

9 August 2021

At 5.00 pm

Extraordinary Council

Agenda

1. Disclosures of Interest

2. Notices of Motion

- 2.1 Illegal Dumping in Darlinghurst
- 2.2 Fenced Off-Leash Dog Exercise Area
- 2.3 Legal Matters Quarterly Update
- 2.4 Parking Assessment for Hansard Street, Zetland
- 2.5 City Architect and Landscape Architect Works Heritage Study
- 2.6 Local Health District Representative on the Local Pedestrian, Cycling and Traffic Calming Committee
- 2.7 Signing on to the Better Futures Australia Declaration
- 2.8 Property Development
- 2.9 Walkability Metrics
- 2.10 Paddington Reservoir

Item 1

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, 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 2.1

Notices of Motion

Illegal Dumping in Darlinghurst

By Councillor Forster

It is resolved that:

(A) Council note:

- (i) Cleansing Operations is among the City's largest and most complex frontline services with approximately 230 staff operating across three depots servicing more than 700,000 runs across the local government area each year;
- (ii) the service includes servicing city streets and civic spaces, street litter bins and removing illegal dumps (non-booked) and hazardous waste;
- (iii) service levels across the local government area are designed to balance service outcomes against available resources, however these service levels are flexible and can be adjusted based on factors including spikes or changes in demand, for example, the ongoing Covid-19 pandemic;
- (iv) between January and November 2019, the City received 15,740 reports of illegal dumping, which increased 62 per cent to 25,537 reports between January and November 2020;
- (v) a further breakdown of the City's data by village shows illegal dumping in areas with more transient populations in east Sydney, Redfern and Glebe accounting for the majority of complaints;
- (vi) to combat illegal dumping the City's Waste Education team works and engages with the community on more responsible and sustainable waste practices;
- (vii) the City also offers a free 'book a pick-up' service, which provides residents with an unlimited number of pick-ups and removal of bulky household waste items. Demand for this service increased by 31 per cent in 2020;
- (viii) the City also has multiple rapid response crews operating in each area to immediately respond to high priority or urgent requests. These requests are generally closed off within 24 hours;
- (ix) over the past few weeks my office has received an increasing number of complaints about illegal dumping in the Darlinghurst area with some reports of waste remaining on the street for multiple weeks; and
- (x) my office has also received feedback that illegally dumped rubbish is only dealt with once it has been reported by residents and that the City could be more proactive in addressing this issue;

- (B) the Chief Executive Officer be requested to:
- (i) increase illegal dumping patrols in the Darlinghurst area and identify illegal dumping hotspots; and
 - (ii) investigate and identify additional proactive actions that the City can implement to ensure illegal dumping across the local government area can be minimised and is dealt with in a timely manner.

S129260

Item 2.2

Notices of Motion

Fenced Off-Leash Dog Exercise Area

By Councillor Forster

It is resolved that:

- (A) Council note:
- (i) taking pets outdoors to a dog-friendly space is important, especially in inner-city areas with high-density dwellings where dogs do not as have much space to exercise;
 - (ii) regular off-leash training and exercise in designated off-leash parks helps dogs relieve boredom and release pent-up energy and may also reduce unwanted behaviour such as excessive barking;
 - (iii) outdoor exercise also benefits pet owners and builds a sense of community by bringing people together in dog friendly parks;
 - (iv) the City of Sydney has a large number of off-leash parks located throughout the local government area, however there are no fenced off-leash dog exercise areas;
 - (v) neighbouring local government areas including Inner West, Burwood and Canterbury-Bankstown, have several popular designated fenced off-leash dog exercise areas; and
 - (vi) fenced off-leash dog exercise areas provide a safe environment for not only dogs, but other park users including families with small children;
- (B) the Chief Executive Officer be requested to:
- (i) investigate the installation of a fenced off-leash dog exercise area located in an appropriate location within the local government area as soon as practicable; and
 - (ii) consult with the community over the next 12 months about the possibility of the installation of additional fenced off-leash dog exercise areas in locations with the greatest demand.

