

# Council

Meeting No 10

Monday 10 December 2018

Notice No 10/1601

Notice Date 6 December 2018

*minutes*

*city of villages*

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**Present**

The Right Hon The Lord Mayor - Councillor Clover Moore (Chair)

Members Deputy Lord Mayor - Councillor Linda Scott, Councillor Craig Chung, Councillor Christine Forster, Councillor Robert Kok, Councillor Jess Miller, Councillor Professor Kerryn Phelps AM MP, Councillor Jess Scully, Councillor Professor Philip Thalís and Councillor Angela Vithoulkas.

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

The Lord Mayor, Councillor Miller, Councillor Chung, Councillor Kok, Councillor Scott, Councillor Scully, Councillor Thalís and Councillor Vithoulkas.

Councillors Forster and Phelps arrived at the meeting of Council at 5.04pm, after the vote on Item 1 and before discussion commenced on Item 2.

Councillor Thalís left the meeting of Council at 5.59pm prior to discussion on Item 8.7 and returned at 6.05pm, after the vote on Item 8.7. Councillor Thalís was not present at, or in sight of, the meeting of Council during discussion or voting on Item 8.7.

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

**Opening Prayer**

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

**Item 1      Confirmation of Minutes**

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

That the Minutes of the meeting of Council of Monday, 19 November 2018, as circulated to Councillors, be confirmed.

Carried unanimously.

## **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 8.7 of the agenda, in that Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Jess Miller disclosed a less than significant, non-pecuniary interest in Item 8.7 of the agenda, in that Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 8.7 on the agenda, in that it had been brought to his attention that Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections. Councillor Kok stated that he was not aware of this until the Committee report became available.

Councillor Philip Thalys made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.7 on the agenda, in that Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.
- a significant, non-pecuniary interest in Item 8.7 on the agenda, in that Helen Lochhead, who is recommended for appointment as an alternate member is the Dean in the University of New South Wales Built Environment, in which Councillor Thalys is a Fractional Professor. Councillor Thalys stated that he has not been approached by, nor has he discussed this with Shaun or Helen, however, he would not be voting on this item.

Councillor Jess Scully disclosed a less than significant, non-pecuniary interest in Item 8.7 on the agenda, in that Shaun Carter, who is recommended for appointment to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Kerryn Phelps disclosed a less than significant, non-pecuniary interest in Item 8.7 on the agenda, in that Shaun Carter, who is recommended for appointment to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team campaign at the 2016 local government election. Councillor Phelps stated that she has left the Clover Moore Independent Team, has not spoken to Mr Carter about this matter, and was not aware of this recommendation until the Committee report became available.

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 Minutes by the Lord Mayor****Item 3.1 Vale Peter Johnston****Minute by the Lord Mayor**

To Council:

I inform Council of the death of Peter Johnston, Principal of Bourke Street Public School, on Thursday 15 November 2018.

When Peter took up his post as Principal in 2008, after teaching at Casula and Forest Lodge, the school had 56 children enrolled, cared for by just five staff. A decade later this increased to 450 children and 30 members of staff.

While this dramatic increase could be explained by the growing number of families with young children choosing to live in the inner-city, it also reflected Peter's strong belief that "school" was an integral part of "community", and he worked vigorously and imaginatively to foster both. Peter went out into the community, reaching out to parents and families, encouraging them to send their children to Bourke Street. By January 2014, enrolments had increased to 230 children and the school had three new classrooms to accommodate this growth.

This increase reflected the many inspiring changes he made.

One early initiative was the introduction of a school music program with the enthusiastic support of parents. In 2012, the school's P&C decided that its fundraising would be directed primarily towards establishing the music program. By September 2013, every child had a recorder, the school enjoyed monthly concerts and was building up a band program.

As a long-time local, I saw first-hand the changes Peter brought to Bourke Street School and what an important part of our community he became. As Lord Mayor, I worked with Peter in his efforts to connect the school to the community.

He was a strong supporter of cycling and enthusiastically embraced the City's bike policy. The school installed bike parking, paid for by the City, and children were encouraged to ride to school, often with their parents. Peter believed this was good for their health and the health of the environment. Ride2School Day at Bourke Street became an opportunity for the school to celebrate what 80 per cent of pupils did all year round. Peter was also a strong supporter of our active transport policy and installing shared zones. He was involved in developing the plans for the Bourke Street Cycleway and Wimbo Park.

Under his leadership, children at Bourke Street also became involved in designing our playgrounds and parks. These include Chelsea Street Playground, which is now built, and improvements to Shannon Reserve planned for the coming year.

They were not limited to their local area. Sixty students recently came to Cook and Phillip Park to share how they felt about the park now and their ideas for what could happen there in the future. A few days after Peter passed away, year two students helped us design the new playground that will go there.



His daily interactions with his pupils will be remembered. One parent recently recalled how he calmed an excited rabble of children with a well-timed "Good Morning Bourke Street Public Schoooooool" in the style of a slightly muted Robin Williams.

Peter's legacy is a school that is now an established community institution. An equally significant legacy will be found in the lives and futures of the children nurtured under his care.

I extend the City's condolences to Peter's mother, his sister and brothers and his extended family, and to the staff and pupils of Bourke Street Public School.

### **Recommendation**

It is resolved that:

- (A) all persons present in the Chamber stand for one minute's silence to mark the life of Peter Johnston and his outstanding contribution to Bourke Street Public School and the inner-city community; and
- (B) a letter, under the Lord Mayor's signature, be conveyed to Mr Johnston's family expressing Council's sincere condolences.

### **COUNCILLOR CLOVER MOORE**

Lord Mayor

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

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 Peter Johnston.

S051491

### **Item 3.2 Making Space for Culture and Creativity**

#### **Minute by the Lord Mayor**

To Council:

Many cities in Australia and overseas face the challenge of making space for creativity and culture. Rapid urban development, competing demands for land, pressures to maximise financial return and complex rules and regulations governing the use of land are all factors.

But it's a challenge we must meet because a rich creative and cultural community is not peripheral but vital in the creation of a strong, thriving and prosperous city.

Proximity to new ideas and new activities provides greater opportunities for artists, designers, architects, musicians, curators, producers, writers and other creative workers. And while our major institutions are anchors, we also need the seed-beds formed by the clusters of new creatives, the ones who refresh the cultural mix, forge new paths and who, of course, are also significant audiences for the major institutions.

As Lord Mayor, I've been determined to support these seedbeds of culture, whether by investing in major infrastructure like The Eternity Playhouse or temporary public art projects – and that's why as a city, we've elected to invest more than \$35 million in Sydney's cultural life each year.

We are employing all of the tools at our disposal, from planning and regulation to grants and sponsorship, to making use of our City properties, to foster a genuinely creative city culture – because we want our city to be recognised internationally for its cultural life, just as it is already recognised for its natural beauty.

And at a time when support from our State and Federal Government has waned, the City is currently providing roughly half of all government subsidised creative work spaces in Sydney through our creative spaces and accommodation grants programs.

Our new plan for Sydney's nightlife, currently on public exhibition, proposes the creation of a new 24 hour cultural precinct in the Alexandria industrial area. As part of the plan, venues will be able to apply for an additional hour of trading on the nights they provide live performance. The City's live music and performance grants program also provides an incentive to make unused and underused spaces available.

We've transformed the former Heffron Hall as the East Sydney Community and Arts Centre, opened the Joynton Avenue Creative Centre in Green Square, and turned the former Baptist Tabernacle into the Eternity Playhouse. The former Reg Murphy Hall in Potts Point is now the Hayes Theatre, Australia's leading home of independent musical theatre. We transferred management of the City Recital Hall to a new not for profit company, leading to its increased use and attracting more diverse audiences. The Sydney Fringe has used Erskineville Town Hall as a live performance venue every September since 2015, and Glebe Town Hall is used periodically for musical performances.

We also work with the private sector, encouraging developers and property owners to make their properties available for cultural and creative purposes. One early venture was the FraserStudios project, which provided residencies for numerous visual and performance artists during the construction of Central Park. We supported the inclusion of a new theatre in Darling Quarter, home to Monkey Baa Theatre Company for young audiences. And our planning staff worked with The Sydney Fringe to enable an Alexandria warehouse awaiting redevelopment to be used for live performances.

One of our most significant achievements was securing five floors of new creative space as part of the Greenland development in the Sydney CBD for a peppercorn rent, due to open in 2021.

We are pursuing changes that we can make to the regulatory framework to make it easier to use space for creative and cultural purposes. Many of these changes were proposed in the City's discussion paper, *An Open and Creative City*, placed on public exhibition in late 2017.

Council is however limited in the changes we can make. Numerous reports have identified changes that the State Government must also make to NSW planning policy and the regulatory framework. It should also be addressed nationally and internationally – the provision of creative space and cultural infrastructure is something most, if not all, capital cities are facing.

As a member of Council of Capital City Lord Mayors (CCCLM) we can work with the other cities to advocate for a national policy that looks at the impacts of the National Construction Code, the tax system and national cultural funding policies on the provision of creative spaces in capital cities.

The City is also an active participant in the World Cities Cultural Forum. The Forum recently released its latest *Making Space for Culture* paper, which sets out several models to increase creative space. The 2017 edition of this paper included several case studies, including the City's work in reforming planning policies to support creative industries.

### **A Shortage of Creative Spaces**

The Creative Spaces database has around 2,000 subscribers actively seeking space in our city. The highest demand is for studio and work space, spaces for creation and production and rehearsal space.

This lack of space reduces the ability of creative industries such as fashion, craft and industrial design, to create new products; it decreases opportunities for community cultural participation and inhibits the supply of uniquely Australian cultural work.

There is also a shortage of performance spaces, ranging from affordable small to medium venues at 200-500 seats, to Broadway-style 1,500 seat lyric theatres. This means small independent companies are restricted in their ability to develop new work. Shows developed by independent companies are rarely able to transfer to larger venues and expand their audiences. Complementing this is the shortage of affordable rehearsal space, particularly for small independent companies.

While temporary or pop up spaces can be helpful, they are not the answer - many artists, designers and other makers invest in equipment which is often large, expensive and not easy to move, while theatre, music and arts venues require longer and more stable access to build audiences and program effectively.

### **NSW Cultural Infrastructure Action Plan**

Earlier this year, the City along with many other councils, cultural and community organisations and individuals, participated in the NSW Government's consultation for the NSW Cultural Infrastructure Action Plan. The plan is yet to be released.

