

**14 December 2020**

At 5.00 pm

**Council**

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## Agenda

1. **Confirmation of Minutes**
2. **Disclosures of Interest**
3. **Minutes by the Lord Mayor**
  - 3.1 Activating Oxford Street for a Safe 2021 Mardi Gras
4. **Memoranda by the Chief Executive Officer**
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
  - 6.1 Disclosures of Interest
  - 6.2 Revised 2020/21 Operational Plan - Adoption
  - 6.3 Investments Held as at 30 November 2020
  - 6.4 Al Fresco City - Acceleration of Covid-19 Recovery - Implementation Update and Delegations
  - 6.5 Land Reclassification - Harold Park, Forest Lodge
  - 6.6 Land Classification - Lot 2, 506-518 Gardeners Road, Alexandria
  - 6.7 Lease Variation - Pedestrian Link Stratum, Wynyard Lane - Brookfield
  - 6.8 Head Contractor - The Crescent Lands at Johnstons Creek, Annandale - Additional Contingency
  - 6.9 Contract Variation - Tree Maintenance
  - 6.10 Contract Variation and Exemption from Tender - Head Design Consultant - 119 Redfern Street, Redfern
  - 6.11 Tender - Integrated Workplace Management System - TRIRIGA
  - 6.12 Tender - Legal Services Panel

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6.13 Tender - Provision of Graffiti Removal Service

6.14 Property Matter - Confidential

### **7. Report of the Cultural and Community Committee**

7.1 Disclosures of Interest

#### **Healthy Communities Sub-Committee**

7.2 Affordable and Diverse Housing Fund - Wesley Mission RJ Williams Redevelopment

### **8. Report of the Transport, Heritage and Planning Committee**

8.1 Disclosures of Interest

8.2 Post Exhibition - Planning Proposal - Modern Movement Heritage Items - William Bland Centre - Sydney Local Environmental Plan 2012 Amendment

8.3 Post Exhibition - Planning Proposal - Central Sydney 2020 - Draft Sydney Development Control Plan 2012 - Central Sydney - Draft Central Sydney Development Contributions Plan

8.4 Post Exhibition - Planning Proposal - Heritage Floor Space Amendment

8.5 Policy – Adoption – Asbestos Policy and Guidelines

8.6 Policy – Adoption – Compliance Policy and Prosecution and Civil Enforcement Policy

8.7 Traffic Treatment - Pedestrian Boulevard - George Street South, Sydney

8.8 Traffic Treatment - Pedestrian Boulevard - Devonshire Street, Surry Hills

8.9 Fire Safety Reports

### **9. Al Fresco City - Acceleration of Covid-19 Recovery - Implementation Update and Delegations**

### **10. Questions on Notice**

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### **11. Supplementary Answers to Previous Questions**

### **12. Notices of Motion**

- 12.1 Sydney Lunar Festival 2021
- 12.2 Erskineville Community Garden
- 12.3 Juanita Nielsen Childcare Centre, Woolloomooloo
- 12.4 Before and After School Care for Woolloomooloo
- 12.5 Oxford Street during Sydney Mardi Gras Festival 2021
- 12.6 Activating Oxford Street for Mardi Gras 2021
- 12.7 Return to Council Chambers
- 12.8 Reopen Waterloo Library
- 12.9 Providing Access to Open Space Bookings for Community Events and Organised Activities
- 12.10 Upgrading Maureen Oliver Park, Erskineville
- 12.11 Council Pet Days
- 12.12 Removing Barriers to Enable More Electric Vehicles in the City of Sydney
- 12.13 Commitment to Aboriginal Social and Affordable Housing Targets for the Waterloo Redevelopment
- 12.14 Yurong Lane Revitalisation
- 12.15 Traffic Calming for Park Street, Erskineville
- 12.16 Free WiFi in the City of Sydney
- 12.17 Save the Moore Park Golf Course
- 12.18 Saving Moore Park

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- 12.19 Safeguarding Pubs and Significant Community Assets
- 12.20 Misinformation on the Moore Park Golf Course
- 12.21 City Cleaning Accountability Framework Accreditation
- 12.22 Vale Millicent Anne Chalmers OAM
- 12.23 Australia Post Office at Green Square
- 12.24 Speed Cushions Bulwarra Road
- 12.25 From Little Things, Big Things Grow: Rethinking the Community  
Garden Model
- 12.26 Affordable and Diverse Housing Fund

## **Item 1**

### **Confirmation of Minutes**

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

Meeting of 16 November 2020

## 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.

### 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 3.1****Activating Oxford Street for a Safe 2021 Mardi Gras****File No: S051491****Minute by the Lord Mayor**

To Council:

For the first time in its 42-year history, the Sydney Gay and Lesbian Mardi Gras Parade will not take place on Oxford Street due to the continuing impact of the Covid-19 pandemic.

Sydney Gay and Lesbian Mardi Gras Ltd, the community organisation responsible for the annual Mardi Gras Parade and Festival has instead successfully reimagined Mardi Gras events for 2021 so they can occur in line with NSW Public Health orders.

On 9 November 2020, I joined Mardi Gras for the announcement that the 2021 Mardi Gras Parade will relocate to Sydney Cricket Ground. After a difficult year, it filled me with joy to see the Sydney Cricket Ground come alive with rainbow banners and colourful costumes. I commend the Mardi Gras for their hard work finding a way for the LGBTIQ community, its friends and supporters to celebrate.

While Mardi Gras will be different, it will still be a great opportunity for our LGBTIQ communities to get together both in person and online. With the easing of restrictions the Sydney Cricket Ground should be able to operate at full capacity, enabling 46,000 people to enjoy the Parade. Mardi Gras has expanded its free ticket offering for community members who are feeling the financial impact of Covid-19 and will give away 2,000 free tickets randomly allocated via a ballot system.

As a long-term supporter of Mardi Gras, the City welcomes these developments.

In June, Council approved \$289,700 worth of financial support for Mardi Gras in 2021 and 2022, comprising \$240,000 cash and \$49,700 value-in-kind for the use of street banners and venue hire. This is consistent with our funding for 2019 and 2020.

While the reimagining of Mardi Gras is essential to ensure it can continue as a safe event, Oxford Street businesses fear a loss of social and retail activity on the night of the Mardi Gras Parade, and in particular during the Mardi Gras Festival. The Mardi Gras usually plays a major role in attracting international visitors to Sydney, linking interstate visitors and local residents on Oxford Street.

City staff are already in discussions with Mardi Gras and the Darlinghurst Business Partnership about activating Oxford Street in the lead up to Mardi Gras.

In June, Council approved a grant of \$25,000 to the Darlinghurst Business Partnership for Extravaganza; a street festival with live music and street art in the lead up to Mardi Gras. The City's grants and sponsorships programs will support other cultural and creative initiatives including live music and theatre, art installations, talks, workshops and markets.



The City will work closely with grant recipients to potentially deliver these activations during Mardi Gras and promote them via the City's digital channels, as well as through our current \$100,000 media partnerships with Concrete Playground, Broadsheet and Time Out Sydney.

Mardi Gras banners will be flown on Oxford and South Dowling Streets and at Taylor Square and staff are exploring with Woollahra Council the opportunity to extend banners across the other side of Oxford Street.

Mardi Gras has long been a hallmark event. This status should continue even though the Parade itself has been moved to the Sydney Cricket Ground. Oxford Street can still be at the centre of Mardi Gras festivities with many people attending the Parade making their way there after the event.

To cater for this, we need to ensure pedestrian and patron safety once the event at the Sydney Cricket Ground has finished. Closing Oxford Street will help with this by ensuring people can practice physical distancing without crowding the footpaths close to traffic lanes.

To ensure a safe and enjoyable experience for everyone, the City will work with Mardi Gras organisers and the NSW Government to explore this and other options to ensure public safety and address the flow of patrons leaving the stadium towards the Oxford Street area.

It is essential Mardi Gras in 2021 is a safe and successful event for our LGBTIQ communities and for Oxford Street, internationally recognised as the major Australian home for the LGBTIQ community.

## **Recommendation**

It is resolved that:

(A) the Chief Executive Officer be requested to:

- (i) work with Sydney Gay and Lesbian Mardi Gras Ltd and the Darlinghurst Business Partnership to activate Oxford Street and surrounds during Mardi Gras 2021;
- (ii) promote local businesses who are participating in Mardi Gras and Oxtravaganza through What's On, e-newsletters and the Sydney Local marketing campaign; and
- (iii) work with the NSW Government, Sydney Gay and Lesbian Mardi Gras Ltd and the Darlinghurst Business Partnership Incorporated to ensure pedestrian and public safety on Oxford Street during and after the Mardi Gras Parade and any other activations.

(B) the Lord Mayor be requested to write to the Premier requesting:

- (i) the Mardi Gras event at Sydney Cricket Ground be recognised as a hallmark event; and
- (ii) Oxford Street be closed during the evening to assist with public and pedestrian safety and enable it to be a centre of Mardi Gras festivities.

- (C) Council approve funding of up to \$200,000 from 2020/21 General Contingency to support clause (A) above;
- (D) the Chief Executive Officer be requested to report back to Council regarding the proposal and final funding allocation via a CEO Update.

**COUNCILLOR CLOVER MOORE**

Lord Mayor

**Item 4**

**Memoranda by the Chief Executive Officer**

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

## Item 5

### Matters for Tabling

#### 5.1 Disclosures of Interest

Disclosure of Interest returns that have been lodged in accordance with the City of Sydney Code of Conduct are being received and collated by staff.

#### Recommendation

It is resolved that Council note that Disclosures of Interest returns will be received and noted following the resumption of in-person meetings.

#### 5.2 Petitions

##### (a) Roseberry Traffic Congestion

Councillor Scott gives notice that, at the meeting of Council on Monday, 14 December 2020, she will table and speak to a petition with the following terms:

To the Right Honourable Councillor Clover Moore, the Lord Mayor of the City of Sydney,

The Petition of the Residents of the City of Sydney, Roseberry, 83-93 Dalmer Avenue,

Brings to the attention of the Lord Mayor traffic congestion at two intersections, Epsom Road and Roseberry Avenue, and Epsom Road and Rothschild Avenue.

The undersigned petitioners therefore ask the Lord Mayor to install traffic lights or a roundabout at the intersection of Epsom Road and Roseberry Avenue; and to upgrade the existing traffic light to a right turn on green arrow at Epsom Road and Rothschild Avenue.

#### Recommendation

It is resolved that the Petition be received and noted.

S044250

## **Item 6**

### **Report of the Corporate, Finance, Properties and Tenders Committee - 7 December 2020**

#### **Item 6.1**

##### **Disclosures of Interest**

Councillor Linda Scott disclosed a pecuniary interest in Item 6.12 on the agenda, in that one of the tenderers (Marsdens Law Group) recently sponsored a Local Government NSW Conference. Councillor Scott stated that she would step out for this item.

No other 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**

**Revised 2020/21 Operational Plan - Adoption**

It is resolved that:

- (A) Council adopt the draft Operational Plan 2020/21 Addendum incorporating the revised grants program for 2020/21, included as Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to approve any minor editorial corrections prior to publication and authorise the relevant staff to implement any such corrections.

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

X025796

The Committee recommends the following:-

**Item 6.3**

**Investments Held as at 30 November 2020**

It is resolved that the Investment Report as at 30 November 2020 be received and noted.

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

X020701

## **Item 6.4**

### **Al Fresco City - Acceleration of Covid-19 Recovery - Implementation Update and Delegations**

Note – Item 6.4 was withdrawn from the agenda of the Corporate, Finance, Properties and Tenders Committee.



The Committee recommends the following:-

## **Item 6.5**

### **Land Reclassification - Harold Park, Forest Lodge**

It is resolved that Council:

- (A) endorse the proposed resolution: "It is resolved to reclassify Lot 104 of Deposited Plan 1179442 being known as Harold Park, as community land with a park categorisation in accordance with sections 31, 36(1) and (4)(c) of the Local Government Act 1993" for public notification;
- (B) endorse the inclusion of Harold Park into the proposed Johnstons Creek Parklands Plan of Management; and
- (C) note that a further report to inform the outcomes of public notification and a recommendation on the reclassification to Council will follow a public notification period of 28 days.

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

X030693.001

The Committee recommends the following:-

## **Item 6.6**

### **Land Classification - Lot 2, 506-518 Gardeners Road, Alexandria**

It is resolved to classify proposed Lot 2 in Deposited Plan 1231238, being land proposed to be transferred to Council for future public purposes as road at 506-518 Gardeners Road, Alexandria, 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 Scully, seconded by Councillor Thalís, and carried unanimously.)

X038472

The Committee recommends the following:-

### **Item 6.7**

#### **Lease Variation - Pedestrian Link Stratum, Wynyard Lane - Brookfield**

It is resolved that:

- (A) pursuant to Section 149 of the Roads Act 1993, Council approve the granting of a variation to the stratum lease to BSREP Wynyard Place Retail Landowner Pty Ltd as trustee for BSREP Wynyard Place Retail Landowning Trust Pty Ltd ABN 91 865 529 217 for proposed stratum over Wynyard Lane as part the proposed office development known as One Carrington Street Sydney; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the stratum lease referred to in clause (A) above consistently with the Essential Lease Terms and Conditions in Confidential Attachment B to the subject report.

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

S094584.062

The Committee recommends the following:-

**Item 6.8**

**Head Contractor - The Crescent Lands at Johnstons Creek, Annandale - Additional Contingency**

It is resolved that Council:

- (A) approve an increased contract contingency to the existing Head Contractor for the construction of the Crescent Lands at Johnstons Creek, Annandale, project to cover works associated with remediation and works to assets owned by third parties; and
- (B) approve the additional funds sought as outlined in Confidential Attachment A to the subject report to be sourced from the 2020/21 Capital Works Contingency.

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

S123802

The Committee recommends the following:-

## **Item 6.9**

### **Contract Variation - Tree Maintenance**

It is resolved that:

- (A) Council approve a variation (lump sum and schedule of rates) to the Tree Maintenance Contract (Contract 1743 - North) to provide for an increase to the overall contract price for Active Tree Services Pty Ltd for the additional scope of services for park tree maintenance as detailed in Confidential Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract variation with Active Tree Services Pty Ltd as detailed in Confidential Attachment B to the subject report.

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

X007081

The Committee recommends the following:-

### **Item 6.10**

#### **Contract Variation and Exemption from Tender - Head Design Consultant - 119 Redfern Street, Redfern**

It is resolved that:

- (A) Council approve an exemption from tender for 119 Redfern Street, Redfern, for head design consultancy services;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
  - (i) the current head design consultant has in-depth knowledge of the project and the concept design to be documented;
  - (ii) the fee variation proposal from the current head design consultant has been assessed by the project Quantity Surveyor as fair and reasonable for the work involved; and
  - (iii) the lengthy time periods required for a tender process would delay access to the building for members of the community; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute, administer and vary the head design consultant contract relating to 119 Redfern Street, Redfern.

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

X025821

The Committee recommends the following:-

### **Item 6.11**

#### **Tender - Integrated Workplace Management System - TRIRIGA**

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for the delivery of Parts A, B and C of the Integrated Workplace Management System TRIRIGA project for the amounts outlined in Confidential Attachment A to the subject report, for a period of three years, with the option of two extensions of two years each if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

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

X039337

The Committee recommends the following:-

## **Item 6.12**

### **Tender - Legal Services Panel**

It is resolved that:

- (A) Council accept the tender offers of Tenderers A, B, E, F, G, H, K, M, Q, S, T, Y, BB and CC for appointment to the legal services panel in the areas of law noted in Confidential Attachment A to the subject report, and at the rates set out in Confidential Attachment B to the subject report, for a period of four years, with the option of two further extensions, each of one year if appropriate;
- (B) authority be delegated to the Chief Executive Officer to:
  - (i) negotiate, execute and administer all contracts relating to the tender; and
  - (ii) enter into individual contracts with law firms on the legal services panel with a value of over \$250,000 without following the process set out in Delegation 5 of the Instrument of Delegations from Council to the Chief Executive Officer with any use of this delegation to be reported to Councillors by way of a CEO Update; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

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

X034622



The Committee recommends the following:-

### **Item 6.13**

#### **Tender - Provision of Graffiti Removal Service**

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the provision of Graffiti Removal Services for a period of three years, with the option of two extensions, each of two years, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

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

X027344.001

The Committee recommends the following:-

**Item 6.14**

**Property Matter (Confidential)**

It is resolved that Council approve the recommendations contained 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 Scully, seconded by Councillor Scott, and carried unanimously.)

X026460.003

**Item 7**

**Report of the Cultural and Community Committee - 7 December 2020**

**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 Cultural and Community Committee.

The Healthy Communities Sub-Committee recommends the following:-

## Item 7.2

### Affordable and Diverse Housing Fund - Wesley Mission RJ Williams Redevelopment

It is resolved that:

- (A) Council approve a \$3,000,000 (excluding GST) cash grant to Wesley Community Services Limited to support the redevelopment of the RJ Williams building located at 274-276 Glebe Point Road, Glebe for the purposes of affordable housing as outlined in Attachment A to the subject report subject to the following conditions:
  - (i) Council reserves the right to withdraw the grant offer:
    - (a) if the project changes from the current proposal for subsidised accommodation and supporting facilities consistent with the development outlined in Attachment A to the subject report; or
    - (b) if Wesley Community Services Limited are not able to demonstrate that funding is available to the agreed value of the project within 18 months of Council approval of this grant;
  - (ii) the grant funds are only to be paid when all of the following are satisfied:
    - (a) no sooner than 1 July 2021; and
    - (b) when a Construction Certificate for the project has been issued; and
    - (c) when Wesley Community Services Limited have demonstrated that funding is available to the agreed value of the project, either in the form of other grants or partnerships, or through Wesley Mission Services Limited cash reserves; and
    - (d) when the applicant has provided a suitable Plan of Management for the purposes of providing best practice affordable rental housing for the types of tenants proposed in the application as well as engaging local Aboriginal and Torres Strait Islander communities to ensure equitable access to the affordable housing to be provided;
  - (iii) the City reserves the right to require the \$3,000,000 grant to be repaid in full indexed annually by CPI if:
    - (a) Wesley Community Services Limited does not complete the development by 31 December 2025; or
    - (b) the project changes from the current proposal for subsidised accommodation and supporting facilities as outlined in Attachment A to the subject report;
  - (iv) the property supported though this grant will remain as subsidised accommodation and supporting facilities as outlined in Attachment A to the subject report in perpetuity to fulfil the aims of the Affordable and Diverse Housing Fund, unless Council exercises a right under paragraph (i) or (iii) above; and
  - (v) the City will require a covenant to be registered on the land title to protect the land use referred to in paragraph (iv) unless the grant funds are repaid in accordance with paragraph (iii); and

- (B) authority be delegated to the Chief Executive Officer to finalise negotiations, execute and administer a grant agreement with Wesley Community Services Limited relating to the project described and on the terms described in clause (A).

(Note – at the meeting of the Healthy Communities Sub-Committee, this recommendation was moved by Councillor Scott, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S117676

**Speaker**

Reverend Keith Garner AM addressed the meeting of the Healthy Communities Sub-Committee on Item 7.2.

