Street Paddington – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 9.4 Public Exhibition - Planning Proposal - 4-22 Wentworth Avenue, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 9.5 Post Exhibition - Planning Proposal - 12-22 and 24 Rothschild Avenue, Rosebery - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 9.6 Post Exhibition - Planning Proposal - 225-279 Broadway, Glebe - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 9.7 Post Exhibition - Local Approvals Policy and Code of Practice for

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Hoisting and Construction Activities in Public Places

- 9.8 Post Exhibition - Amendment to the Mobile Food Vending Vehicles Local Approvals Policy
- 9.9 Traffic Treatment - One-Way Shared Zone - Darlington Lane, Darlington
- 9.10 Fire Safety Reports
- 10. Questions on Notice**
- 11. Supplementary Answers to Previous Questions**
- 12. Notices of Motion**
 - 12.1 AusMusic T-Shirt Day
 - 12.2 NBN Impacts on City Streets
 - 12.3 Vale Doris Goddard
 - 12.4 Liveable Slow Streets
 - 12.5 Cancellation of Cloud Arch
 - 12.6 Vale Doris Goddard
 - 12.7 Adoption of UNICEF's Child Friendly Cities Initiative
 - 12.8 Global Climate Strike on 20 September 2019
 - 12.9 City of Sydney Multicultural Statement
 - 12.10 Alternative Traffic Calming Measures for Maddox Street
 - 12.11 Hugo Street Masterplan
 - 12.12 Metro Theatre Kings Cross
 - 12.13 Oxford Street Development
 - 12.14 Leptospirosis and Rat Eradication in the Sydney LGA

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12.15 Air Quality Monitoring

12.16 Live Streaming

Item 3.1

Industry Awards for City Projects

File No: S051491

Minute by the Lord Mayor

To Council:

Each year, the value of our commitment to design excellence is demonstrated in the quality of the public infrastructure we are developing. Beautifully designed and functional, these projects are contributing to and enhancing the liveability of our city.

Once again, a number of our public infrastructure projects have been recognised over the past few months at a number of industry awards, including the 2019 Australian Institute of Architects (NSW) Awards, the 2019 Australian Institute of Landscape Architects (NSW) Awards, the World Architecture Awards 2019 and the Green Building Council of Australia.

These awards are some of the most prestigious in the design and construction industry, recognising and celebrating outstanding achievements and excellence in architecture and landscape architecture.

At the NSW Architecture Awards, the Green Square Library and Plaza won the Public Architecture Award, Urban Design Award, the John Verge Award for Interior Architecture and the NSW Premier's Prize.

The jury chair for Interior Architecture and Commercial Architecture, Sandra Furtado, praised the library: "It is immediately obvious that this library is loved by its staff and the wider community – this building is already the vibrant heart of the community."

Green Square Library and Plaza was also recognised for outstanding public domain in the NSW Landscape Architecture Awards, winning the Landscape Architecture Award – Civic Landscape. At the World Architecture Awards 2019, it won the Libraries Award.

Demonstrating that sustainability and design excellence can be achieved side-by-side, the Green Square Town Centre was awarded a 6 Star Green Star – Communities rating from the Green Building Council of Australia.

Harold Park has also received multiple awards, including the Lloyd Rees Award for Urban Design and the City of Sydney Lord Mayor's Prize at the NSW Architecture Awards. I'm particularly proud that Harold Park was recognised by the Australian Institute of Landscape Architects (NSW) with the Landscape Architecture Award – Parks and Open Space.

The National Awards for the Australian Institute of Architects, the Australian Institute of Landscape Architects and the Australian Urban Design Awards will be announced later in the year.

