

9 September 2019

At 5.00 pm



Council

Sydney 2030 Green Global Connected

Agenda

1. **Confirmation of Minutes**
2. **Disclosures of Interest**
3. **Minutes by the Lord Mayor**
 - 3.1 Enabling Community Activities
 - 3.2 Pyrmont Community Centre
4. **Memoranda by the Chief Executive Officer**
 - 4.1 Election of Deputy Lord Mayor
 - 4.2 Council Committees - Functions, Membership, Election of Deputy Chairpersons
 - 4.3 Central Sydney Planning Committee - Election of Councillors
 - 4.4 Local Pedestrian, Cycling and Traffic Calming Committee - Policies and Procedures, Membership and Appointment of Chairperson and Alternate Chairperson
 - 4.5 Determination of Number of Councillors
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
 - 6.1 Disclosures of Interest
 - 6.2 Investments Held as at 31 July 2019
 - 6.3 Sydney Light Rail Project Update and Smoke Free George Street
 - 6.4 Land Classification - Future North Rosebery Park
 - 6.5 Lease Approval - Level 18, Town Hall House - 456 Kent Street, Sydney
 - 6.6 Tender - Construction of Piling and Civil Works for Drying Green Park Project at Green Square Town Centre

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- 6.7 Exemption from Tender - IT Maintenance and Support Contracts
- 6.8 Tender - Reject and Negotiate - Bulk Lift Upgrade - Various Sites
- 6.9 Knowledge Exchange Sponsorship - Antler Innovation - Demo Day
- 7. Report of the Environment Committee**
 - 7.1 Disclosures of Interest
 - 7.2 Project Scope - MacDonald Street Widening and Trunk Drainage Project, Erskineville
- 8. Report of the Cultural and Community Committee**
 - 8.1 Disclosures of Interest
 - Cultural and Creative Sub-Committee**
 - 8.2 Reappointment of Public Art Advisory Panel
 - 8.3 Adhoc Grant - WorldPride 2023 Bid
- 9. Report of the Transport, Heritage and Planning Committee**
 - 9.1 Disclosures of Interest
 - 9.2 Public Exhibition – Draft Community Participation Plan
 - 9.3 Public Exhibition - Planning Proposal - Heritage Listing - 82-84 Dixon Street, Haymarket (Former Kwong War Chong & Co Building) - Sydney Local Environmental Plan 2012 Amendment
 - 9.4 Fire Safety Reports
- 10. Panel of Conduct Reviewers and Administrative Changes to Code of Conduct**
- 11. Questions on Notice**
- 12. Supplementary Answers to Previous Questions**
- 13. Notices of Motion**

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- 13.1 Electric Scooters
- 13.2 Sydney Light Rail Project and Proposed Additional Pedestrianisation of George and Devonshire Streets
- 13.3 Extension of Green Square Library Opening Hours
- 13.4 Zero Litter to Ocean
- 13.5 Deputy Lord Mayoral Chains
- 13.6 Moss Culture Air Purification
- 13.7 Payments from the City of Sydney
- 13.8 Transport Urban Gardens
- 13.9 Paddington Greenway - Rushcutters Creek

Item 1

Confirmation of Minutes

Minutes of the following meeting of Council are submitted for confirmation:

Meeting of 19 August 2019

Item 2

Disclosures of Interest

Pursuant to the provisions of the Code of Meeting Practice – May 2019 and the Code of Conduct – May 2019, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

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

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (“the Act”) requires the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

Item 4.1**Election of Deputy Lord Mayor****File No: S062388****Memorandum by the Chief Executive Officer**

To Council:

Sections 231(1) and (2) of the Local Government Act 1993 (the Act) provide:

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

Council may elect a Deputy Lord Mayor for the new term of office commencing immediately and ending on the day appointed for the next ordinary election of Council, scheduled to be held in September 2020.

At the Council meeting of 17 September 2018, Councillor Linda Scott was elected Deputy Lord Mayor in accordance with the provisions of section 231 of the Local Government Act 1993 for a term commencing immediately and ending on 30 September 2019.

Payment of Fees

Section 249(5) of the Act provides:

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

On 5 June 2000, Council resolved to:

“Pay Councillors the maximum of the range (as determined annually by the Local Government Remuneration Tribunal) as a matter of standing policy.

Pay the Lord Mayor the maximum of the range (in addition to the fee as a Councillor) - as a matter of standing policy (less the Deputy Lord Mayor's fee).

Pay the Deputy Lord Mayor, in addition to the fee as a Councillor, an amount equal to 10 per cent of the mayoral fee actually paid to the Lord Mayor as a matter of standing policy.”

Call for Nominations

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

Conduct of Election

Schedule 7 of the Local Government (General) Regulation 2005 provides the method of conducting an election for Deputy Lord Mayor (further details on election procedures will be provided to Councillors). The last time the Deputy Lord Mayor's position was contested the method of voting selected by the Council was open, exhaustive voting.

Recommendation

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term effective immediately and ending on the day appointed for the next ordinary election of Council;
- (B) the method of voting be by open, exhaustive voting; and
- (C) the Chief Executive Officer conduct the election forthwith.

MONICA BARONE

Chief Executive Officer

Item 4.2

Council Committees - Functions, Membership, Election of Deputy Chairpersons

File No: S062388

Memorandum by the Chief Executive Officer

To Council:

In accordance with the provisions of section 360 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and clause 18.2 City of Sydney Code of Meeting Practice (the Code), the council may establish such committees as it considers necessary.

In 2018, Council resolved to adopt meeting times, functions, policies and procedures of the following Committees and Sub-Committees:

- Corporate, Finance, Properties and Tenders Committee, inclusive of the Economic Development and Business Sub-Committee, commencing at 2.00pm.
- Environment Committee, commencing at the conclusion of the Corporate, Finance, Properties and Tenders Committee.
- Cultural and Community Committee, comprising two Sub-Committees: the Cultural and Creative Sub-Committee and the Healthy Communities Sub-Committee, meeting consecutively at the conclusion of the Environment Committee.
- Transport, Heritage and Planning Committee, commencing at the conclusion of the Cultural and Community Committee.

The administrative arrangements associated with Council's Committees and Sub-Committees are detailed in the 'Functions, Delegations, Policies and Procedures of Council Committees' (refer Attachment A). No amendments are proposed to these documents.

Election of Deputy Chairpersons

Council may elect a Deputy Chairperson of each Committee and Sub-Committee and, if the Lord Mayor does not wish to be the Chairperson of any Committee, elect the Chairperson of each such Committee and Sub-Committee (clauses 18.15 and 18.16 of the Code).

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

On 17 September 2018, Council elected Deputy Chairpersons for each of Council's Committees and Sub-Committees until 30 September 2019, with the Lord Mayor chairing all Committees.

Council may elect a Deputy Chairperson for each of the following Committees and Sub-Committees for the new term of office commencing immediately and ending on the day appointed for the next ordinary election of Council, scheduled to be held in September 2020.

