

# Council

Meeting No 12

Thursday 23 December 2021

Notice No 12/1637

Notice Date 20 December 2021

*minutes*

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**Present**

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

Members Councillor HY William Chan, Councillor Emelda Davis, Councillor Sylvie Ellsmore, Councillor Shauna Jarrett, Councillor Robert Kok, Councillor Linda Scott, Councillor Jess Scully, Councillor Yvonne Weldon.

At the commencement of business at 2.41pm, those present were:

The Lord Mayor, Councillor Chan, Councillor Davis, Councillor Ellsmore, Councillor Jarrett, Councillor Kok, Councillor Scott, Councillor Scully and Councillor Weldon.

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

**Apologies**

Councillor Lyndon Gannon extended his apologies for his inability to attend the extraordinary meeting of Council and sent his congratulations to the Lord Mayor and Councillors.

**Opening Prayer and Acknowledgement of Country**

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

**Webcasting Statement**

The Chair (the Lord Mayor), advised that in accordance with the City of Sydney Code of Meeting Practice, Council meetings are audio visually recorded and webcast live on the City of Sydney website. The Chair (the Lord Mayor) asked that courtesy and respect be observed throughout the meeting and advised those in attendance to refrain from making defamatory statements.

## **Item 1 Oath or Affirmation of Office**

Pursuant to the provisions of section 233A of the Local Government Act 1993, oaths and affirmations were taken/made before the Director Legal and Governance of the City of Sydney. The Chair (the Lord Mayor) took the oath first, followed by each Councillor.

### **Oath**

The Lord Mayor – Councillor Clover Moore, Councillors HY William Chan and Yvonne Weldon, in turn, took the following oath:

I swear that I will undertake the duties of the office of councillor in the best interests of the people of the City of Sydney local government area and the Council of the City of Sydney and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

### **Affirmation**

Councillors Jess Scully, Robert Kok, Emelda Davis, Shauna Jarrett, Linda Scott and Sylvie Ellsmore, in turn, made the following affirmation:

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the City of Sydney local government area and the Council of the City of Sydney and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Note – the Chair (the Lord Mayor) advised that Councillor Lyndon Gannon, an apology for this extraordinary meeting of Council, would take the oath or affirmation at a later date.

The Chair congratulated the Councillors present and each Councillor addressed the meeting.

**Item 2      Disclosures of Interest**

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

### **Item 3 Election of Deputy Lord Mayor**

#### **Memorandum by the Chief Executive Officer**

To Council:

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

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

At the Council meeting of 21 September 2020, Councillor Jess Scully was elected Deputy Lord Mayor in accordance with the provisions of section 231 of the Local Government Act 1993 for a term commencing immediately and ending on the day appointed for the next ordinary election of Council (subsequently held on Saturday, 4 December 2021). The office of Deputy Lord Mayor is now vacant.

#### **Payment of Fees**

Section 249(5) of the Act provides:

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

On 5 June 2000, Council resolved to:

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

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

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

#### **Call for Nominations**

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

#### **Conduct of Election**

Schedule 7 of the Local Government (General) Regulation 2021 provides the method of conducting an election for Deputy Lord Mayor (further details on election procedures will be provided to Councillors). The last time the Deputy Lord Mayor's position was contested the method of voting selected by the Council was open, exhaustive voting.

## Recommendation

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term commencing immediately following the election and ending on 30 September 2022;
- (B) the method of voting be by open, exhaustive voting; and
- (C) the Chief Executive Officer conduct the election forthwith.

## MONICA BARONE

Chief Executive Officer

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

It is resolved that:

- (A) Council elect a Deputy Lord Mayor for a term commencing immediately following the election and ending on 30 September 2022;
- (B) the method of voting be by open, exhaustive voting; and
- (C) the Chief Executive Officer conduct the election forthwith.

Carried unanimously.

At this stage of the meeting, the Chief Executive Officer, as Returning Officer, called upon the Council Business Coordinator to assist with the conduct of the ballot.

The Council Business Coordinator announced that two duly completed, written nominations had been received, namely –

Councillor Jess Scully (nominated by Councillor Davis, seconded by Councillor Kok); and

Councillor Yvonne Weldon (nominated by Councillor Scott, seconded by Councillor Jarrett).