### **Legislative Council Inquiry into Music and the Arts Economy**

The recently released Legislative Council's Planning and Environment Portfolio report into the Music and Arts Economy in NSW contained five findings and 60 recommendations, many of which reflect concern about the creative space crisis.

The report and its recommendations extensively draw on the City's work supporting creative space in Sydney. Many reflect issues the City already identified in the development of our Live Music and Performance Action Plan, our Creative City and Cultural Strategy and our discussion paper, *An Open and Creative City*.

The Government is yet to respond to the report.

### **Re-open the Theatre Royal campaign**

There is currently a campaign underway calling on the owners of the MLC Centre to re-open the Theatre Royal which has been closed since May 2016.

The campaign is led by Live Performance Australia (Australia's peak body for the performing arts) and Equity (the actors' union).

A theatre has existed on the MLC site almost continuously since 1872. The previous Theatre Royal, which opened in 1875, closed on 29 April 1971, prior to its planned demolition for the MLC Centre redevelopment. Within 24 hours of its final performance a "Save the Theatre Royal" committee was established with community support. The campaign gained the support of Jack Munday and the Builders Labourers Federation which placed a green ban on the site. The green ban was lifted when the developers agreed to include a new theatre in the development.

The developers and subsequent owners of the MLC Centre have received significant financial benefits from this decision. The Council at the time allowed the developers to build an additional two square feet of commercial space for every square foot of the theatre. The total income the owners have received from this additional floor space could well exceed \$100 million. The current owners continue to enjoy this financial benefit even though the theatre has been closed for over two years.

While there is no legal requirement for the current owners to operate the theatre, they have a strong social, civic and moral obligation.

In a recent newspaper advertisement, the Presidents of Live Performance Australia, Andrew Kay, and Equity, Chloe Dallimore, referred to this arrangement as an agreement with the people of NSW and called upon the owners to honour it.

**Recommendation**

It is resolved that:

- (A) Council commend the NSW Government for its work to develop the NSW Cultural Infrastructure Plan and request the release of the Plan as well as a response to the final report of the Legislative Inquiry into the Music and Arts Economy;
- (B) the Lord Mayor write to the Chair of the Council of Capital City Lord Mayors asking that our group of city leaders advocate for a national policy that looks at the impacts of the National Construction Code, the tax system and national cultural funding policies on the provision of creative spaces in capital cities; and
- (C) Council endorse the campaign calling on the owners of the MLC Centre to re-open the Theatre Royal to be used for live theatre performances.

**COUNCILLOR CLOVER MOORE**

Lord Mayor

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

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

Carried unanimously.

S051491

### **Item 3.3 Moore Park Stadium**

#### **Minute by the Lord Mayor**

To Council:

Last Friday afternoon, the Department of Planning and Environment announced its approval of the demolition of the Sydney Football Stadium. The Government then immediately announced that it had signed a \$730 million contract with LendLease to demolish the existing Stadium and to build a new structure.

NSW Minister for Sport Stuart Ayres said work would commence in January 2019 and be completed in early 2022.

This project which remains deeply unpopular across NSW, is going ahead despite the fact that the existing Stadium is only 30 years old and is now even more on the edge of Sydney's centre of population. Of the submissions made to the State Government's stage one development application, 95 percent were opposed and more than 220,000 people signed an online petition to stop the demolition. Recent polling found that 58 per cent of people are either strongly opposed or opposed to the project.

Built in 1988 as a bicentenary project, Allianz Stadium was designed by eminent Sydney architect Philip Cox and received multiple awards. Such a large project on its inner city site was opposed by many at the time, but the elegant curved form ultimately sat lightly in the surrounding parkland and was sensitive to the heritage neighbourhood context. It is the City's position that work at the current Allianz stadium, which is rarely full and often at about 40 per cent capacity, should be limited to refurbishment for modern safety requirements, rather than wasting hundreds of millions building a new stadium in the wrong place.

The fact that the NSW Government has now included demolition in its current stage one planning application is a denial of proper process, and demolishing the stadium before the public has had the chance to have their say on detailed plans for the site shows contempt for community opinion and input.

As a planning authority responsible for the area, the City has questioned the Government's plan to prioritise funding for this major sporting and entertainment venue which is on the very edge of the Sydney's population centre. This determination runs contrary to the stated policies of both the State Government and the Greater Sydney Commission, to locate such facilities close to Sydney's population centres.

As a consent authority for the area, the City has expressed strong concern about the lack of proper process for this project - the detailed design is not known and not available for public or expert viewing and assessment.

This is a massive complex on the edge of a declared conservation area and surrounded by parklands, and yet there will be no environmental impact statement on the demolition, construction and operation in terms of noise, area disruption, parking proposals and inner Sydney traffic congestion. It's likely a new stadium will be much larger and bulkier, with an emphasis on corporate boxes, and would thus have a greater impact on parkland and heritage.

As the Local Government Authority of an area which has high and increasing residential densities and where people are predominantly living in apartments, the City is rightly concerned about protecting major city parklands – even working to expand them when possible.

Surrounding suburbs are growing rapidly. Green Square, to the south west, will be Australia's densest residential suburb by 2030 with 61,000 residents.

Twenty million people visit the Centennial and Moore Parklands annually, while just two million attend the current Allianz stadium and the SCG.

I am alarmed at the substantial and continuing loss of Moore Parklands and mature trees for the light rail project, and the alienation of public open space for venue parking, tunnel portals, pedestrian bridges and elite sport. The City has not been informed what affect the proposed rebuild will have on our diminishing recreational open space and object to the intended intrusion of professional sporting interests into adjacent public buildings on public land on the former Sydney Showground site.

As an elected body, Council is charged with providing for the critical needs of all our communities. We believe that prioritising professional sport facilities by the State, particularly in the Moore Park area, ignores the City's Open Space, Sports and Recreation Needs Study 2016 which identifies that by 2031 our area will need up to 20 more sports fields, an additional 17-18 multi-purpose courts, 21 full size indoor courts for basketball, netball, volleyball and other sports, and 11 indoor multi-purpose courts.

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

Finally, since 2004, the City's economy has grown by more than two-thirds, over and above inflation. It now totals about \$125 billion, contributing more than ten per cent of Australia's current economic growth and overtaking the mining sector as the driver of the national economy.

Our work has supported that growth and made the City of Sydney the national epicentre of jobs with numbers growing by almost 30 per cent in the ten years to 2016. Increasing traffic congestion is a major threat to that continued growth.

Putting a large new sporting and entertainment venue with the prospect of more games and events, will force patrons to move substantial distances across the metropolitan area to a facility sited off the edge of Sydney's population centres. I fear that the proposed widened link between the WestConnex interchange at St. Peters and Anzac Parade through Moore Park, will substantially increase cross city traffic and will create even more pressure for event parking on our diminishing open space.

## **Recommendation**

It is resolved that Council:

- (A) convey its objection to the knock down and rebuild of Allianz Stadium to the NSW State Government; and
- (B) support the creation of one centralised sports administration entity which would properly plan for both professional and amateur sporting facility needs for the whole Sydney Metropolitan Area.

## **COUNCILLOR CLOVER MOORE**

Lord Mayor

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

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

The minute was carried on the following show of hands –

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

Noes (2)      Councillors Chung and Forster.

Minute carried.

### **Point of Order**

Councillor Scully raised a point of order, stating that Councillor Vithoukas was not showing appropriate respect to the chairperson.

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

### **Act of Disorder**

During discussion on Item 3.3, the Chair (the Lord Mayor) ruled Councillor Vithoukas out of order due to her frequent interruptions.

S051491



**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 Miller –

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

Carried unanimously.

### **5.2 Petitions**

#### **Petition for Improved Waste Collection at and around 20 Fitzgerald Street, Newtown**

The following Petition, of which notice was given by Councillor Scott, was laid on the table.

We, the undersigned, request that the City of Sydney:

1. Collect all bins from the two purpose-built bin rooms at 20 Fitzgerald Street, Newtown (Elms and Domain buildings).
2. Collect all bulky household items from inside the same two bin rooms.
3. Develop a proactive system for the removal of dumped waste in and around Fitzgerald Street, Rochester Street, Brown Street and Carillion Avenue (from Missenden Road to Northwood Avenue) in Newtown.

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

It is resolved that the Petition be received and noted.

Carried unanimously.

S044250

**Item 6 Report of the Corporate, Finance, Properties and Tenders Committee****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

Deputy Lord Mayor Councillor Linda Scott, Councillors Craig Chung, Christine Forster, Jess Miller, Jess Scully, Prof Philip Thalís and Angela Vithoukás.

At the commencement of business at 2.03pm those present were -

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

**Apologies**

Councillor Robert Kok extended his apologies for his inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

Councillor Prof Kerryn Phelps AM, MP 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 Miller –

That the apologies from Councillors Kok and Phelps be accepted and leave of absence from the meeting be granted.

Carried unanimously.

**Order of Business**

The Corporate, Finance, Properties and Tenders Committee agreed, in order to enable confidential discussion of Item 4, that the Order of Business be altered such that Item 6.4 be deferred and dealt with at the end of the Corporate, Finance, Properties and Tenders Committee meeting.

**Closed Meeting**

At 2.25pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 4 on the agenda.

**Open Meeting**

At 2.33pm, the meeting of the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.33pm.

## **Report of the Corporate, Finance, Properties and Tenders Committee**

Moved by Councillor Kok, seconded by Councillor Miller –

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 12 November 2018 be received, with Item 6.1 being noted, and the recommendations set out below for Items 6.2 to 6.8 inclusive, 6.10 and 6.12 being adopted in globo, and Items 6.9 and 6.11 being dealt with as shown immediately following those items.

Carried unanimously.

### **Item 6.1**

#### **Disclosures of Interest**

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

The Corporate, Finance, Properties and Tenders Committee recommended the following:-

### **Item 6.2**

#### **Investments Held as at 31 October 2018**

It is resolved that the Investment Report as at 31 October 2018 be received and noted.

Carried unanimously.

X011299

### **Item 6.3**

#### **Contract Variation - Lawson Street and Lawson Square - Head Consultant**

It is resolved that Council:

- (A) approve increasing the existing contract contingency as outlined in the subject report;
- (B) approve increased contingency value for the existing Head Consultant contract to cover additional services as described in Confidential Attachment B to the subject report; and
- (C) note the financial and contractual implications detailed in Confidential Attachment B to the subject report.