## **Item 8**

### **Report of the Transport, Heritage and Planning Committee - 7 December 2020**

#### **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 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 8.2**

### **Post Exhibition - Planning Proposal - Modern Movement Heritage Items - William Bland Centre - Sydney Local Environmental Plan 2012 Amendment**

It is resolved that:

- (A) Council note the submissions received to the public exhibition of the planning proposal for the William Bland Centre, shown at Attachment D to the subject report;
- (B) Council note the information in the subject report describing further discussions with the landowners and Design Advisory Panel on the proposed heritage listing of the William Bland Centre since Council deferred its decision on listing this building on 29 June 2020;
- (C) Council approve the planning proposal as it relates to the William Bland Centre at 229-231 Macquarie Street, Sydney, as shown at Attachment C to the subject report for finalisation and making as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the planning proposal, to correct any minor drafting errors prior to finalisation and making of the Local Environmental Plan.

(Note – At the meeting of the Transport, Heritage and Planning Committee, this recommendation was moved by Councillor Thalís, seconded by Councillor Scully, and carried on the following show of hands –

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

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

X017182.004

## **Speakers**

Dr Anthony Pistolese, Mrs Jane Pistolese, and Mr Angelo Candalepas addressed the meeting of the Transport, Heritage and Planning Committee on Item 8.2.

The Committee recommends the following:-

### **Item 8.3**

#### **Post Exhibition - Planning Proposal - Central Sydney 2020 - Draft Sydney Development Control Plan 2012 - Central Sydney - Draft Central Sydney Development Contributions Plan**

The Transport, Heritage and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 14 December 2020.

#### **Officer's Recommendation**

The officer's recommendation to the Transport, Heritage and Planning Committee was as follows -

It is resolved that:

- (A) Council note the matters raised in submissions to the public exhibition of Planning Proposal: Central Sydney 2020, Draft Development Control Plan: Central Sydney, Draft Central Sydney Development Contributions Plan 2020 and draft amendments to the Competitive Design Policy as shown at Attachment A to the subject report;
- (B) Council request the Minister for Planning and Public Spaces amend Clause 25K of the Environmental Planning and Assessment Regulation 2000 to allow for a contributions levy of up to three per cent to apply to new development;
- (C) Council approve the Planning Proposal: Central Sydney 2020 as shown at Attachment B to the subject report, to be made as a local environmental plan under s3.36 of the Environmental Planning and Assessment Act 1979 subject to Clause 25K of the Environmental Planning and Assessment Regulation 2000 being amended as requested in clause (B);
- (D) Council approve the Draft Development Control Plan: Central Sydney, shown at Attachment D to the subject report, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000;
- (E) Council approve the Draft Central Sydney Development Contributions Plan 2020 at Attachment E to the subject report, noting it will commence only following the amendment of Clause 25K of the Environmental Planning and Assessment Regulation 2000 and the making of the amendment to the local environmental plan;
- (F) Council approve the draft amendments to the Competitive Design Policy, as shown at Attachment F to the subject report, noting that it will come into effect on the date of publication of the subject local environmental plan;
- (G) Council note the Guideline for Site Specific Planning Proposals in Central Sydney, as shown at Attachment G to the subject report, will be used guide the preparation of planning proposals in Central Sydney;
- (H) Council approve the draft Central Sydney Planning Strategy as shown at Attachment C to the subject report; and
- (I) authority be delegated to the Chief Executive Officer to make minor amendments to the Planning Proposal: Central Sydney 2020, Draft Development Control Plan: Central Sydney, Draft Central Sydney Development Contributions Plan 2020, draft amendments to the Competitive Design Policy and draft Guideline for Site Specific Planning Proposals in Central Sydney, including to correct drafting errors.



**Officer's Report**

The officer's report on this matter can be found at Item 3 on the agenda of the meeting of the Transport, Heritage and Planning Committee on 7 December 2020.

S064204

The Committee recommends the following:-

#### **Item 8.4**

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

It is resolved that:

- (A) Council note the submissions made in response to the public exhibition of Planning Proposal: Heritage Floor Space Amendment, as shown at Attachment E to the subject report;
- (B) Council approve Planning Proposal: Heritage Floor Space Amendment, as shown at Attachment A to the subject report, and request the relevant local plan making authority make as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Planning Proposal: Heritage Floor Space amendment to correct any minor errors or omissions prior to publication; and
- (D) Council approve the amendment to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B to the subject report.

(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.)

X037815

The Committee recommends the following:-

## **Item 8.5**

### **Policy – Adoption – Asbestos Policy and Guidelines**

It is resolved that:

- (A) Council endorse the revised Managing Asbestos Policy, as shown in Attachment A to the subject report;
- (B) Council rescind the current Managing Asbestos Guidelines, noting that the guidelines have been revised and will be approved administratively to enable them to be updated and changed quickly as needs arise; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Managing Asbestos Policy, as required from time to time, subject to Councillors being informed of any such changes.

(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.)

S111706

The Committee recommends the following:-

## **Item 8.6**

### **Policy – Adoption – Compliance Policy and Prosecution and Civil Enforcement Policy**

It is resolved that:

- (A) Council endorse the revised Compliance Policy, as shown at Attachment A to the subject report;
- (B) Council endorse the revised Prosecution and Civil Enforcement Policy, as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Compliance Policy and Prosecution and Civil Enforcement Policy, as required from time to time, subject to Councillors being informed of any such changes.

(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.)

X026218.018

The Committee recommends the following:-

### **Item 8.7**

#### **Traffic Treatment - Pedestrian Boulevard - George Street South, Sydney**

It is resolved that Council, subject to the concurrence of the Central Sydney Traffic and Transport Committee, approve the following in Sydney and Haymarket:

- (A) installation of traffic treatments to close the southbound traffic lanes of George Street, between Bathurst Street and Rawson Place to general traffic;
- (B) installation of traffic treatments to close the northbound traffic lanes of George Street, between Ultimo Road and Bathurst Street to general traffic;
- (C) formalise the installation of traffic treatments to close Wilmot, Central and Barlow Streets at George Street to general traffic;
- (D) installation of traffic treatments to close Campbell Street, at George Street to general traffic, and make Campbell Street two-way between George and Pitt Streets;
- (E) installation of traffic treatments to close Hay Street, between George and Sussex Streets to general traffic;
- (F) installation of traffic treatments to close Thomas Street, at Hay Street to general traffic, and making Thomas Street two-way between Hay Street and Ultimo Road;
- (G) restricting Ultimo Road to one-way westbound from George to Quay Streets; and
- (H) removal of the "No Right Turn" restriction in Valentine Street at George Street.

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

X027274

The Committee recommends the following:-

### **Item 8.8**

#### **Traffic Treatment - Pedestrian Boulevard - Devonshire Street, Surry Hills**

It is resolved that Council, subject to the concurrence of the Central Sydney Traffic and Transport Committee, approve the installation of traffic treatments to close the following roads in Surry Hills to general traffic:

- (A) Devonshire Street, between Randle and Elizabeth Streets; and
- (B) Buckingham Street and Chalmers Lane at Devonshire Street.

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

X027274

The Committee recommends the following:-

## **Item 8.9**

### **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 C to the subject report;
- (C) 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 as recommended by the City's Investigation Officer at 412 Pitt Street, Haymarket as detailed in Attachment B to the subject report;
- (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 as recommended by the City's Investigation Officer at 330 Wattle Street, Ultimo as detailed in Attachment C to the subject report;

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

S105001.002

**Item 9****Al Fresco City - Acceleration of Covid-19 Recovery - Implementation Update and Delegations****File No: X034972.014****Summary**

On 2 October 2020, the City and NSW Government announced a joint funding partnership to boost the city centre economy, support businesses and creatives and invite the public safely back into the city, particularly during the summer months. The NSW Government will commit up to \$15 million and the City will provide a further \$5 million towards Al Fresco City initiatives. All initiatives under this program will be presented adhering to applicable Public Health Orders and specific Covid-19 Safety Plans. If at any time NSW Health recommends against proceeding with any aspect of the program it will be ceased until such time as advice is received that it is safe to proceed.

On 26 October 2020, Council made a number of resolutions regarding the Al Fresco City program, including to:

- (a) approve the funding partnership;
- (b) note the City is working with the NSW Government to facilitate any necessary changes to regulations and planning controls and exemptions to applicable public health orders, and to obtain any necessary approvals to deliver the initiatives;
- (c) delegate authority to the Chief Executive Officer to negotiate, execute and enter into any necessary agreements with the NSW Government relating to the funding and implementation of the Al Fresco City program; and
- (d) adopt temporary Outdoor Dining Guidelines and continue fee waivers associated with outdoor dining until 31 October 2021 to encourage businesses to expand their capacity and trade more safely outside, particularly over the summer months.

Recommendations were endorsed in order to deliver the following Al Fresco initiatives and the necessary requirements to achieve them:

- (a) transforming the city into an outdoor summer cultural experience;
- (b) creating a summer of outdoor dining;
- (c) funding projects that enliven public spaces, venues, and laneways with music, performance and public art;



- (d) keeping Sydney's cultural institutions open into the evenings, and
- (e) working with Destination NSW to promote this activity to Sydney and interstate visitors.

Since Council approved this urgent program of works, consultation and coordination has continued with the NSW Government, other relevant groups and the community. Further, a number of legislative changes have been initiated which will assist in removing time and administrative barriers to the delivery of a number of aspects of the program, including outdoor dining and performance. As part of this, further resolutions have been identified as being required to ensure all aspects of the program are realised in a safe, coordinated and timely fashion. They relate to:

1. the implementation of the performance stage as part of the outdoor summer cultural experience;
2. the acceleration of the project timeframes for the Covid-19 Recovery Grants Program adopted by Council and currently open to application, which is proposed to be facilitated by delegating determination of these applications to the Chief Executive Officer. The Covid-19 Recovery Grants Program contains three distinct funding programs: CBD Activation Grant, Cultural Sector Innovation Grant and Community Services Grant; and
3. temporary waivers for outdoor and event activation fees, including application fees, venue hire, and power and road closure fees (where applicable) for the use of City land for the approved Covid-19 Recovery Grants Program recipients, and any contractors engaged by the City to deliver any part of the City's Al Fresco City program.

In addition, since the time of the previous report, a significant package of legislative reforms has been passed by the NSW Parliament. The Liquor Amendment (Night-time Economy) Act 2020 (previously known as the Liquor Amendment (24-hour Economy) Bill 2020) was assented to on 27 November 2020 and is currently awaiting proclamation. When passed this legislation will facilitate delivery of a number of aspects of the Al Fresco program.

This includes changes proposed to the Roads Act 1993 which will broaden the types of businesses that may have outdoor dining and the space available for outdoor dining. The changes will prompt minor amendments to the City's Outdoor Dining Guidelines. The amendments seek to align the Guidelines with the changes to the Roads Act 1993. They will improve clarity for businesses. They will support the NSW Government's and the City's Covid-19 recovery response to boost the city centre recovery, support businesses and create jobs.

In addition, amendments to the Liquor Act 2007 will be introduced for a 12-month period to enable local councils to encourage the use of outdoor space (including roads) for outdoor dining and performance in order to assist with social distancing measures. These provisions will enable council, by way of notification on its website, to:

1. temporarily allow the use of footways and public open space associated with licensed premises or entertainment, arts or cultural venues as an outdoor dining area, extension of foyer space or performance space;
2. temporarily allow parking spaces to be used for these purposes;
3. temporarily close a road for which it is the roads authority for these purposes;

4. temporarily close a classified road with the concurrence of Transport for NSW for these purposes; or
5. temporarily vary a development consent or conditions of a development consent to allow outdoor performance.

Any notice given under these provisions will mean that no development consent is required for the use, and has the effect of an approval under the Roads Act 1993. These provisions may be able to be used to facilitate faster approvals for a number of the activities already supported by Council under the Al Fresco City program and a delegation to the Chief Executive Officer is recommended to enable them to be used to facilitate the efficient implementation of this program.

Extensive work has already been done by staff to ensure efficient approvals of outdoor dining areas, pursuant to the previous resolutions of Council. These processes will be reviewed and broadened to adapt to the use of these new provisions (once available) and to facilitate the broader range of activities now able to be approved through these pathways.

Further amendments may be required to the City of Sydney's Outdoor Dining Guidelines for the implementation of these provisions and additional guidelines developed in relation to their use to facilitate outdoor foyer and performance areas. Staff have commenced work on this to ensure the efficient uptake of these procedures, and an assessment framework will be developed and reported to Councillors by CEO Update.

## Recommendation

It is resolved that:

- (A) Council temporarily amend the Instrument of Delegations to the Chief Executive Officer dated 21 September 2020 to enable the Chief Executive Officer to approve the occupation and use of public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council in respect of approvals relating to a temporary use of public land or crown land (including parks and open spaces) for a period not exceeding 75 days between 1 January and 1 April 2021, where it is consistent with a Council resolution to activate public spaces;
- (B) authority be delegated to the Chief Executive Officer to exercise the functions under Section 356 of the Local Government Act 1993 to grant financial assistance to persons as part of the Covid-19 Recovery Grants Program (CBD Activation Grant, Cultural Sector Innovation Grant and Community Services Grant), up to 22 February 2021 in accordance with the Operational Plan, as amended from time to time, noting that:
  - (i) all grant approvals must be made in accordance with the assessment criteria and guidelines; and
  - (ii) all grants approved and not approved for funding must be reported back to Council by CEO Update;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy;
- (D) Council temporarily waive outdoor and event activation fees, including application, venue hire, and power and road closure fees (where applicable) for the use of City land for the Covid-19 Recovery Grants Program recipients, and any contractors engaged by the City to deliver any part of the City's AI Fresco City program until 31 October 2021;
- (E) subject to the commencement of the relevant provisions of the Liquor Amendment (Night-time Economy) Act 2020 amending the Roads Act 1993, Council adopt the revised temporary City of Sydney Outdoor Dining Guidelines, November 2020, at Attachment A to the subject report, applicable until 31 October 2021, noting public consultation has not been possible given the circumstances;
- (F) subject to the commencement of the relevant provisions of the Liquor Amendment (Night-time Economy) Act 2020 to insert a new Part 12 in the Liquor Act 2007, Council temporarily amend the Instrument of Delegations to the Chief Executive Officer dated 21 September 2020 to insert a new delegation to enable the Chief Executive Officer to, by notice on the City's website, approve the use of roads, footways and public open spaces for outdoor dining, extension of foyer space and performance space under Part 12 of the Liquor Act 2007 in accordance with the requirements of that Act, with such delegation to apply until 31 October 2021 unless revoked earlier; and

- (G) authority be delegated to the Chief Executive Officer to make any necessary temporary changes to the City of Sydney Outdoor Dining Guidelines and develop any necessary further guidelines to enable the implementation of Al Fresco City objectives as outlined in this report, with such changes to be reported by way of the CEO Update and to apply only until 31 October 2021 unless revoked earlier.

## **Attachments**

**Attachment A.** Outdoor Dining Guidelines - November 2020

## Background

1. On 2 October 2020, the City and NSW Government announced a joint funding partnership to boost the city centre economy, support businesses and creatives and invite the public safely back into the city, particularly during the summer months. The NSW Government will commit up to \$15 million and the City will provide a further \$5 million towards Al Fresco City initiatives. All initiatives under this program will be presented adhering to applicable Public Health Orders and specific Covid-19 Safety Plans. If at any time NSW Health recommends against proceeding with any aspect of the program it will be ceased until such time as advice is received that it is safe to proceed.
2. On 26 October 2020, Council made a number of resolutions regarding the Al Fresco City program, which were endorsed in order to deliver the following Al Fresco initiatives and the necessary requirements to achieve them:
  - (a) transforming the city into an outdoor summer cultural experience;
  - (b) creating a summer of outdoor dining; and
  - (c) funding projects that enliven public spaces, venues, and laneways with music, performance and public art.
3. Since then, staff have worked with the NSW Government and relevant stakeholders to implement the Al Fresco City program. As part of this, further resolutions have been identified as being required to ensure all aspects of the program are realised in a safe, coordinated and timely fashion.

## Outdoor Stage

4. The City and NSW Government will fund a performance stage and the curation of artistic performances during the length of time the stage is in location. The City has identified Cathedral Square as a suitable stage location pending all relevant approvals, taking into consideration public health and physical distancing requirements. The City is working to identify the most efficient pathway to ensure compliance with planning legislation. Infrastructure associated with the stage will be in location for up to 75 days including installation, performance time and deinstallation.
5. In order to facilitate delivery of this aspect of the program, the NSW Government has publicly exhibited a proposed Outdoor Events State Environmental Planning Policy (SEPP) for the City of Sydney, with submissions closing on 7 December 2020. If made, this SEPP will enable the stage to be erected and used without development consent. The conditions of operations of the stage will be set by the standards in the SEPP and conditions of Outdoor Event approvals issued by the City.
6. Under current Delegations, a Council resolution is required to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council relating to a temporary use of public land or crown land (including parks and open spaces) exceeding 40 days. A change to the Chief Executive Officer's delegations is recommended to enable the approval of a temporary use up to 75 days, where this is consistent with a Council resolution to activate public spaces. This will enable the issue of an Outdoor Event approval to the proposed event at Cathedral Square in a timely manner, assuming the SEPP is made by the NSW Government.

**Grants**

7. Council approved three new grant programs to provide continued support to the community. The Covid-19 Recovery Grants Programs consist of:
  - (a) CBD Activation Grant - \$3 million to support economic recovery by bringing businesses and creatives together to activate businesses, public domain and vacant corporate space in the CBD with cultural programming.
  - (b) Cultural Sector Innovation Grant - \$500,000 to support cultural organisations and businesses to innovate, adapt and grow through recovery from the impacts of Covid-19.
  - (c) Community Services Grant - \$800,000 to respond to ongoing community needs including food security, digital inclusion, social isolation, tenancy support and homelessness services.
8. These programs opened to application on 29 October and closed on 7 December. Successful grant applicants were to be submitted for Council approval in February 2021 with projects commencing in March 2021 for a period of 12 months. This timeline does not allow for projects to commence during the summer months and the key AI Fresco period.
9. Applicants are now encouraged to commence their projects from January 2021 for the CBD Activation Grant and Community Services Grant, and from February 2021 for the Cultural Sector Innovation Grant. This acceleration has come as part of the coordination with the NSW Government and in analysing the needs of the community further.
10. To enable this to occur and to ensure successful applicants receive approved funding as soon as possible, it is recommended that Council provide a delegation to the Chief Executive Officer to enable these grants to be determined during the Council recess period, noting that all grants awarded and not awarded funding will be reported back to Council via the CEO Update.
11. A number of these projects are scheduled to start from late January 2021 and require accelerated and urgent approval.

**Fees**

12. All events and activations on City owned and managed land in the public domain require hire and application fees, power and any road closure fees to be paid for by the applicant.
13. The industry has been negatively affected by the pandemic and the NSW Government and the City want to enliven the public domain and encourage residents and visitors to come back to the city and help support businesses and stimulate the economy.
14. It is recommended these fees be waived to enable successful grant recipients to freely activate the public domain is crucial in the reactivation of the city.

**Pending Legislative Change**

15. In addition, since the time of the previous report a significant package of legislative reforms has been passed by the NSW Parliament. The Liquor Amendment (Night-time Economy) Act 2020 (previously known as the Liquor Amendment (24-hour Economy) Bill 2020) was assented to on 27 November 2020 and is currently awaiting proclamation. When passed this legislation will facilitate delivery of a number of aspects of the Al Fresco program.

