

Council

Meeting No 3

Monday 11 April 2022

Notice No 3/1640

Notice Date 7 April 2022

minutes

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Present

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

Members Deputy Lord Mayor - Councillor Jess Scully, Councillor HY William Chan, Councillor (Waskam) Emelda Davis, Councillor Sylvie Ellsmore, Councillor Lyndon Gannon, Councillor Shauna Jarrett, Councillor Robert Kok, Councillor Linda Scott and Councillor Yvonne Weldon.

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

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

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director People, Performance and Technology, Director Legal and Governance, Director City Life and Director City Services were also present.

Councillor Scott left the meeting of Council at 5.37pm, prior to discussion on Item 4.1, and returned at 5.40pm, after the vote on Item 4.1. Councillor Scott was not present at the meeting, which was held remotely, during discussion or voting on Item 4.1.

Remote Meeting

The Chair (the Lord Mayor) advised that the meeting of Council was being held via audio visual links, with Councillors (and relevant staff) attending the meeting remotely.

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 Confirmation of Minutes

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

That the Minutes of the meeting of Council of Monday, 21 March 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2 Disclosures of Interest

Councillor Sylvie Ellsmore made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that she is a member of the Coordinating Committee of the resident action group, Redfern Everleigh Darlington Waterloo Watch or REDWatch. REDwatch advocates for community input into planning decisions and has made a submission to Councillors for Item 8.2.

Councillor Ellsmore stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because as an active member of her community, being part of the local residents action group helps inform the decisions she makes on Council. Councillor Ellsmore also stated that she is informed but not bound or directed in any way by her involvement in the group, and her interest is non-pecuniary as she is a member of REDWatch as a volunteer.

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that she previously worked for an Indigenous consultancy, Cox Inall Ridgeway, which was engaged by the City of Sydney Council to conduct an Aboriginal cultural heritage and historical study in relation to the Botany Road Corridor, including Redfern and Waterloo. The Waterloo (South) area is adjacent to, but not part of the area.

Councillor Ellsmore stated that her interest is non-pecuniary as she no longer works for the consultancy. Councillor Ellsmore further stated that her interest is less than significant, as this is previous work, and generally informs but does not bind her general understanding of the history, heritage, environment and community.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 3.2 on the agenda, in that Ian Roberts, a member of the Qtopia organising committee, was a candidate on the City of Sydney Labor ticket in the 2021 local government elections.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in this circumstance, as she believes all representations from Qtopia have been delivered to all councillors equally.

- a pecuniary interest in Item 4.1, in that Councillor Scott is Chair of an industry superannuation fund, CareSuper, which may be impacted by this decision. Councillor Scott stated that, for an abundance of caution, she would not participate in deliberations on this matter.
- a less than significant, non-pecuniary interest in Item 6.3 on the agenda, in that she owns a house in trust for a family member with a disability in the City of Sydney.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances, and that, based on advice from City staff, she will stay in the meeting, as the changes apply across the City of Sydney.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that the Kings Cross Branch of the ALP has made a submission on this item and she is a member of the ALP and has attended meetings at this branch. In addition, members of the Kings Cross Branch of the ALP have volunteered for her in her most recent campaign.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this submission is only a minor element in this Item and she considers it unlikely to influence her judgement in this matter.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Luther Weate is a resident of Pelican Street and donated \$765 to his campaign in 2018, and Pelican Street is likely to be impacted by the planning proposal.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the impact on Pelican Street from this proposal is unlikely to be significant.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Daniel Richardson, of South Dowling Street made a donation of \$140 to Councillor Scott in 2019.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because it is unlikely to influence her judgement, and she provided this disclosure out of an abundance of caution as the paper did not disclose all community members and groups who provided submissions on this planning proposal and South Dowling Street is within the vicinity of the impacted area.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because it is unlikely to influence her judgement, and she provided this disclosure out of an abundance of caution as the paper did not disclose all community members and groups who provided submissions on this planning proposal and South Dowling Street is within the vicinity of the impacted area.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is a member of the Paddington Society, who made a submission on this matter.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the Paddington Society's submission was only a small component of the Committee's deliberations and she did not take part in the formation of the submission. Councillor Scott also stated that she understands the submission by the Paddington Society, and associated advocacy, has been delivered to all Councillors equally.

Councillor HY William Chan made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.4 on the agenda, in that he was appointed by the City of Sydney as an Expert Member to the Sydney 2050 Citizens Jury from August to December 2019.

Councillor Chan stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has no longer been involved in the Sydney 2050 Citizens Jury since December 2019, was not a juror of the Citizens Jury and was not involved in the writing of the Citizens Jury concepts report.

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that he is a former employee of Cox Architecture and previously worked on the following Cox Architecture projects:
 - former Urban Growth NSW's Growth and Context: The Opportunity at Waterloo (2015);
 - Transport for NSW's Sydney Metro City and Southwest, Urban Design: Master Planning Strategies (2015); and
 - design development that involved the NSW Communities Plus social housing model, excluding the Waterloo Housing Estate (2019).

Councillor Chan stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he is no longer an employee of Cox Architecture since 2020 and has no relevant relationship to the aforementioned architecture and urban design projects or clients.

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

Item 3 Minutes by the Lord Mayor

Item 3.1 21st Anniversary of the Medically Supervised Injecting Centre

Minute by the Lord Mayor

To Council:

On 6 May 2022, the Medically Supervised Injecting Centre in Kings Cross will celebrate 21 years of saving lives, helping injecting drug users address problematic drug use and taking injecting off the streets.

This is a remarkable achievement, particularly as the Centre initially opened on a trial basis for 18 months. It is also remarkable given the challenges it faced in opening and the opposition to it opening at all.

I first recognised the need for such a Centre as Member for Bligh. Young people were dying from drug overdoses and the community was increasingly confronted by people injecting on the street. It was a rare week when my office was not contacted by someone concerned about the impacts of drug use in Kings Cross.

Impetus for establishing a centre came in 1997 when Justice James Wood presented his final report on his Royal Commission into the NSW Police. After examining issues of illegal drugs and police corruption, Commissioner Wood recommended that the establishment of safe, sanitary injecting rooms should be approved. He said:

“At present, publicly funded programs operate to provide syringes and needles to injecting drug users with the clear understanding they will be used to administer prohibited drugs. In these circumstances, to shrink from the provision of safe, sanitary premises where users can safely inject is somewhat short-sighted. The health and public safety benefits outweigh the policy considerations against condoning otherwise unlawful behaviour.”

Parliament responded to Justice Wood’s recommendation by establishing a Joint Select Committee to examine his recommendation. I was a member of that Committee.

The Committee visited Cabramatta and met with drug users; we inspected Porky’s in Kings Cross, which at the time was a de facto injecting centre, and with local residents I went to Caroline Lane in Redfern, which then had a reputation for street drug use. We took compelling evidence from families, and we were presented with information on action in other countries that was more effectively addressing this serious health problem.

However, when the Committee reported in February 1998 it recommended that the establishment or trial of injecting rooms not proceed. Not all Committee members agreed with this recommendation. Four members, Ian Cohen of the Greens, Labor MPs Ann Symonds and John Mills and I provided dissenting report. We agreed with Commissioner Wood and recommended a scientifically rigorous trial of safe injecting rooms as part of an integrated public health and safety approach to injecting drug use. The Committee’s majority report was not the end of the matter.

Shortly before the NSW election in March 1999, the Sun-Herald published a front page story about drug use, accompanied by a photo of a young user shooting up in Caroline Lane. And on the eve of Sydney hosting the Olympics, the then Premier Bob Carr responded to this disturbing publicity by committing to holding a Drug Summit if he was re-elected.

The Drug Summit was duly held in April 1999. We took evidence from experts and we heard about the experiences of families across NSW. MPs learnt that drug addiction does not discriminate – it has consequences for users and for their families, in the suburbs, in the country. Towards the end of the Summit, as Member for Bligh which included Kings Cross, I moved the motion recommending an injecting centre trial which received majority support in Parliament.

In November 1999, the Government responded to the Summit's recommendations with the Drug Summit Legislative Response Bill, which included provisions for the trial of one medically supervised injecting centre in Kings Cross for 18 months. The Centre was to be established and operated by a non-Government agency. The then Labor Member for Cabramatta refused to have such a centre in her electorate. Initially the Sisters of Charity from St Vincent's Hospital offered to run the centre, but the then Catholic Archbishop of Sydney, George Pell, purportedly on behalf of the Pope, opposed them being involved. At the time I suggested there was more concern about the corporate image of the Church than the work of Christ.

The Reverend Harry Herbert and Uniting Care then stepped up to establish and operate the Centre. A community consultation committee was established and the search for suitable premises began. We inspected 19 premises before in early 2000 a former pinball parlour at 66 Darlinghurst Road was confirmed as the Centre's home, enabling Uniting Care to formally apply for the licence to operate the Centre.

Two years after it opened, the first independent evaluation of the Medically Supervised Injecting Centre by the National Drug and Alcohol Research Centre found that it had achieved positive results in terms of getting users into treatment and no deaths.

Gutless NSW Parliaments extended the Centre's trial three times until 2010, that's almost 10 years, when it finally passed legislation ending the trial and allowing the Centre to operate on a permanent ongoing basis.

A third independent evaluation found that the centre had saved lives with no deaths and avoided serious injury with 3,426 drug overdoses by its clients being successfully managed. The Centre had also been successful in referring its clients to drug dependence treatment with 3,871 referrals accepted by clients since 2001.

The impact of the Centre is not shown by statistics alone. Marking the Centre's 10th Anniversary in 2011, I said: "Residents and business operators in Kings Cross no longer see people slumped in doorways, streets and parks and used needles piled up in public places. Ambulances no longer get the huge number of callouts, and local emergency departments see much fewer drug overdoses these days."