Carried unanimously.

S118107

**Item 6.4****Contract Variation - Roadworks for Gunyama Park Aquatic and Recreation Centre**

It is resolved that:

- (A) Council approve a variation to the existing contract with CPB Contractors Pty Ltd for the Design and Construct of Gunyama Park Aquatic and Recreation Centre to include the additional scope relating to the following:
  - (i) Joynton Avenue upgrade and Zetland Avenue (East) construction;
- (B) authority be delegated to the Chief Executive Officer to negotiate, and enter into any documentation required to vary the existing contract relating to Design and Construction of Gunyama Park Aquatic and Recreation Centre; and
- (C) Council endorse the contract budget for Gunyama Park Aquatic and Recreation Centre as allocated in Confidential Attachment B to the subject report; and
- (D) Council note the source of additional funding required to complete the project as set out in Confidential Attachment B.

Carried unanimously.

X010924.001

**Item 6.5****Contract Variation - Customs House Facade Upgrade - Head Consultant**

It is resolved that:

- (A) Council approve variations to the existing Head Design Consultant contract to complete additional multidisciplinary design and documentation consultancy services as described in the subject report;
- (B) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any documentation required to give effect to the variation as approved by Council; and
- (C) Council note the financial and contractual implications detailed in Confidential Attachment A to the subject report.

Carried unanimously.

X002105.001

## **Item 6.6**

### **Contract Variation - Design Consultancy Services for the Sydney Town Hall Facade Conservation Project**

It is resolved that:

- (A) Council approve the variation to the existing Jackson Teece Head Consultant contract;
- (B) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any documentation required to give effect to the variation in accordance with the terms of this report;
- (C) Council approve increased contingency value for the existing Head Consultant contract to cover additional services as described in Confidential Attachment A to the subject report; and
- (D) Council note the financial implications detailed in Confidential Attachment A to the subject report.

Carried unanimously.

X013339

## **Item 6.7**

### **Contract Variation - Hyde Park South Cafe and Landscape Master Plan Works**

It is resolved that:

- (A) Council endorse the project scope for the required additional accessible path, as described in the subject report and shown in the drawings at Attachment A to the subject report;
- (B) Council note the financial implications detailed in Confidential Attachment B to the subject report;
- (C) Council approve the increased budget and contract contingency to the existing head contractor and head consultants to cover the completion of the additional services and works and the source of funds to address the budget shortfall as outlined in Confidential Attachment B to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation of the contracts with the head contractor and head consultants.

Carried unanimously.

S122016

**Item 6.8****Tender - Reject and Negotiate - Cutler Footway Renewal and Burton Street Viaduct Rehabilitation**

It is resolved that:

- (A) Council reject the tender offers from all tenderers for Cutler Footway Renewal and Burton Street Viaduct Rehabilitation for the reasons set out in the confidential Tender Evaluation Summary Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (D) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above that have responded to this tender; and
- (E) Council be informed of the successful company by CEO Update prior to executing and administering the contracts relating to the tender.

Carried unanimously.

X009009

**Item 6.9****Tender - Wilson and Burren Street Cycleway**

Moved by Councillor Kok, seconded by Councillor Thalís –

It is resolved that:

- (A) Council accept the tender offer of Tenderer G for the construction of the Wilson and Burren Street Cycleway; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

The motion was carried on the following show of hands –

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

Noes (3)      Councillors Chung, Forster and Vithoukás.

Motion carried.

X001952

## **Item 6.10**

### **Tender - The Crescent Lands at Johnstons Creek, Annandale**

It is resolved that Council:

- (A) accept the tender offer of Tenderer 'B' for The Crescent lands at Johnstons Creek, Annandale;
- (B) delegate authority to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (C) approve the increased contract contingency for the existing head design consultant services to cover the identified risks during construction as described in Confidential Attachment B to the subject report; and
- (D) note the financial implications and tender evaluation summary as outlined in Confidential Attachment B to the subject report.

Carried unanimously.

S123802

## **Item 6.11**

### **Tender - Managed Supplier for Acquisition and Management of Contingent Labour**

Moved by Councillor Kok, seconded by Councillor Thalís –

It is resolved that:

- (A) Council accept Tenderer B for Managed Supplier for Acquisition and Management of Contingent Labour for a period of three years, with the option of an extension of two years if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council grant an exemption from tender to extend the current agency supply panel for a further three months to allow time to implement Managed Service Provider if approved by Council, with a possible further three month extension if needed.

Amendment. Moved by Councillor Scott –

It is resolved that:

- (A) Council accept Tenderer B for Managed Supplier for Acquisition and Management of Contingent Labour for a period of three years, with the option of an extension of two years if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender, noting that wages must not be lower than the City of Sydney's Enterprise Agreement for comparable positions; and
- (C) Council grant an exemption from tender to extend the current agency supply panel for a further three months to allow time to implement Managed Service Provider if approved by Council, with a possible further three month extension if needed.



The amendment lapsed for want of a seconder.

The motion was carried on the following show of hands –

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

Noes (1)      Councillor Scott.

Motion carried.

X010763.003

## **Item 6.12**

### **Tender - Data and Internet Services**

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for Data Network and Internet Services for a period of three years, with the option of two extension periods of two years each if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options, if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

X002566.003

**Item 7 Report of the Environment Committee**

PRESENT

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor Jess Miller  
(Deputy Chair)

Deputy Lord Mayor Councillor Linda Scott, Councillors Craig Chung, Christine Forster, Jess Scully, Prof Philip Thalys and Angela Vithoukias.

At the commencement of business at 2.34pm those present were -

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

**Apologies**

Councillor Kok extended his apologies for his inability to attend the meeting of the Environment Committee.

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

Moved by Councillor Miller, seconded by Councillor Scully -

That the apologies from Councillors Kok and Phelps be accepted and leave of absence from the meeting be granted.

Carried unanimously.

The meeting of the Environment Committee concluded at 2.37pm.

**Report of the Environment Committee**

Moved by Councillor Miller, seconded by Councillor Scully –

That the report of the Environment Committee of its meeting of 3 December 2018 be received, with Item 7.1 being noted and the recommendations set out below for Items 7.2 to 7.4 inclusive being adopted in globo.

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 Environment Committee recommended the following:-

### **Item 7.2**

#### **Project Scope - Sydney Town Hall Facade Conservation Stage 3**

It is resolved that Council:

- (A) approve the scope of the Sydney Town Hall Façade Conservation Stage 3 project, as described in the subject report and detailed in Attachments A, B, C and D to the subject report, for progression to documentation and construction tender; and
- (B) note the estimated project costs as detailed in Confidential Attachment E to the subject report.

Carried unanimously.

X013348

### **Item 7.3**

#### **Project Scope - Customs House Facade Upgrade**

It is resolved that Council:

- (A) endorse the project scope described in this report and Attachment A to the subject report for the purpose of design development and lodgement of a Development Application of work packages requiring consent;
- (B) note the indicative costs and financial implications detailed in Confidential Attachment B to the subject report; and
- (C) note the project budget as detailed in Confidential Attachment B to the subject report.

Carried unanimously.

X002107

### **Item 7.4**

#### **Project Scope - Standardised Park Toilet - Pirrama Park**

It is resolved that Council:

- (A) approve the project scope for Pirrama Park Amenities as described in the subject report for the purposes of proceeding with documentation, any applicable planning approvals, and tender for construction works; and
- (B) note the financial implications detailed in Confidential Attachment B to the subject report.

Carried unanimously.

X018075

**Item 8 Report of the Transport, Heritage and Planning Committee**

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Councillor Professor Philip Thalís

(Deputy Chair)

Deputy Lord Mayor Councillor Linda Scott, Councillors Craig Chung, Christine Forster, Jess Miller, Jess Scully and Angela Vithoukas.

At the commencement of business at 2.38pm those present were -

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

Councillor Thalís left the meeting of the Transport, Heritage and Planning Committee at 3.00pm, at the beginning of discussion on Item 7, and did not return.

**Apologies**

Councillor Robert Kok extended his apologies for his inability to attend the meeting of the Transport, Heritage and Planning Committee.

Councillor Prof Kerryn Phelps AM, MP extended her apologies for her inability to attend the meeting of the Transport, Heritage and Planning Committee.

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

That the apologies from Councillor Kok and Councillor Phelps be accepted and leave of absence from the meeting be granted.

Carried unanimously.

The meeting of the Transport, Heritage and Planning Committee concluded at 3.02pm.

**Report of the Transport, Heritage and Planning Committee**

Moved by Councillor Thalís, seconded by Councillor Miller –

That the report of the Transport, Heritage and Planning Committee of its meeting of 3 December 2018 be received, with Item 8.1 being noted and the recommendations set out below for Items 8.2 to 8.6 inclusive being adopted in globo, and Item 8.7 being dealt with as immediately following that item.

Carried unanimously.

## Item 8.1

### Disclosures of Interest

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

The Chair (the Lord Mayor) declared a less than significant, non-pecuniary interest in Item 8.7 of the Transport, Heritage and Planning Committee agenda, in that Mr Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Miller declared a less than significant, non-pecuniary interest in Item 8.7 of the Transport, Heritage and Planning Committee agenda, in that Mr Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Scully declared a less than significant, non-pecuniary interest in Item 8.7 of the Transport, Heritage and Planning Committee agenda, in that Mr Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Thalys declared a less than significant, non-pecuniary interest in Item 8.7 of the Transport, Heritage and Planning Committee agenda (Sydney Eastern City Planning Panel - Appointment of City of Sydney Representatives), in that Mr Shaun Carter, who is recommended for appointment by Council to the Sydney Eastern City Planning Panel, made a non-reportable donation to the Clover Moore Independent Team for the 2016 elections.

Councillor Thalys also declared a significant, non-pecuniary interest in Item 8.7 of the Transport, Heritage and Planning Committee agenda, in that Professor Helen Lochhead, who is recommended for appointment as an alternate member is the Dean in the University of New South Wales Built Environment Faculty in which he is a Fractional Professor.

Councillor Thalys stated that he had not been approached by, nor had he discussed this matter with Mr Carter or Professor Lochhead, and that he would not be voting on that item.

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

The Transport, Heritage and Planning Committee recommended the following:

## **Item 8.2**

### **Amendment to the Mobile Food Vending Vehicles Local Approvals Policy**

It is resolved that Council approve the draft amendments to the Mobile Food Vending Vehicles Local Approvals Policy, as shown at Attachment A to the subject report, for public exhibition.