**Revised Outdoor Dining Guidelines**

16. Proposed changes to the Roads Act 1993 will broaden the types of businesses that may have outdoor dining and the space available for outdoor dining. The changes to the Act have prompted minor amendments to the City's Outdoor Dining Guidelines. The amendments seek to align the Guidelines with the changes to the Roads Act 1993. They will improve clarity for businesses. They will support the NSW Government's and City's Covid-19 recovery response to boost the city centre recovery, support businesses and create jobs.
17. The proposed further temporary amendments to the Outdoor Dining Guidelines include:
- Aligning the types of businesses that may have outdoor dining to the Roads Act 1993 by using the planning definition of 'food and drink premises', which expands the opportunity to take away premises.
  - Enabling Council to approve the use of road space for outdoor dining, in addition to the footway, in accordance with the changes to the Roads Act 1993.
  - Removing the definition of 'restaurant', which was based on the previous definition in the Roads Act 1993. These provisions will now apply to any food or drink premises, and are no longer limited to restaurants which provide dine in facilities.
  - Making minor changes to terminology through the document to reflect the proposed changes to the Roads Act 1993.
18. The amended Outdoor Dining Guidelines at Attachment A are recommended for adoption with deletions shown as strikethrough and additions shown in bold underline.

**Streamlined Outdoor Area Process - Covid-19 Provisions**

19. In addition, amendments to the Liquor Act 2007 will be introduced for a 12 month period to enable local councils to encourage the use of outdoor space (including roads) for outdoor dining and performance in order to assist with social distancing measures. These provisions enable council, by way of notification on its website, to:
- (a) temporarily allow the use of footways and public open space associated with licensed premises or entertainment, arts or cultural venues as an outdoor dining area, extension of foyer space or performance space;
  - (b) temporarily allow parking spaces to be used as an outdoor dining area, extension of foyer space or performance space;
  - (c) temporarily close a road for which it is the roads authority for use as an outdoor dining area, extension of foyer space or performance space;

- (d) temporarily close a classified road with the concurrence of Transport for NSW for use as an outdoor dining area, extension of foyer space or performance space; or
  - (e) temporarily vary a development consent or conditions of a development consent to allow outdoor performance.
20. Any notice given under these provisions will mean that no development consent is required for the use and has the effect of an approval under the Roads Act 1993. Approvals using these provisions do not need to proceed through the Local Pedestrian, Cycling and Traffic Calming Committee.
21. Laws and regulations relating to noise attenuation continue to apply to premises operating under these provisions. In addition to publication on the City's website to use these provisions, seven days notice must be given to the Minister and, depending on the nature of the proposal, the Independent Liquor and Gaming Authority, the Commissioner of Police and/or Transport for NSW.
22. These provisions may be able to be used to facilitate faster approvals for a number of the activities already supported by Council under the AI Fresco City program and a delegation to the Chief Executive Officer is recommended to enable them to be used to facilitate the efficient implementation of this program. Amendments will be required to the City of Sydney's Outdoor Dining Guidelines for the implementation of these provisions which will be developed and reported to Councillors by CEO Update.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030

23. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This program is aligned with the following strategic directions and objectives:
- (a) Direction 5 - A Lively and Engaging City Centre - Implementing the AI Fresco City program will safely promote the city centre through initiatives which support the re-activation of the CBD with outdoor dining, bars, late night trading, live music and performances and cultural institutions staying open in the evening.
  - (b) Direction 6 - Vibrant Local Communities and Economies - Covid-19 has had a devastating impact on local communities and the economy. The AI Fresco City initiatives will aim to boost the local economy, support businesses and create jobs over the vital summer period.
  - (c) Direction 7 - A Cultural and Creative City - The AI Fresco City program will connect creatives and businesses, provide performance opportunities and offer support and work to artists whilst enlivening the city with cultural activations.
  - (d) Direction 10 - Implementation through Effective Governance and Partnerships - The City has formed a new and effective partnership with the State Government in order to deliver this program which is in line with the City's Community Recovery Plan goals.



**Organisational Impact**

24. The implementation of the AI Fresco City program will involve key staff from across the City of Sydney. Identified staff will be responsible for leading and managing the specific initiatives, including reporting to the NSW Government. Additional staff essential to ensure delivery will be recruited for the duration of the program. The funding for this is included in the City's \$5 million contribution to this program.

**Risks**

25. The AI Fresco City program has been developed at a time when the health crisis is not yet over, and the status of government restrictions is constantly changing. Activations must therefore be monitored and scaled as required in response to changes in applicable rules and the health situation generally.
26. The program is being delivered with very short timeframes and there may need to be modifications and adaptations to delivery as the program is rolled out.

**Financial Implications**

27. The AI Fresco City program will be delivered using the \$20 million partnership funding from both the City and NSW Government in 2020/21. \$15 million will be incoming funds from the NSW Government and \$5 million will be funded by savings in the City Life division, including savings from Sydney New Year's Eve 2020 and other events that were not possible due to the pandemic. Should these savings prove insufficient, the balance would need to be funded from General Contingency.
28. To temporarily waive outdoor and event activation fees for the use of City land for the Covid-19 Recovery Grants Program recipients, and any contractors engaged by the City to deliver any part of the City's AI Fresco City program until 31 October 2021 would see a total of approximately \$80,000 worth of revenue foregone and approximately \$6,000 of hard costs incurred by the City.

**Relevant Legislation**

29. Section 377(1)(q) of the Local Government Act 1993 prohibits the Council from delegating a decision under section 356 to contribute money or otherwise grant financial assistance to persons. Section 377(1A) provides an exception to this prohibition where:
- (i) the financial assistance is part of a specified program, and
  - (ii) the program is included in the Council's operational plan for the year in the relevant year, and
  - (iii) the program's proposed budget for that year does not exceed 5 per cent of the City's proposed income from the ordinary rates levied for that year, and
  - (iv) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

30. Council is able to delegate the determination of the Covid-19 Recovery Grants (CBD Activation Grant, Cultural Sector Innovation Grant and Community Services Grant) to the Chief Executive Officer, subject to the adoption of the revised 2020/21 Operational Plan includes these grants programs and is currently being recommended to Council for approval . All other elements of the above are satisfied.
31. Liquor Amendment (Night-time Economy) Act 2020.
32. Roads Act 1993.
33. Liquor Act 2007.

### **Critical Dates / Time Frames**

34. The Al Fresco program has an anticipated duration of 27 October 2020 to 31 October 2021.
35. By 31 December 2020, the grants programs and call for laneway artists will have closed and be under assessment, and stage infrastructure orders will be placed.
36. By mid-January 2021, installation of stage infrastructure will have commenced.
37. By 28 February 2021, stage activation will have commenced, grants will be awarded, and laneway art installed.
38. By 30 June 2021, laneway art will be finalised, procurement of Alfresco dining will be complete and grants activations will commence.
39. The project will be complete by 31 October 2021.

### **EMMA RIGNEY**

Director City Life

Sasha Baroni, Executive Manager, Creative City

Jeremy Kelshaw, Manager Grants

Ben Pechey, Executive Manager Strategic Planning and Urban Design

# **Attachment A**

<p><b>Outdoor Dining Guidelines November 2020</b></p>
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Sydney2030/Green/Global/Connected

CITY OF SYDNEY  

# Outdoor Dining Guidelines

November 2020

*city of villages*



## Outdoor Dining Guidelines

<b>01/</b>	<b>Introduction</b>	<b>01</b>
<b>02/</b>	<b>Outdoor dining approvals</b>	<b>03</b>
<b>03/</b>	<b>Footway access</b>	<b>07</b>
<b>04/</b>	<b>The outdoor dining area</b>	<b>10</b>
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<b>06/</b>	<b>Neighbourhood amenity</b>	<b>15</b>
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<b>08/</b>	<b>Special areas for outdoor dining</b>	<b>19</b>

# Introduction

The City supports local restaurants and cafes by allowing seating for outdoor dining to supplement indoor seating.

**To be eligible, you have to be a ‘food and drink premise’ (as defined in the local environmental plan) that prepares and sells food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—a restaurant or cafe, take away food and drink premises, a pub, a small bar.**

~~—be a restaurant, café or other business that serves food; and also has seating inside.~~

~~A business cannot solely rely on outdoor seating on a public footway.~~

~~If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, council may permit outdoor dining for a restaurant, café, business or other venue if it serves food for immediate consumption.~~

These guidelines apply to all applications for outdoor dining on the **road, including the** footway, and similar public spaces in the City of Sydney Local Government Area, except for:

- the Rocks,
- Circular Quay;
- Barangaroo; and
- Darling Harbour.

For applications in those areas, please contact Property NSW.

These guidelines:

- are to be read along with Council’s Outdoor Dining Policy;
- provide information for the public and for applicants seeking to use the **road, including the** footway for outdoor dining under the *Roads Act 1993* ~~for footways~~; or the *Local Government Act 1993* for other public spaces; and

- provide guidance for Council in determining applications for use of the **road** ~~footway~~ and other public spaces for outdoor dining.

There are eight parts to these guidelines:

- 1 Introduction outlines general information for outdoor dining applications.
- 2 Outdoor dining approvals has information on the approvals that are needed.
- 3 Footway access sets out requirements to leave enough room for pedestrians on the footway.
- 4 The outdoor dining area provides information on suitable locations and sizes of outdoor areas.
- 5 Outdoor dining furniture has design requirements for furniture and other structures to be used in conjunction with the outdoor dining; and on measures to protect the amenity of neighbourhoods.
- 6 Neighbourhood amenity details the matters that will be considered in deciding if outdoor dining is appropriate for neighbourhoods.
- 7 Responsibilities for the operator details Council’s expectations for operators using public spaces for outdoor dining.
- 8 Special areas for outdoor dining gives more detailed guidance for nominated precincts.





## Key terms

Term	Meaning
Clear path of travel	<p>The area of the footway maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as:</p> <p><i>An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment that would prevent it from being safely negotiated by people with disability.</i></p>
Exempt development	<p>Development that does not need development consent under the <i>Environmental Planning and Assessment Act 1979</i>, but which may still need some other approval. At the time of adoption, the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes footway dining exempt development if it is:</p> <ul style="list-style-type: none"> <li>a) not associated with a pub or a small bar, and</li> <li>b) carried out in accordance with an approval granted under section 125 of the <i>Roads Act 1993</i>, including in accordance with any hours of operation to which the approval is subject, and</li> <li>c) carried out in accordance with any approval granted under section 68 of the <i>Local Government Act 1993</i>.</li> </ul>
<b><u>Food and drink premises</u></b>	<p><b><u>As defined by the local environmental plan, food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</u></b></p> <ul style="list-style-type: none"> <li><b><u>(a) a restaurant or cafe,</u></b></li> <li><b><u>(b) take away food and drink premises,</u></b></li> <li><b><u>(c) a pub,</u></b></li> <li><b><u>(d) a small bar.</u></b></li> </ul>
Outdoor dining	Dining on the public <b><u>road, including the</u></b> footway, associated with an approved <b><u>food and drink premises</u></b> restaurant. Also sometimes referred to as footway dining or footway restaurant.
Public footway	That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.
Restaurant	Defined in the <i>Roads Act 1993</i> . At the time of adoption, the Act defines a restaurant as premises in which food is regularly supplied on sale to the public for consumption on the premises. It includes cafes, pubs and take away food and drink premises where food is also regularly served for consumption at indoor seating on the premises.

## 02

# Outdoor dining approvals

Council will encourage and support well managed use of the **road and** footway. The City's **roads and** footways are public land and an approval to use this land for outdoor dining is a requirement.

## What approvals are required?

All outdoor dining requires an approval to use public land. At the City of Sydney, this is called a Footway Approval (Outdoor Dining).

Most outdoor dining will not need development consent. It will be 'exempt development' (see Key Terms) and will only need a footway approval from Council.

Outdoor dining that is not exempt development will also need development consent from Council.

If you are not sure which approvals you need, please talk to Council either at one of our Neighbourhood Service Centres, or by calling 9265 9333.

## Special precincts for outdoor dining

Some places have additional considerations when applying for outdoor dining. Applications for outdoor dining in a nominated special precinct are to be consistent with the detailed guidance in Section 8 of these guidelines. The following are nominated as special precincts:

- Martin Place – from George Street to Pitt Street (the Cenotaph block); and
- Llankelly Place, Potts Point.

## Change of operator

The legislation requires approvals for outdoor dining to be given to the operator of the business, and not to the business or the property.

This means, that when the operator of a business with approval for outdoor dining changes, the approval is no longer valid.

A new operator will need to get a new approval for outdoor dining.

## Compliance with outdoor dining approval

Operators must display the approval notice for an outdoor dining area in a prominent position and make it available to authorised Council officers on request. It must clearly show the approved hours of operation and approved outdoor dining area.

Authorised Council officers may order the removal of any items on the footway that are not part of the outdoor dining approval, or otherwise permitted under another approval or policy of Council.

## Revoking, suspending, or amending an outdoor dining approval

Applicants should be aware that Council can revoke, suspend or amend an approval for outdoor dining if:

- the conditions of the approval are breached;
- the use of the **road or** footway area for outdoor dining is causing public safety or public access to be compromised;
- the **road or** footway area is needed for public works;
- the **road or** footway area is needed for a special event; or
- the **road or** footway area is needed to manage an increase in pedestrians.

Where Council needs to revoke, suspend, or amend an approval for outdoor dining the approval holder will be given notice of Council's intention and will be given an opportunity to make representations to Council.

## Period of approvals between 30 October 2020 and 31 October 2021

Council has adopted temporary amendments to these guidelines to support businesses with Covid-19 recovery.

Council may limit the period of the approval to 31 October 2021 if an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021 and the approval is based on the temporary amendments.



## Consultation and notification of outdoor dining applications

Public consultation on some outdoor dining applications can help identify problems that could arise during operation.

### Provisions

- 2.1. Outdoor dining applications will be notified for public consultation:
  - in Central Sydney (as shown at Figure 1), where the proposed area is more than 20 square metres;
  - outside of Central Sydney, where the proposed area is more than 10 square metres; or where proposed operating hours are prior to 7am, or after 10pm;
  - unless the application meets the criteria in 2.2 below.
- 2.2. Outdoor dining applications will not be notified where:
  - there is an existing Footway Approval;
  - the application is to allow for change of operator of the Footway Approval; and
  - there are no proposed changes to the terms of the Footway Approval, including operating hours, and outdoor dining area.
- 2.3. Notification will be made through a notice on the premises, on the Council's website, and via letter or digital service:
  - for a period of 14 days or 7 days if the application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021; and
  - within a 25 metre radius of the proposal.

## Application requirements

Submitting the correct documents with the outdoor dining application will support an efficient application assessment.

- 2.4. The following documents are required
  - a completed application form (available from Council's website);

- a request to Council for owner's consent for the use of Council-owned land;
- a description of the proposed outdoor dining, including size and location of the proposed outdoor dining area and hours of operation;
- colour images of the site and the surrounding context;
- images, or a manufacturer's brochure, showing any furniture, umbrellas, heaters and the like;
- a plan of the outdoor dining area (see below);
- an emergency contact number.

## Outdoor dining area plan

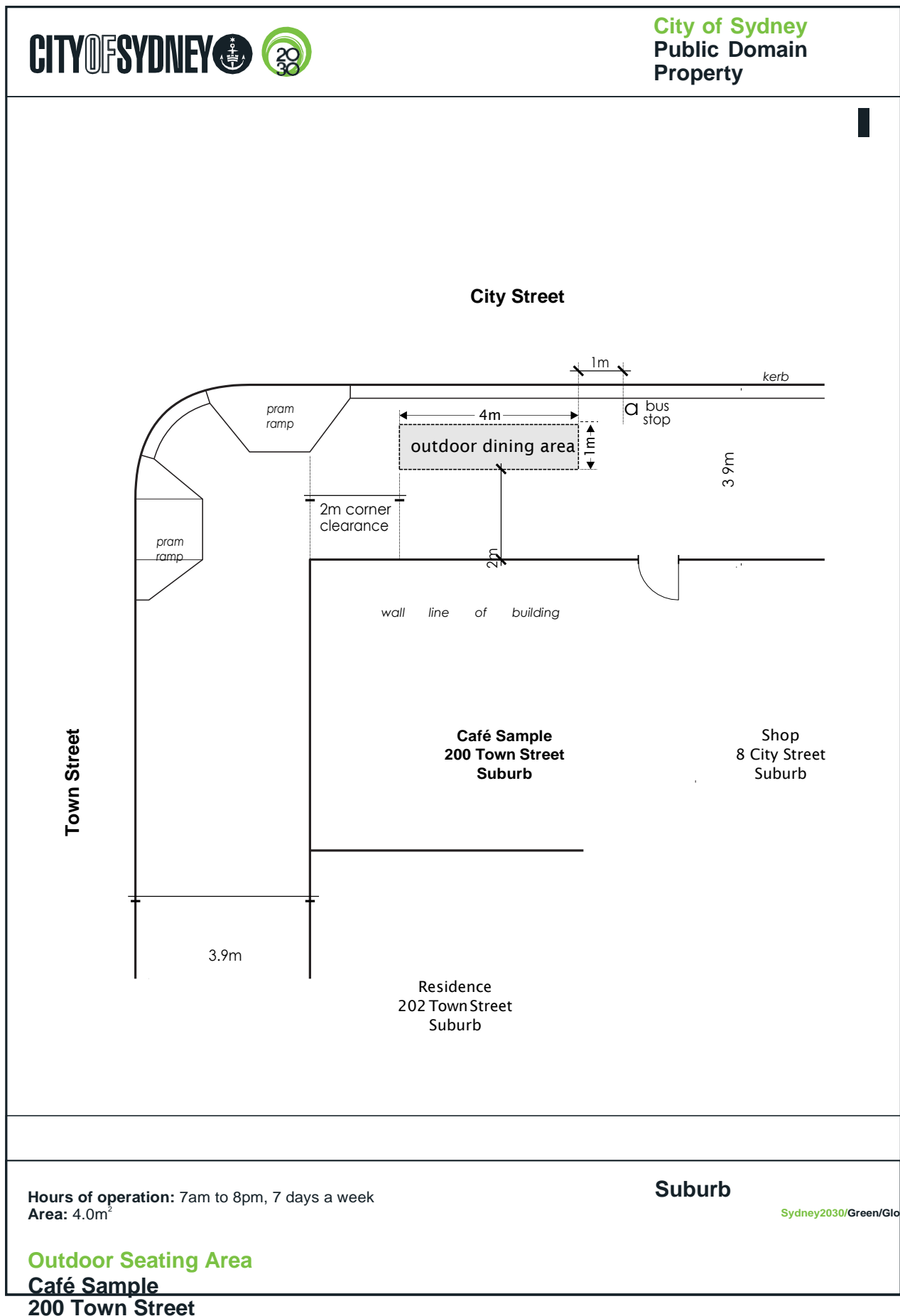
An outdoor dining plan is to be easily understood and allow Council officers to assess the outdoor dining application efficiently and effectively. A sample plan is shown at Figure 2.

- 2.5. An outdoor dining area plan should be to scale and with clearly marked dimensions, showing:
  - the width of the pavement and the proposed outdoor dining area;
  - the location of the outdoor seating area on the footway, along with the associated premises, and neighbouring premises;
  - layout of the outdoor dining area, including its width, and also umbrellas, heaters and the like;
  - clearances around the outdoor seating area from trees, the kerb, street furniture, street signs and the like;
  - location of all existing street fixtures, including benches, trees, poles, bike parking rings, bins, heritage plaques and inscriptions and the like;
  - location of transport stops, taxi ranks, parking areas, loading zones, pedestrian crossings and street intersections (if any); and
  - the location of all doorways and service openings.