This year, the following City of Sydney projects were awarded:

Green Square Library and Plaza, *Studio Hollenstein with Stewart Architecture and Hassell*

- Public Architecture Award, NSW Architecture Awards
- Lloyd Rees Award for Urban Design, NSW Architecture Awards
- John Verge Award for Interior Architecture, NSW Architecture Awards
- NSW Premier's Prize, NSW Architecture Awards
- Landscape Architecture Award – Civic Landscape, NSW Landscape Architecture Awards
- Libraries Award, 2019 World Architecture Awards

Harold Park, *JMD Design*

- Landscape Architecture Award – Parks and Open Space, NSW Landscape Architecture Awards

Harold Park – entire development, *Mirvac Design, Government Architects Office (GANSW), City of Sydney and Hassell, JMD Design*

- City of Sydney Lord Mayor's Prize, NSW Architecture Awards

Green Square Trunk Drainage – Drying Green Alliance

- Australian Water Association, NSW 2019 Infrastructure Project Innovation Award

It is important to acknowledge the work of the architects who worked with City staff on these projects. I would like to congratulate Stewart Hollenstein with Stewart Architecture and Hassell, Mirvac Design, JMD Design and the Government Architects Office.

It is equally important to acknowledge the many contractors and suppliers who worked with us including Lahey Constructions, Gledhill Constructions, Iquon, Drying Green Alliance, Ford Civil and John Holland Group as the head contractors.

The success of these projects also relies on City staff who worked on them from their conception through to delivery. They should be congratulated and include:

Matthew Gribben, Michelle Samuel, Joel Munns, John Malcolm, Chris McBride, Paula Yu, Ebony Heslop, Samantha Carroll, Damon La'Rance, Chris Thomas, Tony Moore, Jason Green, Cathy Rush, Peter Cooper, Tracey Hargans, Irene Fakas, Lauren Simpson, Sue Anderson, Amarnath Reddy, Amit Chanan, Ann Hoban, Lillian Xue, Lisa Dodd and Kathleen Ng.

Recommendation

It is resolved that Council acknowledges these well-deserved awards that pay tribute to the skill and commitment of City staff and the Design Advisory Panel who worked with us to deliver these high quality projects, and commend the architects, contractors and suppliers for their excellent work.

COUNCILLOR CLOVER MOORE

Lord Mayor

Item 3.2

Breathable Sydney

File No: S051491

Minute by the Lord Mayor

To Council:

The World Health Organisation considers air pollution to be the single largest environmental danger to public health globally, accounting for an estimated 4.2 million deaths per year due to stroke, heart disease, lung cancer and chronic respiratory diseases.

It is an increasingly important issue for cities, as the major source of human-induced air pollution is combustion of fuels in vehicles. Nitrogen and sulfur based pollutants, and atmospheric particulate matter (PM) are of particular concern to human health.

The Australian Institute of Health and Welfare has estimated that about 3,000 deaths are attributable to urban air pollution in Australia each year, and that the health costs from mortality alone are estimated to be in the order of \$11 to 24 billion per year.

A study by Asthma Australia showed that air pollution from motor vehicles kills over 1,700 Australians per year - around 650 of those deaths occur in NSW. This study indicates that the annual health costs of air pollution from vehicles is estimated to be \$3 billion in the Sydney-Newcastle-Wollongong region.

A 2017 study conducted by the Clean Air and Urban Landscapes Hub in Sydney revealed that the average roadside concentration of PM2.5 was double that prescribed as 'acceptable' under the existing air quality standards set by the National Environmental Protection Measures (NEPM). And in October 2018, Greenpeace released their analysis of European Space Agency satellite data, which showed that Sydney is a global hotspot for nitrogen dioxide.

Reducing the impacts of air pollution on our community's health is one of the principle reasons why the City has boldly moved forward with projects that improve air quality - such as active transport, urban greening and advocating for public transport - even when it requires the sometimes unpopular step of removing parking.

It is also why, for the past two years, we have been trying to get the NSW Government to find a suitable locations for air monitoring equipment in the CBD.

The NSW Government, as the primary agency responsible for monitoring and regulating air quality, is not meeting its obligation under the National Environment Protection (Ambient Air Quality) Measure of installing performance monitoring stations at population centres.

In June 2017, then Minister for the Environment Gabrielle Upton announced: "Air quality monitoring will be reinstated in Sydney's and Parramatta's CBDs. It will also be investigated for Penrith and for Sydney's busiest roads. In addition, a long term roadside monitor will be installed in Sydney's CBD by the end of this year".