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

Recommendation

It is resolved that:

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

MONICA BARONE

Chief Executive Officer

Attachments

Attachment A. Functions, Delegations, Policies and Procedures of Council Committees

Attachment A

**Functions, Delegations, Policies and
Procedures of Council Committees**

CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE

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

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

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

(a) Economic Development and Business Sub-Committee -

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: (To be determined)

Members: Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Jess Miller
Councillor Prof Kerry Phelp AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Prof Philip Thalys
Councillor Angela Vithoukas

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

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

ENVIRONMENT COMMITTEE

- Meeting Time: At the conclusion of the meeting of the Corporate, Finance, Properties and Tenders Committee
- Venue: Council Chamber
- Chairperson: The Lord Mayor, Councillor Clover Moore
- Deputy Chairperson: (To be determined)
- Members: Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Jess Miller
Councillor Prof Kerryn Phelps AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Prof Philip Thalys
Councillor Angela Vithoulkas
- Quorum: A majority of the members of the Committee
- Functions: To deal with all matters relating to:
- (a) Environmental management and sustainability
 - (b) Design of City of Sydney projects, eg, public spaces, parks, city buildings and community facilities
 - (c) Urban infrastructure, particularly roads, stormwater, drainage and footpaths
 - (d) Parks and open spaces
 - (e) Street trees
 - (f) Street and footpath maintenance and cleaning
 - (g) Graffiti removal
 - (h) Waste and recycling
 - (i) Street furniture
 - (j) Street lighting
 - (k) Grants and sponsorships

CULTURAL AND COMMUNITY COMMITTEE

Meeting Time: At the conclusion of the Environment Committee

Venue: Council Chamber

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: (To be determined)

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

Quorum: A majority of the members of the Committee

Functions:

(1) To deal with all matters relating to:

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

- (o) the Film Industry
- (p) Grants and sponsorships

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

(a) Cultural and Creative Sub-Committee –

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: (To be determined)

Members: Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Jess Miller
Councillor Prof Kerry Phelp AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Prof Philip Thalys
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Committee

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

(b) Healthy Communities Sub-Committee -

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: (To be determined)

Members: Councillor Craig Chung
Councillor Christine Forster
Councillor Robert Kok
Councillor Jess Miller
Councillor Prof Kerry Phelp AM
Councillor Linda Scott
Councillor Jess Scully
Councillor Prof Philip Thalys
Councillor Angela Vithoulkas

Quorum: A majority of the members of the Committee

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

TRANSPORT, HERITAGE AND PLANNING COMMITTEE

Meeting Times: At the conclusion of the Cultural and Community Committee

Venue: Council Chamber

Chairperson: The Lord Mayor, Councillor Clover Moore

Deputy Chairperson: (To be determined)

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

Quorum: A majority of the members of the Committee

Functions: To deal with all matters relating to:

- (a) Planning instruments, ie, LEPs, DCPs, Policies
- (b) Transport and access initiatives and issues
- (c) Parking policy
- (d) Traffic and the Local Pedestrian, Cycling and Traffic Calming Committee
- (e) Referrals from other authorities for comment on any of the above matters
- (f) Grants and sponsorships
- (g) All applications for footway usage approvals

POLICIES AND PROCEDURES OF COMMITTEES

- (a) The structure and functions of Committees is standing policy of Council.
- (b) All correspondence from, or to, all Committees, and Sub-Committees, shall be handled through normal Council processes.
- (c) All Committees and Sub-Committees shall be advisory to Council and have no independent role, except where specific authorities are delegated to them by Council.
- (d) Matters dealt with in Committee shall be submitted to Council without recommendation only when the chairperson so determines.
- (e) The chairpersons of Standing Committees and Sub-Committees shall have a casting vote in the event of an equality of voting.

Item 4.3

Central Sydney Planning Committee - Election of Councillors

File No: S062388

Memorandum by the Chief Executive Officer

To Council:

The Central Sydney Planning Committee (CSPC) is constituted by the City of Sydney Act 1988 (the Act).

Section 34(1) of the Act provides that the Committee shall consist of seven members:

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

The persons currently appointed by the Minister pursuant to clause (c) are Mr Peter Poulet, Mr Gary White, the Hon. Robert Webster, and Ms Gabrielle Trainor (resigned from the Central Sydney Planning Committee on 31 January 2019). The term of office of all State appointed members and alternate members of the Central Sydney Planning Committee will expire on 30 September 2019. The Lord Mayor has written to the Minister for Planning and Public Spaces seeking advice on the appointment of members and their alternates.

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

At the Council meeting of 17 September 2018, Council elected Councillors Philip Thalys and Jess Scully to the two positions on the Central Sydney Planning Committee, effective immediately until 30 September 2019.

The Act provides that Council may appoint an alternate for each of the elected members. At the Council meeting of 17 September 2018, Council appointed Councillor Robert Kok as alternate to Councillor Thalys and Councillor Linda Scott as alternate to Councillor Scully until 30 September 2019.

As elections are scheduled to be held in September 2020, it is recommended that Councillors be elected to the Central Sydney Planning Committee for the new term of office commencing immediately and ending on the day appointed for the next ordinary election of Council.

Recommendation

It is resolved that:

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

MONICA BARONE

Chief Executive Officer

Item 4.4

Local Pedestrian, Cycling and Traffic Calming Committee - Policies and Procedures, Membership and Appointment of Chairperson and Alternate Chairperson

File No: S062388

Memorandum by the Chief Executive Officer

To Council:

The Local Pedestrian, Cycling and Traffic Calming Committee is a statutory committee, established under the Roads Act 1993 and in accordance with administrative procedures required by Roads and Maritime Services (RMS).

Councils have been delegated certain powers by RMS regarding the regulation of traffic on local roads. A condition of this delegation is that councils must take into account the advice of their Local Pedestrian, Cycling and Traffic Calming Committee before exercising these powers.

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

The Local Pedestrian, Cycling and Traffic Calming Committee is made up of four formal (voting) members as follows:

- one representative of Council (Chairperson or alternate Chairperson);
- one representative of NSW Police;
- one representative of RMS;
- the local State Member of Parliament (MP) or their nominee;
- one representative of a relevant NSW Government agency (where applicable)*.

Representatives of NSW Police and State MPs can only vote on matters in their respective command or electorate.

*The NSW Government agencies are formal (voting) members for matters relating to roads over which they have jurisdiction only (for example, Property NSW / Place Management NSW / Infrastructure NSW). The City of Sydney Council is not a formal (voting) member for these matters.

The Chairperson and alternate Chairperson are to be determined by Council, and Council's representative may be any Councillor or City staff. Council (in consultation with the formal members of the Local Pedestrian, Cycling and Traffic Calming Committee) may also decide to have additional informal (non-voting) representatives who can provide non-binding input on matters under consideration. Informal (non-voting) members of the Local Pedestrian, Cycling and Traffic Calming Committee are as follows:

- Transport for NSW representative;
- Transport Workers Union representative;
- cycling representative appointed by the Lord Mayor; and
- pedestrian representative appointed by the Lord Mayor.

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

The Local Pedestrian, Cycling and Traffic Calming Committee meets every third Thursday of the month, except in January, at 10.00am in the Council Chamber, Sydney Town Hall. Members of the public are welcome to attend and speak to an item on the Local Pedestrian, Cycling and Traffic Calming Committee agenda.

On 17 September 2018, the Lord Mayor, Councillor Clover Moore and Councillor Philip Thalys were appointed Chairperson and alternate Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee respectively for a term office ending on 30 September 2019. Council is now required to appoint a Chairperson and alternate Chairperson for the new term of office commencing immediately and ending on the day appointed for the next ordinary election of Council, scheduled to be held in September 2020.

It is also recommended that the Policies and Procedures of the Local Pedestrian, Cycling and Traffic Calming Committee as set out in Attachment A to this Memorandum be endorsed and adopted. Minor amendments are proposed to these Policies and Procedures to clarify the formal (voting) members of the Local Pedestrian, Cycling and Traffic Calming Committee.

Recommendation

It is resolved that:

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

MONICA BARONE

Chief Executive Officer

Attachments

- Attachment A.** Policies and Procedures of the Local Pedestrian, Cycling and Traffic Calming Committee

Attachment A

**Policies and Procedures of the Local
Pedestrian, Cycling and Traffic Calming
Committee**

LOCAL PEDESTRIAN, CYCLING AND TRAFFIC CALMING COMMITTEE

The Local Pedestrian, Cycling and Traffic Calming Committee is a statutory committee, established under the Roads Act 1993 and in accordance with administrative procedures established by Roads and Maritime Services.

Chairperson: To be determined

Alternate Chairperson: To be determined

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

(a) Four formal (voting) representatives, one from each of the following-

- the City of Sydney Council (Chairperson)
- the NSW Police Service
- the NSW Roads and Maritime Services and
- Local State Members of Parliament or their nominee.
- **the NSW Government****

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

****Note: the NSW Government is a formal (voting) member for issues within its jurisdiction only (such as Property NSW/Place Management NSW/Infrastructure NSW). The City of Sydney Council is not a formal (voting) member for these matters.**

(b) Informal (non-voting) representatives, where relevant, from each of the following –

- ~~State Transit Authority~~
- Transport for NSW representative
- Transport Workers Union representative
- ~~Property NSW~~
- a cycling representative appointed by the Lord Mayor and
- a pedestrian representative appointed by the Lord Mayor.