Carried unanimously.

S111707.027

## **Item 8.3**

### **Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas - Strategic Review and Revocation**

It is resolved that:

- (A) Council revoke its approval of the Guideline to Preparing Site Specific Planning Proposal Requests in the City of Sydney Employment Lands Investigation Areas, as shown at Attachment A to the subject report; and
- (B) Council note that the City of Sydney will write to the Minister for Planning requesting a revision of the Ministerial Direction - 1.1 Business and Industrial Zones to ensure that it aligns with Region and District Plan priorities and objectives to retain industrial and urban services land.

Carried unanimously.

S108285

## **Item 8.4**

### **Post Exhibition - Planning Proposal - Danks Street South Precinct - Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 Amendment and Draft Planning Agreement**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - Danks Street South Precinct and Draft Sydney Development Control Plan 2012 - Danks Street South Precinct Amendment, as shown at Attachment E to the subject report;
- (B) Council note the commitment from the Minister for Transport and Infrastructure to work with the City to develop an access strategy for Green Square to address critical public transport issues in the short term (five years), provided at Attachment G to the subject report;
- (C) Council note the contents of the Green Square and Waterloo Transport Action Plan - Danks Street Background Paper, as shown at Attachment I to the subject report, and recent announcement of bus improvements, as shown in the Transport for NSW media announcement, as shown at Attachment H to the subject report, that details the progression of this collaboration;

- (D) Council approve Planning Proposal - Danks Street South Precinct, as shown at Attachment A to the subject report, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979 following the execution and registration on title of a Planning Agreement generally in accordance with that shown at Attachment L to the subject report;
- (E) Council approve Draft Sydney Development Control Plan 2012 - Danks Street South Precinct Amendment, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (F) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal - Danks Street South Precinct and Draft Sydney Development Control Plan 2012 - Danks Street South Precinct Amendment to correct any minor drafting errors prior to finalisation.

Carried unanimously.

### **Speakers**

Ms Kate Bartlett and Mr Alex Koll addressed the meeting of the Transport, Heritage and Planning Committee on Item 8.4.

S114074

## **Item 8.5**

### **Post Exhibition - Planning Proposal - Heritage Floor Space Amendment**

It is resolved that:

- (A) Council note that no relevant matters were raised in response to the public exhibition of Planning Proposal: Heritage Floor Space Amendment;
- (B) Council approve Planning Proposal: Heritage Floor Space Amendment, as shown at Attachment A to the subject report, and request the relevant local plan making authority make as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Planning Proposal: Heritage Floor Space amendment to correct any minor errors or omissions prior to finalisation; and
- (D) Council approve the amendment to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B to the subject report.

Carried unanimously.

X020078

## Item 8.6

### Fire Safety Reports

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 N to the subject report;
- (C) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 46 Dowling Street, Woolloomooloo, as detailed in Attachment B;
- (D) exercise its power to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 46-46B Darlinghurst Road, Potts Point, as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 343-357 Pitt Street, Sydney, as detailed in Attachment D;
- (F) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 640-642 George Street, Sydney, as detailed in Attachment E;
- (G) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 752-752A George Street, Haymarket, as detailed in Attachment F;
- (H) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 228 William Street, Woolloomooloo, as detailed in Attachment G;
- (I) exercise its power to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 77-83 William Street, Darlinghurst, as detailed in Attachment H;
- (J) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 39-43 Darlinghurst Road, Potts Point, as detailed in Attachment I;
- (K) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 19-35 Bayswater Road, Potts Point, as detailed in Attachment J;
- (L) exercise its power to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 230 King Street, Newtown, as detailed in Attachment K;
- (M) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 151-241 Goulburn Street, Surry Hills, as detailed in Attachment L;



- (N) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 388 Pitt Street, Sydney, as detailed in Attachment M; and
- (O) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 35 - 37 Erskineville Road, Erskineville, as detailed in Attachment N.

Carried unanimously.

S105001.002

## **Item 8.7**

### **Sydney Eastern City Planning Panel - Appointment of City of Sydney Representatives**

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

It is resolved that:

- (A) Council endorse the appointment of the following people to the Sydney Eastern City Planning Panel: Richard Pearson, and Shaun Carter for a period of three years;
- (B) Council endorse the appointment of the following alternate members to the Sydney Eastern City Planning Panel, to be called upon when the appointed members are unavailable or otherwise unable to participate in a particular panel: Abigail Goldberg, Steven Layman, Helen Lochhead, Peter Romey and Steven Kennedy; and
- (C) authority be delegated to the Director City Planning, Development and Transport to nominate alternates for particular meetings of the Sydney Eastern City Planning Panel from the endorsed members and alternates based on availability, required expertise and conflict of interest requirements.

The motion was carried on the following show of hands –

Ayes (5) The Chair (The Lord Mayor), Councillors Kok, Miller, Scott and Scully.

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

Motion carried.

X014523

**Item 9      International Travel - Women4Climate Conference, Paris 2019**

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

It is resolved that Council:

- (A) endorse the travel of the Lord Mayor, the Chief Executive Officer and one staff member to Paris to attend the Women4Climate Conference, to be held on 21 February 2019;
- (B) endorse the Lord Mayor and Chief Executive Officer visiting the City of London to view relevant projects;
- (C) note that the Lord Mayor will provide a report to Council after the travel;
- (D) note the City's consideration of a bid to host the Women4Climate Conference in 2020; and
- (E) note that staff are investigating establishing the Women4Climate Mentorship Program in Sydney.

Carried unanimously.

X014468

**Item 10      Report on International Travel – Global Parliament of Mayors Summit,  
Bristol and Global Conference on Energy Efficiency, Paris**

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

It is resolved that the Report on International Travel - Global Parliament of Mayors Summit, Bristol and Global Conference on Energy Efficiency, Paris, as shown at Attachment A to the subject report, be received and noted.

Carried unanimously.

X014468

**Item 11      Report on International Travel – Sydney Symphony Highlight – Nanjing Art Festival**

Moved by Councillor Kok, seconded by Councillor Miller –

It is resolved that:

- (A) the report on International Travel – Sydney Symphony Highlight – Nanjing Art Festival, as shown at Attachment A to the subject report, be received and noted;
- (B) Council note its support of Sydney Symphony Orchestra visits to Nanjing and Hangzhou during the 2019/2020 season; and
- (C) the Chief Executive Officer be requested to work with Nanjing and Hangzhou on cultural exchange projects, especially the potential alignment with the Sydney Lunar Festival in future years.

Carried unanimously.

X014468

**Item 12 Cloud Arch Project Update and Tender Report**

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

It is resolved that:

- (A) Council note that the design of the footings and superstructure for Cloud Arch has had to change on a number of occasions due to the inability for access to be provided by the Light Rail construction subcontractor Acciona at various times during the construction of the Light Rail project. This has resulted in more complex construction, cost increases and time delays;
- (B) Council note that the current program for the Light Rail works recently provided to the City would only allow a window from January to April 2019 to install the northern footing for Cloud Arch. This time is insufficient to install the footing;
- (C) Council note that, based on the reasons set out above, it is considered impossible to install the northern footing for Cloud Arch before the Light Rail opens for operations;
- (D) Council note that the current estimate for the Cloud Arch project has increased to approximately \$22M;
- (E) Council approve the deferral of the Cloud Arch project until after the construction of Light Rail is completed so that the feasibility of incorporating Cloud Arch into the future Town Hall Square project can be considered, noting that funding for the future Town Hall Square project will need to be considered in future budgets;
- (F) Council cancel the proposal for the contract in relation to the tender for the fabrication and installation of Cloud Arch (Request for Tender No 1825);
- (G) Council approve that the Chief Executive Officer terminate the remaining parts of the existing contract with Partridge Event Pty Ltd, for the design of Cloud Arch and installation of footings; and
- (H) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any documentation required to give effect to the termination as approved by Council.

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

It is resolved that:

- (A) Council note that the Cloud Arch has blown out from approximately \$3M to over \$22M;
- (B) Council note that the current program for the Light Rail works recently provided to the City would only allow a window from January to April 2019 to install the northern footing for Cloud Arch. This time is insufficient to install the footing;
- (C) Council abandon the Cloud Arch project;
- (D) Council cancel the proposal for the contract in relation to the tender for the fabrication and installation of Cloud Arch (Request for Tender No 1825);
- (E) Council approve that the Chief Executive Officer terminate the remaining parts of the existing contract with Partridge Event Pty Ltd, for the design of Cloud Arch and installation of footings;

- (F) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any documentation required to give effect to the termination as approved by Council;
- (G) the Chief Executive Officer report back to Council on the final costs incurred by the City of Sydney in the Cloud Arch project; and
- (H) the Chief Executive Officer report back to Council an estimate of the staff hours incurred from concept to cancellation of the project.

The amendment was lost on the following show of hands –

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

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

Amendment lost.

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

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

Noes (3) Councillors Chung, Forster and Vithoukias.

Substantive motion carried.

### **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 Thalís –

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

Carried unanimously.

### **Point of Order**

During discussion on Item 12, Councillor Scully raised a point of order, stating that Councillor Chung, when speaking on the substantive motion, had made inappropriate comments in relation to the motives of staff.

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

Councillor Chung withdrew the inappropriate comments made in relation to the motives of staff.

### **Misrepresentation**

During discussion on Item 12, Councillor Miller stated that she had been misrepresented in respect to comments made by Councillor Phelps and clarified her position accordingly.

During discussion on Item 12, Councillor Chung stated that he had been misrepresented in respect to comments made by Councillor Thalís and clarified his position accordingly.

**Adjournment**

At this stage of the meeting, at 7.30pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

At the resumption of the meeting of Council, at 7.50pm, those present were –

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

Councillor Vithoukas returned to the meeting of Council at 8.00pm, during discussion on Item 15.1.

## **Item 13 Questions on Notice with Answers**

### **Oxford Street Tree Lighting**

1. By Councillor Forster

#### **Question**

On 13 August 2018, Council unanimously endorsed my motion for the Chief Executive Officer to investigate the possibility of illuminating the London Plane trees lining both sides of Oxford Street between Hyde Park and Taylor Square, considering both short-duration lighting attached to tree trunks and branches, and/or longer term initiatives such as illumination from an outside source using lights attached to awnings or on the pavement.

Can the Lord Mayor please provide an update on the progress of these investigations?