Apart from providing a safe place for injecting drug users the centre undertakes a range of initiatives, including needle and syringe programs, community sharps disposal bins, primary health care services and research. It has positioned Sydney as an international leader in harm reduction and in minimising the transmission of HIV and hepatitis C. It is also an important signifier of the kind of city we want Sydney to be: one that is compassionate and responsive to the needs of all its people – including those who struggle with drug addiction.

For these reasons, I am recommending to Council that the Medically Supervised Injecting Centre be granted the keys of the City of Sydney.

Recommendation

It is resolved that Council:

- (A) grant the Keys of the City of Sydney to the Medically Supervised Injecting Centre in Kings Cross to commemorate its 21 years of service to the Sydney community in saving lives, helping injecting drug users address problematic drug use and taking injecting off the streets;
- (B) commend present and past Centre staff for their commitment and compassion under the leadership of current director Dr Marianne Jauncey and foundation director Dr Ingrid van Beek; and
- (C) commend the many people whose courage and foresight ensured that the Centre became a reality and continued to operate, often in the face of government doubts and ever hostile opposition.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

S051491

Item 3.2 Support for Qtopia and a Sydney Queer Museum

Minute by the Lord Mayor

To Council:

Sydney's LGBTIQ+ community has a long and proud history of setting its own priorities and initiating and developing its own projects, including initiatives which celebrate LGBTIQ+ culture and history.

Recognising this, on 17 March 2014, Council resolved:

“... should the GLBTI community develop a viable proposal for a permanent museum, the City of Sydney will support the community in its efforts to achieve this objective, noting that such a museum could only be established and sustained with strong community, State and Federal government financial support.”

A viable proposal is being put forward by an organisation dedicated to this objective.

Qtopia Sydney has been established with the aim of providing a safe and inclusive space that will celebrate, remember, educate and increase awareness of the rich history of our LGBTIQ+ community.

It is guided by Board of five members, assisted by an Advisory Panel. Together, the Board and Advisory Panel comprises people with experience and expertise in newspaper and magazine publishing, marketing, public relations and crisis communication, LGBTIQ+ history and culture, HIV and AIDS education, museum curation, strategic engagement, trans* and First Nations issues. Its Patrons are the former High Court Justice, The Hon Michael Kirby AC CMG and publisher and broadcaster, Ita Buttrose AC OBE.

Qtopia's founding members and Advisory Panel have identified four key objectives for Qtopia Sydney:

1. To celebrate, remember and highlight the history of LGBTIQ+ history in Australia through videos, interviews, testimonials and other artefacts associated with this
2. To raise awareness and educate community through engagement programs, school curriculum programs, living treasures and HIV/AIDS awareness
3. To promote and nurture a culture of inclusion through contributing to community education
4. To be financially viable through security of tenure and premises, holistic funding perspective and enabling transition to a permanent space.

Qtopia expects to deliver several benefits through achieving these objectives, including:

- Improved visibility and celebration of LGBTIQ+ history and culture:
- Reduced stigma spaced by LGBTIQ+ people
- Improved access to safe, culturally sensitive and inclusive space
- Enabling educational outcomes.

In developing its proposals, Qtopia has had the support of the Sydney Jewish Museum, gaining an understanding of its financial model, volunteer management system, and education and community engagement programs.

Qtopia proposes establishing an interim museum to operate during Sydney WorldPride 2023 and beyond. This interim museum would test, improve and build support for the museum proposal, leveraging the momentum generated by Sydney WorldPride 2023. It would provide an opportunity for extensive consultation with the LGBTQIA+ communities and identifying potential supporters and volunteers.

Discussions are currently underway with property owners for premises to house the interim museum. It would be welcoming and inclusive space, which would be a forerunner of permanent museum focussed on memory, education and celebration of unique LGBTQIA+ diverse histories.

Qtopia's preferred location for a permanent museum is the former Darlinghurst Police Station at Taylor Square, currently used by NSW Health. While this building contributed to injustices suffered by many LGBTQIA+ people, Qtopia believes that transforming it into a significant LGBTQIA+ community resource will support community healing of past injustices, address past wrongs, and celebrate the community's resilience.

Qtopia representatives outlined their vision to the Chief Executive Officer and me on 18 February 2022, shortly before the Progress Pride Flag was raised at Sydney Town Hall for the first time. Qtopia has subsequently met with the Chief Executive Officer and staff to further outline their proposals. They have supported these discussions by providing their confidential business case to the Chief Executive Officer to consider.

Qtopia is seeking seed funding from the Commonwealth and NSW Governments and the City of Sydney to help realise its initial vision of an interim museum during Sydney WorldPride 2023 and beyond. Qtopia is also seeking the City's support in advocating for the former Darlinghurst Police Station to become the museum's permanent home.

An interim Queer museum during Sydney World Pride 2023 and beyond, followed by a permanent Queer museum at Taylor Square would also address most, if not all of the five priorities of the Draft Oxford Street LGBTQIA+ Social and Cultural Place Strategy. It will also help meet the community's demands for more LGBTQIA+ cultural space, expressed during the Oxford Street Cultural and Creative Precinct consultations and the Place Strategy consultations. Moreover, it would complement the draft Sustainable Sydney 2030-2050 Strategy for Taylor Square.

Crucially, the museum would reaffirm the Oxford Street precinct's pre-eminent position in the Australian LGBTQIA+ community.

Recommendation

It is resolved that:

- (A) Council support Qtopia Sydney's proposal for a permanent LGBTIQA+ museum in the former Darlinghurst Police Station, preceded by an interim museum in the Oxford Street precinct during Sydney WorldPride 2023 and beyond, as set out in the subject Minute;
- (B) the Lord Mayor be requested to work with the Member for Sydney, the Member for Wentworth and other interested parties to advocate to the NSW and Commonwealth Governments to achieve these objectives;
- (C) Council note that Qtopia Sydney is currently investigating options for establishing an interim LGBTIQA+ museum in the Oxford Street area to operate during Sydney WorldPride 2023 and beyond; and
- (D) the Chief Executive Officer be requested to:
 - (i) investigate the inclusion of Qtopia Sydney's proposals for a LGBTIQA+ museum in the Oxford Street LGBTIQA+ Social and Cultural Place Strategy; and
 - (ii) examine the business case provided by Qtopia Sydney with the aim of providing a report to the next meeting of Council with recommendations of options for the City to assist it to advance their proposals.

COUNCILLOR CLOVER MOORE

Lord Mayor

Moved by the Lord Mayor, seconded by Councillor Scully –

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

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

It is resolved that:

- (A) Council support Qtopia Sydney's proposal for a permanent LGBTIQA+ museum in the former Darlinghurst Police Station, preceded by an interim museum in the Oxford Street precinct during Sydney WorldPride 2023 and beyond, as set out in the subject Minute;
- (B) the Lord Mayor be requested to work with the State and Federal Members for Sydney, the Member for Wentworth and other interested parties to advocate to the NSW and Commonwealth Governments to achieve these objectives;
- (C) Council note that Qtopia Sydney is currently investigating options for establishing an interim LGBTIQA+ museum in the Oxford Street area to operate during Sydney WorldPride 2023 and beyond; and

(D) the Chief Executive Officer be requested to:

- (i) investigate the inclusion of Qtopia Sydney's proposals for a LGBTIQA+ museum in the Oxford Street LGBTIQA+ Social and Cultural Place Strategy;
- (ii) investigate the possibility of making City owned space available on Oxford Street; and
- (iii) examine the business case provided by Qtopia Sydney with the aim of providing a report to the next meeting of Council with recommendations of options for the City to assist it to advance their proposals.

The Minute, as varied by consent, was carried unanimously.

S051491

Item 4 Memoranda by the Chief Executive Officer

Item 4.1 Superannuation for Councillors

Memorandum by the Chief Executive Officer

To Council:

Following an amendment to the Local Government Act 1993 (the Act) in 2021, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on 1 July 2022.

The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

To exercise the option of making superannuation contribution payments for councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.

Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1992* as superannuation if the councillors were employees of the council.

As of 1 July 2022, the superannuation guarantee rate will be 10.5 per cent. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12 per cent.

Superannuation would be payable in addition to councillor fees. The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.

To receive a superannuation contribution payment, each councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the *Commonwealth Superannuation Guarantee (Administration) Act 1992* applies.

Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing.

Staff have estimated that the initial cost for financial year 2022/23 is around \$65,000. If approved, this will be incorporated into the draft budget for next year with estimates calculated for inclusion in the future years forward estimates.

Councillors undertake important work for their communities while facing a high workload and responsibilities which make it difficult to juggle work, family and civic commitments.

Councillor remuneration is a significant factor in encouraging more people, particularly women and young people, to stand for their community and become councillors.

Recommendation

It is resolved that:

- (A) Council endorse making superannuation contribution payments to councillors;
- (B) Council note the estimated cost for 2022/23 is approximately \$65,000; and
- (C) the Chief Executive Officer be requested to include provision for superannuation contribution payments to councillors in the draft 2022/23 budget and future years' forward estimates.

MONICA BARONE

Chief Executive Officer

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

It is resolved that:

- (A) Council endorse making superannuation contribution payments to councillors;
- (B) Council note the estimated cost for 2022/23 is approximately \$65,000; and
- (C) the Chief Executive Officer be requested to include provision for superannuation contribution payments to councillors in the draft 2022/23 budget and future years' forward estimates.

The motion was carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, and Scully.

Noes (1) Councillor Weldon*.

*Note – Councillor Weldon abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillor Weldon is taken to have voted against the motion.

X086747

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

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

Carried unanimously.

5.2 Petitions

Make Oxford Street Fabulous Again! Supporting Planning Changes to Bring Investment

The following Petition was tabled by Councillor Scully.