The Chairperson and their alternate shall be determined by Council.

The views of informal members are considered but not binding.

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

Function: Council has been delegated certain powers from the Roads and Maritime Services with regard to traffic matters on local roads. A condition of this delegation is that Council must take into account the advice of the Local Pedestrian, Cycling and Traffic Calming Committee. The Local Pedestrian, Cycling and Traffic Calming Committee has no decision-making powers. It is primarily a technical review body which is required to advise Council on traffic related matters. All proposals recommended by the Local Pedestrian, Cycling and Traffic Calming Committee must still be formally approved by either the elected Council or authorised City staff (depending on the nature of the proposal). This can only be done when the advice of the Committee is unanimous. Where the advice of the Committee is not unanimous, Council must separately notify and obtain endorsement from Roads and Maritime Services and the NSW Police Service.

Meetings/Attendance: The Local Pedestrian, Cycling and Traffic Calming Committee generally meets every third Thursday of the month at 10.00am in the Council Chamber, Level 1, Sydney Town Hall, George Street, Sydney. Members of the public are welcome to attend and speak to an item on the Local Pedestrian, Cycling and Traffic Calming Committee agenda. Addresses to the Committee are limited to 3 minutes, but this can be extended at the discretion of the Chairperson. If a member of the public wishes to attend, it is requested that they inform the Committee Secretary in advance on 9265 9648.

Item 4.5**Determination of Number of Councillors****File No: X001937****Memorandum by the Chief Executive Officer**

To Council:

Section 224 of the Local Government Act 1993 requires that:

- (1) A council must have at least five and not more than 15 councillors (one of whom is the mayor).
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.

Council is therefore required by section 224 of the Local Government Act 1993 to determine the number of councillors for the term of office to follow the elections to be held in September 2020.

I am not aware of any reason why Council would wish to increase or decrease the number of councillors.

Accordingly, it is not proposed to take any action in respect of the holding of a constitutional referendum to seek approval for such a change.

Recommendation

It is resolved that Council determines that the number of councillors be maintained at 10 for the following term of office of the City of Sydney Council, commencing in September 2020.

MONICA BARONE

Chief Executive Officer

Item 5

Matters for Tabling

5.1 Disclosures of Interest

Disclosure of Interest returns that have been lodged in accordance with the provisions of section 440 of the Local Government Act 1993 and the Code of Conduct – May 2019 will be laid on the table.

Recommendation

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

Item 6

Report of the Corporate, Finance, Properties and Tenders Committee - 2 September 2019

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 Committee recommends the following:-

Item 6.2

Investments Held as at 31 July 2019

It is resolved that the Investment Report as at 31 July 2019 be received and noted.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Miller, and carried unanimously.)

X020701

Item 6.3**Sydney Light Rail Project Update and Smoke Free George Street**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 9 September 2019.

Officer's Recommendation

The officer's recommendation to the Corporate, Finance, Properties and Tenders Committee was as follows -

It is resolved that Council:

- (A) note the information contained in this report;
- (B) note the commercial information contained within Confidential Attachment E to the subject report;
- (C) note the proposed pedestrianisation of other sections of George Street and Devonshire Street, which is in line with the original Sustainable Sydney 2030 project idea and that the public domain works associated with these additional pedestrianised sections will need to be funded from future capital works budgets; and
- (D) approve the designation of smoke-free zones along George Street from Hunter to Bathurst Streets, along with adjacent public places as outlined in Attachment D to the subject report.

Officer's Report

The officer's report on this matter can be found at Item 3 on the agenda of the meeting of the Corporate, Finance, Properties and Tenders Committee on 2 September 2019.

Speakers

Mr Jason Pope, Ms Amelia Birch, Ms Heidi Oliva, Mr Sam Guner, Mr Benny Nourozi, Mr Michael Neuman, Mr Con Vithoukias and Mr Tony Mowad addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

Time Extension

During discussion on this matter, pursuant to the provisions of Clause 8.35 of the Code of Meeting Practice, it was –

Moved by Councillor Kok, seconded by Councillor Thalís –

That Mr Jason Pope be granted an extension of time to speak on this matter.

Carried unanimously.

During discussion on this matter, pursuant to the provisions of Clause 8.35 of the Code of Meeting Practice, it was –

Moved by Councillor Kok, seconded by Councillor Thalís –

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

Carried unanimously.

During discussion on this matter, pursuant to the provisions of Clause 8.35 of the Code of Meeting Practice, it was –

Moved by Councillor Kok, seconded by Councillor Thalís –

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

Carried unanimously.

S124266

The Committee recommends the following:-

Item 6.4

Land Classification - Future North Rosebery Park

It is resolved that Council classify 9A Rosebery Avenue, Rosebery, being Lot 308 in Deposited Plan 1232046, as Operational land in accordance with section 31 of the Local Government Act 1993.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kok, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S127831

The Committee recommends the following:-

Item 6.5

Lease Approval - Level 18, Town Hall House - 456 Kent Street, Sydney

It is resolved that:

- (A) Council approve the granting of a lease to JTB Oceania Pty Ltd for Level 18, Town Hall House, 456 Kent Street, Sydney. The proposed new lease is for a five-year term, with an additional option term of three years which would extend JTB Oceania Pty Ltd tenure until 30 September 2027; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease, including in relation to exercise of the option term, in accordance with Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Miller, and carried unanimously.)

S080757

The Committee recommends the following:-

Item 6.6

Tender - Construction of Piling and Civil Works for Drying Green Park Project at Green Square Town Centre

It is resolved that:

- (A) Council accept the tender offer of Tenderer D for Construction of Piling and Civil Works for Drying Green Park Project at Green Square Town Centre; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scully, and carried unanimously.)

X021354.001

The Committee recommends the following:-

Item 6.7

Exemption from Tender - IT Maintenance and Support Contracts

It is resolved that:

- (A) Council approve an exemption from tender for the provision of the maintenance and support of the software applications and hardware appliances as listed in Confidential Attachment A to the subject report upon the expiry of the current maintenance and support agreements, for a three-year period, with the option of an extension of two years if appropriate, noting that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - (i) the existing suppliers are the sole provider of the relevant maintenance and support, and a competitive tender process is not possible; or
 - (ii) the existing suppliers were previously evaluated as best value for money from a competitive tender process, and a repeat tender process is unlikely to yield a different outcome;
- (A) Council enter into maintenance and support agreements with the suppliers as listed in Confidential Attachment A to the subject report upon the expiry of the current maintenance and support agreements, for annual renewal (if applicable) over a three-year period, with the option of an extension of a two-year period if appropriate; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer (including exercising options if appropriate) the maintenance and support agreements with the relevant suppliers as listed in Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Miller, and carried unanimously.)

S064539

The Committee recommends the following:-

Item 6.8

Tender - Reject and Negotiate - Bulk Lift Upgrade - Various Sites

It is resolved that:

- (A) Council reject the tender offer from Tenderer A for Goods and Passenger Bulk Lifts Upgrade at Five Locations for the reasons set out in the Tender Evaluation Summary at Confidential 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 execute and administer a contract in relation to the subject matter of the tender with a suitable vendor following completion of the negotiations;
- (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.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kok, seconded by Councillor Scully, and carried unanimously.)

X017067.001

The Sub-Committee recommends the following:-

Item 6.9

Knowledge Exchange Sponsorship - Antler Innovation - Demo Day

It is resolved that:

- (A) Council approve a value in kind sponsorship of \$16,705 (excluding GST) for venue hire fee waiver to Antler Innovation Pty Ltd for the Antler Demo Day event; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Antler Innovation Pty Ltd in respect of the sponsorship described in (A) above.