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

The investigation into options for illumination of the London Plane trees lining both sides of Oxford Street, between Hyde Park and Taylor Square, is underway.

Staff are reviewing the options for in-ground lighting, catenary mounted lights, fairy lights on the branches and Smartpole mounted up lights.

In January 2019, City staff will provide a CEO Update with the outcome of these investigations.

S129269

### **Shared Zones in Chippendale**

2. By Councillor Forster

#### **Question**

On 13 August 2018, Council unanimously endorsed my motion for the Chief Executive Officer to conduct an audit of all streets in the suburb of Chippendale to identify those that have the future potential to be converted into Shared Zones.

Can the Lord Mayor please provide an update on the progress of this audit?

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

Roads and Maritime Services (RMS) is responsible for approving Shared Zones, and require that Shared Zones be installed only in areas that are consistent with their specific requirements.

Chippendale contains approximately 50 narrow streets and laneways.

In 2008, Council approved the Chippendale Pedestrian, Cycling and Traffic Calming (PCTC) plan following extensive community consultation. The City has completed most of the treatments recommended in the Chippendale PCTC plan. This included the installation of five Shared Zones in Chippendale – Kensington, Outram, Gould, Dwyer and Dick Streets. The PCTC plan also recommended the introduction of Shared Zones in Little Queen Street and Teggs Lane, which are approved and currently scheduled for construction.



Creating a Shared Zone is a costly option because of the required changes to the road environment, such as paving the road surface, additional drainage, additional lighting and footpath reconstruction, as per the RMS technical directions. Streets that do not have a history of crashes, are used by low volumes of pedestrians and have low traffic speeds and volumes, do not justify the implementation of a Shared Zone. Additionally, in very narrow laneways, the implementation of Shared Zones requires the removal of kerb side parking.

An audit of the 50 streets in Chippendale, to determine the suitability of each street for a Shared Zone, would involve a review of parking and road widths, drainage and lighting conditions, commissioning traffic and pedestrian counts, reviewing crash history, and a final assessment to determine if the street complies with RMS requirements.

The City is reviewing the resourcing and budget implications compared with the other traffic safety priorities across the City. A CEO Update will be prepared at the end of the review in March 2019.

S129269

### **Traffic Calming in Davoren Lane, Surry Hills**

3. By Councillor Forster

#### **Question**

On 17 September 2018, Council unanimously endorsed my motion for the Chief Executive Officer to immediately investigate and implement options for traffic calming and/or signage in Davoren Lane on the approach to the T-intersection with Foveaux Street, in order to improve pedestrian safety.

Can the Lord Mayor please provide an update on the progress of this investigation?

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

Where vehicle traffic volumes are relatively low, and potential conflicts are also relatively low, the Roads and Maritime Services (RMS) allow Councils to consider installing pedestrian prioritisation treatments called Continuous Footpath Treatments (CFT). A CFT is a continuation of the footpath parallel with the main street, at grade, without colour or texture change, across side street intersections. Approval for such treatments are subject to certain RMS requirements.

In late October (after school holidays), City staff commissioned traffic counts in Davoren Lane and the results show that the location meets the RMS requirements for a CFT.

Therefore a continuous footpath treatment is proposed at the entry to Davoren Lane, just south of Foveaux Street.

Given the approaching Christmas period, City staff will be consulting with the local community in January 2019, with the proposal to be referred to the next meeting of the Local Pedestrian and Traffic Calming Committee in February 2019.

In the meantime, City staff have installed a "Watch for Pedestrians" sign in Davoren Lane on the approach to Foveaux Street to remind drivers to be aware of pedestrians.

S129269

## **Central Sydney Laneways**

4. By Councillor Forster

### **Question**

On 29 October 2018, Council unanimously endorsed my motion for the Chief Executive Officer to update Councillors on the progress of the implementation of the City's Live Laneways – Laneway Revitalisation Strategy, and on the current laneway improvements being progressed.

Can the Lord Mayor please provide up-to-date information on when this motion will be actioned?

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

Between 2010 and 2018, laneway improvement works were completed in:

- Ash Street;
- Angel Place;
- Albion Place;
- Market Row;
- Gas Lane;
- Temperance Lane;
- Douglass and Eagar Lane;
- Nithsdale Lane;
- Kimber Lane;
- Sussex Lane;
- Thomas Lane;
- Factory Lane;
- Little Hay Street;
- Bulletin Place;
- Wilmot Street;
- Central Street;
- Reiby Place;
- Bulletin Place;
- Hosking Place and Penfold Place;
- Tank Stream Way;
- Abercrombie Lane; and
- Bridge Lane.

Improvements to Lees Court are on hold as a result of upgrade works to the adjacent MLC building. It is anticipated that this upgrade will be completed as part of developer public domain contributions.

A concept design was completed for York Lane, but construction works were put on hold due to adjacent work associated with the construction of Wynyard Walk. These works have now been completed, and recent discussions with Transport for NSW indicate support for the conversion of York Lane to a shared zone and associated public domain improvements.

City staff are progressing laneway improvements to be delivered by third party developer public domain contributions. These include Dalley Street, Underwood Street, Customs House Lane and Loftus Lane.

The laneways strategy approach is used to guide laneway public domain outcomes associated with adjoining private development. The City's policies support the organic revitalisation of laneways and many developments underway are making significant improvements to the laneway revitalisation that the City's current policies strive for, such as Toga Hotel at Curtain Place and the Crown Group at Skittle Lane.

S129269

### **Sydney Light Rail Artwork - Moongate**

5. By Councillor Vithoukias

#### **Question**

In the media and at the parliamentary inquiry last week, Acciona spoke about the required removal of the Moongate art installation in order to complete required works for the Light Rail.

Can the Lord Mayor please provide detailed answers to the following questions regarding the Moongate installation and removal:

1. How much money was spent by Council on the acquisition and installation of the Moongate artwork?
2. What was the installation date for the Moongate artwork?
3. Given that the Lord Mayor was aware of the Light Rail construction taking place, was the Moongate art installation put in after Light Rail construction had commenced? If the installation occurred after the construction had started, why was it installed when it could potentially be damaged by the Light Rail construction?
4. Can the Lord Mayor outline the damage to the Moongate artwork, given that Acciona testified to the parliamentary inquiry they were unaware of any damage to the installation during removal and storage?
5. Are there any plans to reinstall the Moongate art installation? If so, what potential cost is there to the Council for the works to be reinstalled?

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

The flung bronze artwork, Moongate by Lindy Lee, is one component of the Garden of Cloud and Stone, installed on 23 October 2015. Moongate is a component of a larger artwork, therefore it is difficult to isolate the exact cost of this element. We estimate the cost of the component to be approximately \$400,000.

The contract for Moongate was awarded on 8 December 2014, prior to the commencement of the Light Rail construction in 2015. Works were not anticipated in this part of Thomas Street, as the work by Acciona on the site of Moongate is outside of the works site (under the Light Rail contract).

It is our understanding bronze pieces went missing and the artwork damaged. Inset pavers were also broken and chipped. The City has provided photographic evidence to Transport for NSW.

Moongate will be reinstalled at the contractor's cost.

S129276

### **Short Term Rentals (AirBnB)**

6. By Councillor Vithoulkas

#### **Question**

Recently, the NSW Government has put forth a range of amendments which impact the short-term rental market.

1. Has the City of Sydney Council requested an exemption from the SEPP to make short-term rentals exempt and complying developments, as has been done in the Byron Shire Council?
  - (a) If not, why not?
  - (b) If the Council did, why did the Council do so?
2. Is Council in favour of a short-term rentals register to monitor and regulate short-term rental hosts, in the same way the Byron Shire Council has done so? If not, why not?
3. Does Council oppose the 180-day cap on short-term rentals as does the Byron Shire Council?
  - (a) If not, why not?
  - (b) If the Council does, why does Council do so?

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

The City's position on short term rentals was outlined in the City's submission to the NSW Department of Planning and Environment on a proposed Short-term Rental Accommodation Planning Framework. A draft of the City's submission was circulated to Councillors on 27 November 2018.

S129276

## Campbell Road Alexandria

7. By Councillor Scott

### Question

Residents of Campbell Road, Alexandria, are experiencing significant disruption due to Westconnex construction, which is compounding pre-existing local concerns given their proximity to Sydney Park.

Could Councillors please be advised:

1. What steps can be taken by the Council to increase the safety of residents on Campbell Road, Alexandria, including the investigation of increased lighting in the relevant section of Sydney Park?
2. What repairs can the City undertake to the gate at the entrance to Campbell Road, Alexandria?
3. Are there other options the Council can provide to the residents as mitigation against the loss of parking due to Westconnex construction?

### Answer by the Lord Mayor

1. The City has investigated options to improve lighting on Campbell Road in the vicinity of Harber Street and Barwon Park Road. The lighting at this location is owned and operated by Ausgrid. The City requested Ausgrid as a priority to enhance street and pedestrian lighting along Harber Street to improve safety and amenity, and is expecting completion of works by January 2019.

The footpath of Campbell Road is currently controlled by the RMS as part of the WestConnex St Peters Interchange. The City is not able to implement any safety improvements on Campbell Road.

2. The City does not control any gate at the entrance to Campbell Road, Alexandria. Ownership is currently being investigated and staff will report back the findings via CEO Update.
3. Campbell Road has permanently become part of the WestConnex St Peters Interchange and, as such, RMS control kerb side parking along Campbell Road.

Most of the properties along Campbell Road have rear access to off-street parking via the private laneway behind their homes. This private laneway (controlled by the City) also provides some additional parking spaces.

Parking options considered previously are:

- Residents have previously asked the City to consider building a car park at the rear of their properties within Sydney Park. Unfortunately, this section of Sydney Park is not suitable. Under the Sydney Park Plan of Management, it is categorised as land that helps to encourage plant growth, and is next to a 'no mow' zone that allows the grass to grow long enough to provide a vital green habitat for native fauna and improve biodiversity in the area. A car park would be incompatible with this purpose. A parking area would also require extensive excavation, levelling and paving to be safe for vehicles and pedestrians.

- Residents have also previously asked the City to consider allowing residents to be allowed parking permits and to park within nearby Harber Street. However, Harber Street has limited capacity, with spaces primarily designed to accommodate park visitors, and is likely to experience increased demand. The City has no plans to change the parking restrictions in this street, with the parking spaces to remain as '4P 8.30am-5.30pm, Mon-Fri', with two designated disability parking spaces. This provides parking turnover for visitors to the area. In any case, given that the properties along Campbell Road have off-street parking, they would not be eligible for resident parking permits.