The Council Business Coordinator invited other nominations from Councillors for the office of Deputy Lord Mayor.

No other nominations being received, the election for the office of Deputy Lord Mayor was conducted, in alphabetical order, and resulted as follows –

Councillor Jess Scully received 6 votes; and

Councillor Yvonne Weldon received 3 votes.

The Council Business Coordinator then declared Councillor Jess Scully duly elected to the office of Deputy Lord Mayor in accordance with the provisions of section 231 of the Local Government Act 1993 for a term commencing immediately following the election and ending on 30 September 2022.

Note - the Chair (the Lord Mayor) congratulated Councillor Scully on her election as Deputy Lord Mayor.

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**Item 4      Local Pedestrian, Cycling and Traffic Calming Committee - Extension of Interim Chairperson**

**Memorandum by the Chief Executive Officer**

To Council:

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

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

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

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

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

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

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



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

- Transit Systems representative;
- Transport Workers Union representative;
- Cycling Representative appointed by the Lord Mayor;
- Pedestrian Representative appointed by Council; and
- Local Health District Representative appointed by Council.

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

At the Council meeting of 21 September 2020, Councillor Philip Thalys and Councillor Linda Scott were appointed Chairperson and alternate Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee respectively for a term of office ending on the day appointed for the next ordinary election of Council, subsequently held on Saturday, 4 December 2021.

In order to ensure there was capacity to deal with any urgent matters requiring the consideration of the Local Pedestrian, Cycling and Traffic Calming Committee during the post-election period, at the Council meeting of 15 November 2021, the Chief Executive Officer was appointed as interim Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee for the period 4 December 2021 to the day of the post-election extraordinary meeting of Council.

In order to continue to ensure there is capacity to deal with any urgent matters requiring the consideration of the Local Pedestrian, Cycling and Traffic Calming Committee during the recess period, it is recommended that the Chief Executive Officer be reappointed as interim Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee, until a Councillor Chairperson and alternate Chairperson are appointed. This will occur prior to the first formal meeting of the Local Pedestrian, Cycling and Traffic Calming Committee of 2022.

## **Recommendation**

It is resolved that Council:

- (A) note the informal (non-voting) representatives to the Local Pedestrian, Cycling and Traffic Calming Committee, as outlined in the subject memorandum;
- (B) reappoint the Chief Executive Officer as the Interim Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee until a Councillor Chairperson and alternate Chairperson are appointed; and
- (C) note that a CEO Update will be provided in relation to any matters dealt with by the Local Pedestrian, Cycling and Traffic Calming Committee during this period.

**MONICA BARONE**

Chief Executive Officer

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

It is resolved that Council:

- (A) note the informal (non-voting) representatives to the Local Pedestrian, Cycling and Traffic Calming Committee, as outlined in the subject memorandum;
- (B) reappoint the Chief Executive Officer as the Interim Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee until a Councillor Chairperson and alternate Chairperson are appointed; and
- (C) note that a CEO Update will be provided in relation to any matters dealt with by the Local Pedestrian, Cycling and Traffic Calming Committee during this period.

Amendment. Moved by Councillor Scott, seconded by Councillor Ellsmore –

That clause (B) be amended so that it read as follows:

- (B) appoint the Lord Mayor as the Interim Chairperson of the Local Pedestrian, Cycling and Traffic Calming Committee until a Councillor Chairperson and alternate Chairperson are appointed.

The amendment was carried unanimously.

The substantive motion was carried unanimously.

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### **Point of Order**

During discussion of Item 4, Councillor Scott raised a point of order, stating that there is a meeting of the Local Pedestrian, Cycling and Traffic Calming Committee scheduled to be held prior to the next ordinary meeting of Council.

The Lord Mayor upheld the point of order.

**Item 5      Filling A Casual Vacancy By Countback**

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

It is resolved that, pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), the Council of the City of Sydney declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the Chief Executive Officer to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

Carried unanimously.

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At 3.34 pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on Monday 21 February 2022 at which  
meeting the signature herein was subscribed.