(Note – At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.)

Speaker

Mr Anthony Millet addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.9.

X025441

Item 7

Report of the Environment Committee - 2 September 2019

Item 7.1

Disclosures of Interest

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

The Committee recommends the following:-

Item 7.2

Project Scope - MacDonald Street Widening and Trunk Drainage Project, Erskineville

It is resolved that Council:

- (A) approve the scope of work for the MacDonald Street Widening and Trunk Drain Project, as described in the subject report and shown in the concept plan design Attachment B to the subject report, for progression to design development and preparation of construction documentation; and
- (B) note the estimated project forecast phasing as outlined in Confidential Attachment F to the subject report.

(Note – at the meeting of the Environment Committee, this recommendation was moved by Councillor Miller, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X011393.003

Item 8

Report of the Cultural and Community Committee - 2 September 2019

Item 8.1

Disclosures of Interest

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

The Sub-Committee recommends the following:-

Item 8.2

Reappointment of Public Art Advisory Panel

It is resolved that:

- (A) Council re-appoint the following members of the Public Art Advisory Panel for a further term of two years: Dr Felicity Fenner, Judith Blackall, Lisa Havilah, Professor Richard Johnson, Janet Laurence, Anne Loxley and Leon Paroissien;
- (B) Council re-appoint Dr Felicity Fenner as Chairperson of the Public Art Advisory Panel for a further term of two years;
- (C) Council approve the draft Revised Terms of Reference of the City of Sydney Public Art Advisory Panel - 2019, as shown at Attachment C to the subject report; and
- (D) authority be delegated to the Chief Executive Officer, as per the terms of reference, in consultation with the Lord Mayor, to appoint a Deputy Chair, a member to fill a current vacancy, an additional member and any new members of the Public Art Advisory Panel within the two year term should the need arise.

(Note – at the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee), this recommendation was moved by the Chair (the Lord Mayor), and seconded by Councillor Thalís.

Variation. At the request of Councillor Vithoukás, and by consent, the motion was varied to insert the additional words, “as per the terms of reference” in clause (D).

Carried unanimously.)

X002289.005

The Sub-Committee recommends the following:-

Item 8.3

Adhoc Grant - WorldPride 2023 Bid

It is resolved that:

- (A) Council approve a \$50,000 (excluding GST) cash sponsorship to support Sydney Gay and Lesbian Mardi Gras Ltd's bid for World Pride Sydney 2023 with funds drawn from Council's General Contingency budget; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Sydney Gay and Lesbian Mardi Gras Ltd in support of the bid for World Pride Sydney 2023.

(Note – At the meeting of the Cultural and Community Committee (Cultural and Creative Sub-Committee), this recommendation was moved by Councillor Scully, seconded by Councillor Forster, and carried unanimously.)

X025863

Item 9

Report of the Transport, Heritage and Planning Committee - 2 September 2019

Item 9.1

Disclosures of Interest

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

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 Committee recommends the following:-

Item 9.2

Public Exhibition – Draft Community Participation Plan

It is resolved that:

- (A) Council note the *Draft Community Participation Plan* is a transfer of existing advertising and notification procedures for development applications;
- (B) Council note the City will undertake a review of advertising and notification procedures for development applications, including community consultation, before preparing a revised Community Participation Plan for Council's consideration;
- (C) Council approve the *Draft Community Participation Plan*, at Attachment A, for public exhibition for a period of at least 28 days;
- (D) Council approve *Draft Sydney Development Control Plan 2012 – Community Participation Plan Associated Changes*, at Attachment B, for public exhibition concurrent with the Draft Community Participation Plan; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to the *Draft Community Participation Plan* and *Draft Sydney Development Control Plan 2012 – Community Participation Plan Associated Changes*, to correct any errors or omissions prior to exhibition.

(Note – At the meeting of the Transport, Heritage and Planning Committee, this recommendation was moved by Councillor Thalís, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X025554

The Committee recommends the following:-

Item 9.3

Public Exhibition - Planning Proposal - Heritage Listing - 82-84 Dixon Street, Haymarket (Former Kwong War Chong & Co Building) - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council approve the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket shown at Attachments A1 to A3 for submission to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket for public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the planning proposal following receipt of the gateway determination;
- (D) Council seek authority from the Secretary of the Department of Planning, Industry and Environment to make the amendment to Sydney Local Environmental Plan 2012 under section 3.31(3)(c) as set out in the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket, shown at Attachments A1 to A3; and
- (E) Council note that the resolution to approve the Planning Proposal: Heritage Listing 82- 84 Dixon Street, Haymarket to add the item on the heritage schedule of Sydney Local Environmental Plan 2012 will extend the interim heritage order for another six months for a total 12 months, to 22 March 2020.

(Note – At the meeting of the Transport, Heritage and Planning Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Thalys, and carried unanimously.)

Speakers

Mr James Phillips, Ms Daphne Lowe-Kelly, and Ms Ann Toy addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.3.

X023484

The Committee recommends the following:-

Item 9.4

Fire Safety Reports

It is resolved that Council:

- (A) note the contents of the Fire Safety Reports 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 P of the subject report;
- (C) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 371 Pitt Street, Sydney, as detailed in Attachment B;
- (D) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 288-306 Wattle Street, Ultimo, as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 16-20 Smail Street, Ultimo, as detailed in Attachment D;
- (F) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 54-62 Balfour Street, Chippendale, as detailed in Attachment E;
- (G) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 9-13 Hay Street, Haymarket, as detailed in Attachment F;
- (H) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 6 Little Hay Street and 49-55 Dixon Street, Haymarket, as detailed in Attachment G;
- (I) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 650 George Street, Sydney, as detailed in Attachment H;
- (J) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 397-409 Kent Street, Sydney, as detailed in Attachment I;
- (K) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 264-278 George Street, Sydney, as detailed in Attachment J;
- (L) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 103-105 Palmer Street, Woolloomooloo, as detailed in Attachment K;

- (M) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 398-408 Pitt Street, Haymarket, as detailed in Attachment ;L
- (N) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 76-78 Liverpool Street, Sydney, as detailed in Attachment M;
- (O) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 1-15 O'Connell Street, Sydney, as detailed in Attachment N;
- (P) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 129 Harrington Street, Sydney, as detailed in Attachment O; and
- (Q) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 20 Pelican Street, Surry Hills, as detailed in Attachment P.

(Note – At the meeting of the Transport, Heritage and Planning Committee, this recommendation was moved by Councillor Thalys, seconded by Councillor Kok, and carried unanimously.)

S105001.002

Panel of Conduct Reviewers and Administrative Changes to Code of Conduct

File No: S077038.004

Expression of Interest No: SSROC E2017-01

Summary

This report provides details of the expressions of interest received for the establishment of a Panel of Conduct Reviewers appointed by the Southern Sydney Regional Organisation of Councils (SSROC).

On 13 May 2019, Council adopted a Code of Conduct and Procedures for the Administration of the Code of Conduct as issued by the Office of Local Government (OLG).

The Code and Procedures contain a comprehensive framework to guide the management of allegations of breaches of Council's Code of Conduct by staff, Councillors and the Chief Executive Officer. This framework includes the requirement for a panel of conduct reviewers comprised of persons independent of Council. Conduct reviewers are responsible for reviewing allegations of breaches of the Code of Conduct by Councillors or the Chief Executive Officer.

An expression of interest was called by SSROC in April 2017 to establish a regional Panel of Conduct Reviewers for participating member Councils of the SSROC region to draw upon on an "as required" basis.

It was agreed by the SSROC selection committee that the recommended applicants for inclusion in the SSROC regional panel are those applicants indicated in Confidential Attachment B.

The SSROC Panel of Conduct Reviewers was appointed for a four-year period until 15 June 2021. It is recommended that Council adopt the Panel for the remaining period of time.

This report recommends that Council adopt the Panel of Conduct Reviewers (Confidential Attachment B) appointed by the Southern Sydney Regional Organisation of Councils (SSROC).