Yet there is still no measurement of the air quality in our local government area. The small number of monitors closest to the city are located in parks and don't reveal the extent of the problem where it truly matters – in our city's streets, neighbourhoods and the CBD where people live, work and commute.

After extensive negotiations between the City and NSW Government, there is no agreement on a location, or a timeline for deployment. A number of sites within the city have been considered and assessed, with most being rejected by NSW Government agencies as unsuitable or rejected with consent not being given.

We cannot wait any longer for the NSW Government to act.

When I was in London in February, Mayor Khan organised an inspection of the network of air quality monitors, known as the Breathe London network, which is celebrated as the most advanced and comprehensive network of monitors in the world.

They use a range of cutting-edge fixed and mobile sensors to build up a real-time, hyperlocal image of London's air quality, providing an unprecedented level of detail about London's air quality, which delivers insights into the sources of pollution.

They have 100 state-of-the-art fixed sensor pods mounted on lampposts and buildings close to known air quality hotspots and sensitive locations, such as schools and nurseries, as well as sensors mounted on cars that take pollution readings approximately every 30 metres at tens of thousands of locations whilst they travel through London's streets. The data generated by this network is available for the public to view on an interactive online map.

The time has come for a Breathable Sydney network, similar to Breathe London. As elected representatives, we have a duty to our community to make sure the quality of the air we are all breathing every day is safe and acceptable. We can't fulfil this if we can't measure it.

Air quality monitoring will provide invaluable data to our planners. It will provide a reliable baseline with which to measure the negative health impacts of major road projects so that we can better quantify their true cost to our community. It also provides the basis to measure the positive impact of new cycleways, urban greening, electric buses, and the impact of the light rail.

Over the coming months, the City, in partnership with UTS and supported by the Australian Government, will deliver a network of sensors as part of the TULIP project. The TULIP network will consist of 9 UTS-developed Environmental Monitoring System Instruments which will measure temperature, humidity, air quality (PM, CO, NO2, O3) and noise.

Each device will deliver data every 15 minutes, via a Long Range Wide Area Network to a fully integrated, publicly accessible data platform that will display the data in a way that is useful to the community.

Through this project, we can gain a much clearer understanding of the costs involved in setting up an air quality monitoring network. Recent technological developments have brought the price and size of reliable air quality monitors down.

The NSW Government needs to fulfil its commitments and I am asking for Council's support to continue our advocacy. But we also need to be prepared to act ourselves, so I am also asking Council to support the City staff exploring and reporting back on how the city can implement an integrated, publicly accessible air quality monitoring network.

Recommendation

It is resolved that:

- (A) Council note:
 - (i) the significant health impacts of air pollution on our communities;
 - (ii) the lack of roadside air quality data in the City of Sydney and surrounding suburbs;
 - (iii) the extensive advocacy and negotiations undertaken by the City to get the NSW Government to install air quality monitors in the local government area; and
 - (iv) the benefits that this data would bring to the City for planning and evaluating city projects;
- (B) the Lord Mayor seek an urgent meeting with the Minister for Energy and the Environment to advocate for the immediate installation of air quality monitors in the City of Sydney;
- (C) the Chief Executive Officer be requested to seek an urgent meeting with the Secretary of the NSW Office of Environment and Heritage to advocate for the immediate installation of air quality monitors in the City of Sydney; and
- (D) the Chief Executive Officer be requested to develop a report on the options (including staffing and equipment costs) associated with implementing an integrated, publicly accessible 'Breathable Sydney' air quality monitoring network, that displays data in an intuitive way and which has enough sensors to enable the City to:
 - (i) monitor high traffic areas in all of the City's villages;
 - (ii) have a number of portable units, so that the City can respond to community concern about air pollution sources in an ongoing way; and
 - (iii) monitor city assets that cater to vulnerable members of the community, such as child care centres.

COUNCILLOR CLOVER MOORE

Lord Mayor

Item 3.3

The Star Casino and the Credibility of the Planning System

File No: S051491

Minute by the Lord Mayor

To Council:

The Department of Planning, Industry and Environment recently released its assessment report, recommending that the Independent Planning Commission (IPC) reject the Star Casino's luxury residential apartment and hotel tower.