Figure 1 – Central Sydney



Figure 2 – a basic outdoor dining plan



**Scale 1:100**  
(lengths are in metres)

**Date: 10/10/2017**

## 03

# Footway access

The primary function of a public footway is to provide access to pedestrians and other users travelling along the street.

In some places, the footpath may be too narrow or too busy to support a business use and also provide the clear path of travel required by these guidelines.

In these circumstances, the footway is not suitable for outdoor dining. Council will maintain a map, available through Council's website, of busy streets which are not suitable for outdoor dining.

## Clear path of travel

Council will ensure that the public footway continues to provide safe, dignified and equitable access to pedestrians and other users travelling along the street. To achieve this, the Council will ensure a minimum clear path of travel is maintained to a suitable width before any business uses are considered.

## Provisions

- 3.1. A clear path of travel is to be maintained on all public footways before other uses are considered.
- 3.2. The minimum width of the clear path of travel needs to be:
  - 2 metres for streets;
  - 1.2 metres for Central Sydney laneways, as shown in Figure 3; and
  - 4 metres in shared zones used by vehicles.
- 3.3. In areas of high pedestrian volume or where closeness to traffic might pose a safety risk, Council may:
  - require a greater clear path than shown in 3.2; or
  - not allow outdoor dining, where the street has been identified as not suitable.
- 3.3.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council may reduce the width of the clear path of travel provided there is a consistent and predictable clear path of travel for all users and the Australian Standards are met.

*the clear path of travel is to be consistent and predictable for each street block*

- 3.4. Council can require a clearance of less than 2m where:
  - it can be shown that pedestrian safety will not be compromised; and
  - where activity such as outdoor dining is desirable.
- 3.5. The location of the clear path of travel is to be consistent and predictable for each street block.
  - A consistent clear path is located on the same part of the footway for the length of the block.
  - A predictable clear path is one where the location can be anticipated by users based on either local knowledge of the street or environmental cues.

Figures 4 to 6 demonstrate a consistent and predictable clear path of travel.

Figure 3 – Central Sydney laneways

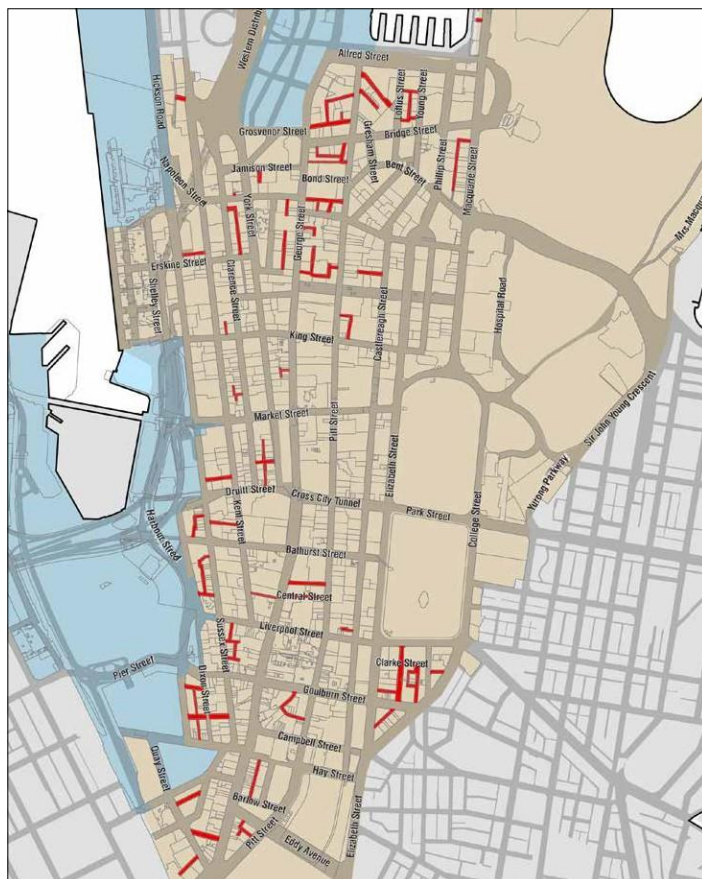


Figure 4 – this clear path of travel is in a consistent location on the block and is predictable for pedestrians. This figure also shows the special clearances are required when dining is at the kerbside.

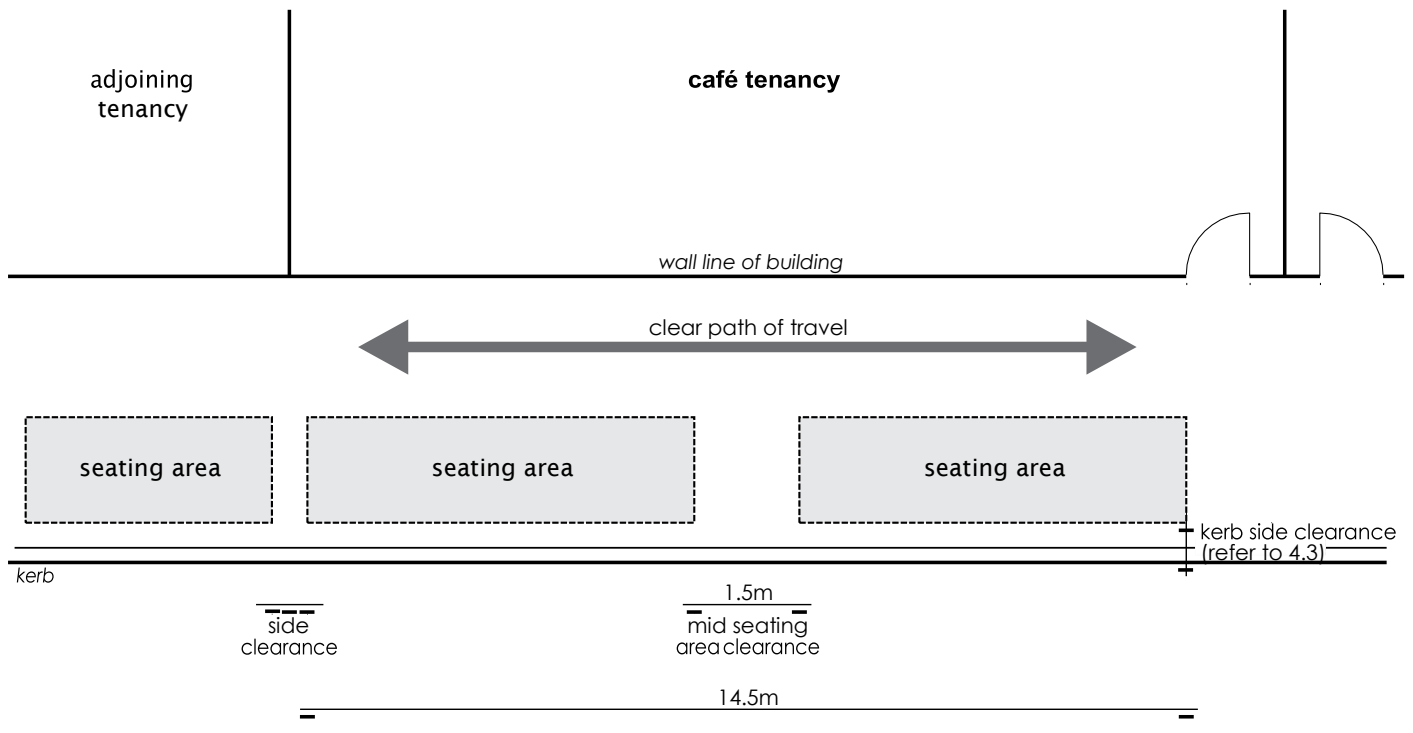


Figure 5 – this clear path of travel is in a consistent location on the block, and is predictable for pedestrians.

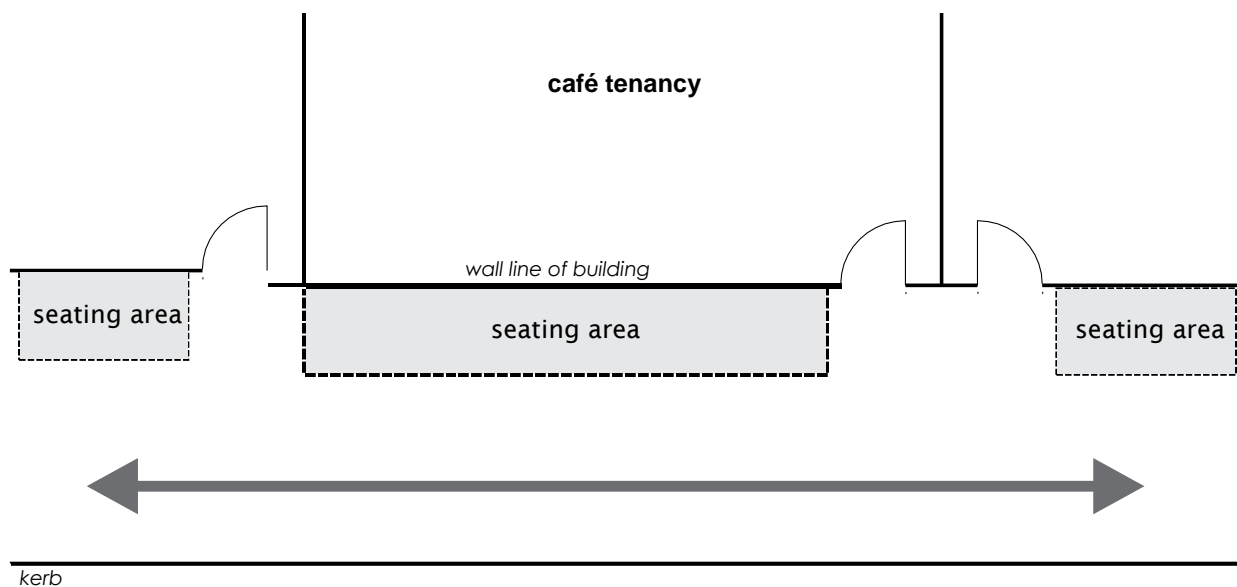
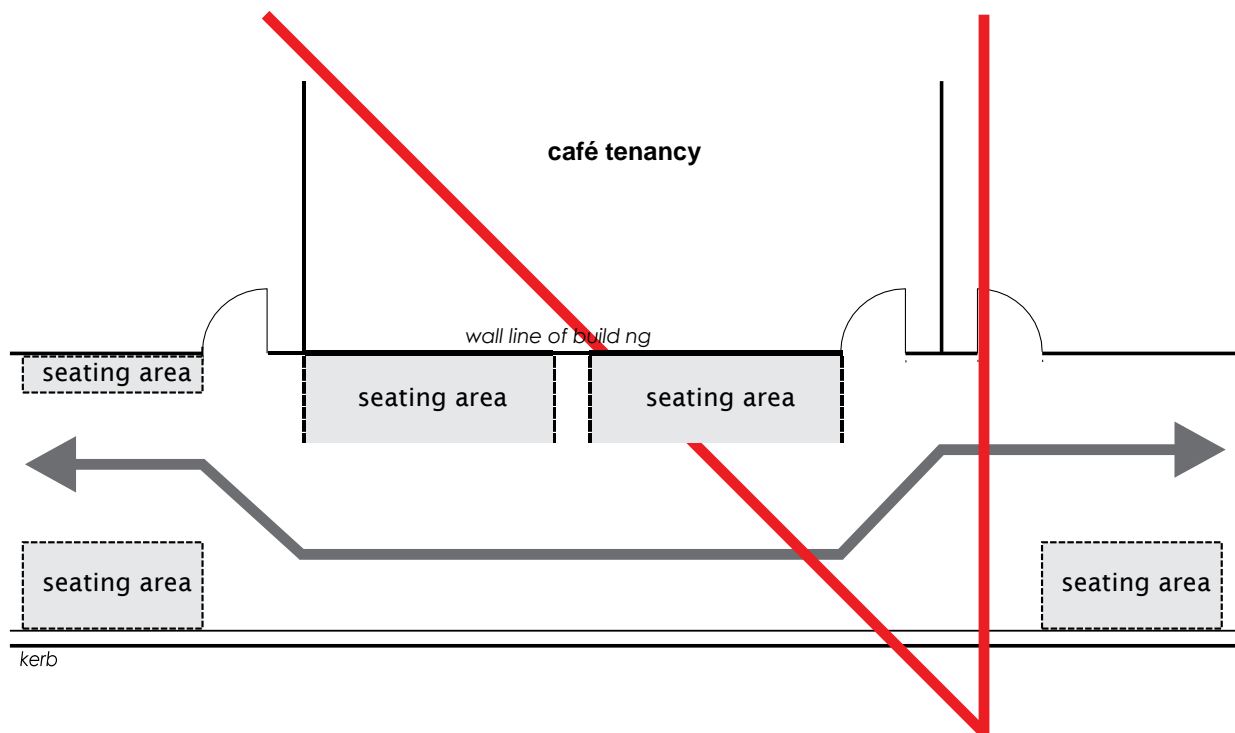


Figure 6 – this clear path is not in a consistent location on the block, and is not predictable for pedestrians.





## 04

# The outdoor dining area

Outdoor dining areas are to provide a safe and enjoyable dining experience for customers, while keeping footways safe and accessible for all pedestrians.

In considering the size and location of an outdoor dining area, the first consideration will be the safe, dignified and equitable movement of pedestrians.

The location and size of an outdoor dining area will depend on:

- the location of adjacent outdoor dining areas;
- the space required for outdoor dining furniture and the circulation of customers;
- nearby infrastructure such as bus stops, trees and rubbish bins; and
- the amount of pedestrian and vehicle traffic at the location.

## Size and location of the outdoor dining area

### Provisions

When applying for outdoor dining, applicants are to:

- 4.1. Allow enough room for furniture and customers, by keeping a minimum width of 0.8m for the outdoor dining area.
- 4.2. Maintain safety and circulation on public footways, by keeping outdoor dining areas clear of trees, bus stops, and service items such as parking meters, fire hydrants, drains and the like. The minimum clearances needed, shown at Figure 7 are:
  - 1 metre from a public transport stop, public transport access point, bus zone or taxi stand;
  - 1 metre from any service object including fire hydrant, utility pit, grate, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like;
  - 1 metre from any landscaped area;

- 0.8 metres from any street tree pit or grate – measured from the outside of the pit or grate.
- 2 metres from the corner alignment of the building at street intersections
- sufficient clearance to give safe, dignified and equitable access to buildings; and
- not obstructing or impeding access to fire escapes and emergency exits.

- 4.3. Applicants cannot apply for outdoor dining approval for an area that is not immediately outside their tenancy (for example, outside of a neighbouring premise).

- 4.3.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, space reclaimed by Council from the roadway area may be used for outdoor dining if the area is protected by vehicle-proof barriers appropriate to the speed of traffic. The outdoor dining area on the reallocated roadway may extend beyond the alignment of the business tenancy provided:

- it is to be continuous except for mid-area clearances under clause 4.6,
- it is not in front of another food and drink **premise outlet**, and
- the space in front of a non-food and drink **premise outlet** is equally shared with any other food and drink **premise outlet** that adjoins the non-food and drink **premise outlet**.

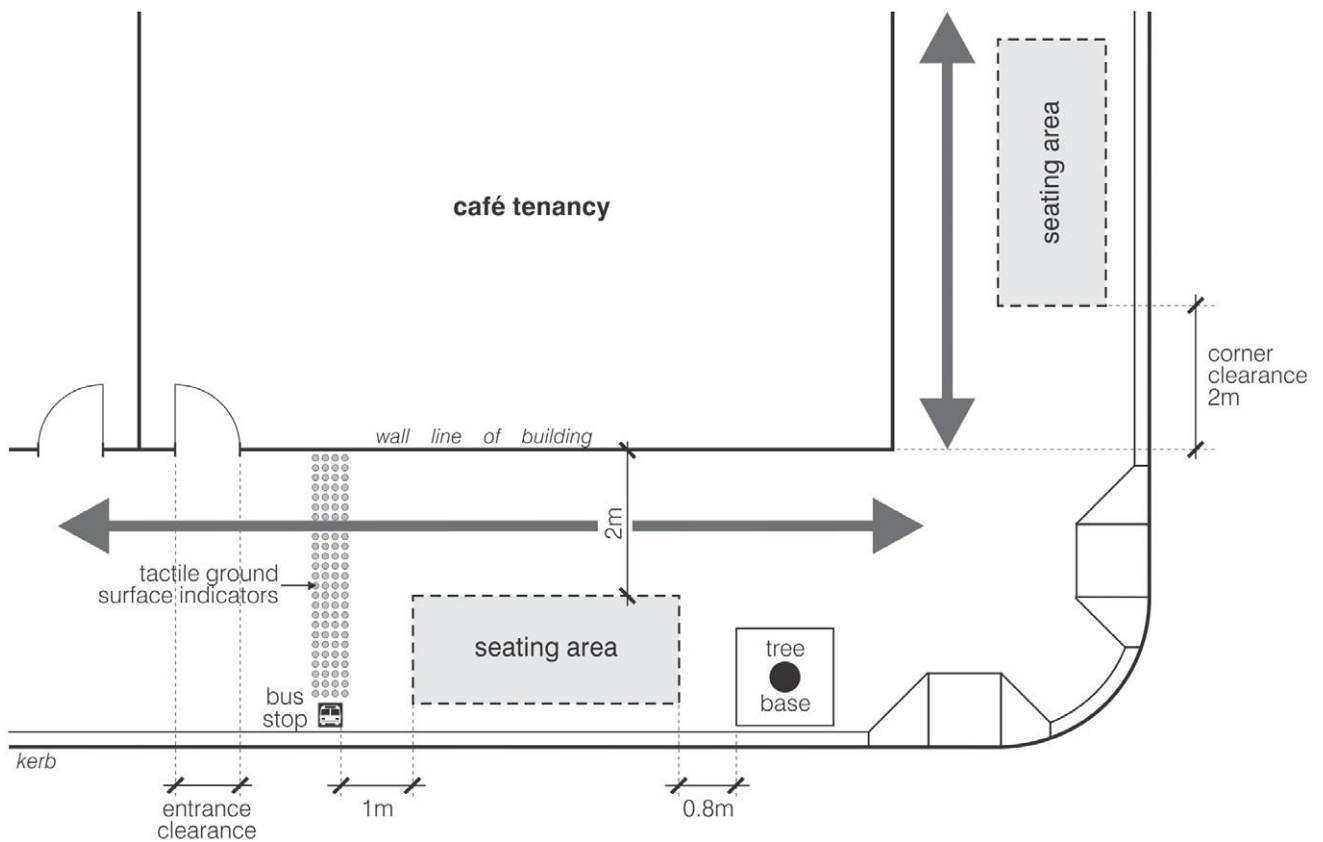
## Toilet facilities

### Provisions

- 4.4. The application should demonstrate that acceptable toilet facilities are available in the premises to which the outdoor dining approval relates.



Figure 7 – clearances required around the outdoor dining area



### Special clearances for outdoor dining at the kerb

When applying for outdoor dining towards the kerbside of the footway, it is important to consider the safety of patrons from traffic, and to allow room for access to cars parked along the kerb.

#### Provisions

- 4.5. Applicants should leave the following clearances from the kerb:
- 2 metres when next to a RMS classified road, or traffic moving at 20km/hour or more;
  - 1.5 metres when next to an accessible parking spot;
  - 0.9 metres when next to a loading zone;
  - 0.6 metres when next to normal parking conditions, or next to traffic moving at 20km/hour or less.