The Office of Local Government released guidance material on the Model Code of Conduct in August 2019. This together with further consultation with the Office of Local Government has also led to minor administrative changes to the City's Code of Conduct. These changes include removing "volunteers" from the definition of "council official" and adding a definition of "contractors".

Recommendation

It is resolved that:

- (A) Council adopt the Panel of Conduct Reviewers appointed by the Southern Sydney Regional Organisation of Councils, until 15 June 2021, as shown at Confidential Attachment B to the subject report;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the panel;
- (C) Council adopt the amended City of Sydney Code of Conduct, shown at Attachment A to the subject report; and
- (D) Council note that the Chief Executive Officer has been delegated authority to make minor amendments to the Code of Conduct and the Procedures for the Administration of the Code of Conduct, as required from time to time, subject to all Councillors being informed of any such changes as per Council resolution of 13 May 2019.

Attachments

Attachment A. City of Sydney Code of Conduct September 2019

Attachment B. SSROC Panel of Conduct Reviewers (Confidential)

Background

1. The New South Wales Government has a comprehensive framework to guide the management of allegations of breaches of a council's code of conduct by staff, councillors or the general manager. Details are contained within the Office of Local Government's (OLG) Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct.
2. The 2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 18 December 2018. The Office of Local Government advised that Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the past four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.
3. Council adopted the previous panel of independent conduct reviewers in July 2013. All members of the City's panel were drawn from the panel appointed by the Southern Sydney Regional Organisation of Councils (SSROC).
4. In May 2017, an expression of interest was called by SSROC from suitably qualified individuals who wished to be placed on a regional Panel to fulfil the function of a code of conduct reviewer for participating member councils of the SSROC region. The Panel is open to SSROC member councils to draw upon on an "as-required" basis to review complaints made under each council's Code of Conduct and Procedures.
5. Specific requirements for panel members were:
 - (a) an understanding of local government;
 - (b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994;
 - (c) knowledge and experience of one or more of the following: investigations, law, public administration, public sector ethics, alternative dispute resolution; and
 - (d) meeting the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6 of the Procedures for the Administration of the Code of Conduct.
6. The evaluation panel determined that submissions would be assessed on the basis of the experience of the Respondents and their respective organisations and the pricing attached to the submission. If all Respondents were evaluated to have the same experience and knowledge of local government the evaluation would come down to the pricing requested.
7. The evaluation panel selected a panel of eight; the Panel has been appointed for a four-year period.
8. Whilst SSROC has managed the process and will maintain the Panel, it will not be involved in any specific matter. Council will deal directly with individuals from the Panel as required. The contractual arrangements will be solely between the Council and the conduct reviewer(s).

9. The manner of dealing with complaints is set out in the Procedures for the Administration of the Code.
10. The OLG released guidance material on the Model Code of Conduct in August 2019. This together with further consultation with the OLG has led to minor administrative changes to the City's Code of Conduct.
11. A council may choose to extend the application of the Code to persons that are not "council officials" such as volunteers, contractors and wholly advisory committees. This extension is not a compulsory requirement of the Model Code of Conduct.
12. It is recommended that amendments are made to the definition of Council Official to provide clarity and enable efficient implementation of the Code. It is proposed that the definition of Council Official be changed to:

Council Official: includes councillors, members of staff of a council, administrators, council committee members, delegates of council, contractors and members of wholly advisory committees and, for the purposes of clause 4.16, council advisers.

13. Removing "volunteers" from the definition of "council official" is recommended because the City's volunteers range from Bushcare volunteers who spend a few hours volunteering, to those who participate in more formal volunteering programs. It is not possible for the Code of Conduct to be universally applied across the range of the City's volunteers.
14. It is also recommended, again for the purposes of the clarity and utility of the City's Code of Conduct, that the following definition be added:

Contractor: agency staff engaged by Council.

Financial Implications

15. Council will enter into an individual arrangement with each person / organisation appointed to conduct reviews of complaints made under the Code of Conduct. Fees will be charged for each appointment as per the fee structure provided by the conduct reviewer in Attachment B.
16. There are sufficient funds allocated for this project within the current year's operating budget and future years' forward estimates.

Relevant Legislation

17. Section 440 (3) of the Local Government Act 1993 required that a council must adopt a Code of Conduct that incorporates the provisions of the Model Code.
18. Attachment B contains confidential commercial information of the person/organisation which, if disclosed, would:
 - (a) confer a commercial advantage on a person or company with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person or company who supplied it.
19. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

20. The term of the City's panel of conduct reviewers has concluded. Therefore the Council must establish a new panel of conduct reviewers in accordance with the requirements of the Procedures for the Administration of the Code of Conduct.

Options

21. Council has the option of developing its own panel of conduct reviewers, however, this is considered to duplicate the work SSROC has already undertaken on our behalf and is not recommended.

KIRSTEN MORRIN

Director Legal and Governance

Paulette Sutherland, Manager Risk and Governance

Attachment A

**City of Sydney Code of Conduct
September 2019**

Code of Conduct

Resolution of Council: 13 05 2019

Responsibility:
Governance



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PART 1 INTRODUCTION

The *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Chief Executive Officer	Chief Executive Officer of the Council of the City of Sydney
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
contractor	<i>agency staff engaged by the Council of the City of Sydney</i>
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, volunteers , contractors and members of wholly advisory committees and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8

election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Lord Mayor	Lord Mayor of the Council of the City of Sydney
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and

b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the Lord Mayor or Deputy Lord Mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the

council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the Lord Mayor and Deputy Lord Mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Lord Mayor and Deputy Lord Mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Lord Mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the Chief Executive Officer
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

- 4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the Chief Executive Officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

- 4.15 The staff member's manager or the Chief Executive Officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.
- 4.25 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- Disclosure of pecuniary interests at meetings
- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the Chief Executive Officer in writing by a councillor or a council committee member to the effect that the councillor or

council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information

contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the Lord Mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may

participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their

written approval for the staff member to engage in the employment, work or business.

- 5.25 The Chief Executive Officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing. The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation

within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the Chief Executive Officer by way of council or committee resolution, or by the Lord Mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the Chief Executive Officer
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the Lord Mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 The obligation under clauses 7.2(a) and 7.2(b) is subject to the following exceptions:
- a) the Lord Mayor may direct or influence council staff that are employed by council to work in the Office of the Lord Mayor as specified in a relevant position description, and
 - b) a Councillor may direct or influence council staff that are employed by Council to work in the office of the councillor who is giving the direction or influence.
- 7.4 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.5 Under section 335 of the LGA, the role of the Chief Executive Officer includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the Lord Mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.6 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.7 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or

proposed legal proceedings unless permitted to do so by the council's Chief Executive Officer or, in the case of the Lord Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The Chief Executive Officer is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The Chief Executive Officer and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The Chief Executive Officer must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the Chief Executive Officer or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

- a) subject to clause 8.14, only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private

business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State*

Records Act 1998 and the council's approved records management policies and practices.

- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, Lord Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the Chief Executive Officer.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the Chief Executive Officer (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the Chief Executive Officer, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the Chief Executive Officer or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the Chief Executive Officer in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.

8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and

- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under

which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the Lord Mayor or Deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to

be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the Chief Executive Officer after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the Chief Executive Officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the Chief Executive Officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the Chief Executive Officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
--	--------------------

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

D. Contributions to travel

Name and address of each person who made any	Dates on which travel was undertaken	Name of States,
--	--------------------------------------	-----------------

financial or other contribution to any travel undertaken by me at any time since 30 June

Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June	Nature of any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
--	----------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting]

CONFIDENTIAL

By virtue of the Local Government Act 1993 Section 10A Paragraph 2

Document is Restricted

Item 11

Questions on Notice

Ward Park Upgrade

1. By Councillor Phelps

Question

Ward Park has been significantly affected by light rail construction on Devonshire Street and is in need of redevelopment to be of effective use to the public, particularly the nearby Boys and Girls Brigade, Crown Street Public School and Bourke Street Public School.