The Department's report notes that the proposed built form would appear isolated and inconsistent in height and form with surrounding buildings; would inhibit views from public vantage points and adversely impact the established character of Pyrmont; and create unacceptable overshadowing impacts to public spaces such as Union Square, Pyrmont Bay Park and Pyrmont Bridge, and on private residences.

It also notes that the Star's suggested concept of a "global waterfront precinct" has no planning weight because it is not reflected in any Council or NSW Government strategic planning policy.

This is a point of vital importance to maintaining public faith in the credibility of the planning system to deliver outcomes for the community and the economy. It is through the development of strategies and controls that the community is consulted about what should dictate the future of their built environment.

As residents in Pyrmont have expressed to me, their suburb is a successful example of urban renewal, guided by Master Plans and Local Environment Plans with established parameters for redevelopment.

But the Star Casino's proposal undermines this community's vision for their area. It appears that the certainty that the City of Sydney's earlier planning process gave to residents in Pyrmont, which influenced their decisions to live there, is under threat. It is an astounding betrayal of public trust.

The Department's recommendation not only reflects the concerns of the community, it upholds the fundamental principle of the planning system – that a common agreed framework must apply to all, be developed in consultation with communities, business and developers, and that this framework is based on rigorous research, not ad hoc decisions by governments to accommodate interests of the powerful.

As an open letter to the Chair of the IPC signed by over 60 members of the planning and design community, including former NSW Government Architect Peter Mould, states, *"the final decision on the Star Casino's proposed tower in Pyrmont will go to the heart of the maintaining the integrity of the planning system and the community's faith that planning rules are applied fairly to all."*

The signatories commend the Department on its assessment of the Star's proposal and urge the IPC to not overturn the Department's recommendation saying, *"[i]t is our view that no reasonable and independent assessment of the Star Casino's proposal could result in any other recommendation than that of the Department."*

But powerful vested interests are campaigning that the assessment of the Department and the community's opposition to the project be cast aside.

To date, NewsCorp's Daily Telegraph has published 27 articles critical of the recommendation, including four front pages, three editorials and four op-eds. The paper has attacked the credibility of Peter Webber – the former NSW Government Architect and Professor of Architecture at Sydney University who conducted the expert review of the Star's proposal.

The Daily Telegraph's criticism of the Department's recommendation rests on the implication Pyrmont is somehow devoid of a planning vision and that Sydney urgently needs more high-end hotels to maintain our status as a global city and tourist destination.

The vision for Pyrmont dates back to 1991 guided by then Deputy Prime Minister Brian Howe's 'Building Better Cities' program that sought to improve urban environments and create more liveable cities. Under this policy, Pyrmont became one of the earliest examples of urban renewal in Australia and has resulted in a transformation from a former industrial area to a densely populated mixed residential and commercial area.

It has since transformed into one of the most densely populated and thriving urban renewal and mixed use locations in Australia.

The planning controls contained in the Sydney Local Environment Plan 2012 (LEP) after extensive community consultation envisage a 28 meter or seven storey development for the site, consistent with the established low to medium scale development and character of the eastern side of the Peninsula. Now the Star Casino is asking the community to accept a massive residential tower with a hotel on top, more than eight times the maximum building height permitted for this location.

The appropriate planning mechanism to investigate significant alterations to existing building height standards is a Planning Proposal – which is the process other private applicants are expected to undertake including public consultation. For the IPC to disregard the site controls to this extent and approve a proposal that represents the most significant departure from valid planning controls in NSW history would be vastly inequitable for all other developers, landholders and investors.

Pyrmont is also home to a burgeoning start-up and technology sector, and requires supporting infrastructure such as a metro station linking it to the CBD and metropolitan Sydney to reach its potential. But it is through a democratic consultative process that the vision for Pyrmont should evolve, not through ad hoc planning proposals by powerful interests with no consideration of context.

The City acknowledges the urgent need for hotels, and has prioritised hotel developments, approving over 5,700 hotel rooms in the past five years.