S129260

Item 2.3

Notices of Motion

Legal Matters Quarterly Update

By Councillor Chung

It is resolved that:

- (A) Council note:
 - (i) Council spends approximately \$3.3 million per year on legal services and legal consultancies. The complexity of legal matters ranges at breadth from prosecutions through to civil litigation; and
 - (ii) Councillors need to be aware of matters afoot recognising the complex and confidential nature of the material;
- (B) the Chief Executive Officer be requested to provide Councillors an ongoing quarterly update of legal matters provided via the CEO Update. This update will include;
 - (i) an update of all court proceedings that Council is currently engaged in broken down by Court and type of matter (for example but not limited to class 1-5 appeals, local court prosecutions, NCAT proceedings, Supreme Court proceedings, IRC proceedings);
 - (ii) in table form, a summary of each court matter, costs to date, proceedings number and parties to the matter and status of each matter;
 - (iii) year to date costs for each type of matter broken down by costs for consultants, external lawyers and other costs; and
 - (iv) the current and year to date summary of matters finalised by matter including outcome and costs for each matter.

S129259

Item 2.4

Notices of Motion

Parking Assessment for Hansard Street, Zetland

By Councillor Phelps

It is resolved that:

- (A) Council note:
- (i) the requests of residents detailed in two petitions tabled at Council on 28 June 2021, including:
 - (a) that the existing and currently approved proposal for unrestricted parking on the Northern side of Hansard Street, Zetland, between Portman Street and Joynton Avenue be maintained for the whole section of that street; and
 - (b) that the revised proposal for all two-hour metered parking on the southern side of Hansard St, Zetland, between Dunning Avenue and Portman Street revert from 2P 8am to 10pm back to the currently approved time of 2P 8am to 6pm;
 - (ii) residents who have signed the petition oppose the proposed changes listed in (A)(i)(a) and (b) due to:
 - (a) these changes resulting in a net loss of 32 parking spaces on Portman Street for residents; and
 - (b) residents of City West Housing community housing development located at 50 Hansard Street, and 130-132 Portman Street, Zetland, being ineligible for resident parking permits, and not having the same access to visitor parking vouchers;
 - (iii) the Neighbourhood Parking Policy should benefit all residents equally and not result in a disadvantage to residents who are not entitled to parking exemptions through a residents parking permit scheme;
- (B) the Chief Executive Officer be requested to:
- (i) reconsider the proposed parking changes in Hansard Street, Zetland;
 - (ii) meet again with residents to hear their concerns; and
 - (iii) report findings back to Councillors via the CEO Update.

S129263

Item 2.5

Notices of Motion

City Architect and Landscape Architect Works Heritage Study

By Councillor Thalís

It is resolved that:

(A) Council note:

- (i) the importance of the work of City Architect Albert Smillie and City Landscape Architect Ilmar Berzins in the design of post-war Sydney;
- (ii) Albert Smillie joined the Sydney Municipal Council as an architectural draftsman in 1924, was appointed Chief Architect in 1949 and became the Council's Principal Architect in 1953, a position held to 1969;
- (iii) the period following World War Two was characterised by economic prosperity and a full job market. Albert Smillie's appointment as Council's head architect in 1949 coincided with a period of intense post-war reconstruction, which was accompanied by a boom in the construction of community facilities including baby health centres, libraries and welfare centres;
- (iv) Albert Smillie oversaw many public projects while at Council such as; sports facilities including Victoria Park Pool, welfare centres, kindergartens, baby health centres, Council housing including in Pyrmont and Glebe and libraries including Anthony Doherty in Surry Hills, Catherine Sloss in Woollahroomooloo and Florence Bartley in Kings Cross (awarded the Sulman Medal and now demolished);
- (v) Ilmar Berzins was the first qualified landscape architect to be employed in local government in Australia when he was employed by the City in 1951 and became Director of Parks and Gardens in 1984;
- (vi) in 1946, the City Engineer A H Garnsey and Alderman Ernest Marks had produced a major report to Council which recommended a program of increasing the City's parks, open spaces, children's playgrounds and street tree planting. The scheme was adopted by Council as a 'master plan to prevent haphazard development' for the next 30 years. Ilmar Berzins was recruited to this team;
- (vii) Ilmar Berzins designed many existing public spaces while at Council including; Arthur McElhone Reserve in Elizabeth Bay, Sandringham Gardens in Hyde Park, Fitzroy Gardens in Kings Cross (much altered), Chessboard Garden in Hyde Park and others which have been demolished including; Fragrance Garden in Cook and Phillip Park;
- (viii) there is a risk that other public works by Albert Smillie and Ilmar Berzins could be lost if they are not identified and if necessary protected;
- (ix) the City commissioned a Heritage Study Review in 2019 into Modern Movement Architecture in Central Sydney;