Sydney's Oxford Street desperately needs significant investment to make it a world-class entertainment, shopping, community precinct which we are all proud of. This is the home of Sydney Mardi Gras and the heartland of the LGBTI community. There has been no significant investment in the street for decades, the buildings are crumbling, shops closed and nightlife has declined. It's an embarrassment and not what we want for our beloved Oxford Street.

The petition is to support the City of Sydney's change to the planning code which allows commercial properties on Oxford Street to add an additional two levels on top of existing height limits and also add an underground level. The new levels need to be bars, restaurants, entertainment, hotels, office space, community space, gyms, retail. An entertainment precinct. The plan is not for more residential.

We support the planning change and request it to be approved ASAP so that significant investment can come to the street to bring world-class entertainment venues, underground live music venues, rooftop bars, new hotel accommodation, community space, workspace, play space that is LGBTIQ+ friendly.

We want world-class architecture with heritage facades maintained. Nightclubs that are open. Shops that are open. A street which is alive with amazing buildings that have been restored and reimagined with global design competitions and world class architecture.

Supporting these planning changes which provide additional floorspace will ensure that the investment into the street can happen.

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

It is resolved that the Petition be received and noted.

Carried unanimously.

S044250

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

The Lord Mayor Councillor Clover Moore
(Chair)

Deputy Lord Mayor Councillor Jess Scully
(Deputy Chair)

Councillors HY William Chan, (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Robert Kok, Linda Scott and Yvonne Weldon.

At the commencement of business at 5.04pm those present were -

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

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 5.26pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Scully, seconded by Councillor Gannon –

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 4 April 2022 be received, with Item 6.1 being noted, the recommendations set out below for Items 6.2 and 6.3 being adopted in globo, and Item 6.4 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.1**Disclosures of Interest**

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 6.3 on the agenda, in that she owns a house in trust for a family member with a disability in the City of Sydney.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances, and that, based on advice from City staff, she will stay in the meeting, as the changes apply across the City of Sydney.

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 6.4 on the agenda, in that he was appointed by the City of Sydney as an Expert Member to the Sydney 2050 Citizens Jury from August to December 2019.

Councillor Chan stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has no longer been involved in the Sydney 2050 Citizens Jury since December 2019, was not a juror of the Citizens Jury and was not involved in the writing of the Citizens Jury concepts report.

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

Item 6.2

Investments Held as at 31 March 2022

It is resolved that the Investment Report as at 31 March 2022 be received and noted.

Carried unanimously.

X020701

Item 6.3

Special Rate Variation for 2022/23

It is resolved that Council:

- (A) apply to the Minister for Local Government, through her delegate the Independent Pricing and Regulatory Tribunal, to vary its general rate income by a permanent special variation for 2022/23 of 2.5 per cent, as allowed under section 508(2) of the Local Government Act 1993;
- (B) note that a 2.5 per cent rate variation will generate a total of approximately \$8 million in additional rate income each year, an additional \$3.5 million (1.1 per cent) each year above the \$4.5 million (1.4 per cent) increase already approved by the Independent Pricing and Regulatory Tribunal;
- (C) note the special variation is required for the City to meet its obligations set for 2022/23, and in future years within the 2021/22 Integrated Planning and Reporting documents; and
- (D) has considered that the impact on ratepayers and the community, if the special variation is approved in 2022/23 and for future years, is reasonable.

Carried unanimously.

X086740

Item 6.4**Public Exhibition – Sustainable Sydney 2030-2050 Continuing the Vision and Community Strategic Plan**

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

It is resolved that:

- (A) Council endorse the draft *Sustainable Sydney 2030-2050 Continuing the Vision* for public exhibition as detailed in Attachment A to the subject report;
- (B) Council endorse the draft Community Strategic Plan Delivering Sustainable Sydney 2030-2050 for public exhibition as required under Section 402 of the Local Government Act 1993 and as detailed in Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor editorial corrections if necessary, for publication.

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

That Clause (A) be amended to read as follows –

- (A) Council endorse the draft Sustainable Sydney 2030-2050 Continuing the Vision for public exhibition as detailed in Attachment A to the subject report, amended to reflect a target of net zero emissions by 2030 (rather than 2035) and an increased community floor space.

A show of hands on the amendment resulted in an equality of voting as follows –

Ayes (5) Councillors Ellsmore, Gannon, Jarrett, Scott and Weldon

Noes (5) The Chair (the Lord Mayor), Councillors Chan, Davis, Kok and Scully.

The Lord Mayor exercised her casting vote against the amendment.

The amendment was declared lost.

The substantive motion was carried unanimously.

X012101

Misrepresentation

During discussion of Item 6.4, Councillor Scott stated that she had been misrepresented in respect to comments made by Councillor Scully and clarified her position accordingly.

Item 7 Report of the Business and Economic Development Committee

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Councillor Robert Kok

(Deputy Chair)

Deputy Lord Mayor Councillor Jess Scully, Councillors HY William Chan, (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Linda Scott and Yvonne Weldon.

At the commencement of business at 5.27pm those present were –

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

The meeting of the Business and Economic Development Committee concluded at 5.31pm.

Report of the Business and Economic Development Committee

Moved by Councillor Kok, seconded by Councillor Scully –

That the report of the Business and Economic Development Committee of its meeting of 4 April 2022 be received, with Item 7.1 being noted, and Item 7.2 being dealt with as shown immediately following that item.

Carried unanimously.

Item 7.1

Disclosures of Interest

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

The Business and Economic Development Committee recommended the following:

Item 7.2

Post Exhibition/Adoption - Precinct Activation Grant Guidelines

Moved by Councillor Kok, seconded by Councillor Scully –

It is resolved that:

- (A) Council note the submissions received from the community on the exhibited draft Grant Program Guidelines, as shown at Attachment D to the subject report;
- (B) Council approve the Precinct Activation Grant Guidelines as shown at Attachment A to the subject report;
- (C) Council approve the Operational Plan 2021/22 Addendum as shown at Attachment B to the subject report; and
- (D) 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.

Carried unanimously.

S117847

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

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor HY William Chan
(Deputy Chair)

Deputy Lord Mayor Councillor Jess Scully, Councillors (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Robert Kok, Linda Scott and Yvonne Weldon.

At the commencement of business at 2.06pm those present were –

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

Order of Business

At the commencement of Council Committees, at 2.06pm, the Chair (the Lord Mayor), moved a procedural motion (seconded by Councillor Scully), to alter the Order of Business such that Item 8.3 of the Transport, Heritage, Environment and Planning Committee be brought forward and dealt with first, prior to Item 6.1 of the Corporate, Finance, Properties and Tenders Committee, for the convenience of the public present. The motion was carried unanimously.

Adjournment

At 4.06pm, during discussion of Item 8.3, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting of the Transport, Heritage, Environment and Planning Committee be adjourned for 15 minutes.

Carried unanimously.

At the resumption of the meeting of the Transport, Heritage, Environment and Planning Committee at 4.25pm, all Councillors were present.

Item 8.3 (which had been brought forward) concluded at 5.04pm.

At the recommencement of business at 5.32pm, those present were –

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

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 6.02pm.

Report of the Transport, Heritage, Environment and Planning Committee

Moved by Councillor Chan, seconded by Councillor Scully –

That the report of the Transport, Heritage, Environment and Planning Committee of its meeting of 4 April 2022 be received, with Item 8.1 being noted and Items 8.2 to 8.5 inclusive being dealt with as shown immediately following those Items.

Carried unanimously.

Item 8.1

Disclosures of Interest

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that the Kings Cross Branch of the ALP has made a submission on this item and she is a member of the ALP and has attended meetings at this branch. In addition, members of the Kings Cross Branch of the ALP have volunteered for her in her most recent campaign.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this submission is only a minor element in this Item and she considers it unlikely to influence her judgement in this matter.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Dan Skehan, a member of the ALP, donated \$240 to her campaign and is a resident of Palmer Street. Palmer Street will be impacted by the Foley Street laneway in the Riley-Bourke Streets sub-precinct.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the impact caused by the Foley Street laneway is a very minor element in the proposal.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Brendan Lunergan donated \$150 to her campaign in 2016, and he lives on Palmer Street which is likely to be impacted by the Foley Street laneway in the sub-precinct.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the Foley Street Laneway is unlikely to cause a major impact to the residents of Palmer Street.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that Luther Weate is a resident of Pelican Street and donated \$765 to his campaign in 2018, and Pelican Street is likely to be impacted by the planning proposal.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the impact on Pelican Street from this proposal is unlikely to be significant.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that within the paper for this item South Dowling Street is mentioned on page 13 as an area with submitters who did not agree with the proposals and stated that the proposals did not reconcile with recommendations of the heritage study. Councillor Scott has previously received a donation of \$140 from Daniel Richardson, who lives on South Dowling Street and is also a member of the ALP.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because it is unlikely to influence her judgement, and she provided this disclosure out of an abundance of caution as the paper did not disclose all community members and groups who provided submissions on this planning proposal and South Dowling Street is within the vicinity of the impacted area.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is a member of the Paddington Society, who made a submission on this matter.

Councillor Scott stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the Paddington Society's submission was only a small component of the Committee's deliberations and she did not take part in the formation of the submission. Councillor Scott also stated that she understands the submission by the Paddington Society, and associated advocacy, has been delivered to all Councillors equally.

Councillor Sylvie Ellsmore made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that she is a member of the Coordinating Committee of the resident action group, Redfern Everleigh Darlington Waterloo Watch or REDWatch. REDwatch advocates for community input into planning decisions and has made a submission to Councillors for Item 8.2.

Councillor Ellsmore stated that she considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because as an active member of her community, being part of the local residents action group helps inform the decisions she makes on Council. Councillor Ellsmore also stated that she is informed but not bound or directed in any way by her involvement in the group, and her interest is non-pecuniary as she is a member of REDWatch as a volunteer.