4.5.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council may reduce the clearances from the kerb or carriageway on a classified road provided the area is protected by vehicle-proof barriers suitable to the traffic speed of the road.

4.6. Applicants should leave the following clearances around their outdoor dining areas:

- 0.25 metres side clearance at the side boundary of the footway area immediately in front of your building. This is to create a gap between adjacent outdoor dining areas.
- 1.5 metre mid-area clearance to for seating areas longer than 12 metres, to allow access to the street.

## 05

# Outdoor dining furniture

Outdoor dining areas are to make a positive contribution to the character of the City's streets and public spaces. They are to appear as temporary uses of the public domain, not as permanent fixtures.

An outdoor dining set-up can contain a variety of items – tables, chairs, umbrellas and heaters. Care needs to be taken that streets do not become cluttered and obstructed through the placement of furniture and other items.

Streets that are physically and visually cluttered make business identification and general wayfinding more difficult and detract from the street attractions. Signage, branding and advertising can all add to visual clutter and take away from the positive characteristics of the street.

The choice of furniture, including tables, chairs, and umbrellas are to reflect and build on the existing character of the local area.

Barriers around outdoor dining areas give the appearance that the public space has been privatised, and become an obstacle to access and movement and generally not supported. As much as possible, outdoor dining areas are to remain open and inviting.

## Furniture and other items

### Provisions

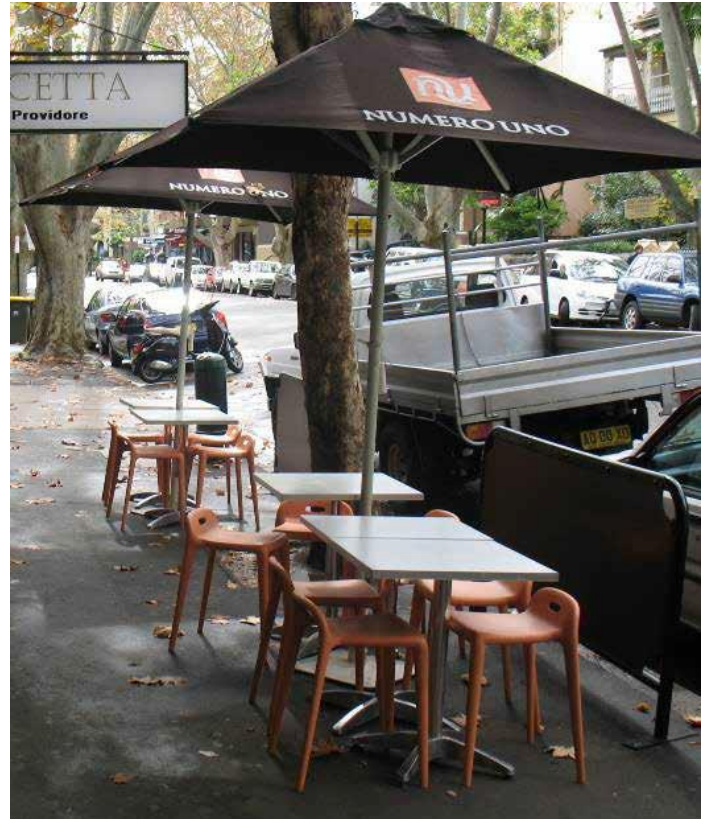
- 5.1. Any furniture or other items that form part of the outdoor dining set-up should be described in the application for outdoor dining and approved by Council.
- 5.2. All furniture and other items:
  - are to be located within the approved outdoor dining area;
  - should not have permanent fixings; and
  - should be removed and stored safely outside of outdoor trading hours.

- 5.3. Council encourages the design and range of furniture for outdoor seating areas to:
  - demonstrate diversity and innovation;
  - reflect the character of the buildings and permanent elements of an area;
  - have an open appearance; and
  - minimise clutter.
- 5.4. Seating, including chairs, stools, benches tables and the like are to:
  - be safe for users and not have any sharp edges, hinges or other moving parts that could cause a hazard to users;
  - allow access for all users, including those who use wheelchairs or mobility aids;
  - be non-reflective;
  - be strong, durable, weather resistant and designed for commercial outdoor use;
  - not damage the footway and Council property.
  - be able to be readily removed and stored within the associated premises; and
  - be generally consistent with the character of the area.
- 5.5. Furniture and other items should have a colour or luminance contrast to allow them to be identified by pedestrians with low-vision. A luminance contrast of 30% is recommended.

Figure 8 – barriers can be used to enclose a licensed area. These barriers have logos which meet the standards in these guidelines



Figure 9 – these umbrellas have logos which meet the standards in these guidelines



### Barriers

#### Provisions

- 5.6. Barriers which enclose the outdoor dining area, or which separate it from the pedestrian footway, are not permitted.
- 5.7. Barriers are permitted where there is a license under the Liquor Act 2007 to serve alcohol in the outdoor seating area and it is in a designated Alcohol Free Zone.
- 5.8. Side, or 'end', barriers which separate one outdoor dining area from an adjacent outdoor dining area are permitted.
- 5.9. Where barriers are used, they must:
  - Have a maximum gap of 150mm from the pavement to the underside of the barrier; and
  - Not be a rope or chain.

### Umbrellas, canopies and the like

#### Provisions

- 5.10. Umbrellas are not permitted where a seating area has shelter from a building awning.
- 5.11. Where umbrellas are used, they must have a height clearance of 2 metres from the ground for pedestrian movement and safety.
- 5.12. Umbrellas should be:
  - Square, to take up the least possible space; and
  - Fabric or matte-finished.
- 5.13. Umbrella bases should be safe, simple and compact to avoid causing a trip hazard for pedestrians.
- 5.14. Where there is more than one umbrella, they should be of a single solid colour.
- 5.15. Drop-down blinds, enclosures and canopies are not permitted. Umbrellas connected together by zippers or similar means are considered a canopy.

## Outdoor heaters

### Provisions

- 5.16. Outdoor heaters will only be approved where the safety of people and property is not compromised.
- 5.17. Outdoor heaters should turn off automatically if overturned to prevent injury to patrons and damage to property.
- 5.18. Outdoor heaters should be turned off when the outdoor dining area is not in use.
- 5.19. Outdoor heaters should be stored safely within the premises when not in use.

Note: Australian Standard AS/NZS 1596:2008, *The Storage and Handling of LP Gas* gives advice on storing outdoor heaters.

## Signage and branding

### Provisions

- 5.20. The name, logo and other branding of the food or drink premises or an associated product may be placed on an umbrella, or barrier where permitted by provisions 5.7 or 5.8, only if it:
  - involves only one product or business name being advertised in each seating area; and
  - is a minor and ancillary element of the design, comprising no more than one third of the surface area and does not have an adverse impact on the appearance of the seating area or the streetscape.
- 5.21. No other advertising signage will be permitted.

## 06

# Neighbourhood amenity

Outdoor dining brings many benefits to our streets – from the economic benefits of a thriving local economy to opportunities for informal social meetings and interactions.

Many of our outdoor dining areas are on streets where businesses and residents are mixed, and many residents enjoy their local cafes and restaurants. Where outdoor dining areas are close to homes, care needs to be taken to ensure residents can continue to enjoy the amenity of their neighbourhood.

The City has found that seating arrangements can affect the noise generated. Larger tables of more than four people can lead to louder conversations and disturbances for neighbours while smaller tables with chairs facing the road tend to generate less noise.

## Hours of operation

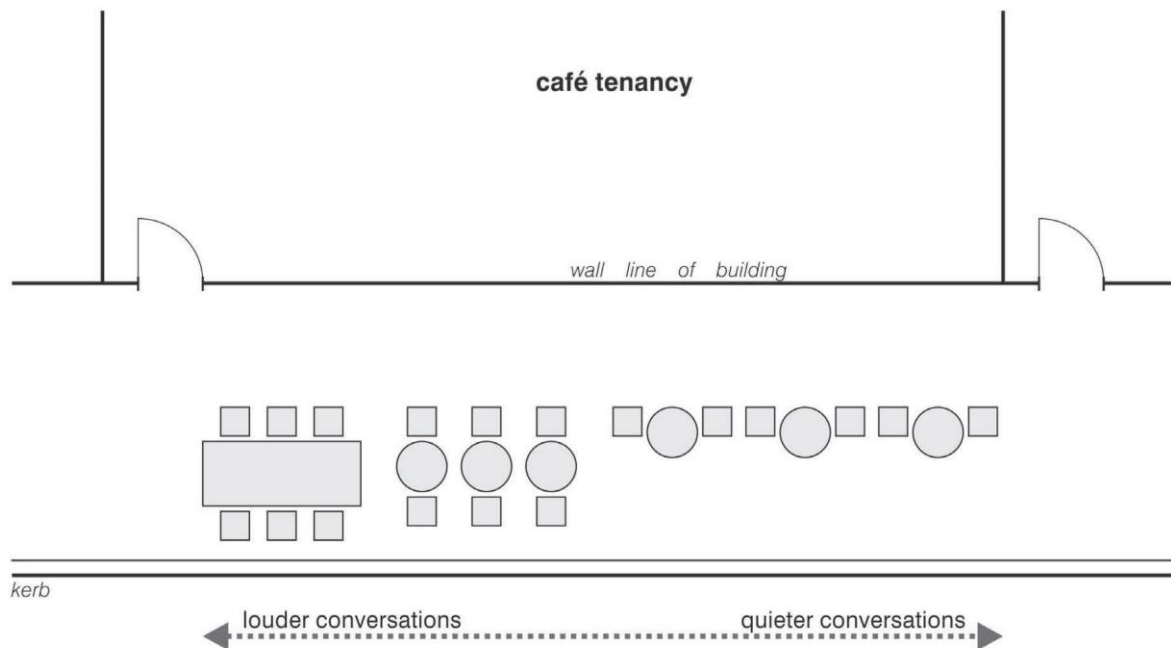
### Provisions

- 6.1. Operating hours for outdoor dining areas will generally follow the outdoor trading hours in the Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Management.
- 6.2. In considering operating hours for outdoor dining, Council will assess:
  - how close an outdoor dining area is to nearby dwellings and other noise sensitive uses; and
  - the size of the outdoor dining area.
- 6.3. Council may approve alternative hours of operation and size of area, to allow outdoor dining that will not have an adverse noise impact on the neighbourhood.

Notes: Applications for extended operating hours will be subject to the same trial period process specified in Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Premises Management.

- 6.3.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council may reduce or not impose a trial period for trading hours that exceed the base hours under Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Premises Management.

Figure 10 – the arrangement of tables and chairs influences the noise generated from outdoor dining areas.



## Music

### Provisions

- 6.4. Entertainment and amplified music are not permitted in outdoor dining areas.

## Seating arrangements

### Provisions

- 6.5. Council may require smaller tables and chairs to face towards the road to reduce noise.

## Lighting

### Provisions

- 6.6. Council may consider the installation of private lighting for outdoor seating areas that are approved to operate outside daylight hours, provided:
- the safety and amenity of patrons, the general public and road users is maintained;
  - it does not reduce the amenity or safety of other uses in the area as a result of glare or light spillage;
  - it is to be located wholly within the outdoor seating area; and
  - electrical cabling is discreet and does not create trip hazards.

Note: Any lighting should be designed to comply with AS 300, AS 1158, AS 4282 1997 Control of Obtrusive Effects of Outdoor Lighting, and The City of Sydney Lights Code.



## 07

# Responsibilities of the operator

The City encourages well managed outdoor dining that contributes in a positive way to the character of the City and its public spaces. Use of public space, including the footway, brings responsibilities for the operator.

Conditions of the footway approval will include:

## Protection of Council-owned property

- 7.1. An operator will be required to lodge a security deposit with the Council, to pay for any necessary repairs resulting from damage to the footway caused by the operation of an outdoor seating area.
- 7.1.A If an application is lodged and the outdoor dining will operate within the period of 30 October 2020 to 31 October 2021, Council will waive the requirement for a security deposit where the monthly rental fee is also waived. Council will reserve the right to damages caused by the operation of outdoor dining area.

Notes: The details of any required security deposit will depend on the proposal and will be outlined in any approval. Typically it is the greater of \$500.00 or three month rental, and must be paid before the operator can use the footway. It may be used to: repair damage caused by operation of an outdoor seating area; remove private fittings fixed to the footway by an operator; or cover any outstanding money owed to the Council after the operation has permanently ceased.

## Rental fee to occupy the public space

- 7.2. Approval will be subject to a condition that a rental fee will be paid for the use of the footway.
- 7.3. The fee due is set out in Council's fees and charges, and will be due annually at the rate applicable for that year.

Note: Application fees and public land rental costs for outdoor seating areas are outlined in the City of Sydney Schedule of Fees and Charges. The rates can change each financial year, and the latest schedule is available on the Council's website. The ongoing rent will depend on the location and size of the outdoor seating area.

## Public liability insurance

- 7.4. An operator will be required to obtain and maintain a public liability insurance policy with an insurer acceptable to the Council, to cover any legal liability of property damage and personal injury to the public.

Note: The details of any required insurance policy will depend on the proposal and will be outlined in any approval. Typically operators need to provide cover to a minimum value of \$10M, up to \$20M on classified roads. The insurance company will need to provide certificate of currency to Council before the operator can use the footway, and annually thereafter.

## Display of approval

- 7.5. A copy of the approval and plan is to be kept on premises, displayed in a prominent position and be produced on request to authorised Council officers.

## Management requirements

- 7.6. An outdoor seating area is to operate in accordance with the conditions of the approval.
- 7.7. Outdoor dining, including furniture, must be within the approved outdoor dining area.
- 7.8. All patrons are to vacate the approved seating area and all structures are to be removed from the seating area and stored within the premises before the closing time specified in the approval.
- 7.9. Outdoor seating areas can only be used by seated patrons consuming food or drink. Patrons are not permitted to eat or drink or whilst standing in the approved outdoor seating area. Patrons are to be able to consume food and drink in outdoor dining areas at all times and they are not to be nominated as being for smoking purposes.
- 7.10. Outdoor seating areas on the kerb side adjacent to a clearway or bus lane will be required to cease operations while the clearway or bus lane is in operation and store tables and chairs off the public footway.

7.10.A If an application is lodged and the outdoor dining is associated with a pub or small bar and will operate within the period of 30 October 2020 to 31 October 2021, Council may require a plan of management for the outdoor dining area which may be satisfied by an existing or updated plan of management.

Note: Applicants may be required to demonstrate acceptable storage arrangements in the application for outdoor seating on the footway, particularly where the hours of operation for the premises are greater than those for the outdoor seating area.

## Maintenance

7.11. The outdoor dining area and furniture and other items associated with the outdoor dining are to be:

- kept clean and maintained in good order suitable for their purpose;
- positioned and used as required when the outdoor seating area is in use;
- not be permanently fixed unless specific permission is given; and
- removed and stored away from public areas when the seating area is not in use.

7.12. Waste and litter is to be well managed by:

- removing waste promptly from the outdoor seating area;
- disposing of any waste properly (public litter bins are not to be used for the disposal of waste from outdoor seating areas); and
- not using disposable tableware in the outdoor seating area.

Notes: Additional management requirements may form part of any approval depending on the nature of the actual proposal and its location. The Council encourages the separation and recycling of waste.



## 08

# Special areas for outdoor dining

Some public spaces have special characteristics that require more detailed guidelines for outdoor dining. This section contains detailed guidelines for special areas.

## Martin Place

Martin Place is Sydney's premier civic space. It holds formal and informal gatherings and events; is a site for festivals including Vivid; and is the annual location for Sydney's Christmas tree and celebrations.

Importantly, the Cenotaph is also located at Martin Place, and is the focus not just of ANZAC Day memorial events, but of many other commemorative events throughout the year. The NSW Returned Services League are the custodians of the Martin Place Cenotaph.

The introduction of outdoor dining to Martin Place is one component of wider plan to make Martin Place a high quality unified civic space that is lively and activated. It is to be a unique destination in Sydney that is respectful of its cultural and built heritage significance.

Any outdoor dining is to be in keeping with this significant civic setting and is to be respectful of the dignity of the Cenotaph. The design of outdoor dining areas is to be recessive in appearance, and to complement the sandstone heritage buildings along the edge of Martin Place.

Martin Place is a significant pedestrian thoroughfare, and any outdoor dining should not compromise pedestrian safety and comfort.

**Note:** Martin Place between George Street and Pitt Street is Crown land, identified as Reserve 88056. The City of Sydney has all care, control and management responsibilities for the land under the *Crown Lands Act 1989*. A licence and approval under the Crown Lands Act is required for outdoor dining on this part of Martin Place.

## Provisions – Cenotaph block (George and Pitt Streets)

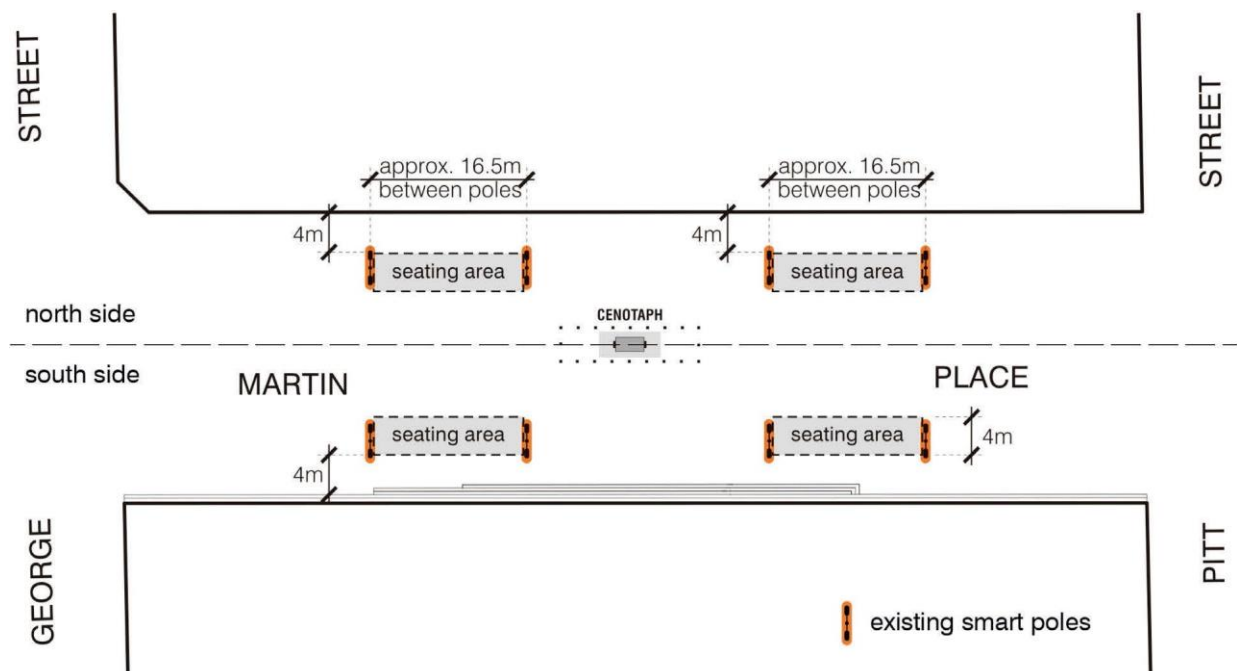
### Respecting the Cenotaph

- 8.1. The outdoor dining area will not operate during times identified by the NSW Returned Services League as memorial or commemorative event times. These times will be provided to operators by the NSW Returned Services League at the start of each year.
- 8.2. The NSW Returned Services League will provide training and information to operators and their staff, to promote understanding of and respect for the significance of the Cenotaph.
- 8.3. The applicant is to prepare a Plan of Management to detail measures to be implemented to:
  - identify and manage behaviour that in the opinion of the NSW Returned Services League is inappropriate for the Cenotaph block; and
  - manage complaints about behaviour, or requests from the NSW Returned Services League to manage inappropriate behaviour.
- 8.4. The applicant is to demonstrate they have undertaken consultation and sought support from the NSW Returned Services League for the Plan of Management.
- 8.5. Council will consider the views of the Returned Services League of NSW when assessing the Plan of Management.