Could the Chief Executive Officer please provide advice on the following:

1. The current maintenance schedule for Ward Park, including when it was last upgraded?
2. Does the City have plans to upgrade Ward Park?
3. Are there any discussions or has the City considered starting discussions with the NSW Government or Acciona to assist with the upgrade of Ward Park?

S129272

Electric Scooters Operational Safety

2. By Councillor Phelps

Question

While electric scooters are currently illegal to use in public spaces in NSW, there are discussions as to how and where e-scooters could be trialled. Public safety fears have stalled the launch of the Sydney trial, though they are already in operation in Brisbane and Adelaide and many overseas cities.

Data collected from the use of Lime bikes has demonstrated that there is demand for convenient, motorised mobility vehicles.

Currently, the City is one of eight Sydney councils in discussion about hosting these e-scooters, but it is important to strike the balance between safety and effective mobility solutions. Sydney's dense population and historic city infrastructure mean that our footpaths are not designed for motorised vehicles.

Could the Chief Executive Officer please provide advice on the following:

1. Does the City have a plan to implement an electric scooter trial in the Sydney Local Government Area?
2. Can the City acquire and release the safety data from other cities?

3. What are the current safety control measures being considered?
4. Would a speed limit be imposed on the e-scooters? If so, what would the limit be?
5. How would the City ensure that public safety and interests are prioritised above private company profits from the operation of e-scooters?
6. How would the data gathered by these bikes and scooters be used?

S129272

Sydney Square Smoke-free Zone

3. By Councillor Phelps

Question

In August 2018, Council carried my motion which requested the Chief Executive Officer undertake work to implement a smoke-free zone trial in Sydney Square, and promote Sydney Square as a smoke-free zone. This would promote Council as a leader by example, while also improving air quality, dis-incentivising smoking, improving tourism opportunities and reducing litter in the city.

In July 2019, North Sydney Council became the first Sydney council to ban smoking altogether in their local CBD. This is a missed opportunity for the City of Sydney to be a leader by example.

Could the Chief Executive Officer please provide advice on the following:

1. What progress has been made on the August 2018 resolution?
2. What is the estimated date of completion for works to make Sydney Square a smoke-free zone?

S129272

Breathable Sydney Plan

4. By Councillor Phelps

Question

At the Council meeting on 19 August 2019, Council passed the 'Breathable Sydney' Lord Mayoral Minute which called for the Chief Executive Officer to develop a report on the options associated with implementing an integrated, publicly accessible 'Breathable Sydney' air quality monitoring network.

There was a motion passed by Council in August 2018 calling on the Council to include measurements of air quality in the upcoming Sustainable Sydney 2050, to update Councillors on the work with NSW Office of Environment and Heritage to install an air quality monitoring station within the local government area, and to investigate the deployment of fixed and mobile air quality monitors, as part of future smart city projects.

Could the Chief Executive Officer please provide advice on the following:

1. What is the difference between the Lord Mayoral Minute and the Motion from 2018, in practical terms?
2. What action has been taken in the intervening year to install air quality monitors?
3. What planning is now being done or has been done in preparation for implementation of an air quality monitoring network in the local government area?
4. Has an air quality monitoring network been incorporated into any of the City's development plans including Sustainable Sydney 2030 or Planning for Sydney 2050?
5. What is the estimated total budget for the project?

S129272

Rubbish Bins Surry Hills

5. By Councillor Phelps

Question

The City has received multiple complaints from residents and business owners regarding the removal of rubbish bins in Surry Hills.

A consequence of this has been the increased littering on Crown and Devonshire Streets in Surry Hills. This is a concern for the City as rubbish encourages the infestation of rats by providing them with food and shelter.

Can the Chief Executive Officer please provide advice on the following:

1. The number of rubbish bins in Surry Hills, including on main thoroughfares such as Crown Street?
2. The number of rubbish bins that have been removed from Crown and Devonshire Streets, Surry Hills?

3. Which entity was responsible for the decision to remove these rubbish bins?
4. What options are available to the City to reduce the amount of litter and waste in the area?

S129272

City of Sydney Traffic Studies

6. By Councillor Vithoukas

Question

Has the City conducted any traffic studies of the CBD in the past three years for:

1. The major north / south thoroughfares like Elizabeth and Kent Streets?
2. The major east / west thoroughfares like Liverpool, Park, Market and King Streets?
3. If not, why not?
4. If so, can they be supplied to all Councillors?

S129276

Light Rail - Economic Employment

7. By Councillor Vithoukas

Question

In Item 3 of the Corporate, Finance, Properties and Tenders Committee, 2 September 2019, point 39 Transport for NSW Business Case November 2013 is referred to, including some of the estimated \$4 billion in benefits. Point 40 specifically says, "in addition to fiscal benefits an estimated 10,000 jobs will be created".

1. Was the City provided a copy of the detailed business case?
2. If not, did the City ever seek a copy of the full detailed business case?
3. If not, why not?
4. What is the foundation for the statement of estimating 10,000 jobs will be created along the Light Rail corridor?

S129276

Light Rail - Outdoor Dining

8. By Councillor Vithoukas

Question

In Item 3 of the Corporate, Finance, Properties and Tenders Committee, 2 September 2019, Outdoor Dining along the Light Rail Corridor is discussed in point 26: "City Staff are developing a plan illustrating the outdoor dining opportunities available along the length of the light rail corridor".

1. When will this plan be completed? When will it be brought to Council?
2. Will this plan only refer to areas where there are existing businesses who would take up additional outdoor dining?
3. Will this be a Masterplan for all areas of potential outdoor dining along the Light Rail Corridor?

S129276

Light Rail Freight Plan and Shared Zones

9. By Councillor Vithoukas

Question

1. Has the City considered and / or created a Freight and Delivery Access Plan to cater for the numerous driveways and loading docks along the Light Rail Route?
2. Will the City be creating a Shared Zone Map to include a Delivery Access Plan?
3. If not, why not?
4. If not, can the City pursue this endeavour as a matter of urgency?
5. Can the City communicate the subsequent plans to affected businesses and to all the major freight companies that service such businesses?

S129276

Light Rail Timetable

10. By Councillor Vithoukas

Question

1. Has the City been provided information on Timetable Frequency and Signalling Priorities for the length of the Light Rail route (within the Local Government Area)?
2. If not, do we anticipate we will receive such a timetable?
3. If so, can they be supplied to all Councillors?

S129276

Planning - Application Summary

11. By Councillor Vithoukas

Question

Item 2, Attachment A, of the Transport, Heritage and Planning Committee, 2 September 2019, is the Draft Community Participation Plan 2019. Development Assessment is on page 7 of the draft.

Through the Chief Executive Officer, can City staff report back with a simplified summary of the number of applications, for the previous fiscal years 2017/18 and 2018/19 respectively, determined by:

- (a) delegation to staff;
- (b) the Local Planning Panel; and
- (c) the Central Sydney Planning Committee.

S129276

Customer Service Response Rate

12. By Councillor Scott

Question

Please provide the following information regarding the Customer Service Contact Centre:

1. The average wait time for calls made to Customer Service organised by financial year since 2015/16.
2. The resolution rate of calls, e.g. the proportion of calls that resolve an issue and don't require further assistance.
3. The average wait time at the in person Customer Service Centre organised by financial year since 2015/16.

S129275

Neighbourhood Centre Staff

13. By Councillor Scott

Question

Community and Neighbourhood Centres in the City of Sydney provide an invaluable service to some of our most vulnerable residents and have an important place at the heart of our communities.

Can the Chief Executive Officer please provide the number of staff, specifying the roles and contract type of these staff (full-time / part-time / casual), in individual community and neighbourhood centres being operated by the City of Sydney listed by year for the past 10 financial years?

S129275

UNICEF Child Friendly Cities Initiative

14. By Councillor Scott

Question

At the previous meeting of Council, a motion 'Adoption of UNICEF's Child Friendly Cities Initiative' was passed.