- a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that she previously worked for an Indigenous consultancy, Cox Inall Ridgeway, which undertook a heritage and historical study connecting to the area of the Waterloo South planning proposal.

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 8.2 on the agenda, in that he is a former employee of Cox Architecture and previously worked on the following Cox Architecture projects:

- former Urban Growth NSW's Growth and Context: The Opportunity at Waterloo (2015);
- Transport for NSW's Sydney Metro City and Southwest, Urban Design: Master Planning Strategies (2015); and
- design development that involved the NSW Communities Plus social housing model, excluding the Waterloo Housing Estate (2019).

Councillor Chan stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he is no longer an employee of Cox Architecture since 2020 and has no relevant relationship to the aforementioned architecture and urban design projects or clients.

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

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.

Item 8.2**Public Exhibition - Draft Waterloo Estate (South) Development Control Plan and Submission - Waterloo Estate (South) Planning Proposal and Draft Waterloo Estate (South) Design Guide**

Note – the recommendation of the Transport, Heritage, Environment and Planning Committee was not adopted. The following motion was adopted.

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

It is resolved that:

- (A) Council note the extensive advocacy and planning undertaken by the City of Sydney to improve the Land and Housing Corporation's original proposal lodged in 2020 for Waterloo South:
 - (i) the City's amended proposal improved streets, reduced building heights, increased sunlight and reduced wind impacts;
 - (ii) the amended proposal included 30 per cent of residential floor area to be social housing and 20 per cent affordable housing;
 - (iii) the amended proposal was endorsed by Council and Central Sydney Planning Committee in 2021;
 - (iv) the City successfully advocated for a large park next to Waterloo Metro station; and
 - (v) the Department of Planning and Environment's current planning proposal incorporates a significant number of improvements to the planning and urban design outcomes for the area;
- (B) Council note the Department of Planning and Environment has placed the Waterloo Estate (South) Planning Proposal and draft Waterloo Estate (South) Design Guide on public exhibition for the period between 3 March 2022 and 29 April 2022;
- (C) Council note the limited community understanding and awareness of the planning proposal and advocate to the Minister for Planning and Homes and the Department of Planning and Environment for an extension to the consultation period; and
 - (i) that community workshops supported by Council have been held in recent weeks into Waterloo, including with public housing tenants, to support the community to respond to the Waterloo Estate (South) Planning Proposal;
 - (ii) there remains a low level of awareness about the proposal amongst key sections of the community, and confusion about the meaning of the plans;
 - (iii) the inclusion of an additional 10 per cent design excellence floor space bonus to the City's amended planning proposal is a substantial change which has not been explained to the community;
 - (iv) the public exhibition period is taking place over Easter, the school holidays and Anzac Day; and

- (v) that the City write to the Department of Planning and Environment seeking an extension of time for community to respond to the Waterloo Estate (South) Planning Proposal and Design Guide and to make available a clear visual representation of the proposal, noting that this is not readily available or easily accessible to the community in current documents;
- (D) Council note that:
 - (i) the City's Housing for All strategy and draft Community Strategic Plan: Sustainable Sydney 2050 includes targets for increasing social housing (including public housing) and affordable housing, to ensure that increased social (including public) and affordable housing is delivered as the City grows; and
 - (ii) the draft Waterloo (South) Planning proposal delivers a significant reduction in the percentage of social housing on the public land, which is proposed for redevelopment;
- (E) the Lord Mayor write to the Minister for Planning and Homes reaffirming the City's call for significant increases in social and affordable housing in Waterloo and for the state government to establish clear targets for social and affordable housing in the City;
- (F) Council endorse the draft City of Sydney submission to the public exhibition of the Waterloo Estate (South) Planning Proposal and draft Waterloo Estate (South) Design Guide, provided at Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~);

2.1 Social housing and affordable housing:

Recommendations

- ***At a minimum***, restore the requirement in the publicly exhibited planning proposal that ***at least*** 30 per cent of gross residential floor space on Land and Housing Corporation owned land be for social housing and ***at least*** 20 per cent be for affordable housing.
- Ensure that the minimum percentage requirement for social and affordable housing applies to all residential floor space in Waterloo Estate (South), including any design excellence floor space.
- Develop innovative funding and procurement models to allow for direct dealings with Community Housing Providers to support the increase of social and affordable housing in Waterloo Estate (South) and in later stages of the redevelopment in Waterloo Estate (North) and Waterloo Estate (Central).
- ***Ensure the Department of Communities and Justice develops and implements the Human Services Plan including the delivery of services to existing residents, during the relocation of residents and all future residents.***
- ***Prioritise development of an independent Social Impact Assessment and Social Impact Management Plan to identify and mitigate impacts on communities from the redevelopment of the Waterloo Estate (South).***

2.2 Aboriginal and Torres Strait Islander housing

The City's draft design guide included provisions to encourage LAHC, and any future community housing providers, to:

- deliver in excess of 10 per cent or more of the affordable housing for Aboriginal and Torres Strait Islander people;
- maintain or increase the current proportion of social housing provided to Aboriginal and Torres Strait Islander people; and
- ensure Aboriginal and Torres Strait Islander housing is culturally appropriate housing and developed in consultation with Aboriginal and Torres Strait Islander people.

Notwithstanding the above, the City acknowledges the Department for maintaining the requirements in the publicly exhibited draft design guide ***recommends allocating 10 per cent or more of the total number of dwellings to be provided for Aboriginal and Torres Strait Islander housing***, noting there is much work to be done to achieve the outcomes aspired to in the draft design guide.

- (G) Council note that the City of Sydney submission recommends:
- (i) restoring the requirement in the publicly exhibited proposal that 30 per cent of gross residential floor space on Land and Housing Corporation owned land be for social housing and 20 per cent be for affordable housing;
 - (ii) targeted funding by the NSW Government to increase the amount of social and affordable housing in Waterloo Estate (South) and in later stages in Waterloo Estate (North) and Waterloo Estate (Central); and
 - (iii) development of innovative funding models and procurement models to allow for direct dealings with Community Housing Providers to support the increase of social and affordable housing in Waterloo Estate (South) and in later stages of the redevelopment in Waterloo Estate (North) and Waterloo Estate (Central);
- (H) Council note additional technical advice may be submitted to the Department of Planning and Environment, prior to the close of the public exhibition period on 29 April 2022, should additional issues be identified or further information be requested by the Department;
- (I) Council approve the draft Sydney Development Control Plan - Waterloo Estate (South), shown at Attachment B to the subject report to the 4 April 2022 Transport, Heritage, Environment and Planning Committee, for public exhibition for a period of 28 days;
- (J) authority be delegated to the Chief Executive Officer to make any minor variations to the Sydney Development Control Plan - Waterloo Estate (South), shown at Attachment B to the subject report, to correct any drafting errors or inconsistencies, or to ensure consistency with the Waterloo Estate (South) Planning Proposal and draft Waterloo Estate (South) Design Guide;
- (K) authority be delegated to the Chief Executive Officer to adopt the Sydney Development Control Plan - Waterloo Estate (South), shown at Attachment B to the subject report, following public exhibition, if no significant public submissions are received; and
- (L) Council not give the concurrence required under Regulation 10 of the Environmental Planning and Assessment Regulation 2000 to the reservation of any land under this planning proposal and instructs the Chief Executive Officer to communicate this to the Department of Planning and Environment.

The motion was carried on the following show of hands:

Ayes (8) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Kok, Scott, Scully and Weldon

Noes (2) Councillors Gannon* and Jarrett*

*Note – Councillors Gannon and Jarrett abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillors Gannon and Jarrett are taken to have voted against the motion.

X030481

Adjournment

At this stage of the meeting, at 6.48pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting of Council be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 7.07pm.

Item 8.3

Post Exhibition - Planning Proposal - Oxford Street Creative and Cultural Precinct - Sydney Local Environmental Plan 2012 and Draft Sydney Development Control Plan 2012 - Public Exhibition - Draft LGBTIQ+ Oxford Street Social and Cultural Place Strategy

Note - The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 April 2022.

At the meeting of Council, the following alternative recommendation was adopted (as contained in the memo dated 7 April 2022 from the Director City Planning, Development and Transport, circulated prior to the meeting).