### The outdoor dining area

- 8.6. Outdoor dining is only allowed within the areas shown on Figure 11. Outdoor dining must be in association with a food and drink premises on the same side – either the north or the south – of Martin Place as shown in Figure 11.
- 8.7. All items in the outdoor dining area are to be temporary and portable, and stored indoors outside of approved service hours.
- 8.8. The outdoor dining area is to leave a 4 metre clear path of travel for pedestrians, as measured out from the building line on either side of Martin Place.

Figure 11 – Outdoor dining areas on the Cenotaph block of Martin Place



### Tables and chairs

#### 8.9. Chairs and tables are to be:

- uniform in style and design;
- hardy and sturdy to resist wind gusts;
- of metal or quality timber frame construction and not plastic;
- stackable or foldable for ease of storage and readily removed.

#### 8.10. Chairs should be 'French Bistro' Rattan type chair, with the colour to be natural, brown or red (as shown in Figure 12).

#### 8.11. Tables should be 'French Bistro' Rattan type to match the chairs, or are to have white table cloths.

#### 8.12. Any variations to these specifications are to:

- respect the heritage setting; and
- have the approval of Council's Director of Planning, and Council's Design Director.

### Umbrellas

#### 8.13. Umbrellas should be spaced so as to be recessive in appearance avoiding visual dominance of the adjacent heritage buildings.

#### 8.14. The dimensions of the umbrellas should be:

- for the canopy, not more than 2500mm x 2500mm with an overall height not higher than 3000mm; and
- for the canopy clearance, not less than 2200mm measured from the lowest edge to the pavement.

#### 8.15. The finish of the umbrella should be:

- stone for the canopy, as shown in Figure 13; and
- matte black for the pole and frame.

#### 8.16. Umbrellas should be properly secured in place to prevent blowing over in strong winds. In-ground sleeves are encouraged within the designated outdoor dining areas.

#### 8.17. Logos, branding or advertising is not permitted on umbrellas.

#### 8.18. Any variations to these specifications are to:

- respect the heritage setting; and
- have the approval of Council's Director of Planning, and Council's Design Director.

Figure 12 – French Bistro style Rattan chairs



Figure 13 – Umbrellas should be stone canopy with black pole and no logos, branding or advertising



#### Barriers

- 8.19. Barriers which enclose the outdoor dining area are not permitted.
- 8.20. Barriers are permitted only where there is a license to serve alcohol in the outdoor seating area and it is in a designated Alcohol Free Zone or Alcohol Prohibited Area. These barriers:
- should not contain any logos, advertising or other graphics.
  - are to be black matte finish and not exceed 900mm in height.

#### Waiter stations

- 8.21. Waiter stations are permitted only where it can be demonstrated they are essential to the safe operation of outdoor dining areas, for instance in areas of very high pedestrian traffic.
- 8.22. Waiter stations should be:
- mobile and stored indoors outside of approved service hours;
  - designed to be unobtrusive and of minimalist appearance, free of any signage, advertising, logo or branding;
  - contained wholly within the approved outdoor dining area.



### Llankelly Place

Council supports outdoor dining in Llankelly Place as part of a strategy to increase activation of the laneway. Following a successful trial of expanded outdoor dining opportunities, acceptable areas for outdoor dining have been defined.

The introduction of new outdoor dining areas within Llankelly Place may require some negotiation between business operators to ensure that there is equitable access to outdoor dining opportunities, and an acceptable clear path of pedestrians.

#### Provisions

- 8.23. Outdoor dining is acceptable within the areas identified on Figure 14.
- 8.24. Llankelly Place is exempt from Council's 'footway freeze' of December 2012.
- 8.25. New outdoor dining areas not shown on Figure 14 can be approved provided that:
  - a consistent and predictable clear path of travel is provided and maintained, to a minimum width of 1.2 metres.



Figure 14 – approved outdoor dining areas for Llankelly Place





**Item 10****Questions on Notice****Green Square Community Hall**

1. By Councillor Scott

**Question**

I note the Green Square Community Hall was opened in May 2018, by the Lord Mayor.

Please detail, broken down by month since the facility was opened:

1. How many hours, on average, the Community Hall was open to the public?
2. How much, on average, outsourced providers were paid for duties relating to this Community Hall?
3. The number of events, classes or other community activities that occurred?
4. The number of people (residents or other members of the public) that engaged with Hall activities?

Please detail all outsourced providers who are associated with the Hall, the beginning and end periods of their contracts, the total value of the contracts and their associated duties. Please also detail if any duties have not been met, or penalties applied, under the contracts, or if satisfactory performance has been signed off in accordance with contract milestones.

S129275

**Extension of Moore Park Golf Course Consultation**

2. By Councillor Forster

**Question**

Was the Moore Park Golf Course public consultation extended because, on balance, the responses garnered were not in favour of the proposal?

If not, why was the consultation period extended?

S129269

## **Pop-Up Cycleways Surveys of Residents and Businesses**

3. By Councillor Forster

### **Question**

At the City's November 2020 Council Meeting, the Chief Executive Officer advised that surveys to assess the usage and operation of the pop-up cycleway program were limited to intercept surveys of cyclists using the pop-up cycleways and broadly focused telephone surveys of households in and out of the City of Sydney area. Similarly, at the October 2020 Council Meeting, the Chief Executive Officer pointed out that there had been shortfalls in the Independent Safety Audit of at least one of the pop-up cycleways.

Could the Chief Executive Officer please advise:

1. Are there plans to conduct comprehensive surveys of potentially affected residents and businesses in the vicinity of all temporary pop-up cycleways?
2. If so, how will these be conducted?
3. If no plans exist for these surveys of residents and businesses, why not?
4. With reference to the Independent Safety Audit, what were the outcomes of the Chief Executive Officer's endeavour to strongly encourage that corrective actions have been or will be put in place to mitigate safety risks at the Bridge Road pop-up cycleway?
5. Are there plans for Safety Audits of all pop-up cycleways?

S129269

## **Budget for the Office of the Lord Mayor**

4. By Councillor Phelps

Could the Chief Executive Officer please provide an annual budget by financial year of the Office of the Lord Mayor budget from 2000/01 to 2020/21?

S129272



## City Recycling Procurement

5. By Councillor Scott

### Question

In November 2019, the City was one of 11 member councils to sign a memorandum of understanding as part of Southern Sydney Regional Organisation of Councils (SSROC). This sets out how each will work together to develop a framework for regional procurement of recycled material in infrastructure.

Sustainable procurement aims to reduce the adverse impacts of purchased products and services throughout their life.

1. Please advise, in relation to the City's total procurement spend, how much the City spends on procurement of products that contain recycled materials in total (and, if possible, broken down by categories below) across all areas of business including:

- (a) City Operations;
- (b) Development;
- (c) Transport;
- (d) Purchase of goods and services and the cost of maintaining them;
- (e) Energy and water;
- (f) Office supplies, furniture and fittings;
- (g) Cleaning, waste disposal and disposal of goods; and
- (h) Any other categories where recycled materials are purchased.

Please include some examples of products with recycled materials purchased by the City of Sydney.

2. Please advise how much the City spends on materials made from recycled versus non-recycled content (and, if possible, broken down by categories below) including:

- (a) Road base materials;
- (b) Waste containers and cleansing materials;
- (c) Gardening materials including mulch;
- (d) Office supplies, furniture and fittings;
- (e) Construction and building materials; and
- (f) Any other categories where recycled materials are purchased.

**Item 11****Supplementary Answers to Previous Questions**

Supplementary Answers to Questions on Notice are as follows:

**Question on Notice – Council 26 October 2020****Controls over Outsourced Providers**

14. By Councillor Scott

**Question**

The City of Sydney has a range of external providers who provide services to our communities and our council, including operating our pools, gyms, waste and recycling services.

1. Please detail the City's legal obligations to ensure compliance with the activities of our external providers, including but not limited to Working with Children checks, compliance with the Fair Work Act, the Local Government Act, and a range of other legal requirements.
2. Please detail the controls the City of Sydney council has in place to ensure that those external providers undertake activities that comply with the City's legal, industrial and policy obligations.
3. Please detail the reporting mechanisms the City of Sydney has in place so that when noncompliance in external providers is established, via the City of Sydney's monitoring, the Council and regulators are appropriately notified.
4. Broken down by year since 2004, and by regulator, please detail the number of reports to external regulators the City of Sydney has made, as a result of the activities of our external providers.

S129275

**Answer by the Chief Executive Officer**

A broad range of legislative obligations apply to the City's external service providers depending on the nature of the service provided.

Our contracts impose obligations on service providers to comply with all laws relevant to the service they are providing, together with particular obligations if there are specific requirements we need a service provider to comply with, but it depends on the nature of the service provided as to what obligations are imposed.

Generally, the City has rights to investigate potential breaches of legal obligations by service providers, including having an independent audit undertaken, and to terminate contracts for non-compliances or for convenience. Again, the type of rights depends on the nature of the service being provided. There is not a specific process or mechanism for reporting, but rather if the City becomes aware of a breach that is reportable to a particular agency, the City will make that report.

A CEO Update will be provided in relation to numbers of reports to external regulators.

### **Supplementary Answer**

For the information of the Lord Mayor and Councillors.

### **Background**

On 26 October 2020, in response to a Question on Notice it was advised that further information in relation to the number of reports to external regulators relating to outsourced providers would be provided by CEO update once staff had had an opportunity to review the relevant documentation.

Following a review of available information, reports to external regulators have only been identified by staff as being made in 2016 with two matters being reported, one to Safe Work and one to the Fair Work Ombudsman.

Generally, reporting obligations sit with the service provider under the terms of the contract. For example, where there is a notifiable incident involving a third party contractor, they are responsible for reporting the matter to Safe Work under the legislation. The City does not maintain registers of these reports.

### **Question on Notice – Council 26 October 2020**

#### **Cleanaway Negative Leave**

15. By Councillor Scott

#### **Question**

In an article in the Australian Financial Review published on 30 September 2020, it was revealed that Cleanaway Waste Management changed its IT systems in March this year to allow employees to be pushed into 'negative' accrued annual leave.

The publication reported that front-line drivers would be restricted from overtime by Cleanaway, ensuring drivers only work eight-hour shifts as well as putting drivers on Rostered Days Off (RDOs) to reduce accruals.

In addition, Cleanaway purportedly reduced driver invoices by 5 per cent from April to June 2020, meaning that truck drivers would lose 5 per cent of any revenue earned during that time. Drivers were asked to sign a contract variation to allow for this deduction.

The AFR reported that some Cleanaway employees have had to work during their instructed annual leave to meet the demands of the company, and that many were pushed into negative leave balances.

1. Is the City aware of whether Cleanaway's negative leave strategy is in breach of the Fair Work Act 2009?
2. Has the reported restriction in access to overtime affected in any way the waste removal service Cleanaway is contracted to deliver to the City?
3. Has anyone from the City entered into discussions with, or asked questions of Cleanaway on the issues raised above? If so, please detail how many meetings and on what dates.

4. What action Sydney City has taken since the various reports in the Financial Review?
5. Does the City have an obligation to report to regulators as a result of the information revealed in the AFR? If so, has this been done?

S129275

**Answer by the Chief Executive Officer**

The allegations in relation to Cleanaway's management of employee leave conditions is an industrial matter for Cleanaway.

Cleanaway continues to meet its contractual obligations for the collection of the City's domestic waste. Reports of daily missed services are decreasing, while the number of booked services and overall tonnages collected has significantly increased. Further detailed information will be provided via a CEO Update.

The Chief Executive Officer and Director City Services have had and continue to have discussions with Cleanaway in relation to the City's contract.

The City does not have an obligation to report allegations raised in the media to regulators.

**Supplementary Answer**

For the information of the Lord Mayor and Councillors in response to the Question on Notice Item 11.15, on 26 October 2020 from Councillor Scott.

**Background**

The Question on Notice sought advice on Cleanaway's work practices in response to an article published by the Australian Financial Review on 30 September 2020.

The article raised concerns that access to overtime was restricted for employees. However, it is important to note that overtime is discretionary and not an employment entitlement.

The allegations in relation to Cleanaway's management of employee leave conditions is an industrial matter for Cleanaway.

Cleanaway continues to meet its contractual obligations for the collection of the City's domestic waste. Reports of daily missed services are decreasing, while the number of booked services and overall tonnages collected has significantly increased due the pandemic.

The CEO, Director, City Services and Manager of Cleansing and Waste have discussed the allegation raised by the media with Cleanaway Executive on multiple occasions. The Director, City Services facilitated a meeting on 3 November 2020 with members of the Cleanaway Executive and representatives of the City's Executive to further discuss the allegations.

During this meeting the City was able to confirm that in response to the pandemic, Cleanaway took action to reduce annual leave balances and overtime expenditure to mitigate any potential job losses. This included asking staff in management positions to take leave to reduce their leave balances, so operational positions could continue as normal. Cleanaway also reviewed and reduced its overtime expenditure.

Both measures are similar to those put in place by the City to reduce annual leave balances and overtime across all divisions in the City.

### **Question on Notice – Council 26 October 2020**

#### **Legal Matters Costs and Progress Update**

7. By Councillor Chung

#### **Question**

Could the Chief Executive Officer please provide:

1. An update of all court proceedings that Council is currently engaged in broken down by Court and type of matter (eg but not limited to class 1-5 appeals, local court prosecutions, NCAT proceedings, supreme court proceedings, IRC proceedings).
2. In table form, a summary of each court matter, costs to date, proceedings number and parties to the matter and status of each matter.
3. Year to date costs for each type of matter broken down by costs for consultants, external lawyers and other costs.
4. 2019/20 and year to date summary of matters finalised by matter including outcome and costs for each matter.

S129268

#### **Answer by the Chief Executive Officer**

This information will take some time to compile and will be provided via the CEO Update.

#### **Supplementary Answer**

A confidential CEO Update will be provided to Councillors on 11 December 2020.

**Item 12.1****Notices of Motion****Sydney Lunar Festival 2021**

By Councillor Kok

It is resolved that:

- (A) Council note:
- (i) Lunar New Year is the most significant festival for our multicultural communities to celebrate, recognise, and to be proud of their cultures;
  - (ii) the Sydney Lunar Festival has become the largest outside of Asia, with vibrant and colourful programs to celebrate multiculturalism and to bring opportunities to local businesses;
  - (iii) small businesses, especially those in Thai Town, Korean Town, and China Town, benefited from the Sydney Lunar Festival 2020, due to the City's lunar lantern instalments and street activations in the area;
  - (iv) during the pandemic, our multicultural communities and businesses in the area have shown exceptional courage and resilience to counter the difficulties experienced. The communities have banded together, and their support reached many, especially the vulnerable in the community;
  - (v) post pandemic the Sydney Lunar Festival 2021 will be an important occasion to provide cultural and moral support and recognition to our multicultural communities;
  - (vi) in alignment with the AI Fresco Summer, the Sydney Lunar Festival 2021 will bring significant and much needed opportunities to businesses in CBD South as well as on George Street; and
  - (vii) that planning for the Sydney Lunar Festival 2021 is underway, with a focus on City recovery;
- (B) Council acknowledge multicultural communities for their contributions during the pandemic; and
- (C) the Chief Executive Officer be requested to investigate:
- (i) plans to focus on the CBD South to help to leverage small businesses in Korea Town, Thai Town, and China Town; and
  - (ii) installing lunar lanterns in City of Sydney spaces including in the CBD South as part of the Sydney Lunar Festival 2021.

S129261

## Item 12.2

### Notices of Motion

#### Erskineville Community Garden

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) the Erskineville Community Garden has been created and successfully run by the local Erskineville community for over 11 years, without any financial support from the City;
- (ii) the Community Garden group met with representatives from Council, including Councillor Miller and the Chief Operating Officer on 22 October 2020 where they were informed about the Council's agenda for looking at sites to be repurposed for affordable housing;
- (iii) in this meeting it was disclosed that the community garden is one of four sites that is being considered and is the Council's preferred site. Of other three sites being considered, two already have existing buildings and one is a car park;
- (iv) the permanent loss of the Erskineville Community Garden would be the result of any kind of development built on the existing community garden site. Relocating the garden will not guarantee the relocation of the environment and community the local residents have spent the last 11 years cultivating at the current community garden;
- (v) open green community spaces are in high demand in the City of Sydney. This has been exemplified by the Covid-19 lockdown and the City's proposal to halve the Moore Park Golf Course; and
- (vi) the City should not be removing any open community spaces that currently exist for public access and use, and should instead be looking at already developed sites to adapt into affordable housing; and

(B) the Chief Executive Officer be requested to:

- (i) ensure the current site of the Erskineville Community Garden is retained as a community garden and not developed into affordable housing;
- (ii) investigate and rectify any potential issues with the current community garden site to ensure it is suitable for community gardening; and
- (iii) report back to Councillors via the CEO update.

S129263

**Item 12.3****Notices of Motion****Juanita Nielsen Childcare Centre, Woolloomooloo**

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) the Juanita Nielsen Childcare Centre currently operates as an after-school care centre;
- (ii) the Juanita Nielsen Centre is operated by the City of Sydney Council;
- (iii) families with high needs children are provided with free after school care subsidised by the City of Sydney Council;
- (iv) other families pay the full amount for after school care at the Juanita Nielsen Centre;
- (v) the Federal Government's Child Care Subsidy (CCS) offers eligible families access to fee reduction using Occasional Care services, Before School Care, After School Care and Vacation Care (Outside School Hours Care Services). The Child Care Subsidy is paid directly to the service provider. Families pay the amount owed after the Child Care Subsidy has been applied to the service fee – this is often referred to as the “out of pocket” or “gap” fee;
- (vi) to receive the Child Care Subsidy (CCS) payment on behalf of families, childcare providers must be registered with the Department of Education, Skills and Employment; and
- (vii) the Juanita Nielsen Childcare Centre is not registered to provide the Childcare Subsidy (CCS) to families; and

(B) the Chief Executive Officer be requested to:

- (i) register the Juanita Nielsen Childcare Centre with the Department of Education, Skills and Employment so that eligible families can benefit from the Child Care Subsidy (CCS); and
- (ii) expand childcare services at the Juanita Nielsen Centre to include not only afterschool care, but also before and vacation care.