In 2017 the City of Sydney approved the 6-star, 28 storey Yuhu Hotel (formerly Wanda Hotel) on the corner of Alfred and Pitt Streets at Circular Quay. The applicant requested that the Minister delegate his determination functions for this tower to the City of Sydney, which approved the hotel DA in record time of five months including a month long exhibition period. This followed a competitive design process won by Kengo Kuma and Crone Studios. The tower is currently under construction.

I recently attended the turning of the sod for the Voco Hotel, a 15 floor, 300 room hotel in Haymarket that will cater to tourists from Asia. Developers Linzhu and IHG, and their architects, BVN, Architectus and 360 Landscape, worked with the City on the design which ensured sun access to one of the city's parks is retained, resulting in a striking landscaped sloping roof.

These developments represent just some of the over \$25 billion of development that the City of Sydney has approved over the past 10 years. Our ability to effectively assess and approve DA's and deliver design excellence outcomes for the community, visitors to the city, and developers relies upon controls being developed in consultation with all parties and applied consistently.

The situation with the Star Casino's proposal is a stark comparison. The Department has recommended against the proposal because it does not reflect an outcome envisaged by the Sydney LEP and lacks strategic planning merit.

The Star proposed a luxury residential apartment tower containing 204 residential apartments across 33 to 35 levels. Under the Sydney LEP 2012 the site is zoned for commercial, and residential accommodation is a prohibited use.

The additional 22 levels of visitor accommodation on the top of the tower is a relatively small hotel compared to those being built elsewhere in the city, but the lucrative, luxury residential apartments appear to be the main driver of the tower's height – a full 200 meters above the area's planning controls.

The result is a tower that is inconsistent with these rules and that would deliver a terrible outcome for the community. Unlike other waterfront developments such as the Harbour Bridge and Opera House icons, this proposal by a private entity – Star Casino – provides inadequate public benefit, despite being on public land.

But what is at stake should the IPC approve this development is not only the future of Pyrmont, but the credibility of the planning system in its entirety.

A Public Hearing is to be held on the 27 August 2019 and is a final chance to ensure the voice of the community is heard above those of the Star Casino and their allies in the media. The IPC must uphold the Department's recommendation to re-establish confidence in the planning system for all.

Recommendation

It is resolved that:

- (A) Council:
- (i) supports the Department of Planning, Industry and Environment's recommendation, noting that it reflects the concerns of the community and the City;
 - (ii) notes the proposal submitted by Star Casino completely disregards planning controls for the site established through extensive community consultation;
 - (iii) stands in support of over 60 experts who have called for the Independent Planning Commission to uphold the recommendation of the Department;
 - (iv) notes that the City of Sydney has approved \$25 billion in development in the last 10 years, including over 5,700 hotel rooms demonstrating it has been proactive in promoting the development hotel accommodation in the city;
 - (v) notes that the assessment of projects outside established planning controls undermines confidence in the planning system and could discourage investment in our city, including in much needed hotels.
- (B) Council notes that the Lord Mayor will appear at the public hearing of the Independent Planning Commission to support the Department's recommendation;
- (C) Council supports the voices of the community in opposition to the project by requesting that the Chief Executive Officer inform residents of the public meeting of the Independent Planning Commission to be held at 9:30am on 27 August 2019 by distributing a letter from the Lord Mayor to residents (\$5,950 + GST, to be funded from the 2019/20 Media and Communications Printing budget); and
- (D) Council supports the signatories of the open letter to the Chair of the Independent Planning Commission from members of the design and planning community by requesting the Chief Executive Officer publish it as a full page advertisement in the Sydney Morning Herald before the 27 August 2019 (\$54,102 + GST, to be funded from the 2019/20 General Contingency budget).

COUNCILLOR CLOVER MOORE

Lord Mayor

Item 3.4

The Crisis in the Building and Construction Sector

File No: S051491

Minute by the Lord Mayor

To Council:

The building defects crisis is undermining confidence in the multi-storey residential construction industry and causing heartbreak and financial difficulty for owners and dwellers in multi-storey buildings across the state.

A number of apartment buildings in the City of Sydney have recently made the news due to defects that, in some cases, left them unfit for occupation. These faults which have occurred after the design and approval process, include structural cracks, faulty water proofing, inadequate fire safety and soil contamination.