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

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Amended Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as described in this report and as shown in Attachment G to the subject report;
- (B) Council approve the Planning Proposal: Oxford Street Cultural and Creative Precinct as shown at Attachment A to the subject report and amended in response to submissions, and request that the Department of Planning and Environment make it as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979, subject to the following amendments:
 - (a) ***Amendment of AHOB_022 and AFSR_022 maps to include a FSR of 4:1 and HOB of 23m at 265-267 Oxford Street (the Beacham Hotel).***
 - (b) Amendment of Explanation of Provisions and Appendix 2 drafting instructions (3)(vi) and Example Clause (10) relating to the ARQ sites to allow the total permitted gross floor area to be distributed across an amalgamated site as follows:
 - (vi) Drafting Instructions: Additional height and floor space is ~~not~~ available under this clause to a building on 4-6 Flinders Street, Darlinghurst (Lot 100 DP 746537), 10-16 Flinders Street, Darlinghurst (Lot 1 DP 9347), 18- 26 Flinders Street Darlinghurst (Lot 2 DP 9347). 4-6 Taylor Street, Darlinghurst (Lot 3 DP 9347), 8-10 Taylor Street, Darlinghurst (Lot 4 DP 9347) and 2 Sturt Street, Darlinghurst (Lot 5 DP 9347 and Lot 1 DP 819569), ~~unless the building is on land with a site area of more than 1,500 square metres and do not exceed 3.3:1 FSR~~ ***if the total gross floor area of development does not exceed the combined floor space ratio for the site;***

Example Clause: (10) Development consent ~~must not be~~ ***may*** be granted under subsection (3) for development on any of the following sites: 4-6 Flinders Street, Darlinghurst (Lot 100 DP 746537), 10-16 Flinders Street, Darlinghurst (Lot 1 DP 9347), 18- 26 Flinders Street Darlinghurst (Lot 2 DP 9347). 4-6 Taylor Street, Darlinghurst (Lot 3 DP 9347), 8-10 Taylor Street, Darlinghurst (Lot 4 DP 9347) and 2 Sturt Street, Darlinghurst (Lot 5 DP 9347 and Lot 1 DP 819569), ~~unless the building is on land with a site area of more than 1,500 square metres and do not exceed 3.3:1 FSR~~ ***if the total gross floor area of development does not exceed the combined floor space ratio for the site.***
 - (c) ***Amendment of AFSR_022 map to include a FSR of 3.75:1 at 203-209 Oxford Street (the Bookshop sites).***

- (d) ***Amendment of AFSR_015 and AHOB_015 maps to include a FSR of 3.8:1 and HOB of 24 metres at 1-5 Flinders Street (the former T2 building).***
 - (e) ***Amendment to the AFSR_015 and AHOB_015 maps to include a FSR of 3.75:1 and height of building control of 18 metres at 163-169 Oxford Street.***
 - (f) ***Amendment to AHOB_015 maps to include a height of building control of 18 metres at 171 Oxford Street.***
 - (g) ***Amendment of Appendix 2 Drafting Instructions (1) and Example Clause (2) to remove all addresses listed after the National Art School at 156 Forbes Street.***
 - (h) ***Amendment of Appendix 2 Drafting Instruction and Example Clause to clarify that development in the precinct which does not seek use the additional height or FSR under the alternative planning provisions:***
 - (i) ***can continue to utilise LEP clause 4.6 Exceptions to Development Standards, and***
 - (ii) ***can access the provision that allows for up to 0.8:1 FSR for live entertainment and cinema uses in a basement;***
- (C) Council approve the draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as shown at Attachment B to the subject report and amended in response to submissions, 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, subject to the following amendments:
- (a) ***amendment of the alternative height in storeys maps 015 and 022 to show 5 storeys at 197-199, 203--215 Oxford Street;***
 - (b) ***amendment of the alternative height in storeys maps 015 to show 6 storeys at 381 and 379 Bourke Street (Kinselas);***
 - (c) ***amendment of the alternative height in storeys maps 015 and 022 to show 5 storeys at 1-5 Flinders Street (T2) and insert a control for a required setback at level 3 only;***
 - (d) ***amendment of the alternative height in storeys map 022 to show 5 storeys at 265-267 Oxford Street (the Beacham Hotel); and***
 - (e) ***amendment of the alternative height in storeys maps 015 to show 4 storeys at 163-169 & 171 Oxford Street and insert a site specific control for a 6.5 metre setback above the existing buildings at 163-169 & 171 Oxford Street;***
- (D) Council approve the Draft LGBTIQ+ Social and Cultural Place Strategy as shown at Attachment C to the subject report for public exhibition;
- (E) Council note the Transport Study - Oxford Street Cultural and Creative precinct shown at Attachment D to the subject report;
- (F) Council note the matters raised in response to the early consultation on options for taller buildings at Taylor Square as detailed in Attachment H to the subject report, and that these proposals will not proceed at this time; and
- (G) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct to correct any minor errors or omissions prior to finalisation.

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

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Amended Planning Proposal: Oxford Street Cultural and Creative Precinct and draft Sydney Development Control Plan 2012: Oxford Street Cultural and Creative Precinct as described in this report and as shown in Attachment G to the subject report; and
- (B) Council place the amended Planning Proposal: Oxford Street Cultural and Creative Precinct – Sydney Local Environment Plan and the draft Sydney Development Control Plan 2012 as amended following the 4 April 2022 meeting of the Transport, Heritage, Environment and Planning Committee on further public exhibition for no less than 28 days.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

Noes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok and Scully.

The amendment was declared lost.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scott, Scully and Weldon

Noes (1) Councillor Ellsmore.

Substantive motion carried.

X026153

Speakers

Stephan Gyory (Darlinghurst Business Partnership), Vi Hermens (Motorik Records), Mark Crees (Create NSW), Ben Mulcahy, Steven Alderton (National Art School), Greg Fisher (Qtopia Sydney), Mathew Yovich (Precinct Retail), Dan Brady (MA Hotel Management), Anthony Egizii, Michiel Dolk, Luise Elsing (Woollahra Council), Matthew Roberston (Woollahra Council), Stephen Gouge (Ethos Urban), Nick Prilis (Archon Property Pty Ltd), Anthony Kiliass (Urbis), Claude Bereny (The Beacham Hotel), Susan Ritchie (Three Saints Square / The Beacham Hotel), Maximilian Bereny (The Beacham Hotel), Johnny Allen AM, Stephen Davies (Urbis), Vince Squillace (Squillace Architects), George Karageorge (Stasia Property), Steve Pate, Linda Gosling (The Paddington Society), Nathan Larkings (Heaven Nightclub), Daniel Litchfield (Growthbuilt), Brendan Hoskins (Ethos Urban), Joshua Watts (Karbon Property) and Philip Thalys addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.3.

Item 8.4

Post Exhibition - Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland – Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Green Square Town Centre Sydney Development Control Plan 2012 Amendment

Moved by Councillor Chan, seconded by Councillor Scully –

It is resolved that:

- (A) Council note that no matters were raised in response to the public exhibition of Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland;
- (B) Council approve Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland shown at Attachment A to the subject report to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan;
- (D) Council approve the Design Excellence Strategy for 377-495 Botany Road, Zetland (also known as site 8A and 8B), version 3.0, prepared by Ethos Urban Pty Ltd and dated 11 March 2022, as shown in Attachment E to the subject report, pursuant to Section 6.1 of the Green Square Town Centre Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (E) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland to correct any minor drafting errors prior to finalisation.

Carried unanimously.

X026151

Item 8.5**Fire Safety Reports**

Moved by Councillor Chan, seconded by Councillor Ellsmore -

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 39-43 Darlinghurst Road, Potts Point;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 7-9 Wilmot Street, Sydney;
- (E) note the contents of Attachment D and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 389-393 Bourke Street, Surry Hills.

Carried unanimously.

S105001.002

Item 9 Questions on Notice**1. Road Closures**

By Councillor Scott

Question

Broken down by year since 2012, please detail the number of applications the City has received for road closures or closures of other public space for the purpose of protests or rallies, and also indicate of these, how many were approved or refused.

X086668

Answer by the Chief Executive Officer

Protests and rallies are approved by the NSW Police under a Schedule 1 "Notice of intention to hold a public assembly" (*Summary Offences Act 1988*). The City does not approve road closures for protests or rallies.

2. 280 Jones Street, Pyrmont Lift Failure

By Councillor Gannon

Question

The lift to the light rail station at 280 Jones Street is out of service.

1. When was it first reported as being broken?
2. When does the City expect it to be fixed?
3. What caused the lift to break?
4. What is the City doing to assist residents who have access needs?
5. How long, on average, are lifts out of service before they're brought back online?

X086665

Answer by the Chief Executive Officer

1. The Jones Street lift was first taken out of service on 14 January 2022, due to flooding. The lift was returned to service on 20 January 2022. Due to heavy rainfall and flooding, the lift was taken out of service at the end of February 2022. Due to the likelihood of further flooding and safety concerns presented by the recent heavy rain and storm events, the City made the decision to keep the lift out of service.
2. The target for returning the lift back to service is 11 April 2022, however the ongoing weather conditions are causing delays. The lift being returned to service will depend on the weather conditions on 11 April 2022. The lift will remain out of service if there are any safety concerns presented by the current heavy rains and flooding.
3. Flooding due to severe rainfall from the ongoing storm event.

4. The City is reviewing alternative routes in the public domain, so that signage can be installed to advise and support the community
5. The City uses a priority system for all repairs to lifts. Lifts can be out of service due to vandalism, storm events, and mechanical and electrical breakdowns, which can require different parts and repair work. Depending on the event that caused the lift to be out of service, the response time to repair the lift is different.

3. Waste Collection – Potts Point

By Councillor Gannon

Question

Waste collection in Potts Point is becoming an increasing concern for residents.

1. Who is contracted to collect waste in Potts Point?
2. What is the boundary of this contract?
3. When is this contract up for renewal?
4. Has the City recently surveyed the waste needs to residents?
 - (a) If yes, what were the results of the survey?
 - (b) If no, will the City be conducting a survey soon?
5. What is the average time between illegal dumping being reported and the collection of the waste?
6. Is there a KPI in the contract for the timely removal of illegally dumped items?
7. Over the last four years have reports of illegal dumping increased in this area? If yes, by how much per year?
8. What else is the City doing to reduce illegal dumping in Potts Point?
9. How many complaints since the beginning of 2022 has the City received about the waste situation in Potts Point?
10. What does the City intend on doing to alleviate the waste burden in Potts Point?
11. How many investigations into illegal dumping has the City undertaken in the past four years?
 - (a) What was the outcome of these investigations?
 - (b) How many fines have been issued as a result of these investigations?
 - (c) How many investigations and penalties have been specific to the Potts Point area?

X086665

Answer by the Chief Executive Officer

1. Residential general (red bin) waste, recyclables (yellow bin), organic (green bin), bulky household clean-up, whitegoods and illegal dump collections are carried out in Potts Point and the wider Local Government Area by the City's contractor Cleanaway. Residential mattress collections from booked household clean-up and illegal dumps are undertaken by the City's contractor, Soft Landing.