S129263



## Item 12.4

### Notices of Motion

#### Before and After School Care for Woolloomooloo

By Councillor Scully

It is resolved that:

(A) Council note:

- (i) the City of Sydney offers six after school and vacation care programs for primary school aged children in the local area, as part of the City's Outside School Hours Care services, supported by the NSW Government's Before and After School Care commitment;
- (ii) the City of Sydney currently offers an after school and vacation care program for primary school aged children at Juanita Nielsen Community Centre in Woolloomooloo, primarily for nearby Plunkett Street Public School, which does not currently have on-site facilities for an external before/after school care;
- (iii) prior to 2017, the City of Sydney's program in Woolloomooloo was a free service for vulnerable families who met income and vulnerability thresholds;
- (iv) in 2017, the City of Sydney expanded its contribution to include a fee-based service for families who did not meet the criterion. However, this fee is not supported by any childcare subsidies and as a result is more expensive than other similar services in our local government area;
- (v) the City does not currently offer before school care as part of Woolloomooloo's Children's Program at Juanita Nielsen Community Centre;
- (vi) the Juanita Nielsen Community Centre offers 45 places in its after school service. It is currently under capacity with 15 to 20 children per day. Over 90 per cent of the attendees receive free care;
- (vii) all other schools in the surrounding City of Sydney area have access to before/after school care that is eligible for childcare subsidies. Working families in the Woolloomooloo community are financially disadvantaged as the cost difference that they incur over the year is considerable;
- (viii) the NSW Government has previously committed to spending \$120 million to expand access to before and after school care (BASC) for all parents with children at NSW public primary schools; and
- (ix) parents of Plunkett Street are requesting that the City of Sydney utilise the NSW Government before and after school care commitment so that the centre can be better supported, and that this is enabled by ensuring that the centre is first approved as a child care subsidy eligible provider. It is currently limited as the government states that a centre cannot offer both a free service and a subsidised service for low income families;

- (B) the Chief Executive Officer be requested to investigate obstacles that may be preventing Woolloomooloo Children's Program, and other services like this, from receiving subsidies through the Child Care Subsidy Scheme while offering a fully subsidised care service, with the goal of offering both services; and
- (C) the Chief Executive Officer be requested to investigate how the City of Sydney might offer before school care as part of Woolloomooloo Children's Program at Juanita Nielsen Community Centre as soon as possible.

S129264

## Item 12.5

### Notices of Motion

#### Oxford Street during Sydney Mardi Gras Festival 2021

By Councillor Scully

It is resolved that:

(A) Council note:

- (i) the City of Sydney is a major sponsor of the Sydney Gay and Lesbian Mardi Gras (Mardi Gras), as one way of demonstrating support for our LGBTQIA+ communities;
- (ii) due to Covid-19 related restrictions, the Mardi Gras have moved the 2021 Mardi Gras parade to the Sydney Cricket Ground (SCG), instead of the traditional parade along Oxford Street;
- (iii) this is an important move for safety and to ensure the event can continue despite the impacts of the pandemic, however there may be impacts on the retail and social activity enjoyed by businesses on Oxford Street and in surrounds;
- (iv) in 2019, the Mardi Gras festival comprised more than 100 events over 17 days, contributed more than \$131 million to the NSW economy and attracted 617,000 attendees, 39 per cent of which came from interstate or overseas;
- (v) the Mardi Gras festival includes a broad program of new and recurring events including - but not limited to - Sissy Ball, Mardi Gras Fair Day, Koori Gras, the Kaftan Party, the Laneway event and many others;
- (vi) there is an opportunity for businesses and organisations to participate in the 2021 festival program, by submitting an application for their event to be an officially registered Mardi Gras event;
- (vii) major events are a significant driver of demand in the visitor economy and a strong economic driver for Sydney businesses during the event period, and the City's hospitality, tourism and retail businesses are major beneficiaries of the event's economic footprint; and
- (viii) the City's Retail Action Plan and Economic Development Strategy outline the City's commitment to strengthening the City's economy and local businesses by supporting retail activity and visitation to the City's villages; and

- (B) the Chief Executive Officer be requested to investigate how the City can work with local businesses, community and creative organisations to embody the celebration of the Mardi Gras Festival on Oxford Street and in the surrounds in 2021, and report back via the CEO Update.

**Item 12.6****Notices of Motion****Activating Oxford Street for Mardi Gras 2021**

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) due to Covid-19, the 2021 Sydney Gay and Lesbian Mardi Gras will not take place on Oxford Street, and there will be no after party;
- (ii) this is a rational decision to manage public health in the midst of the Covid-19 global pandemic. However, it is a huge blow to small businesses on the Oxford Street strip, particularly those who are closely connected with the LGBTQI+ community;
- (iii) the weeks of the Mardi Gras Festival can account for a significant proportion of the annual turnover of some of the small businesses on Oxford Street; and
- (iv) while this is out of Council's control, the City is the capacity to take actions that will help to activate of Oxford Street during the Mardi Gras festival; and

(B) the Chief Executive Officer be requested to:

- (i) liaise with small business owners and all other potential stakeholders in and around Oxford Street to investigate possibilities to activate Oxford Street, increase foot traffic and stimulate the night-time economy during the Mardi Gras Festival 2021 including, but not limited to:
  - (a) using the footpaths on and around Oxford Street as potential artistic canvases;
  - (b) under awning lighting, such as fairy lights, to add value and attraction to Oxford Street and its historical importance to the LGBTQI+ community;
  - (c) temporary street furniture, trees or floral displays; and
  - (d) the installation of temporary structures where these may form part of or the backdrop to creative artistic installations;
- (ii) investigate forming creative partnerships with small businesses, major lease holders, Arts and other creative Colleges, the Mardi Gras organisation and other interested parties to deliver the creative activation of Oxford Street during the Mardi Gras 2021 Festival; and
- (iii) report back to Councillors via CEO update.

**Item 12.7****Notices of Motion****Return to Council Chambers**

By Councillor Chung

It is resolved that:

(A) Council note:

- (i) that Council has held meetings via Zoom in line with the Covid-19 rules since 30 March 2020;
- (ii) on 30 June 2020, a change to the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 allowed Councillors and Council staff to attend Council and Committee meetings in person;
- (iii) although the use of Zoom has been an appropriate temporary alternative, face to face meetings are more effective for communication between Councillors and for the public to witness;
- (iv) there has been feedback that Council and Committee meetings held via Zoom have been difficult for the public to follow due to audio only being provided;
- (v) from October 2020, the NSW Government has encouraged public servants to physically return to work in their offices in a Covid safe way. City staff have also been encouraged to do this;
- (vi) local businesses have been strongly encouraged by the City to explore ways to re-activate the CBD after a long and difficult period; and
- (vii) Sydney should lead by example and demonstrate to the community that it is safe to return to the office; and

(B) the Chief Executive Officer be requested to:

- (i) arrange for Council and Executive staff to return to the Council Chambers for Council and Committee meetings as of 15 February 2021 in accordance with the Public Health Order in place at the time; and
- (ii) continue to facilitate attendance at Committee and Council meetings by Zoom, by leave of Council, for Councillors and Executive staff who are impacted by Covid-19.

S129259

**Item 12.8****Notices of Motion****Reopen Waterloo Library**

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) the cultural significance of the Waterloo Town Hall building, which opened in 1882 and became a library in 1972;
- (ii) the importance of a neutral, public space in the Waterloo community, and the variety of services that the library offers, including:
  - (a) literary fiction, non-fiction works, research materials and multi-media items to use and borrow;
  - (b) a quiet place to read and study;
  - (c) free newspapers in multiple languages and free Wi-Fi;
  - (d) printing and copying facilities; and
  - (e) rooms for community meetings;
- (iii) the high number of community members who utilise the library's services from Waterloo, Zetland, and Green Square areas; and
- (iv) Waterloo Library closed following the Covid-19 pandemic and is yet to reopen; and

(B) the Chief Executive Officer be requested to reopen Waterloo Library as soon as possible.

S129263

**Item 12.9****Notices of Motion****Providing Access to Open Space Bookings for Community Events and Organised Activities**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) that Council has been committed to ensuring a Covid-safe City since the pandemic began in early 2020;
- (ii) City community venues have reopened from 12 October 2020 to existing hirers that are community groups, not-for-profit organisations and churches. This is in addition to the self-help groups, weddings, funerals and wakes that were able to have bookings prior to this;
- (iii) City public spaces remain available for use by the public, subject to gathering limits and other restrictions imposed by NSW Health Orders and other pre-existing limitations (for example, in Alcohol Free Zones);
- (iv) bookings have been, and remain reduced for City venues to comply with NSW Health Orders; and
- (v) the City's community venues currently enable a range of outdoor activities in courtyards or open spaces, including at King George V, Ultimo, Pyrmont and Junita Neilson Community Centres, and the outdoor space outside Redfern Community Centre; and

(B) the Chief Executive Officer be requested to:

- (i) investigate options to support community groups and other organisations who wish to transfer their indoor activities run at City venues to open spaces to, where possible, enable regular activities to recommence in Covid-safe environments;
- (ii) investigate options to proactively work with community groups and others on a case by case basis to offer options to transition activities outdoors where possible;
- (iii) investigate how all services supported via the City's community centres prior to Covid-19 can be reinstated in a Covid-safe manner, noting resourcing implications will need to return to Council; and
- (iv) report back to Council via the CEO Update on actions taken.

**Item 12.10****Notices of Motion****Upgrading Maureen Oliver Park, Erskineville**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the 286 small pocket parks and nearly 100 playgrounds across the local government area;
- (ii) the existing small parks renewal program which is a rolling annual asset renewal program aimed at renewal of parks to ensure they are safe, in good condition, are well presented and meet the needs of the community;
- (iii) parks are prioritised for renewal based on:
  - (a) asset condition;
  - (b) remaining useful life;
  - (c) wear;
  - (d) defects; and
  - (e) risk;
- (iv) budgets for small park upgrades are developed based on benchmark rates with small park renewals usually delivered over a two- to three-year period covering design, consultation and construction;
- (v) Maureen Oliver Reserve located at 112 Erskineville Road Erskineville is named after the first woman Labor Alderman on the Council of the City of Sydney first elected in 1982; and
- (vi) due to an increase in anti-social behaviour and drug paraphernalia, including used needles, increasing being left in the small park, the space has become problematic for local residents, who are requesting by way of petition, an upgrade of the Maureen Oliver Reserve into a useable play space for young children;

(B) Council note the conditions and usage of Maureen Oliver Reserve has changed, particularly with shifting demographics in Erskineville as a result of the Covid-19 pandemic;



- (C) Council also note the petition lodged with 43 signatures from local residents and business owners calling for upgrades and safety measures due to resident reports of safety concerns; and
- (D) the Chief Executive Officer be requested, in light of changed circumstances and community concern about Maureen Oliver Reserve, to order an updated assessment be undertaken to effectively consider the need for an amendment to the small parks playgrounds renewal timeframe to include an upgrade for the Reserve.

S129266

**Item 12.11****Notices of Motion****Council Pet Days**

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) the importance of pets in the lives of many local residents, in particular the elderly, those living in social housing and with disability;
  - (ii) the importance of the City's local pet days providing, among other things, free registration for companion animals and advice from vets;
  - (iii) due to Public Health Orders issued in response to Covid-19, outdoor events including Redfern Waterloo Pet Day 2020 have been cancelled;
  - (iv) to support the health of pets and encourage responsible pet ownership, the City is offering free de-sexing and microchipping services for dogs and cats to eligible pet owners in the Redfern Waterloo social housing community;
  - (v) these services are available to pension or healthcare card holders residing in Redfern or Waterloo;
  - (vi) providing free de-sexing and microchipping services supports residents in complying with the NSW Companion Animals Act 1998 and improves health and safety outcomes for pets in the City of Sydney;
  - (vii) letters are being sent to all social housing residents in the Redfern Waterloo social housing community inviting them to book services through the City's Companion Animals Liaison Officer; and
  - (viii) alternative services will also be coordinated in place of Northcott Pet Day which was scheduled for September 2020 for pension or healthcare card holders residing in Surry Hills;
- (B) subject to NSW Health Orders, Council support the recommencement of local community pet days under Covid-safe plans in City open spaces, with the first event to occur in the Waterloo open space area; and
- (C) the Chief Executive Officer be requested to advise the rescheduled dates via the CEO Update when possible.

S129266

**Item 12.12****Notices of Motion****Removing Barriers to Enable More Electric Vehicles in the City of Sydney**

By Councillor Miller

It is resolved that:

(A) Council note:

- (i) transport is Australia's third largest source of greenhouse gas emissions, accounting for 17 per cent of total emissions, with the highest rate of growth;
- (ii) cars are a major source of greenhouse gas pollution in Australian cities and are responsible for roughly half of Australia's total transport emissions;
- (iii) as a leading global city on climate change, some of the key outcomes of the City of Sydney's Environmental Strategy and Action Plan 2016-201 are to:
  - (a) develop policies that promote the uptake of electric vehicles in the City;
  - (b) improve air quality across the local government area; and
  - (c) create demand for renewable energy and new technology through the procurement and support for vehicles that do not burn fossil fuels;
- (iv) already, the City of Sydney has embraced electric vehicles, with 19 Nissan Leaf vehicles in its fleet, as well as 40 hybrid cars and 70 hybrid trucks. By using electric and hybrid trucks and vehicles, the City reduced its fleet emissions by 26 per cent between 2010 and 2014. Earlier this year, the City also trialled its first electric garbage truck, with the hope that soon its garbage truck fleet can also be emissions free;
- (v) Transport for NSW has recently announced the State Government's intention to transition its entire 8,000 bus fleet to a zero emissions electric fleet;
- (vi) the City of Sydney is currently investigating planning changes to breathe new life into Oxford Street and secure the area's cultural and creative future. The NSW Government's electric bus fleet, with its reduced air and noise pollution, would greatly contribute to the area's revitalisation making it a more desirable location to visit;
- (vii) electric vehicles are already gaining popularity as a mainstream mode of transport and are projected to account for 55 per cent of all new car sales by 2040, however almost two thirds of motorists point to charging infrastructure as the single greatest barrier to electric vehicle adoption;

(B) the Chief Executive Officer be requested to:

- (i) investigate ways in which the City can overcome the barrier of accessibility to electric vehicle charging infrastructure and enable a more rapid transition to electric vehicles through:
  - (a) the identification of opportunities that integrate electric vehicle charging infrastructure within the City's existing infrastructure e.g. council depots and public car parks;
  - (b) changes to planning controls that incentivise and enable electric vehicle charging infrastructure within all new developments; and
  - (c) identify and streamline planning approval processes to enable electric vehicle charging infrastructure to be retrofitted into existing buildings;
- (ii) work with car share companies and other major fleet owners to investigate ways in which to transition large scale vehicle fleets to electric vehicles as well as identify incentives for city businesses and residents to forgo car ownership in favour of electric vehicle usage; and
- (iii) identify what NSW Government opportunities are available to local councils to support electric vehicle public charging infrastructure; and

(C) the Lord Mayor be requested to write to the NSW Minister for Transport and Roads, Andrew Constance:

- (i) asking him to prioritise initial deployment of their electric bus fleet to high density areas within the City of Sydney, where their advantages (a reduction in noise and air pollution) would benefit the greatest numbers of people; and
- (ii) highlighting the following high-density areas as priority for electric bus roll out;
  - (a) Oxford Street - including Routes 333 (Sydney's busiest bus route), 305, 308, 309, X09, 310, X10, 311, 324, 325, 333, X40, 338, 339, X39, 343, 372, 373, 374, X74, 376, 377, 380, 389, 391, 392, X92, 393, 394, L94, X94, 395, 396, X96, 397, X97, 399, X99 and 440; and
  - (b) Green Square - Routes 301, 302, 303, 304, 305, 307, 308, 309, 309X, 310, 310X, 343, 355, 370, X93.

S129262

**Item 12.13****Notices of Motion****Commitment to Aboriginal Social and Affordable Housing Targets for the Waterloo Redevelopment**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) that the Redfern and Waterloo areas have been home to Aboriginal people for more than 60,000 years;
- (ii) it is where the Aboriginal civil rights movement began and where many actions for self-determination took place such as the 1938 Day of Mourning, the 1965 Freedom Ride, and the ongoing struggle for Land Rights;
- (iii) many Aboriginal community members still live in social housing in Redfern and Waterloo and the Aboriginal services they access are still there;
- (iv) the gentrification of inner Sydney suburbs has meant that historically working-class suburbs such as Redfern and Waterloo have become highly desirable suburbs in the 'property market', with rent hikes pushing out the Aboriginal people who were living in these suburbs. Aboriginal people working in Aboriginal services cannot afford to live in the community where they work. Aboriginal people who are starting in employment and training on modest incomes are forced to leave the community due to the increasing cost of living in the area;
- (v) the City has secured a 25 per cent target for Aboriginal housing with St George Community Housing for the Marion St Redfern housing complex currently under construction, equating to 40 units;
- (vi) the new Stretch Reconciliation Action Plan at 16.2 and 16.3 supports investigating and advocating for the inclusion of culturally appropriate social and affordable housing for Aboriginal and Torres Strait Islander households as part of the development of the Waterloo estate; and
- (vii) at the 21 September 2020 Council meeting, it was agreed unanimously to support the motion to support the Redfern Waterloo Aboriginal Affordable Housing Campaign seeking:
  - (a) 10 per cent of all redevelopment on government land in Redfern/Waterloo to be Aboriginal affordable housing; and
  - (b) an increase in Aboriginal social housing in partnership with an Aboriginal community-controlled organisation;

- (B) Council recognise the January 2019 State Government proposal in their preferred Master Plan for Waterloo for 30 per cent social, 65 per cent market and five per cent affordable housing;
- (C) further to this, Council recognise that access to affordable housing is essential for a diverse, inclusive, cohesive, and economically successful city. The City of Sydney's City Plan 2036 - City of Sydney Local Strategic Planning Statement and Housing for All - City of Sydney Local Housing Strategy both identify the need for Aboriginal housing in Redfern/Waterloo in particular;
- (D) Council commits:
  - (i) to strongly advocate for public housing tenants living in the Redfern/Waterloo area that is due for urban renewal to be offered affordable or social housing within the City of Sydney local government area for the duration of the redevelopment;
  - (ii) to work to ensure any new or renewed partnerships with community housing providers to manage City-owned affordable housing, or affordable housing developed from City-owned land or land provided to affordable housing providers with in-kind support from the City of Sydney, delivers ten per cent Aboriginal Affordable Housing;
  - (iii) to increasing Aboriginal employment in the provision of ongoing Council services, both contracted or in-house, in the Redfern/Waterloo area; and
  - (iv) to culturally appropriate design and community consultation being built into any City tenders and contracts that are part of the overall area redevelopment projects; and
- (E) the Lord Mayor and Chief Executive Officer be requested to formally advise the NSW Government of these decisions.

S129266

**Item 12.14****Notices of Motion****Yurong Lane Revitalisation**

By Councillor Forster

It is resolved that:

(A) Council note:

- (i) at its meeting of 26 October 2020, Council resolved to move quickly to deliver the 'Al Fresco City' Program, with both the City and NSW Government acknowledging the need to expedite decisions and processes where possible while prioritising safely managed communal spaces to support community life and businesses;
- (ii) in a letter dated 4 November 2020, The Hon. Shelley Hancock MP, Minister for Local Government stated that she is "encouraging all councils in consultation with their communities, to identify areas within their towns, where outdoor dining is appropriate";
- (iii) Yurong Lane, located off Crown Street in Darlinghurst, runs parallel to Stanley Lane, 200 meters to the south, which has been pedestrianised; and
- (iv) a similar treatment in Yurong Lane would provide an area suitable for use for outdoor dining or recreational seating, without impacting vehicular access to the laneway from Crown Lane, Riley Street or Stanley Street; and

- (B) the Chief Executive Officer be requested to investigate options to pedestrianise the section of Yurong Lane which runs between Crown Lane and Crown Street.