- (x) Council endorsed the planning proposal for the Modern Movement Heritage Items in June 2020. The report told Council that:

"Central Sydney contains one of the greatest concentrations of post-war Modern Movement buildings in New South Wales. The Modern Movement represents one of the most significant and far-reaching twentieth century design aesthetics. For Sydney, 1945 to 1975 was an exciting and challenging architectural period that determined much of the present physical form of the city centre. The dominance of modern office buildings from this period records the changing role of Australia in an international context and Sydney's new-found role as a major world financial centre during the 'Long Boom'."

- (xi) a further heritage study could be expanded to include important works under Albert Smillie and Ilmar Berzins in the City of Sydney Local Government Area;

(B) the Chief Executive Officer be requested to:

- (i) investigate the commissioning of a heritage study of City projects under Albert Smillie and Ilmar Berzins in the Local Government Area; and
- (ii) report back to Council via the CEO Update on which items could be considered for heritage listing.

S129265

Item 2.6

Notices of Motion

Local Health District Representative on the Local Pedestrian, Cycling and Traffic Calming Committee

By Councillor Thalís

It is resolved that:

(A) Council note:

- (i) the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) considers the needs of pedestrians, cyclists and motorists in the City of Sydney;
- (ii) Transport for NSW is responsible for the control of vehicular traffic on all roads in NSW. However, in order to deal with the large number and range of traffic-related matters effectively, they have delegated certain aspects of traffic control on local roads to councils;
- (iii) there are four formal voting members of the Local Pedestrian, Cycling and Traffic Calming Committee:
 - (a) City of Sydney;
 - (b) NSW Police;
 - (c) Transport for NSW; and
 - (d) Local State Members of Parliament.
- (iv) there are also informal (non-voting) members of the Local Pedestrian, Cycling and Traffic Calming Committee who provide advice from State Transit Authority, Transport Workers Union, a cycling representative and a pedestrian representative;
- (v) the Heart Foundation has called on local governments to ensure all Australian have safe streets for walking and cycling;
- (vi) Transport for NSW are reviewing their Road Safety Action Plan 2026 which aims to:
 - (a) reduce drink and drug driving;
 - (b) increase speed compliance and safer speed choice;
 - (c) create safer urban roads; and
 - (d) reduce other unsafe road behaviour (such as driver fatigue)

- (vii) one of the priorities in the City's Community Safety Action Plan 2019-2023 and the Walking Strategy and Action Plan 2015-2030 is to improve road and pedestrian safety;
 - (viii) the City has developed an internal Speed Reduction Implementation Plan to reduce the speed limit on all local roads in the Local Government Area to 40km/h. The Plan also includes investigation for 30km/h opportunities;
 - (ix) as a result of the Lord Mayor's advocacy to the NSW Government to reduce roads speeds, around 75 per cent of all streets in the City of Sydney are now proposed to be 40km/h or less;
 - (x) traffic movement, noise and barriers to active mobility are serious and costly population health issues;
 - (xi) in 2021 alone (at 21 June 2021), 139 lives have been lost on NSW roads;
 - (xii) in the past 12 months (at 9 April 2021), there have been 10,029 serious injuries on NSW roads; and
 - (xiii) Local Pedestrian, Cycling and Traffic Calming Committee members would benefit from obtaining advice from health professionals;
- (B) the Chief Executive Officer be requested to:
- (i) commence the process of recruiting a health care representative from the Sydney or South Eastern Local Health District as a non-voting member of the Local Pedestrian, Cycling and Traffic Calming Committee; and
 - (ii) report back to Council the outcome of the recruitment process via CEO Update.