City staff from Cleansing Operations are responsible for the collection of street litter bins, small illegal dumps, removal of hazardous non-conforming items such as paint, gas bottles and building materials and street cleansing activities.

Commercial premises organise their own waste collection through their nominated contracted commercial waste collection provider.

2. Contracts for the collection of all domestic waste streams apply across the entire Local Government Area.
3. The City's Major Services Contract for the Domestic Waste Collection commenced on 1 July 2019. The standard term of the contract expires on 30 June 2026 and there are options to extend for 1 x two-years and 1 x one-year terms. The full term of this contract is due to end on 30 June 2029.

The contract for the collection and processing of mattresses is through Southern Sydney Regional Organisation of Councils (SSROC) and is currently due to expire on 30 April 2023.

4. In 2019 as part of the community consultation for the review of the City's Community Strategic Plan, residents were invited to several community meetings, held throughout the Local Government Area, to discuss their priorities for future Council services. Cleansing of public domain areas and waste were reported as a priority service throughout the Local Government Area.

It should be noted that Potts Point is included in the current seven-day service area. This service area receives additional street cleaning and waste collection services compared to most other parts of the Local Government Area, with general (red bin) waste from multi-unit dwellings being collected every day including weekends. Other services include weekly collection of recyclables (yellow bin) and weekly booked household collections for all four household streams (bulky household, metals and whitegoods, mattresses, and e-waste) and a fortnightly organic (green bin) collection.

5. Average days for collection in Potts Point during 2021 were:

Service provider	Average of Days to complete	Total Requests
Cleanaway	2.03	749
Soft Landing (mattresses)	4.63	195
Cleansing Operations	1.71	59

The average days to complete is calculated by measuring from the time the report is received by Customer Service to the time that the request is marked as completed in the customer request system.

Urgent or unsafe illegally dumped waste is assigned to the City's Cleansing Operations team to action. City contractors remove all other reported illegally dumped bulky waste.

6. There is no set KPI in the contract. The City currently requires City contractors to complete illegally dumped waste requests within two business days.
7. The number of requests relating to reported illegal dumps as well as booked collections are listed below:

Bookings and Illegal Dumps in Potts Point

Year	No. Booked Collections	No. Reported Illegal Dumps	Grand Total
2018	1365	717	2082
2019	1803	751	2554
2020	2642	1123	3765
2021	2524	1003	3527
Grand Total	9041	3879	12920

In 2019, Cleansing and Waste worked with Customer Service to change the way illegal dumps and booked collections were captured and directed. After these changes, a single illegal dump or booked collection could result in up to four separate requests to ensure that waste was separately collected by waste stream to be recycled and diverted from landfill where possible.

As a result, increases in the number of reported illegal dumps from this point in time reflect better management of the type of waste presented and does not necessarily reflect an increase in reported illegal dumps.

In 2020, the Covid-19 pandemic caused significant increases in all domestic waste streams including reported illegal dumps and booked collections.

8. As part of regular operations, the City's Cleansing Operations team remove smaller items of illegally dumped waste as part of scheduled street cleansing and larger items are reported for collection by City contractors. Waste Education is also provided to residents in areas where booked collection numbers are low. This helps to educate residents on how to book bulky items in for collection.

In addition, Councillors and the City have received a number of reports recently regarding the management of commercial and domestic waste/bins in Potts Point. City Services are currently investigating the concerns and will report back via a CEO Update on the investigation findings and action plan. Cleansing Operations and Rangers field staff are documenting any issues through daily audits and an action plan will be developed and implemented to address identified issues.

9. Requests or complaints directed to the City's Waste Contracts team, who manage the City's waste contractors, via the City's Customer Service team are listed below:

Waste Contracts Requests

2022

Jan	5
Feb	6
Mar	11
TOTAL	22

In addition, there have been eight Councillor requests received in 2022 for Potts Point regarding residential waste services, waste education or street cleansing.

10. In response to a number of received recently reports to Councillors and the City regarding the management of commercial and domestic waste/bins in the Potts Point area, City Services are investigating waste concerns in Potts Point. City Services will report back via a CEO Update on the investigation findings and action plan. Cleansing Operations and Rangers field staff are documenting any issues through daily audits and an action plan will be developed and implemented to address identified issues.

Rangers are also allocating additional resources in the area targeting illegal dumping. These staff members will conduct static surveillance as well as engaging with businesses to ensure their waste is adequately managed.

11. Since January 2019, 1590 investigations into littering and waste have been recorded.
- (a) The outcome of these investigations varies on the individual circumstances. When appropriate a penalty/warning notice maybe issued.
 - (b) Since January 2019 rangers have issued 1209 notices for litter and waste offences.
 - (c) There have been 71 investigations since January 2019 in the Potts Point area, resulting in 26 notices being issued.

4. Kayaks – Rushcutters Bay Park

By Councillor Gannon

Question

At the March 2022 meeting, Council agreed unanimously to set up a registration system for watercraft at Rushcutters Bay Park.

1. When will the registration system begin?
2. What ways will residents be able to register their watercraft?
3. When will the City update the signage at Rushcutters Bay Park?
4. How long will residents have to register their watercraft?

X086665

Answer by the Chief Executive Officer

Refer to the 8 April 2022 CEO Update

Observational surveys will be undertaken over a two-week period to monitor the use of kayaks and how frequently they are being accessed. The observational surveys will take note of the time of day, quantity of kayaks present and note any changes or issues. These surveys will consist of photographs and observational notes made in the field.

Community survey

A community survey will be undertaken to understand who owns the kayaks stored in this area, how often they are being used and how many are abandoned.

This phase of the engagement will run from Monday 11 April 2022 until Monday 16 May 2022. The survey will be open for an extended period due to the Easter holidays. Activities include:

- [Sydney Your Say page](#) with online survey
- On-site signage
- Stakeholder email
- Letter

Next steps

The City will review feedback received during consultation, along with data from the observational surveys and research carried out by the team into other schemes and storage options. We will keep the community updated with next steps as we progress.

Council will be kept updated via the CEO Update.

5. Outdoor Dining Fees

By Councillor Gannon

Question

1. How much revenue did the City make in total from outdoor dining in 2019?
2. How many successful applications for new outdoor dining spaces have been granted since February 2019?
3. How many successful applications for additional outdoor dining spaces have been granted since February 2019?
4. When does the City expect to lift its waiver on outdoor dining fees?
5. How will the City calculate fees for outdoor dining once the waiver is lifted?
6. How will the City calculate fees with specific regard to the new outdoor dining entitlements approved as part of the NSW Government's Alfresco Dining changes (i.e. entitlements on former car parking spaces)?
7. How much revenue does the City expect to collect once the waiver is lifted?

X086665

Answer by the Chief Executive Officer

1. Total revenue for the 2018/19 financial year was \$1.974M.
2. Total successful applications include new licences, renewals, footway adjustment (change of area), reallocated roadways:
 - Calendar Year 2019 - 29
 - Calendar Year 2020 - 51
 - Calendar Year 2021 - 505
 - Calendar Year 2022 (to date) - 55Total - 640.
3. 125 additional outdoor dining spaces were granted approval as "on street dining". The on-street dining option was introduced on 30 November 2020 and makes available on street parking for outdoor dining in appropriate locations.
4. Staff are preparing a report to Council outlining the impacts of a further extension of the program and the fee waiver beyond the currently adopted end date of 30 June 2022.

5. Fees are calculated based on the location and the square metres approved as per the City's Revenue Policy. Footway licence fees have generally been determined by reference to prior year's fees for specific zones (CBD v high streets), amended to account for specific factors (either periods of disturbance or a proactive policy to encourage growth), benchmarked against other similar local government pricing. CBD fees have been historically lower than many other council areas with similar demands.
6. On street dining areas have not been allocated a fee due to the approval being temporary and expiring with the fee waiver on 30 June 2022.
7. This will be determined with reference to the volume of approvals after the fee waiver is lifted. If all current outdoor dining operators wish to continue with their approvals the revenue will be approximately \$306,000 per month. If the fee waiver is not extended, operators may decide not to continue with their outdoor dining approval based on the current fee structure.

Item 10 Supplementary Answers to Previous Questions

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

Item 11 Notices of Motion

Item 11.1 City of Sydney Recognition of and Support for Australian South Sea Islanders

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

It is resolved that:

(A) Council note:

- (i) Australian South Sea Islanders value their South Sea Islander (SSI) heritage and Pacific islands of origin: the eighty islands of Vanuatu and Solomon's, inclusive of Tuvalu, Kiribati, Fiji, Papua New Guinea and New Caledonia;
- (ii) Australian South Sea Islanders are the descendants of Pacific peoples that were coerced and forcibly removed or kidnapped from their islands and brought to Australia, through an Atlantic Slave trade practice known as blackbirding in the 1800s. The trade saw South Sea Islanders trafficked under the guise of 'Indentured Labour' contracts. They worked mainly in sugar cane farming, but also as seafarers, wharfies and deckhands. Other industries were pastoral, maritime, cotton, fishing, beche-de-mer and the railway economy across Queensland and New South Wales;
- (iii) in the early 1970s, the term 'Australian South Sea Islanders' was agreed upon by a widely consulted community made up of many first generation born leaders and elders. It was agreed that the word 'Australian' gave the mass displaced community a sense of belonging, place and identity as severely disadvantaged peoples;
- (iv) 2022 marks 175 years since entrepreneur politician Benjamin Boyd illegally trafficked the first 200 South Sea Islanders (SSI) to Eden, NSW, to labour alongside Maori and First Nations peoples (1847);
- (v) between 1863 and 1904, some 55,000 to 62,500 South Sea Islanders were forcibly brought to Australia;
- (vi) Sydney and NSW were deeply implicated in this immoral human trafficking, noting for example:
 - (a) Burns Philp, once a leading Australian and international food processing, retail and shipping conglomerate had its foundations in owning and operating ships engaged in blackbirding;
 - (b) Robert Towns (1794-1873), Member of the NSW Legislative Council, President of the Sydney Chamber of Commerce and leading businessman, owned ships used for blackbirding and profited from the forced labour transported on these ships; and
 - (c) The Colonial Sugar Refinery, located on the site which is now Waterfront Park, Pyrmont, processed sugar harvested on the Queensland canefields by blackbirded labour;