S129275

### **Temporary Northern Railway Access**

8. By Councillor Scott

#### **Question**

On 25 September 2018, I was advised by City staff that a fence surrounding the Temporary Northern Railway access corridor in Erskineville, parallel to Burren Street, encroaches onto Burren Street, which is Council public land. I was further advised that the City's Property Unit would work towards closing the temporary railway access on the basis that it was opened with community consultation on a temporary basis, and the works for which it was opened are now complete.

On 5 November 2018, City staff advised me that Transport for NSW does not wish to close the access route. The route, incorporating City and Transport for NSW land, is a major pedestrian thoroughfare between Erskineville Station and Macdonaldtown Station, and forms part of the City's cycle network.

Could Councillors please be advised:

1. What actions the City will take to ensure public access to City public land on Burren Street and Erskineville Road in Erskineville?
2. What actions the City has undertaken to ensure the temporary use of Transport for NSW land is resolved so that the public use is maximised?
3. What actions, including advocacy, the City will undertake to ensure the highest possible amount of public land is maintained for public use in this key pedestrian and cycle route?

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

There appears to be a small parcel of public land, approximately 10m<sup>2</sup>, fenced within the Sydney Trains rail corridor. The current fencing does not inhibit pedestrian thoroughfare between Erskineville Station and Macdonaldtown Station.

The City has contacted Sydney Trains, raising the community's concerns, and Sydney Trains has agreed to consider the City's requests with the aim of ensuring that this small parcel of public land is made available for public use.

S129275

## **Commemoration of the Redfern Address**

9. By Councillor Scott

### **Question**

At the December 2017 Council meeting, the motion, Commemoration of the Redfern Address (S129266), was carried unanimously. The motion includes the following action point:

That the Chief Executive Officer, in consultation with the Aboriginal and Torres Strait Islander Panel and, where necessary, historians, members of the Aboriginal and Torres Strait Islander community and local residents, will determine the appropriate way to acknowledge the work of Sol Bellear and the 25th anniversary of the Redfern Address with a commemorative plaque in Redfern Park.

Could Councillors please be advised:

1. What work has been completed to date to acknowledge the work of Sol Bellear and the 25th anniversary of the Redfern Address with a commemorative plaque in Redfern Park?
2. What is the timeline for the installation of the plaque?

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

Staff have met with Sol Bellear's family and are continuing to work with them to their timeline.

S129275

## **New Year's Eve Alcohol Free Zones**

10. By Councillor Scott

### **Question**

At the November 2018 Council meeting, Councillors were advised that the answer to the following question would be provided via the CEO Update:

Broken down by year, please detail the total number of alcohol free zones in the City of Sydney on 31 December, between 2004 and 2018.

Could Councillors please be advised of the answer to this question as soon as possible?

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

A CEO Update will be provided prior to Christmas.

S129275

## **Fitzroy Gardens Toilets and Kings Cross Upgrades**

11. By Councillor Scott

### **Question**

Local community members have expressed frustration at delays in the implementation of the improvement works Kings Cross - in particular, the Fitzroy Gardens Toilet upgrade and Kings Cross Community Gardens.

Could Councillors please be advised:

1. Of the expected timeframe for completion of the upgrade to the Fitzroy Gardens Toilets?
2. Of the expected timeframe for completion of the upgrade to the Kings Cross Community Gardens?
3. Updates as to the progress of both these projects?

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

The Fitzroy Gardens Toilet upgrade is still on track for completion by the end of 2018. The toilet units have been installed, floor tiles completed, all internal fixtures installed and external façade complete, with electrical and plumbing services connected.

Works to Kings Cross Community Gardens are planned to commence in late March 2019 with a completion date of June 2019.

S129275

## **Increased Funding for Environmental Strategies**

12. By Councillor Scott

### **Question**

On 4 May 2017, the Lord Mayor announced that the additional funding arising from the cancellation of the City of Sydney Lord Mayor's New Year's Eve Party would be reinvested in a fast tracked environmental strategy for the City of Sydney.

Could Councillors please be advised:

1. How much additional funding from the cancelled City of Sydney Lord Mayor's New Year's Eve Party in the 2017/2018 and 2018/2019 budgets was reallocated to a fast tracked environmental strategy? Please detail the activities or infrastructure to which this funding was allocated.
2. Broken down by financial year until 2020 - 2021, please detail the quantum of funding reallocated, and what activities or infrastructure that will be funded, from the cancelled City of Sydney Lord Mayor's New Year's Eve Party.

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

In 2016, I put a Lord Mayor Minute to Council noting the Deadline 2020 report by C40 which highlighted the desperate urgency of action on climate change. In response, Council requested the CEO accelerate the implementation of the 2016-2021 Environment Action Strategy.



The cancellation of the Lord Mayor's New Year's Eve event at Sydney Opera House was one of the cost-savings measures identified during a detailed internal review during the development of the 2017-2018 budget to ensure the City could accelerate work on the Environmental Action 2016-2021 Strategy and Action Plan.

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

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

The initiatives in 2017/18 and following years include:

- (a) efficiency initiatives, improved utilities management and better waste management practices;
- (b) amendments to planning controls to improve the environmental performance of new buildings, including the development of a planning pathway towards net-zero buildings;
- (c) utilisation of open data platform to report on local government area environmental programs;
- (d) use of this data to target sustainability programs;
- (e) enhancement of office tenancy sustainability programs;
- (f) energy tune-up programs for businesses and residential apartments; and
- (g) sustainability programs to encourage uptake of renewable energy.

The City reports progress against the Environmental Action Strategy through the six-monthly Green Report. The latest green report for June 2018 can be found here:

[https://www.cityofsydney.nsw.gov.au/\\_data/assets/pdf\\_file/0004/304762/Green-Report-January-to-June-2018.pdf](https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0004/304762/Green-Report-January-to-June-2018.pdf)

Provision has been made in forward budgets to implement the Environmental Action Strategy, and budgets are put to Council for approval every year.

S129275

## Key Infrastructure Upgrades

13. By Councillor Scott

### Question

Could Councillors please be advised:

1. The completion dates, or current timeline for the completion, of the following new or upgraded City facilities:
  - (a) the childcare centre at 3 Joynton Avenue, Zetland
  - (b) the childcare centre at Sydney Park Road, Alexandria project
  - (c) the Dyuralya Square project
  - (d) the new park at 222 Palmer, East Sydney
  - (e) The Crescent Lands, Annandale
  - (f) Gunyama Park, Green Square
  - (g) Drying Green Park
  - (h) City Centre Playground
  - (i) Sydney Park Skate Facility
  
2. The current timeline for the renewal of the following parks:
  - (a) Kimberley Grove Playground, Rosebery
  - (b) Kirsova 2 Playground Erskineville
  - (c) Waterloo Fitness Station
  - (d) Hyde Park North pathway works
  - (e) Hyde Park South Works including Café
  - (f) Sportsfield Development Program
  - (g) Sydney Park CARES Precinct
  - (h) James Hilder, Surry Hills
  - (i) Beaconsfield Playground
  - (j) Daniel Dawson, Redfern
  - (k) Strickland Park, Chippendale
  - (l) Albert Reserve, Erskineville
  - (m) Redfern Skate
  - (n) Crete Reserve, Rosebery
  - (o) Clyne Reserve, Millers Point

- (p) Womerah Gardens, Darlinghurst
- (q) Wattle and Broadway Rest area Kings Lane Reserve, Darlinghurst
- (r) Archibald Fountain and Water Stairs waterproofing
- (s) Hyde Park Lighting
- (t) Shannon Reserve, Surry Hills
- (u) Ernest Pederson Reserve, Glebe
- (v) Hollis Park Playground, Newtown
- (w) Fig Lane Park playground, Ultimo
- (x) Maybanke Park, Pyrmont
- (y) Les White, Erskineville
- (z) Ross Street Playground and 71 Alfred Road, Forest Lodge
- (aa) Peace Park, Chippendale
- (bb) Douglas Street Peoples Park, Redfern
- (cc) Vine Street Reserve, Darlington
- (dd) South Sydney Rotary Park, Eveleigh
- (ee) Cardigan Reserve, Glebe

**Answer by the Lord Mayor**

Please see completion dates below:

1.

- (a) The childcare centre at 3 Joynton Avenue, Zetland - Late 2017
- (b) The childcare centre at Sydney Park Road, Alexandria - No longer a proposed project; alternate site located
- (c) The Dyuralya Square project - Early 2019
- (d) The new park at 222 Palmer, East Sydney - Late 2018
- (e) The Crescent Lands, Annandale - Early 2020
- (f) Gunyama Park, Green Square - Mid 2020
- (g) Drying Green Park - Late 2020
- (h) City Centre Playground - Mid 2022
- (i) Sydney Park Skate Facility - Mid 2020

2.

- (a) Kimberley Grove Playground, Rosebery - Mid 2018
- (b) Kirsova 2 Playground Erskineville - Mid 2018
- (c) Waterloo Fitness Station - Mid 2019
- (d) Hyde Park North pathway works - Mid 2018
- (e) Hyde Park South Works including Café - Late 2019
- (f) Sportsfield Development Program - Late 2024
- (g) Sydney Park CARES Precinct - Late 2019
- (h) James Hilder, Surry Hills - Late 2020
- (i) Beaconsfield Playground - Late 2020
- (j) Daniel Dawson, Redfern - Late 2020
- (k) Strickland Park, Chippendale - Late 2020
- (l) Albert Reserve, Erskineville - Project is yet to be programmed
- (m) Redfern Skate - Mid 2019
- (n) Crete Reserve, Rosebery- Mid 2019
- (o) Clyne Reserve, Millers Point - Late 2020
- (p) Womerah Gardens, Darlinghurst - Mid 2020
- (q) Wattle and Broadway Rest area Kings Lane Reserve, Darlinghurst - Late 2020
- (r) Archibald Fountain and Water Stairs waterproofing - Late 2019
- (s) Hyde Park Lighting - Mid 2021
- (t) Shannon Reserve, Surry Hills - Mid 2020
- (u) Ernest Pederson Reserve, Glebe - Mid 2020
- (v) Hollis Park Playground, Newtown - Late 2020
- (w) Fig Lane Park playground, Ultimo - Mid 2020
- (x) Maybanke Park, Pyrmont - Mid 2019
- (y) Les White, Erskineville - Mid 2019
- (z) Ross Street Playground and 71 Alfred Road, Forest Lodge - Mid 2020
- (aa) Peace Park, Chippendale - Mid 2021
- (bb) Douglas Street Peoples Park, Redfern - Mid 2020

- (cc) Vine Street Reserve, Darlington - Mid 2020
- (dd) South Sydney Rotary Park, Eveleigh - Mid 2021
- (ee) Cardigan Reserve, Glebe - Early 2021

S129275

## Lord Mayor's New Year's Eve Party Cost Reallocation

14. By Councillor Chung

### Question

In May 2017, the Lord Mayor announced that she would discontinue the New Year's Eve party, held at the Opera House. She announced that the \$760,000 cost of the party would be reallocated to accelerate and support initiatives under the 2016-2021 Environmental Action Strategy.