There are also high-profile examples of building defects occurring across metropolitan Sydney and elsewhere. As the scale of the situation becomes apparent, it is eroding confidence in the building and construction industry, threatening to undermine investment in the sector and harming purchasers and occupiers.

This crisis must be urgently addressed as it is having significant impacts for home owners and occupants, particularly those in multi-storey apartment buildings with seventy-five percent of households living in strata apartments in our city today.

The situation has emerged as a result of the breathtaking irresponsibility of successive NSW governments that has weakened regulation of the sector by removing independent certification and supervision of construction sites.

It is welcomed that the Premier has recently acknowledged that self-regulation of building industry has not worked and in July 2019 the NSW Government established a Public Accountability Inquiry into the regulation of building standards, building quality and building disputes.

The City's submission to the inquiry calls for:

- A return to quality control during the construction phase, which means experienced, independent professionals bound by a code of conduct will put public interest first.
- A complete overhaul of private certification to include clear regulations to eliminate conflicts of interest and monitoring to better prevent building failures as well as the need via an audit trail in order to hold failures to account.
- A long-term plan to ensure buildings of adequate quality are constructed in the first place. Amendments to *Environmental Planning and Assessment Act 1979* to be expedited, including removing the ability for private certifiers to issue 'interim occupation certificates' allowing residents to move into incomplete developments.

In 1997, as Member for Bligh in State Parliament, I was one of two MPs who opposed changes to the *Environmental Planning and Assessment Act 1979* that handed over authority to private certifiers to approve certain categories of development.

I told Parliament that self-regulation would not work, and that public interest would be put at risk by time and cost saving pressures put on private building certifiers to keep the person who pays their wages happy.

The NSW Government must now act urgently to reinstate independent onsite construction inspectors, and ensure engineers and similar industry professionals are adequately accredited.

It is essential that certification of multi-storey buildings is carried out by a third party independent of the builder to ensure that there are proper checks and balances to protect amenity and the environment and to overcome the conflict of interest that currently exists when private certifiers are paid by the building contractor.

These changes to address the systemic issues causing the building defects in multi-storey residential towers will also serve to ensure that flammable cladding is not installed on buildings in the future, and that fire-safety standards are adhered to, in order to prevent a tragedy similar to the one that occurred at the Grenfell Tower in London.

The media recently reported that there are over 300 buildings in the City of Sydney that have been identified for further investigation and may contain flammable cladding to some degree. This is a clear failure of successive NSW Governments, and the risk to the community is unacceptable.

This Council has deployed increased resources to inspect each of these buildings, and to provide guidance to owners on actions they must take to make them fire safe.

But the length of time required to investigate each individual building and the lack of financial support to owners to remediate buildings to ensure they are compliant with fire safety standards, means that the community is exposed to unacceptable fire risk.

Recently the Victorian Government committed \$600 million dollars to support the investigation and rectification of flammable cladding across the state.

The NSW Government must act to immediately release emergency funding to expedite the investigation of buildings with flammable cladding and similar defects to support urgent rectification works.

Recommendation

It is resolved that:

- (A) Council note that:
- (i) the building defects crisis is undermining confidence in the construction industry and causing heartbreak and financial difficulty for owners and dwellers in our city;
 - (ii) these faults have occurred after the design and approval process, resulting in structural cracks, faulty water proofing, inadequate fire safety and soil contamination;
 - (iii) successive NSW Governments have eroded regulation of the building and construction sector by removing independent certification and supervision of construction sites; and
 - (iv) insufficient resources allocated by the NSW Government to investigate and rectify buildings with defects is exposing the city community to unacceptable risk;
- (B) Council endorse the recommendations of the City's submission to the Public Accountability Inquiry into the regulation of building standards, building quality and building disputes; and
- (C) the Lord Mayor write to the Premier:
- (i) commending the NSW Government for establishment of the Public Accountability Inquiry into the regulation of buildings standards, building quality and building disputes; and
 - (ii) calling on the NSW Government to fund the accelerated investigation and rectification of buildings with defects emerging from the failures of private certification and the lack of independent supervision on construction sites.

COUNCILLOR CLOVER MOORE

Lord Mayor