The motion requests that the Chief Executive Officer be requested to investigate:

- (a) signing on as a Child Friendly Cities Initiative (CFCI) city;
- (b) integrating this framework into the City of Sydney's 2050 plan; and
- (c) the feasibility of a Child Advisory Panel.

Can the Chief Executive Officer please provide an update on any progress made with regards to this investigation?

S129275

The City of Sydney and Tertiary Research

15. By Councillor Scott

Question

1. What co-contributions to research projects has the City of Sydney made since 2004? Please detail, broken down by year.
2. Please detail whether funds have been committed, or committed and expended, the relevant University or tertiary education provider, and the outcomes (where relevant) for the City and communities.

S129275

Processing of Complaints

16. By Councillor Scott

Question

1. Does the City of Sydney monitor noise complaints, by complainant or venue across the City's business units?
2. How does the City process high volumes of complaints from a single complainant?
3. Please detail how the City's processes deal with vexatious complaints about noise or businesses.

S129275

Item 12

Supplementary Answers to Previous Questions

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

Item 13.1**Notices of Motion****Electric Scooters**

By Councillor Phelps

It is resolved that:

- (A) Council note:
- (i) electric scooters are currently illegal to use in public spaces in NSW;
 - (ii) the City is currently one of eight Sydney councils reported to be in discussion about hosting e-scooter trials;
 - (iii) the City of Sydney's dense population and historic city infrastructure mean that our footpaths are not designed for motor vehicles, and provide e-scooter companies with different conditions than in Queensland and South Australia;
 - (iv) while data collected from the use of Lime bikes has demonstrated that there is demand for convenient, motorised mobility vehicles, they pose a great risk to public and pedestrian safety should they be ridden irresponsibly and on footpaths; and
 - (v) it is Council's responsibility to provide a safe and inclusive City for everyone; and
- (B) the Chief Executive Officer be requested:
- (i) in any consideration of e-scooters in the Sydney local government area, that pedestrian safety be prioritised by advocating e-scooters be banned from footpaths;
 - (ii) to discuss with NSW Police the enforcement of helmet use by e-scooter users; and
 - (iii) to provide Councillors with the safety data of e-scooter use from other cities.

S129263

Item 13.2**Notices of Motion****Sydney Light Rail Project and Proposed Additional Pedestrianisation of George and Devonshire Streets**

By Councillor Vithoukas

It is resolved that:

(A) Council note:

- (i) that the report of Transport for NSW CBD and South East Light Rail Business Case Summary, November 2013, is used by the City in reference to light rail outcomes. The economic baseline in this report is six years old and has since been downgraded by the NSW Audit Office; reducing the likelihood that a positive cost benefit outcome will be achieved;
- (ii) the NSW Audit Office Media Release CBD and South East Light Rail Project 30 November 2016 stated: "Transport for NSW did not effectively plan and procure the CBD and South East Light Rail (CSELR) project to achieve best value for money." According to a report released by NSW Auditor-General, Margaret Crawford: "Transport for NSW is on track to deliver the project, but it will come at a higher cost with lower benefits than in the approved business case";
- (iii) that residents, ratepayers, small businesses and their families have been severely and negatively impacted by the overdue and over budget Light Rail Project;
- (iv) that hundreds of small businesses have suffered massive economic losses;
- (v) that hundreds of small businesses have been refused financial assistance by Transport for NSW;
- (vi) that without the direct advocacy of the Small Business Community there would not be a Small Business Assistance Program of any kind;
- (vii) that Transport for NSW intends to terminate the Small Business Program on 1 October 2019; and
- (viii) that Council has proposed additional pedestrianisation of other sections of George Street and Devonshire Street;

(B) the Chief Executive Officer be requested to:

- (i) urgently create and implement an awareness advertising solution across all relevant media channels, to inform all businesses along the light rail route of the 1 October 2019 deadline for financial assistance applications;

- (ii) investigate any and all plausible activation programs to encourage return patronage to the completed Light Rail route. This is to assist any longstanding or newly set up small businesses along the corridor;
 - (iii) set up and implement a robust stakeholder consultation program for residents and businesses that could be impacted by these additional proposed pedestrianised sections of George and Devonshire Streets, prior to the City of Sydney making a commitment to implement;
 - (iv) provide a full list of the public domain works associated with these proposed additional pedestrianisation sections and disclose the budgets for these future capitol works prior to the City of Sydney making a commitment to them, and include this in the stakeholder consultation program; and
 - (v) investigate developing a Small Business and Residents Financial Assistance Program for those that could be negatively impacted by these additional public domain works, with recommended criteria and budgets, and provide a report back to Council with options for endorsement and public exhibition. This assistance program should be operational prior to the City of Sydney beginning any future public works for the proposed additional pedestrianisation;
- (C) the Lord Mayor be requested to write to the Minister for Transport to request in the strongest language possible, that the Small Business Assistance Program remain in place for a full 12 months after the entire light rail route is fully operational; and
- (D) the Lord Mayor be requested to write to the Small Business Commissioner asking her Office to deploy its resources to conduct a business health check six months and 12 months after Light Rail is fully operational, and request that the results of the health checks be provided to Council.

S129267

Item 13.3

Notices of Motion

Extension of Green Square Library Opening Hours

By Councillor Scully

It is resolved that:

(A) Council note:

- (i) Green Square is one of the fastest growing precincts in Australia. Around 30,000 residents have already moved in to the area, and by 2030, the area will have 61,000 residents and 22,000 jobs. This is a population density of 22,000 people per square kilometre, the highest in Australia;
- (ii) the City of Sydney is committed to delivering the public facilities and infrastructure that this growing population needs to be part of a liveable, sustainable city;
- (iii) the City of Sydney has committed \$540 million to establish beautifully designed facilities, including an aquatic centre, 40 parks and open spaces, a community and cultural precinct and new public art. The City has also invested \$1.2 billion on infrastructure that includes essential work on stormwater drains, new roads and footpaths, and a transport corridor for future light rail;
- (iv) in October 2018, the City of Sydney officially opened the Green Square Library and Plaza. It is a state of the art facility providing the community with access to music rehearsal rooms, reading and study areas, community meeting spaces, a technology suite and an open-air garden. Since its completion, it has been recognised with some of the most respected awards in NSW public architecture, winning four awards at the 2019 Australian Institute of Architects NSW Awards and The Architectural Review's Library Award 2018. This is an indication of the City of Sydney's commitment to providing quality infrastructure to last for generations;
- (v) the success of the Green Square Library is evident in the usage figures which indicate that it has drawn more visitors through its doors over the first 10 months of opening and new members have joined the library service at Green Square in greater numbers than any of the other eight branches which comprise the library network. Over the past 10 months there have also been 108,755 WiFi sessions at Green Square Library, which is well above the WiFi usage at other branches within the network; and
- (vi) Green Square Library is currently open Monday to Wednesday 10am–7pm, Thursday and Friday 10am–6pm, and Saturday 10am–4pm; and

(B) the Chief Executive Officer be requested to investigate the option of extending the opening hours of Green Square Library, including opening on Sunday, and report back to Council via the CEO Update.

S129264

Item 13.4

Notices of Motion

Zero Litter to Ocean

By Councillor Chung

It is resolved that:

- (A) Council note:
- (i) each year, at least eight million tonnes of plastics flow into the ocean - which is equivalent to dumping the contents of one garbage truck into the ocean every minute. If no action is taken, this is expected to increase to two per minute by 2030 and four per minute by 2050;
 - (ii) eighty per cent of plastic pollution in our ocean comes from land-based sources flowing through drains to our waterways and oceans via stormwater runoff. Urban stormwater runoff often also contains harmful levels of other less visible (but extremely damaging) pollutants, such as suspended solids, heavy metals, nutrients and bacteria;
 - (iii) the City of Sydney currently has 50 gross pollutant traps that collect approximately 150 tonnes of litter annually and has set targets to reduce solid pollution by 50 per cent on 2006 levels; and
 - (iv) the degradation of our local waterways and oceans is a risk to public health and has a direct impact to our economy, with the ban on commercial fishing and cautions around consumption of fish products from Sydney Harbour due to pollution as just one current example;
- (B) Council endorses a 'Zero Litter to Ocean' target across the entire local government area by 30 June 2030; and
- (C) the Chief Executive Officer be requested to consult with Stormwater NSW, industry and environmental groups and prepare a report to be brought back to Council, prior to the 2020/21 budget process, to demonstrate the best alternatives for how this target can be achieved, including timeframes and budgets.