1. Could the Lord Mayor please detail the total costs for the Lord Mayor's New Year's Eve Party, by year, since 2004?
2. Could the Lord Mayor please provide a detailed line item report on:
  - (a) which specific budget line items were increased as a result of the increased \$760,000 funding and what was the original budget before the increased funding; and
  - (b) what were the original time lines for each project and what is the revised timeline now that additional funds have been used to accelerate the program?
3. Will the increased funding allocated after the cancellation of the Lord Mayor's New Year's Eve Party in 2017 to accelerate and support initiatives under the 2016-2021 Environmental Action Strategy be continued in future budgets?

### Answer by the Lord Mayor

The cost of the Lord Mayor's New Year's Eve Party since 2012 is as follows:

2012	2013	2014	2015	2016	2017
\$683,456	\$692,116	\$673,566	\$634,952	\$692,765	N/A

In 2016, I put a Lord Mayor Minute to Council noting the Deadline 2020 report by C40 which highlighted the desperate urgency of action on climate change. In response, Council requested the CEO accelerate the implementation of the 2016-2021 Environment Action Strategy.

The cancellation of the Lord Mayor's New Year's Eve event at Sydney Opera House was one of the cost-savings measures identified during a detailed internal review during the development of the 2017-2018 budget to ensure the City could accelerate work on the Environmental Action 2016--2021 Strategy and Action Plan.

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

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

The initiatives in 2017/18 and following years include:

- (a) efficiency initiatives, improved utilities management and better waste management practices;
- (b) amendments to planning controls to improve the environmental performance of new buildings, including the development of a planning pathway towards net-zero buildings;
- (c) utilisation of open data platform to report on local government area environmental programs;
- (d) use of this data to target sustainability programs;
- (e) enhancement of office tenancy sustainability programs;
- (f) energy tune-up programs for businesses and residential apartments; and
- (g) sustainability programs to encourage uptake of renewable energy.

The City reports progress against the Environmental Action Strategy through the six monthly Green Report. The latest green report for June 2018 can be found here:

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Provision has been made in forward budgets to implement the Environmental Action Strategy, and budgets are put to Council for approval every year.

S129268

**Item 14      Supplementary Answers to Previous Questions**

There are no Supplementary Answers to Previous Questions on Notice for this meeting of Council.

## **Item 15 Notices of Motion**

### **Item 15.1 Dawes Point New Year's Eve Party**

Moved by Councillor Forster, seconded by Councillor Chung -

It is resolved that:

(A) Council note:

- (i) it was recently reported in the media that the New Year's Eve Party held in the Dawes Point viewing area has been cancelled after the Lord Mayor bowed to protests about the high costs associated with the event (\$621,500);
- (ii) the party in the Dawes Point viewing area had been hosted by the City of Sydney annually since 1996 for guests of the sponsors and agencies who support the City of Sydney's New Year's Eve celebrations; and
- (iii) in May 2017, the Lord Mayor cancelled The Lord Mayor's New Year's Eve Party, held at the Sydney Opera House, and announced that the funding for the party would be reallocated to non-specific projects aligned with the Environmental Action Strategy 2016-2021; and

(B) the Chief Executive Officer be requested to:

- (i) reallocate the \$621,500 from the 2018-19 budget that would have been spent on the New Year's Eve party in the Dawes Point viewing area to the creation of additional Public Space Liaison Officer roles, with a view to providing additional outreach and support assistance to people sleeping rough in the City of Sydney local government area; and
- (ii) allocate the same amount of annual funding, reflecting CPI increases, for additional Public Space Liaison Officer roles over the ten years of the Corporate Plan.



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

It is resolved that Council note:

- (A) The approved budget for 2018/19 of \$586,690 for the Dawes Point New Year's Eve event has been reallocated as follows:
- (i) \$93,000 towards an increase in the Picnic catering, due to a new supplier;
  - (ii) \$60,000 towards a new Christmas concert in Green Square;
  - (iii) \$218,226 towards the installation, dismantling and maintenance of new Christmas trees and decorations;
  - (iv) \$139,000 towards the cost of Bridge projections, based at Dawes Point (which had previously been included in the Dawes Point event budget);
  - (v) \$45,000 towards an extension of the NYE Accessibility Officer and additional production requirements;
  - (vi) \$31,464 to provide for potential increased crowd management and security costs;
- (B) the City of Sydney's Homelessness Unit has three full time equivalent Public Space Liaison Officer positions which, between them, provide a seven day per week service; and
- (C) a grant agreement has been finalised with NSW Family and Community Services to fund additional specialist homelessness services in the inner city that contribute to reducing the risk of, and breaking the cycle of homelessness, with \$1.2 million being provided in 2018-19, comprising:
- (iii) \$700,000 to Neami to deliver assertive outreach services supporting people from street to home along with post crisis support once people have been housed;
  - (iv) \$300,000 to Launchpad to coordinate flexible brokerage funds and shared case management to prevent young people from becoming homeless and support those who are homeless to access safe and secure accommodation;
  - (v) \$100,000 to Innari Housing Inc; and
  - (vi) \$100,000 to ACHRCS (Aboriginal Corporation for Homelessness and Rehabilitation Community Services) to deliver Aboriginal Specific outreach services.

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

The amendment was carried on the following show of hands –

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

Noes (3) Councillors Chung, Forster and Vithoukás.

Amendment carried.

The substantive motion was carried unanimously.

S129260

## **Item 15.2 Light Rail Pedestrian Safety Barriers**

Moved by Councillor Forster, seconded by Councillor Chung –

It is resolved that:

(A) Council note:

- (i) on 21 November 2018, it was reported in The Daily Telegraph that the City of Sydney would seek a team of consultants, including two artists and an architect to work on terror defences for the pedestrian zones of the CBD and South East Light Rail project;
- (ii) it was also reported that plans to protect the new pedestrian zones against potential terrorist attacks would not be fully implemented until mid-2021, well after the Light Rail begins operations in 2020;
- (iii) in December last year, Transport for NSW worked closely with NSW Police and the City of Sydney and delivered temporary measures to protect crowded places on George Street between Park Street and King Street; and
- (iv) this year, Transport for NSW Coordinator, General Marg Prendergast, said that as barriers are reduced in other areas along the light rail alignment, further temporary treatments are being installed by Transport for NSW, along George Street and in Circular Quay, and that these temporary vehicle barriers will remain in place until the City of Sydney installs permanent vehicle barriers; and

(B) the Chief Executive Officer be requested to fast track the establishment of the design consultancy team with the aim of having heritage-appropriate permanent vehicle barriers installed by the time the Light Rail is scheduled to be open in 2020.

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

It is resolved that:

(A) Council note:

- (i) on 20 November 2018 the City published a tender seeking a team of consultants to design site specific protection measures for the George Street and Alfred Street pedestrianised zones that meet the objectives of the Commonwealth Government's Strategy for Protecting Crowded Places from Terrorism;
- (ii) the light rail site is under the control of Transport for NSW until construction is complete and the land is handed back to the City of Sydney;
- (iii) in December 2017, Transport for NSW delivered temporary measures to protect crowded places on George Street between Park Street and King Street;
- (iv) in 2018, Transport for NSW Coordinator, General Marg Prendergast, said that as barriers are reduced in other areas along the light rail alignment, further temporary treatments are being installed by Transport for NSW, along George Street and in Circular Quay, and that these temporary vehicle barriers will remain in place until the City of Sydney installs permanent vehicle barriers;
- (v) The temporary barriers will remain in place and be reviewed and upgraded when the City's long-term security measures are installed.

(B) the Chief Executive Officer be requested to ensure that the installation of long term security measures remains a high priority.

Carried unanimously.

S129260

**Item 15.3 Alternative Affordable Housing Demonstration Projects**

Moved by Councillor Thalís, seconded by Councillor Scully –

It is resolved that:

(A) Council note:

- (i) Sustainable Sydney 2030 set ambitious targets for public and affordable housing as a percentage of the city's growing housing stock;
- (ii) since that time, the State Government has sold significant tranches of public housing, while building almost no new stock in the Sydney local government area;
- (iii) in the decade since Sustainable Sydney 2030 was adopted, the City has been able to increase the stock of affordable housing through targeted actions, including subsidised land sales to community housing providers, the Affordable and Diverse Housing Fund and inclusionary zoning in Green Square, Harold Park and elsewhere, to support community housing providers delivering affordable housing in the local government area. This includes the following work:
  - (a) 854 affordable housing dwellings have been built;
  - (b) 423 affordable housing dwellings have had applications lodged, approved or are currently under construction;
  - (c) 533 affordable housing dwellings are in the pipeline, being developments of which the City is aware, but have not yet reached development application stage;
  - (d) 1,925 affordable housing dwellings are projected under planning controls;
  - (e) 801 social housing dwellings have been built; and
  - (f) 42 diverse housing dwellings have been built;
- (iv) despite these initiatives, the City is still short of reaching our target of 7.5 per cent of all housing to be affordable housing by 2030;
- (v) the State Government's policy of supply and the market have failed to meet Sydney's current housing need;
- (vi) there has been low to no wage growth over the last decade, while housing costs have increased dramatically, leading to "housing stress" - which is defined as spending more than 30 per cent of income on housing, either on rent or mortgage;
- (vii) affordability is not just an issue for people on low incomes, but a growing issue for people on medium incomes who may not qualify for community housing, but who are priced out of market housing;
- (viii) there is a need for new strategies to provide alternative affordable housing, beyond the traditional categories of social, community, and market housing. This may include co-operatives, co-housing, Nightingale/Baugruppen and mutual housing models; and

- (B) the Chief Executive Officer be requested to:
- (i) research ways that the City can support seed projects for alternative affordable housing demonstration projects that demonstrate alternative models for financing, designing, building and managing housing that is affordable and environmentally and socially sustainable;
  - (ii) investigate opportunities to pilot affordable and alternative affordable housing demonstration projects using alternative procurement strategies on a range of smaller sites, while retaining the land in the City's long-term ownership;
  - (iii) scope an ideas competition or call for expressions of interest for innovative schemes for such housing projects; and
  - (iv) prioritise models that could be replicated across the local government area, and beyond, to enable a broader range of affordable housing procurement strategies.