S129260

**Item 12.15****Notices of Motion****Traffic Calming for Park Street, Erskineville**

By Councillor Chung

It is resolved that:

(A) Council note:

- (i) Park Street is predominantly a residential street containing low density housing and which has a maximum weight limit of three tonnes for vehicles entering the street to pass through;
- (ii) due to the installation of the Henderson Road pop-up cycleway, left hand turn access has been removed from Railway Parade, causing traffic to be diverted down Park Street from Swanson Street;
- (iii) prior to the cycleway installation, Park Street was a quiet residential road and immediately after the installation, residents expressed concern for the frequency and speed of vehicles running through Park Street and the increase in heavy vehicle usage, including large industrial appliances accessing the rail yards nearby; and
- (iv) in September 2020, in response to residents' concerns about the volume and speed of traffic, the City installed speed cushions in Park Street. Residents have since reported that these speed cushions have had little to no impact in traffic calming, have increased noise in the street and are dangerous, encouraging motorists to swerve to avoid the cushions; and

(B) the Chief Executive Officer be requested to:

- (i) take immediate steps to implement effective traffic calming measures to prevent heavy vehicles and cars running down Park Street from Swanson Street; and
- (ii) report back to Council via a Council report within two months on what traffic calming measures are proposed to be implemented.

S129259



## **Item 12.16**

### **Notices of Motion**

#### **Free WiFi in the City of Sydney**

By Councillor Chung

It is resolved that:

- (A) Council note:
  - (i) WiFi and the flexible access it enables to the internet has become an integral part of the way people conduct business, connect with each other and stay informed;
  - (ii) major cities around the world such as Hong Kong, New York, Moscow and Tel Aviv offer free WiFi for visitors, residents and businesses to use;
  - (iii) Inner West, Waverley and Woollahra councils have all introduced free WiFi in key precincts; and
  - (iv) the City of Sydney has not yet implemented free WiFi across the CBD despite commitments in the past to do so; and
- (B) the Chief Executive Officer be requested to immediately implement a plan to install free WiFi in the City of Sydney.

S129259

**Item 12.17****Notices of Motion****Save the Moore Park Golf Course**

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) on 26 October, 2020, Council considered the Lord Mayoral Minute "Moore Park Golf Course Proposal" which resolved to approve up to \$50,000 to undertake community consultation on two plans developed by the City to reconfigure the Moore Park Golf Course from an 18-hole to a nine-hole course, to be funded from 2020/21 General Contingency;
- (ii) in 2017, the NSW Government undertook extensive community consultation on the Moore Park Masterplan. The future of the Moore Park Golf Course was included as part of this consultation;
- (iii) this consultation resulted in the decision to retain the 18-hole golf course instead of reducing it to nine-holes;
- (iv) Moore Park Golf Course is the only public golf course within the City of Sydney Local Government Area, and the City does not have jurisdiction over the course. The Moore Park Golf Course is under the jurisdiction of the Greater Sydney Parklands and NSW Government;
- (v) that the issue of the Moore Park Golf Course can be referred to the NSW Government if further consultation on the future of the Moore Park Golf Course is required; and

(B) the Chief Executive Officer be requested to:

- (i) abandon any proposed City of Sydney plans to reduce the Moore Park Golf Course from an 18-hole course to a nine-hole course; and
- (ii) investigate opportunities to create open green space elsewhere in the City.

S129263

**Item 12.18****Notices of Motion****Saving Moore Park**

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) on 21 September 2020, Council unanimously passed a motion which resolved for the Lord Mayor to write to the Premier, the Hon. Gladys Berejiklian MP and the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, requesting that the NSW Government agree to the permanent removal of event on-grass car parking at Moore Park, effective immediately;
- (ii) following the motion's adoption and a meeting between the members of Saving Moore Park Inc. and the Minister for Planning and Public Spaces on 8 October 2020, car parking on Moore Park North was ceased. This cessation applied to all Rugby League and Rugby Union games held at the Sydney Cricket Ground this year;
- (iii) this cessation to car parking on Moore Park North seemed to be overturned as cars were allowed to park on this grassed area for the cricket games held at the SCG on 28 and 29 November 2020;
- (iv) Moore Park is seriously degraded after decades of on-grass car parking in connection with sporting events at the SCG and SFS and under-investment by the NSW State Government; and
- (v) especially during the Covid-19 pandemic this open space is vitally important for the physical and mental wellbeing of the community; and

(B) the Chief Executive Officer be requested to:

- (i) liaise with Greater Sydney Parklands to request that event on-grass car parking is permanently removed at Moore Park;
- (ii) liaise with the Greater Sydney Parklands Board and Management to respond to the needs identified by the community to develop and implement the proposal in Moore Park Master Plan 2040 for the remediation and revitalisation of Moore Park East;
- (iii) liaise with the private sporting codes operating at Moore Park to request the permanent removal of event on-grass parking, and the implementation of integrated ticketing for all events at Moore Park;

- (iv) investigate other incentives that encourage public transport and reduce private vehicle use for people going to events at Moore Park; and
- (v) report back to Councillors via the CEO update.

S129263

**Item 12.19****Notices of Motion****Safeguarding Pubs and Significant Community Assets**

By Councillor Scully

It is resolved that:

(A) Council note:

- (i) pubs are significant community and cultural assets and are highly valued by our community members as village social centres;
- (ii) hospitality venues including pubs have suffered under the lock out laws and the lockdown in response to Covid-19. The city's economic output fell approximately 15.8 per cent and jobs in our local area fell by about 12.4 per cent in Q2 2020;
- (iii) Action Area 3 of the City of Sydney's Covid Recovery Plan is to "strengthen community cohesion to build the resilience of local communities" in the wake of loss of social connection through isolation, distancing closure of community facilities, cancellation of events, and community forums;
- (iv) the historic 127 year old Green Park Hotel in Darlinghurst, a well-known and loved institution for the LGBTQI community in particular, has recently been sold by Solotel to neighbouring St Vincent's Hospital to make way for a mental health facility. St Vincent's Hospital are an important stakeholder in the Darlinghurst area, and they have been a long term supporter of the LGBTQI community;
- (v) the community was not given the opportunity to have input into the pub's future and there is now an active campaign to save the pub;
- (vi) recently, the City resolved that it would protect the site of the Empire Hotel (excluding buildings and other structures) based on the social and historic significance associated with its former use as Les Girls. Although this site has been altered and it's use subsequently discontinued, the significance of the role of this site in the community has been recognised in the Darlinghurst Road Development Control Plan. These planning controls were embedded so that the historical use be interpreted, through a new food and drink premises or entertainment premises on the ground floor, as well as in architectural forms that echo the historically significant site. Therefore, any redevelopment would need to reflect the historical and social significance of the Les Girls site to ensure that the social significance of the site and its place in the community is preserved. This could be interpreted as setting an important precedent for the protection of the social use of certain premises that might have a unique significance;

- (vii) the United Kingdom's Localism Act 2011 states that councils are required to maintain a list of 'community assets' nominated by community groups or parish councils, with the community groups given the opportunity and time to bid for the community asset if it is to be sold. This has led to community groups forming entities that have successfully nominated pubs, meeting rooms, community halls, parks, sporting fields and the leading London LGBTBIQ nightclub Heaven being listed as assets of community value. This is an approach which supports grassroots organising and community control of important assets, such as pubs, empowering communities to nominate, own and manage community assets directly. Buildings or land are considered to be of community value if:
    - (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community; and
    - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community; and
  - (viii) the historic 127-year-old Green Park Hotel in Darlington, a known institution for the LGBTQI community, has recently been sold by Solotel to neighbouring St Vincent's Hospital to make way for a mental health facility. The community was not given the chance to have input into the pub's future and there is now an active campaign to save the pub; and
- (B) the Chief Executive Officer be requested to:
- (i) report on the heritage status of pubs in our Local Government Area via the CEO Update, so Councillors and the community can have more information for further discussions;
  - (ii) investigate the impact of adopting the UK model of community assets to identify and protect the use of significant community assets, and to report back via CEO Update on the feasibility of adopting this approach in Sydney; and
  - (iii) investigate tools which might be applied to the protection of significant community assets, including their use, taking the Green Park Hotel into consideration for the protection of use.

## Item 12.20

### Notices of Motion

#### Misinformation on the Moore Park Golf Course

By Councillor Phelps

It is resolved that:

(A) Council note:

- (i) on 26 October 2020, Council considered the Lord Mayoral Minute "Moore Park Golf Course Proposal". This Minute stated that "Golf is well catered for in the Sydney metropolitan area. Within a 10 kilometre radius of Moore Park there are twelve 18-hole golf courses of which six are accessible to the general public.";
- (ii) the statement also appears in the City of Sydney's public consultation documentation, testing two potential options to "create new parkland" by reconfiguring the golf course from an 18-hole to a nine-hole course;
- (iii) inquiries, including conversations with senior members of the Moore Park Golf Club have revealed that the above statement is incorrect. The correct information is as follows:
  - (a) Bondi and Woollahra Golf Clubs are only nine-hole golf courses;
  - (b) Bonnie Doon and The Lakes Golf Clubs are private clubs and do not permit the public to play;
  - (c) NSW Golf Club, St Michaels Golf Club and The Coast Golf Club are all more than 10 kilometres away from Moore Park Golf Club;
  - (d) Randwick Golf Club does permit public play, but it is a short 18-hole course with a par of 59;
  - (e) Marrickville Golf Club is a short 18-hole course with a par of 63;
  - (f) Eastlakes Golf Club is a reasonable 18-hole course that allows public play, however they are not taking any new seven-day members at the moment as they are at capacity; and
  - (g) St. Michael's Golf Club permits public players during restricted times, but Green Fees begin at \$100 per person and the course is at least a 30-minute drive from the CBD;
- (iv) the statistics on usage of Centennial Parklands, with the Lord Mayor claiming that 31 million people visit the Parklands annually, have been questioned and reported as grossly overinflated; and

- (B) the Chief Executive Officer be requested to:
- (i) immediately discontinue the City of Sydney's community consultation on the Moore Park Golf Course Proposal;
  - (ii) halt any further spending of the \$50,000 of Council funds allocated to the community consultation;
  - (iii) immediately correct and retract the misinformation that was distributed by mail, newsletter, consultation documentation, mainstream media, social media, and online media by publishing a correction in a manner and distribution comparable to that of the original publication and ensure the correction is disseminated to the same audience; noting that any expenditure on this correction and retraction is to be funded from the remainder of the \$50,000 from the 2020/21 General Contingency; and
  - (iv) discard any community consultation to date based on this misinformation.

S129263



**Item 12.21****Notices of Motion****City Cleaning Accountability Framework Accreditation**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) that the City of Sydney communities have always highly valued the work of the City of Sydney's cleansing and waste workforce;
- (ii) during the Covid-19 pandemic of 2020, cleaners have become recognised as essential frontline workers, undertaking work that has been essential to keeping public spaces clean and hygienic, which has been a critical factor in Australia's comparatively low Covid infection rates;
- (iii) the Cleaning Accountability Framework (CAF) is a certification body which aims to tackle subcontracting and wage theft in the supply chain;
- (iv) the Cleaning Accountability Framework works with cleaners, tenants, contractors, property owners, facility managers, and investors across the cleaning supply chain to ensure ethical labour practices, bringing sustainable, transparent and accountable procurement processes to clearing supply chains;
- (v) the Cleaning Accountability Framework building certification is recognised in the Green Star Performance rating tool, which assesses the operational performance of existing buildings;
- (vi) wage theft is a widespread problem across many industries in Australia, and some groups are particularly vulnerable to wage theft including:
  - (a) migrant workers on insecure visa arrangements;
  - (b) young workers; and
  - (c) workers in industries where subcontracting is common practice; and
- (vii) the Cleaning Accountability Framework certification scheme is a tangible measure that local governments can take to ensure that workers are not being exploited; and

(B) the Chief Executive Officer be requested to:

- (i) investigate any necessary steps to apply for and gain Cleaning Accountability Framework accreditation including:
  - (a) audit and worker engagement;

- (b) assessment;
  - (c) certification; and
  - (d) ongoing compliance;
- (ii) investigate the application of Cleaning Accountability Framework accreditation for Town Hall House; and
- (iii) report back to Councillors via the CEO Update.

S129266

**Item 12.22****Notices of Motion****Vale Millicent Anne Chalmers OAM**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) Millicent (Mill) Anne Chalmers OAM, Chair of the Millers Point Resident Action Group (RAG) from 2005 to 2013 sadly passed away last week;
- (ii) Millicent was born and raised in Sydney and went on to become one of only five women law students enrolled at Sydney University in the 1950s;
- (iii) she dedicated herself to the residents of Millers Point and was instrumental in the set-up of the Darling House Aged Care Hostel;
- (iv) in recognition of her extraordinary work, she was awarded an Order of Australia Medal for services to the community and aged care in the 2010 Australia Day Honours;
- (v) she will be remembered for her outstanding service to her community and will be missed enormously by the residents of Millers Point, Dawes Point, The Rocks and Walsh Bay; and
- (vi) Millicent is survived by her two children, Margaret and James; two grandchildren Christian and Thalia; and her sister Marcia;

(B) all Councillors present observe one minute's silence to honour Millicent Chalmers; and

(C) the Lord Mayor be requested to write to Millicent Chalmers' family expressing the Council's sincere condolences on her passing, and the City's thanks for her dedication and hard work for the local community over many years.

S129266

**Item 12.23****Notices of Motion****Australia Post Office at Green Square**

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) Green Square is one of Australia's fastest growing neighbourhoods with over 30,000 new residential dwellings expected by 2030;
  - (ii) the City of Sydney has committed \$540 million to community facilities including a new library, plaza, aquatic centre, parks, a childcare centre and a creative hub;
  - (iii) residents of Green Square are reporting increasingly long queues and long wait times at their closest post office, located in Alexandria, which services multiple highly densely populated City of Sydney suburbs;
  - (iv) residents have made enquiries with Australia Post about the possibility of attracting a Post Office to Green Square, only to be told this was not possible under the current franchise model;
  - (v) a number of Green Square strata committees have investigated placing parcel lockers and storage facilities within residential building foyers, however these options are expensive and not able to service the broader Green Square communities; and
  - (vi) given the growing population, the City of Sydney Council strongly supports the residents of Green Square in their efforts to secure a Post Office for their local area;
- (B) the Chief Executive Officer be requested to write to the Acting Chief Executive Officer of Australia Post to note the City's strong support for a Post Office to be located in Green Square and requesting support for this community request; and
- (C) the Lord Mayor be requested to write to the Federal Minister for Communications, the Hon. Paul Fletcher MP, to note the City's strong support for a Post Office to be located in Green Square and requesting support for this community request.

S129266

**Item 12.24****Notices of Motion****Speed Cushions Bulwara Road**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) Bulwara Road, Ultimo, is a local street predominantly used for local residential access and as a walking route for school children;
- (ii) Bulwara Road, between William Henry and Fig Streets, is one-way northbound and has a posted speed limit of 40km/h with a mid-block 10km/h shared zone at Quarry Street;
- (iii) the community requested that the City investigate the installation of further traffic calming treatments in Bulwara Road;
- (iv) in February 2020, the City consulted on a proposal to either extend the shared zone or install additional speed cushions in Bulwara Road. The City received 22 responses supporting extending the shared zone, 19 responses to introduce additional speed cushions, 16 responses to do both and three responses to do nothing;
- (v) in response to a request from Councillors for an update on the speed cushion installation on 20 November 2020, City staff advised that they are working on an updated speed cushion plan, that the City will consult with the local community in February 2021 after the school holiday period, and following this review of community feedback, will table a report at the March 2021 Local Pedestrian, Cycling and Traffic Calming Committee meeting; and
- (vi) it is expected that the City will install the new speed cushions on Bulwara Road during the second half of next year if it is endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee. City staff will work with Transport for NSW to monitor and evaluate their impact on traffic speed and safety for a two-year trial period. Depending on these results, the City may make a recommendation to Transport for NSW for further traffic calming measures; and

(B) the Chief Executive Officer be requested to:

- (i) explore options to fast track the speed cushion installation on Bulwara Road given the pre-existing community consultation; and
- (ii) report back to Councillors via the CEO update.

**Item 12.25****Notices of Motion****From Little Things, Big Things Grow: Rethinking the Community Garden Model**

By Councillor Miller

It is resolved that:

(A) Council note:

- (i) urban agriculture and horticultural practices provide people living in cities with important ways to understand and connect with food and natural systems. These practices also provide critical opportunities for residents to meet their neighbours and build social resilience;
- (ii) currently the City of Sydney offers its community opportunities to partake in gardening on public land as outlined in:
  - (a) the City of Sydney's Community Gardening Policy (adopted by Council in February 2016); and
  - (b) the City of Sydney Footpath Gardening Policy (adopted by Council in 2013);
- (iii) there are 23 existing community gardens within the City of Sydney;
- (iv) currently 80 per cent of residents within the City of Sydney live in apartments (over five times the national average);
- (v) of all dwelling types in the City of Sydney, medium and high-density housing has seen the biggest growth in the last decade. This trend is predicted to continue to accommodate current population forecasts;
- (vi) the City of Sydney's City Plan 2036: Local strategic planning statement outlines the City's vision for land use planning and sets the thirteen priorities that will guide future planning including:
  - (a) supporting community wellbeing with social infrastructure;
  - (b) a creative and socially connected city;
  - (c) creating great places;
  - (d) protecting and enhancing the natural environment for a resilient city; and
  - (e) creating better buildings and places to reduce emissions and waste, and use water efficiently; and

- (vii) the demand for space in which community members can engage with urban agriculture and horticultural practices is far greater than what is currently available; and
- (B) the Chief Executive Officer be requested to:
  - (i) as part of Sustainable Sydney 2050, investigate innovative models that enable community-based urban agriculture and horticultural practices, including:
    - (a) governance models such as social enterprises, not-for-profits and public-private partnerships;
    - (b) garden clubs and community nursery models; and
    - (c) vertical and indoor farming opportunities;
  - (ii) identify barriers and opportunities for urban agriculture and horticultural practices within current planning controls, specifically in relation to residential apartment buildings and Plans of Management for council-owned assets; and
  - (iii) as part of the City of Sydney's new Greening Sydney Plan, test a new model for community gardening by way of a pilot project to achieve greater equity of access to community-based urban agriculture and horticultural practices.

S129262

**Item 12.26****Notices of Motion****Affordable and Diverse Housing Fund**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the Affordable and Diverse Housing Fund was established by the City of Sydney in 2015, with a total of \$10,350,000 allocated for the provision of affordable housing projects in the City of Sydney;
- (ii) to date, seven grants have been provided from the Fund, allocating \$10,010,000 and leaving \$340,000 remaining unallocated;
- (iii) to date the Fund has contributed to the creation of 483 new and refurbished affordable and diverse dwellings, which could house approximately 500 people to live and work in our city; and
- (iv) the Fund's objectives have been successfully met, and have made a significant contribution to the delivery of the City's Social Sustainability Policy and our City For All Strategy; and

- (B) the Chief Executive Officer be requested to consider the inclusion of a further \$10 million allocation to the Affordable and Diverse Housing Fund in the City's 2021/22 Budget, Operational Plan and Long Term Financial Plan, 2021-2024.

S129266