- (vii) in 1901, the Parliament of the newly federated Commonwealth of Australia passed the Pacific Island Labourers Act, as part of the larger White Australia policy, making it illegal to import South Sea Islanders and mandating the forcible deportation of all Islanders from Australia, even though many had established lives and families in Australia;
- (viii) some exemptions were made, with those South Sea Islanders who were allowed to remain having limited employment and other opportunities;
- (ix) this sorry, and still largely unknown history for many Australians, has resulted in a legacy of discrimination and disadvantage which is largely unrecognised still today in the 21st century;
- (x) on 6 May 1993, the Commonwealth Government tabled the report 'The Call for Recognition', A Report on the Situation of Australian South Sea Islanders, completed by the Human Rights and Equal Opportunity Commission (HREOC) in December 1992;
- (xi) the 1992 Human Rights and Equal Opportunity Commission Report 'The Call for Recognition' included six recommendations, with the first recommendation being:

"The Government should formally recognise Australian South Sea Islanders a unique minority group which is severely disadvantaged as a consequence of racial discrimination."
- (xii) in 1993 the United Nations Working Group on Indigenous and Minority Peoples identified Australian South Sea Islanders as 'population transfer';
- (xiii) on 25 August 1994, the Commonwealth Government formally responded in Parliament to the Human Rights and Equal Opportunity Commission Report 'The Call for Recognition', explicitly accepting the report's first recommendation, with the Government's response receiving bipartisan support;
- (xiv) this recognition included the Government acknowledging:
 - (a) Australian South Sea Islanders were a "distinct ethnic group in Australia with its own history and culture";
 - (b) the injustices of the indentured labour system;
 - (c) the severe disadvantage suffered by the South Sea Islanders and their descendants; and
 - (d) their contribution to the culture, history and economy of Australia;
- (xv) the annual anniversary of the Government's formal response is now commemorated by Australian South Sea Islanders as Recognition Day and is marked in the National Cultural Calendar;
- (xvi) in 1995, the then NSW Premier, Bob Carr, issued a Premier's Memorandum requesting all NSW Government agencies to ensure that the particular needs of Australian South Sea Islanders are adequately reflected in their programs and services, with particular reference to housing, employment, education and health services;
- (xvii) on 15 August 2013, the NSW Legislative Assembly formally noted 25 August 2013 as Australian South Sea Islander Recognition Day and acknowledged the contribution the Australian South Sea Islander community makes to New South Wales and its history in Australia; and

(xviii) on 12 September 2013, the Communities Relations Commission Chairperson Stephen Kerkyasharian AO, sent an official letter to all New South Wales State Agencies drawing their attention to the resolution passed in New South Wales Parliament and the Community Relations Commission and Principles of Multiculturalism, for their internal policies, programs and services to enable people of South Sea Islander heritage to be recognised and included;

(B) Council:

- (i) recognises that the official term 'Australian South Sea Islanders' relates to the descendants of blackbirding to NSW in 1847; while the historical term, 'South Sea Islanders' refers to both their ancestors, and today, the contemporary community of South Sea Islanders who have migrated to Australia;
- (ii) recognises the discrimination, injustice, disadvantage and prejudice experienced by South Sea Islanders throughout Australia's history and the significant disadvantage the community still faces today as Australian South Sea Islanders. This history must also be uncovered, acknowledged and embedded into the City of Sydney's planning for the future; and
- (iii) is committed to achieving a City for All: a sustainable, inclusive, diverse city that is welcoming and embraces people from all walks of life;

(C) Council note:

- (i) community consultations by the City in the planning for Sustainable Sydney 2050 uncovered a number of key concerns. Common themes that emerged during the consultation process included retaining:
 - (a) the unique character of Sydney; a city that is bold and daring and where residents participate in shaping their own future;
 - (b) a socially connected community that embraces sharing of spaces, resources and knowledge; and
 - (c) an equitable and inclusive community that celebrates diversity and difference;
- (ii) as part of their consultation and planning for Sustainable Sydney 2050, the City of Sydney undertook The First Peoples Dialogue Forum on 6 May 2019. This was set up to help ensure that the Aboriginal and Torres Strait Islander voice was incorporated into the strategic planning process;
- (iii) Recognition Day, and a surrounding Recognition Week, provide the City of Sydney an opportunity to program and promote initiatives especially designed in collaboration with Australian South Sea Islanders, with the goal to strengthen the community's awareness of, and pride in, this distinct culture; and
- (iv) prior Recognition Week ceremonies have seen the official Australian South Sea Islander flag raised annually at locations including Petersham and Leichhardt Town Hall (supported unanimously by Inner West Council) and the Australian National Maritime Museum to coincide with the Australian South Sea Islander 25th Anniversary since Commonwealth recognition. These gestures have helped provide the Australian South Sea Islander community a greater sense of belonging; and

(D) the Chief Executive Officer be requested to:

- (i) investigate the raising of the Australian South Sea Islanders flag over Town Hall annually for Recognition Week on 25 August, and/or light the Town Hall in the flag colours;
- (ii) investigate the scheduling of a Recognition Week program, where learning and cross-cultural awareness events, workshops and panel discussions could assist the community to better understand, learn about and share the lived experience of Australian South Sea Islanders;
- (iii) in consultation with the Australian South Sea Islander community, develop a briefing on the history of Australian South Sea Islanders and invite senior City of Sydney Staff to attend. This briefing will enhance the City's capacity to address these issues in a culturally appropriate way and provide feedback on long time community priorities such as grants, procurement and tracking;
- (iv) investigate a potential Dialogue Forum that brings together Australian South Sea Islanders, specialists, stakeholders, cultural institutions, and City of Sydney Staff, to assist in identifying long term community priorities and the appropriate frameworks for engaging with Australian South Sea Islander organisations and community representatives, that relates to and is inclusive of Australian South Sea Islander methods of cultural governance and practice through lived experiences;
- (v) where the City does not have the power to directly implement or affect these programs and services, advocate to the NSW and Commonwealth Governments to influence more equitable outcomes, including the continued implementation of the recommendations of the 1992 Call for Recognition report, the 1994 Commonwealth Government response to this report and the 1995 Premier's Memorandum; and
- (vi) provide an indicative timeline and framework for the above via the CEO Update.

Variation. At the request of Councillor Ellsmore, and by consent, the motion was varied by the addition of a clause (B)(iv) to read as follows –

- (iv) commits to formally acknowledge Australian South Sea Islander Recognition Day on 25 August, from 2022 onwards.

The motion, as varied by consent, was carried unanimously.

X086660

Item 11.2 Moore Park Road Temporary Cycleway

Moved by Councillor Gannon, seconded by Councillor Chan –

It is resolved that:

(A) Council note:

- (i) on 21 March 2022, Councillor Gannon and Dave Sharma MP met with residents who live along Moore Park Road, Centennial Park to discuss issues relating to the Moore Park Road Cycleway:
 - (a) that residents have expressed their serious concerns that the temporary cycleway and proposed parking along the south side of Moore Park Road;
 - (b) that residents do not feel as though Council has properly consulted with them;
 - (c) that the proposed parking along the temporary cycleway will be unsafe;
 - (d) that the temporary cycleway is not regularly cleaned or maintained and has become unsafe for cyclists; and
 - (e) that no plans for a future cycleway has been communicated to residents, which has added to their anxiety on the issue;
- (ii) that this Council has repeatedly reaffirmed its belief in expanding Sydney's safe cycleway network; and
- (iii) that the safety of cyclists, pedestrians, motorists and residents alike is paramount to any planning decision; and

(B) the Chief Executive Officer be requested to:

- (i) update Council via the CEO Update on all progress made on the Moore Park Road cycleway project;
- (ii) provide Councillors via the CEO Update the predicted timeline of events for the temporary cycleway configuration to be upgraded to a permanent cycleway;
- (iii) include in the CEO Update all plans previously considered and a report of feedback from past community consultation;
- (iv) update Councillors in the CEO Update of all current and planned parking arrangements along Moore Park Road, along with all safety reports completed or scheduled and any community consultation completed or scheduled;
- (v) ensure the temporary cycleway along Moore Park Road is kept clean and safe for use by cyclists, and consideration be given to a daily mechanical broom sweep; and
- (vi) assess the suitability and success of the 'grate-over-drain' treatments along this route, some of which appear to be a safety hazard.