Carried unanimously.

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**Item 15.4 Federal Support for Local Government**

Moved by Councillor Scott, seconded by Councillor Miller –

It is resolved that:

(A) Council note:

- (i) the City of Sydney is one of the most culturally diverse places in Australia, with residents from over 200 nations calling our city home;
- (ii) the City has always highly valued this cultural diversity, including through:
  - (a) the establishment of a multicultural communities strategy identifying six key objectives to ensure the city is a happy and safe place for all;
  - (b) being a refugee welcome zone;
  - (c) support for the 'Racism, It Stops With Me' campaign; and
  - (d) provision of resources in local libraries in ten languages other than English;
- (iii) the City of Sydney is proud of its diverse, multicultural communities, and welcomes migrants from all walks of life to continue to make their wonderful contribution to our city; and
- (iv) the 2018 National State of the Assets, a report commissioned by the Australian Local Government Association (ALGA), found a \$30 billion infrastructure backlog nation-wide;

(B) Council endorse the initiatives endorsed by ALGA's 'All Politics is Local' campaign to ensure that local government is a valued partner of the Commonwealth and to further encourage a sustainable and multicultural Sydney, including:

- (i) restore the quantum of Financial Assistance Grants to at least 1 per cent of Commonwealth Taxation revenue;
- (ii) fund a Local Government – Higher Productivity Investment Plan starting at \$200 million per annum over five years;
- (iii) increase R2R funding to \$800 million per annum and make the Bridges Renewal Program permanent;
- (iv) invest in a Local Government Community Infrastructure Program of \$300 million per annum over four years;
- (v) fund a targeted disaster mitigation program at a level of \$200 million per annum for four years;
- (vi) establish a Local Government Climate Change Partnership Fund of \$200 million over four years;
- (vii) invest in a Local Government Place-Based Preventative Health and Activity Program of \$100 million over four years;
- (viii) continue to provide at least \$5.5 billion over the next decade to address the needs in Indigenous communities;

- (ix) provide a Smart Communities Program of \$100 million per annum and a Digital Local Government and Rural / Regional Telecommunications Program of \$100 million over four years;
  - (x) achieve more cost-effective and equitable funding approaches across all parties involved in a product's lifecycle; and
  - (xi) reinstate a national governance model to address affordable housing and homelessness that includes local government; and
- (C) the Lord Mayor be requested to write to the Prime Minister, the Hon. Scott Morrison MP, and the Federal Leader of the Opposition, the Hon. Bill Shorten MP, expressing this view.

Carried unanimously.

S129266

**Item 15.5 Tom Uren Place, Woolloomooloo**

Moved by Councillor Scott, seconded by Councillor Scully –

It is resolved that:

(A) Council note:

- (i) the unique opportunities and challenges in Woolloomooloo, particularly the public spaces of Tom Uren Place and Bourke Street Park;
- (ii) the historically complex public land ownership and lease arrangements in Woolloomooloo, whereby Tom Uren Place and Bourke Street Park are owned by Rail Corp NSW;
- (iii) that City staff will host a waste education event with social housing residents in the first quarter of 2019 to enhance community safety and waste management;
- (iv) that the City continues to support the Bourke Street Community Garden; and
- (v) the work the City of Sydney has done to preserve the significant historic murals in Woolloomooloo that depict this history of the public campaigns to save the suburb from becoming a new Eastern Expressway road;

(B) the Chief Executive Officer be requested to:

- (i) investigate the allocation of funding for the upgrade of play equipment in Bourke Street Park in the 2019/20 budget year, and report back via CEO Update;
- (ii) work with Ausgrid to investigate options to increase public safety, including increasing street lighting on City-owned and leased land, around Tom Uren Place including on Cathedral Street, Bourke Street, Charles Street and Forbes Street, and report back via the CEO Update; and
- (iii) as part of the Sydney 2050 strategy, engage in further community consultation to identify ideas for the future of Woolloomooloo, including:
  - (a) the future uses of Mary McDonald Centre; and
  - (b) opportunities for positive activation in the area; and

(C) The Lord Mayor be requested to continue the City's advocacy work with the NSW State and Federal Governments on the need for more supported affordable housing for those sleeping rough in the City of Sydney.



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

It is resolved that:

(A) Council note:

- (i) the unique opportunities and challenges in Woolloomooloo, particularly the public spaces of Tom Uren Place and Bourke Street Park;
- (ii) the historically complex public land ownership and lease arrangements in Woolloomooloo; whereby Tom Uren and Bourke Street Park is owned by Rail Corp NSW;
- (iii) that City staff consider the fitness equipment they installed in Bourke Street Park in 2011, to be in a fair condition;
- (iv) that City staff will host a waste education event with social housing residents in the first quarter of 2019 to enhance community safety and waste management; and
- (v) the work of the City of Sydney has done to preserve the significant historic murals in Woolloomooloo that depict this history of the public campaigns to save the suburb from becoming a new Eastern Expressway Road.

(B) the Chief Executive Officer be requested to:

- (i) investigate refreshing the fitness equipment to improve its amenity, and to bring forward minor renewal works proposed to replace the matting surrounding the equipment in Bourke Street Park;
- (ii) work with Ausgrid to investigate options to increase public safety, including increasing street lighting on City- owned and leased land, around Tom Uren Place including on Cathedral Street, Bourke Street, Charles Street and Forbes Street, and report back via CEO update; and
- (iii) as part of the Sydney 2050 strategy, engage in further community consultation to identify ideas for the future of Woolloomooloo, including:
  - (a) the future uses of Mary McDonald Centre; and
  - (b) opportunities for positive activation in the area.

(C) the Lord Mayor be requested to continue the City's advocacy work with the NSW State and Federal Governments on the need for more supported affordable housing for those sleeping rough in the City of Sydney.

Carried unanimously.

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**Item 15.6 Skate Facilities in Green Square**

Moved by Councillor Scott, seconded by Councillor Miller –

It is resolved that:

(A) Council note:

- (i) new Green Square skate facilities are slated for construction in Stage Two of the Gunyama Park project; and
- (ii) there has been a recent increase in skating activity at the new Green Square Library site; and

(B) the Chief Executive Officer be requested to, where possible, bring forward the construction of planned skate facilities in Green Square to Stage One of the Gunyama Park Aquatic and Recreation Centre works to support safe skating integrated with other community needs.

Carried unanimously.

S129266

## Item 15.7 Parking Grace Period and Fine Reductions

Moved by Councillor Chung, seconded by Councillor Forster –

It is resolved that:

(A) Council note:

- (i) the NSW Government announced a measure in the 2018/19 budget to reduce the cost of living to drivers in NSW by reducing some parking fines by 25 per cent and by introducing a 10 minute "grace period" for some parking offences;
- (ii) in July this year, the penalties for parking violations were reduced from about \$110 to \$80 in areas the State Government polices, such as the Royal Botanic Gardens, Sydney Olympic and Parramatta Park;
- (iii) Councils must opt in to the NSW Government initiative to enable the implementation of the fine reduction scheme;
- (iv) from 31 January 2019, a 10 minute "grace period" will be applied to all NSW parking fine authorities, including local councils. There is no option to be excluded;
- (v) the grace period applies to motorists who pay for at least one hour of parking and have a received a physical ticket or coupon; and
- (vi) prescribed parking control signs such as in bus lanes or loading zones will also be excluded to avoid impacts on congestion and safety; and

(B) the Chief Executive Officer be requested to:

- (i) ask the Director City Services to review the provisions and consider asking rangers to exercise their discretion to allow a 10 minute "grace period" commencing immediately;
- (ii) notify residents, businesses and visitors of the change through the City's communication channels;
- (iii) include the impact of fine reductions for the 52 parking offences (as detailed by the NSW State Government) in the 2019/20 City of Sydney budget considerations; and
- (iv) implement the parking fine reductions from 1 July 2019.

The motion was lost on the following show of hands –

Ayes (3) Councillors Chung, Forster and Vithoukias

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

Motion lost.

### Misrepresentation

During discussion on Item 15.7, Councillor Scott stated that she had been misrepresented in respect to comments made by Councillor Chung and clarified her position accordingly.

S129259

### **Item 15.8 Implementation of the New Model Code of Meeting Practice**

Moved by Councillor Chung, seconded by Councillor Forster –

It is resolved that:

- (A) Council note:
  - (i) on 16 November 2018, the NSW Government released the new Model Code of Meeting Practice for Local Councils; and
  - (ii) the Model Meeting Code has been released prior to prescription to provide Councils the opportunity to familiarise and set adjustments accordingly;
- (B) the Chief Executive Officer be requested to review the new Model Code of Meeting Practice and prepare a draft to be presented at the first Council meeting after the Code has been prescribed with a recommendation to proceed to public consultation; and
- (C) the Model Code of Meeting Practice be brought back to Council for adoption and implementation, following the public consultation period.

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

It is resolved that Council note:

- (A) a new Model Code of Meeting Practice was released in November 2018 so local councils could familiarise themselves with it; and
- (B) the Office of Local Government issued a circular on 16 November 2018 providing the following information about the new Model Code:
  - (i) the Code has not yet been prescribed by the Local Government (General) Regulation 2005;
  - (ii) councils and joint organisations will be advised by circular from Office of Local Government when the Model Code is prescribed;
  - (iii) the Office of Local Government will provide more detailed guidance to councils once the new Model Code is prescribed – including transitional arrangements applying to its adoption;
  - (iv) as a general rule, councils should endeavour to adopt a code of meeting practice based on the Model Code within six months of its prescription; and
  - (v) before adopting a new code of meeting practice, councils will still be required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days to make comment.

The amendment was carried on the following show of hands –

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

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

Amendment carried.

The substantive 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.

Substantive motion carried.

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At 9.20 pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on Monday 11 February 2019 at which  
meeting the signature herein was subscribed.