S129265

Item 2.7

Notices of Motion

Signing on to the Better Futures Australia Declaration

By Councillor Scully

It is resolved that:

- (A) Council note:
- (i) Australia has not adopted a net zero emissions by 2050 target. Australia is out of step with other advanced economies on this point: at the recent G7 meeting, leaders committed to achieving net zero “by 2050 at the latest” as well as more ambitious targets for 2030;
 - (ii) the Better Futures Australia initiative is part of a global action supported by Climate Action Network Australia. It is the work of a network of partners who are amplifying climate work already underway by bringing together private and public sector leaders to scale success stories and demonstrate Australia’s readiness for an ambitious national response to climate change;
 - (iii) Better Futures Australia is inviting all Australians, including local governments, to join a growing community of climate champions in advocating for a national response that will reach zero emissions by 2050 or sooner;
 - (iv) Better Futures Australia have invited local governments around the country, including the City of Sydney, to become a signatory to the call for Australia to reach net zero emissions by 2050. The declaration currently has 61 signatories including the City of Adelaide, Moreland City Council and the Town of Gawler;
 - (v) the City of Sydney is far advanced in our commitment to climate action, and we are leading by example when it comes to our ambitious and bold net zero goal by 2035; and
 - (vi) this commitment and action puts the City of Sydney in a good position to show other local governments and businesses that climate action can be delivered from the bottom up to support the delivery of the Paris Agreement;
- (B) the Lord Mayor be requested to sign on to the Better Futures Australia Declaration for net zero emissions by 2050 on behalf of the City of Sydney, to encourage other governments across Australia to follow suit.

S129264

Item 2.8

Notices of Motion

Property Development

By Councillor Scott

It is resolved that:

- (A) Council note that:
- (i) councils in NSW have an important role in land use planning and development approval;
 - (ii) councils assess local development and are able to grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development;
 - (iii) in 2020, NSW Minister for Energy and Environment Matt Kean likened allowing property developers to be elected as local councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by councils;
 - (iv) in 2017, the City of Sydney put forward a motion to the Local Government NSW (LGNSW) annual conference that LGNSW adopt a policy which prohibits property developers from holding office as local councillors in NSW;
 - (v) in June 2021, the NSW Legislative Council voted to ban property developers from running for local councils; and
 - (vi) property developers have an innate bias in planning decisions and allowing them to serve as local councillors erodes the ability of councils to make independent decisions on planning matters;
- (B) Council oppose those working as, or close associates of, property developers, running to be elected to the City of Sydney Council (property developer and close associate are as defined in the Electoral Funding Act 2018); and

- (C) the Lord Mayor be requested to:
- (i) submit this motion in support of the adoption of a policy which prohibits property developers from holding office as local councillors in NSW to the LGNSW conference for consideration; and
 - (ii) write to the NSW Premier, NSW Opposition Leader, NSW Local Government Minister, NSW Shadow Local Government Minister, and NSW Members for Sydney, Wagga Wagga and Lake Macquarie seeking their commitment to support the Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021 which is currently before the parliament which seeks to prohibit property developers from holding office as local councillors in NSW.