S129259

Item 13.5**Notices of Motion****Deputy Lord Mayoral Chains**

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) the current Deputy Lord Mayoral (DLM) chains are worn on rare civic occasions when the Deputy Lord Mayor is representing the Lord Mayor;
 - (ii) the words and motif on the chains, in particular the inscription: "I take but I surrender" is shown with the depiction of a scene between a colonialist and a First Nations person;
 - (iii) the City of Sydney values, as noted in Sustainable Sydney 2030, include a city that champions the values of equality and inclusivity; and
 - (iv) from time to time, practices concerning symbols of the City have been either modified or discontinued, such as the discontinuation of adding small gold medallions to the Lord Mayoral chains in 1945; and
- (B) the Chief Executive Officer be requested to retire the current Deputy Lord Mayoral chains.

S129266

Item 13.6**Notices of Motion****Moss Culture Air Purification**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) research has shown that certain moss cultures make ideal air purifiers, with many having the ability to filter and absorb air pollutants such as particulates and nitrogen dioxide;
- (ii) recently progress has been made in the of use of moss cultures in city designs:
 - (a) this includes but is not limited to the German startup, 'Green City Solutions', who have developed the CityTree, which has been hailed as the world's first intelligent biological air filter;
 - (b) the CityTree comprises a bench which is equipped with a "living wall" of moss types that are able to naturally absorb pollution;
 - (c) the design, which comprises a bench and vertical vegetation wall, takes up a fraction of the space that would be needed to yield the same air-purifying results using 275 real trees;
 - (d) the wall of irrigated moss also generates a cooling effect on the surrounding area, helping to combat the urban heat island effect; and
 - (e) additionally, the CityTree also has built-in watering and Internet of Things (IoT) monitoring, which maintains and measures the performance of the living structure; and
- (iii) the City of Sydney is currently working to improve the public domain in the Sydney CBD, particularly along the new light rail corridor. This provides an opportunity for the City to implement new and innovative ideas for improving public space and the City's urban canopy; and

(B) the Chief Executive Officer be requested to:

- (i) investigate the feasibility of incorporating moss culture purification, such as the CityTree, in future public domain works, particularly in the upcoming improvements of the light rail corridor; and
- (ii) conduct a preliminary location analysis for the best locations for the optimal impact of the technology across the Local Government Area.

S129266

Item 13.7**Notices of Motion****Payments from the City of Sydney**

By Councillor Scott

It is resolved that:

- (A) Council note:
 - (i) small business is a vibrant and important part of our city's economy, but every year small and medium businesses extend \$216 billion of trade credits to large businesses (Paying the Price, June 2019). This has huge impacts on small business and the potential working capital of our city; and
 - (ii) the City of Sydney is a large contractor in the city and should be exhibiting best practice with our partners; and
- (B) the Chief Executive Officer be requested to examine the feasibility of a City of Sydney payment policy that allows all businesses contracted for services to, upon request, receive payment within seven days of receipt of a valid invoice.

S129266

Item 13.8**Notices of Motion****Transport Urban Gardens**

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) cities around the world are finding new and innovative ways to increase green space and urban canopy:
 - (a) the Dutch city of Utrecht has upgraded 316 bus stops with roof top gardens. These gardens capture fine dust and rainwater and provide extra space for urban bee populations. Importantly it improves air quality and adds to the city's urban canopy;
 - (b) British bus stops in the City of Stockwell, Clapham Common, Crystal Palace and Brixton have introduced edible bus stops that feature edible plants on the footpath and shelter itself; and
 - (c) Dublin city has 4,547 bus stops in total and over 1,200 have thus far been converted to urban garden stops. Once all stops are complete the City of Dublin will have added two football sized fields of urban canopy; and
- (B) the Chief Executive Officer be requested to investigate the feasibility of incorporating rooftop gardens on light rail and bus stops in the City of Sydney urban canopy plan and work with the State Government to implement this vision.

S129266

Item 13.9

Notices of Motion

Paddington Greenway - Rushcutters Creek

By Councillor Thalís

It is resolved that:

- (A) Council note that historically:
- (i) there have been Aboriginal settlements at Rushcutters Creek on what is now known as Rushcutters Bay Park;
 - (ii) the Aboriginal placename for the bay is Kogerrah;
 - (iii) Indigenous and European rushcutters harvested the rushes that grew abundantly in the inter-tidal zone, an activity that gave the English name to the place;
 - (iv) European occupation was formalised when a land grant was awarded to Thomas West in 1810 to establish a water mill. The estate was known as Barcom Glen;
 - (v) West's Creek flowed through the area once known as the Valley of La Croza (or Lacrozia Valley), from Oxford Street near Victoria Street, through Lacrozia Lane and Barcom Glen to the present New South Head Road into Rushcutters Bay;
 - (vi) Rushcutters Creek is located in the Woollahra Council area, flowing from Trumper Park down towards New South Head Road, where it joins Rushcutters Creek near the junction of Bayswater Road and Neild Avenue to flow through Rushcutters Bay Park to the harbour;
 - (vii) the Rushcutters Bay Stormwater Channel (No. 84) is listed on the State Heritage register as it is one of the first nine purpose-built stormwater drains to be constructed in Sydney in the 1890s; and
 - (viii) prior to this period the water courses carried rainwater and were in their natural state. However, with urbanisation they became receptacles for stormwater and sewage from the growing population which had settled on the slopes above;
- (B) Council note that currently:
- (i) Rushcutters Creek has complex ownership, including Woollahra Council, City of Sydney, Rail Corp, Roads and Maritime Services and private easements;
 - (ii) Sydney Water has a responsibility to manage the stormwater channel that is Rushcutters Creek;
 - (iii) the Rushcutters Bay Catchment Floodplain Risk Management Study and Plan was prepared for the City of Sydney in 2016;

- (iv) Woollahra Council unanimously adopted a motion in July 2019 supporting a “Paddington Greenway”, including a pedestrian and cycling path and renaturalisation of Rushcutters Creek as it passes through their Local Government Area;
 - (v) students from the University of Technology Sydney have developed a plan to renaturalise Rushcutters Creek within the Woollahra Local Government Area, in the process proposing a pedestrian and cycling route / connection;
 - (vi) the NSW Minister for Planning and Public Spaces commitment to reclaim “forgotten land” including riparian corridors set aside for drainage;
 - (vii) this plan could provide connections to open space and parks (e.g. southward to Centennial Park) and connect to the City of Sydney’s regional and local cycling network;
 - (viii) this plan is in line with the NSW Premier’s Priorities to green our City by increasing tree canopy and green cover across Greater Sydney and to provide greener public spaces by increasing the proportion of homes in urban areas within 10 minutes of quality green, open and public space;
 - (ix) this plan is in line with the NSW Government Architect’s Sydney Green Grid which notes Rushcutters Creek as a green grid project opportunity; and
 - (x) this plan has the potential to provide a 3.5 kilometre green corridor and cycle path from Yarranabbe Park through Rushcutters Bay Park (in Woollahra Council) to Centennial Park; and
- (C) the Chief Executive Officer be requested to engage with Woollahra Council to:
- (i) develop a feasibility assessment for this project;
 - (ii) investigate funding opportunities for this project (including grants from the NSW Department of Planning, Industry and Environment and Transport for NSW);
 - (iii) investigate possible connections between the greenway and the City’s regional and local cycling network (including both the existing cycle ways in Kings Cross Road and Craigend Street, and other potential connections); and
 - (iv) investigate water quality improvements and treatments along the creek’s lines and in the larger footprint of Rushcutters Bay Park, Reg Bartley Oval and environs.