S129266

Item 2.9

Notices of Motion

Walkability Metrics

By Councillor Thalís

It is resolved that:

(A) Council note:

- (i) the Department of Planning, Industry and Environment's Design and Place State Environmental Planning Policies (SEPP) Review foreshadows a number of new initiatives and benchmarks for public space;
- (ii) key new metrics in the SEPP focus on walkability, which are determined by block size and street connectivity;
- (iii) the City's Walking Strategy and Action Plan outlines how we encourage walking by improving footpaths, lighting, wayfinding, shade and seating, reducing pedestrian waiting times at crossings, creating lively interesting streets, improving ramps and footpaths, slowing down traffic;
- (iv) creating a safe, high-quality, connected and inviting walking environment is a key City priority and important to workers, visitors, residents and businesses as evidenced by our ongoing investment to pedestrian and active transport improvements;
- (v) many areas in the City of Sydney Local Government Area perform particularly well on such metrics; such as established areas Surry Hills and Newtown as well as areas undergoing positive redevelopment including Pymont, Ashmore Precinct, Lachlan Precinct and Green Square that create new and connected street networks;
- (vi) a few areas in the Local Government Area do not perform as well; such as along the broad railway corridor that restricts movement between Surry Hills and Chippendale and between Alexandria/Waterloo and Newtown/Darlington. Similarly fenced enclaves like Moore Park Golf Course frustrate free pedestrian movement;
- (vii) a particular area that is challenging for pedestrians in the Local Government Area is Elizabeth Bay, with its large block sizes and limited connections to Potts Point/Kings Cross/Darlinghurst/Woolloomooloo; and
- (viii) the Lord Mayor and Councillors have been contacted by parents requesting improvements to pedestrian accessibility to Plunkett Street Public School and the Juanita Nielson centre that runs after school care in Woolloomooloo; and

- (B) in order to assess and potentially improve the walkability and legibility of the network of public spaces, the Chief Executive Officer be requested to:
- (i) conduct a study in the form of a spatial audit of block sizes and intersection frequency in Elizabeth Bay and the limited connections to adjacent areas of Potts Point/Kings Cross/Darlinghurst; and
 - (ii) draw on the study in future planning reviews to inform potential solutions to improve walkability and pedestrian connectivity in this area that could have applicability across the Local Government Area; such as:
 - (a) new linkages that can be created through the redevelopment of key sites under current controls as well as potentially introducing development uplift, tied to future planning reviews; and
 - (b) any new or expanded mechanisms for the creation of public space linkages.

S129265

Item 2.10

Notices of Motion

Paddington Reservoir

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) the petition lodged with 76 signatures from local residents calling for the prohibition of drone use, noise amplification and the limitation of noise in Paddington Reservoir;
 - (ii) the concerns expressed by local residents regarding the increasing use of Paddington Reservoir for private and commercial purposes including exercise classes and photography;
 - (iii) the increase in popularity of social media platforms such as tik tok has led to increasing use of Paddington Reservoir for the creation of social media content often involving significant amplification of music; and
 - (iv) since March 2020 Paddington Reservoir has seen significant increase in usage by private exercise classes moving outside to limit the spread of Covid-19, taking up large areas of Paddington Reservoir and limiting the quiet enjoyment of this public space
- (B) the Chief Executive Officer be requested to:
- (i) conduct a noise survey for a minimum period of a month after stay at home orders have been lifted and activity levels have returned to typical levels and report the outcomes of this via the CEO Update;
 - (ii) expedite the Paddington Reservoir Plan of Management review and revision due to the drastic change in the nature of use of this space, to ensure it returns to Council with appropriate noise and use limitations to reflect resident feedback; and
 - (iii) undertake to increase the regularity of ranger patrols to support enforcement of this updated Plan of Management;
- (C) the Lord Mayor be requested to write to:
- (i) the Federal Member for Wentworth Dave Sharma MP to seek support for Paddington residents to reduce illegal drone activity via the Civil Aviation Safety Authority; and
 - (ii) the NSW Member for Sydney Alex Greenwich MP to seek support for residents to have noise and other inappropriate activities better regulated by NSW Police.