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

It is resolved that:

(A) Council note:

- (i) on 21 March 2022, Councillor Gannon and Dave Sharma MP met with residents who live along Moore Park Road, Centennial Park to discuss issues relating to the Moore Park Road Cycleway:
 - (a) that residents have expressed their serious concerns that the temporary cycleway and proposed parking along the south side of Moore Park Road;
 - (b) that residents do not feel as though Council has properly consulted with them;
 - (c) that the proposed parking along the temporary cycleway will be unsafe;
 - (d) that the temporary cycleway is not regularly cleaned or maintained and has become unsafe for cyclists; and
 - (e) that no plans for a future cycleway has been communicated to residents, which has added to their anxiety on the issue;
- (ii) the City of Sydney has the highest number of cyclists and pedestrians of any capital city, and is committed to making bicycle transport easier and safer by connecting our cycling network, so it's an attractive option for more people;
- (iii) that the safety of cyclists, pedestrians, motorists and residents alike is paramount to any planning decision;
- (iv) Transport for NSW (TfNSW) handed responsibility for the Moore Park and Fitzroy Street cycleways to the City;
- (v) City staff regularly inspect the cycleway to sweep and check for repairs;
- (vi) Transport for NSW installed grates over the drains as of part of its installation;
- (vii) the City undertook community consultation on our Review of Environmental Factors and in May 2021 Council endorsed the cycleway to remain for up to two years;
- (viii) the City is currently making improvements for residents by:
 - (a) implementing overnight parking on the south side of Moore Park Road now that the works have been approved by Transport for NSW; and
 - (b) replacing temporary cycleway separators alongside the parking zone with wider and sturdier material;
- (ix) the Chief Executive Officer provided details of the Council resolution and engagement report for the Moore Park Road cycleway via the CEO Update on 11 March 2022; and
- (x) the City has no plans to make the Moore Park Road temporary cycleway permanent. It will be removed once the Oxford Street cycleway project (between Taylor Square and Centennial Park) is delivered with funding from the State and Federal Governments; and

(B) the Chief Executive Officer be requested to:

- (i) update Council via the CEO Update on all progress made on the Moore Park Road cycleway project;
- (ii) include in the CEO Update all plans previously considered and a report of feedback from past community consultation;
- (iii) update Councillors in the CEO Update of all current and planned parking arrangements along Moore Park Road, along with all safety reports completed or scheduled and any community consultation completed or scheduled; and
- (iv) investigate and recommend what further cleaning and maintenance is required to keep the temporary cycleway safe.

The motion, as varied by consent, was carried unanimously.

X086658

Item 11.3 Potts Point Waste Collection

Moved by Councillor Gannon, seconded by Councillor Scully –

It is resolved that:

(A) Council note:

- (i) that Potts Point is one of the densest suburbs in Australia; and:
 - (a) that the waste collection situation is becoming increasingly worse in Potts Point;
 - (b) that the increase in waste is due to many factors including the suburbs density and the high turnover of residents moving in and out of the area;
 - (c) that the degrading situation with waste collection is resulting in the local Ibis and rat population to increase;
 - (d) that the waste situation is not only unsightly but also a health and safety hazard for residents and visitors in the area; and
 - (e) that something urgently must be done to improve waste collection services in Potts Point and the Kings Cross locality; and

(B) the Chief Executive Officer be requested to report to Council via the CEO Update of immediate options for consideration to alleviate the current waste situation in the Potts Point area.

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

It is resolved that:

(A) Council note:

- (i) the City provides the following levels of service for waste collection in the Potts Point Area which includes:
 - (a) seven-day a week collection for general waste and recycling of multi-unit dwellings. This is required because some of Sydney's oldest apartment buildings are located in Potts Point and due to the period they were built, they do not have adequate space for the bin storage needed today; and
 - (b) on demand and unlimited weekly bulky waste collections;
- (ii) that Potts Point is one of the densest suburbs in Australia and residents have recently reported increasing issues with waste collection;
- (iii) the City has experienced a significant strain on staff resources, for both City staff and City contractors, due to Covid related absences, with the result that:
 - (a) significant disruptions to waste services were experienced during September to October 2021 and January to February 2022;
 - (b) general waste and recycling collections were prioritised during these periods. As a result organic and bulky waste collections were delayed or missed in some instances; and

- (c) as Covid related absences decrease, the waste collection delays are being resolved and the collection of all waste streams are generally on schedule;
- (iv) while some complaints have been received about commercial waste bins, the City of Sydney does not manage commercial waste collection and businesses are responsible for managing their own waste services;
- (v) that in response to recent complaints, Cleansing Operations are:
 - (a) sending a response truck to Tusculum Lane on a daily basis to collect any items that have been illegally dumped;
 - (b) currently inspecting all streets in the Kings Cross and Potts Point area daily to investigate and identify root causes of the issues; and
 - (c) working with staff from City Rangers, Health and Building, the Homelessness Unit to develop an action plan to address the root causes of the issue; and
- (vi) the Chief Executive Officer has advised Councillors via CEO Updates on 1 and 8 April 2022 that City Services are investigating and will report back via a CEO Update on the investigation findings and action plan.

The motion, as varied by consent, was carried unanimously.

X086658

Item 11.4 Gender Equity in City Grant Funding

Moved by Councillor Scott, seconded by Councillor Scully –

It is resolved that:

(A) Council note:

- (i) the City of Sydney is a council that promotes gender equity and equal recognition;
- (ii) increasingly, NSW local governments are harnessing the opportunities of grant funding to promote and achieve gender equity, specifically by setting gender equality targets for fair distribution of sports grants to ensure equal representation of both men and women in sports;
- (iii) Australia's national gender pay gap is 13.8 per cent, due in part to the uneven distribution of sports funding awarded to male dominated sports organisations;
- (iv) 50 per cent of Australian girls are quitting sport by the age of 15, compared to 30 per cent of their male counterparts;
- (v) a petition 'Equal Pay for Equal Play' was lodged within the NSW Legislative Assembly in 2021, calling for gender equality to be made a mandatory condition to be satisfied in order for sporting organisations and clubs to receive state government grants, funding and the award of tenders;
- (vi) the City's commitment to investigate the application of the 'gender mainstreaming approach' to the development of the Sustainable Sydney 2050 planning to ensure that public spaces, sport, recreation and facilities are planned for, designed and implemented with women – particularly girls, female teenagers, young women and those who identify as gender non-binary;
- (vii) the City's commitment to investigate research opportunities to better understand if and to what extent this gender 'play gap' within our City, including usage of skate parks, outdoor gyms, basketball courts, indoor studios, tennis courts and community fields;
- (viii) the City's commitment to investigating ways in which public space design and programming can more equitably provide for girls, female teenagers, women and those who identify as non-binary, providing equal opportunities to participate, thereby contributing to our realisation of a 'City for All'; and
- (ix) the City's responsibility to set an example to other local government areas by committing to achieving greater gender equality within this Council term;

(B) Council commits to and adopts Goal 5 of the United Nations Sustainable Development goals, namely, 'gender equality' and applies this to the distribution of City grants; and

(C) the Chief Executive Officer be requested to:

- (i) consider, as part of the City of Sydney's review of grants, changing our requirements for grants to better apply considerations of how to better promote greater gender equity;
- (ii) consider, as criteria, in the City of Sydney's review of grants, the need for applicants to:
 - (a) specify gender equity and equal opportunity actions;
 - (b) provide equal recognition and prize money for both boys and girls, men and women, at all levels, where relevant;

- (c) provide equal opportunity (entry positions, space, time, training, resources) for both genders including children of both genders to participate in events including competitions and training;
 - (d) provide equal opportunities in administration and management, in relation to elements including coaching pathways, officiating and sitting on boards of governance to promote more female participation in these leadership roles; and
 - (e) detail community engagement strategies to enhance the participation, engagement and ongoing support of women and girls at all levels of competition in all sports and activities;
- (iii) adopt, as part of the City's communications strategy, gender equity with respect to featuring women and girls through City of Sydney communications and social media; and
- (iv) provide an update via the CEO Update about how these changes will be adopted.

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

It is resolved that:

(A) Council note:

- (i) the City of Sydney is a council that promotes gender equity, inclusion and equal recognition;
- (ii) on 24 August 2020, Council unanimously supported a motion by Councillor Jess Miller requesting the Chief Executive Officer to investigate action the City could take to address the "Gender Play Gap", in the design, usage and programming of the City's sports and recreation facilities, including the application of the 'gender mainstreaming' approach (undertaken by the City of Vienna since the 1990s);
- (iii) the City of Sydney encourages grant and sponsorship applications from across the community, including people from diverse ethnic and cultural groups, people of all ages, people of all sexual orientations and gender identities and people with disability;
- (iv) all grant and sponsorship applicants are required to agree with the City of Sydney's ethics framework including that they will not unlawfully discriminate on the basis of race, religion, gender or sex in employment, marketing or advertising practices;
- (v) unconscious bias training and resources are available all staff engaged in the assessment of grant and sponsorship applications;
- (vi) gender balance is ensured on all grant and sponsorship assessment panels;
- (vii) when applications relate to projects with particular relevance to women, staff with relevant skills and experience are involved in the assessment process. This includes (but is not limited to) projects supporting women experiencing or at risk of experiencing homelessness and projects to support women experiencing domestic violence;
- (viii) following community feedback, the City has introduced verbal applications based on community feedback, with women being in the majority of applicants taking advantage of this opportunity;

- (ix) increasingly, NSW local governments are harnessing the opportunities of grant funding to promote and achieve gender equity, specifically by setting gender equality targets for fair distribution of sports grants to ensure equal representation of both men and women in sports;
 - (x) Australia's national gender pay gap is 13.8 per cent, due in part to the uneven distribution of sports funding awarded to male dominated sports organisations;
 - (xi) 50 per cent of Australian girls are quitting sport by the age of 15, compared to 30 per cent of their male counterparts;
 - (xii) a petition 'Equal Pay for Equal Play' was lodged within the NSW Legislative Assembly in 2021, calling for gender equality to be made a mandatory condition to be satisfied in order for sporting organisations and clubs to receive state government grants, funding and the award of tenders;
 - (xiii) the City's commitment to investigate the application of the 'gender mainstreaming approach' to the development of the Sustainable Sydney 2050 planning to ensure that public spaces, sport, recreation and facilities are planned for, designed and implemented with women – particularly girls, female teenagers, young women and those who identify as gender non-binary;
 - (xiv) the City's commitment to investigate research opportunities to better understand if and to what extent this gender 'play gap' within our City, including usage of skate parks, outdoor gyms, basketball courts, indoor studios, tennis courts and community fields;
 - (xv) the City's commitment to investigating ways in which public space design and programming can more equitably provide for girls, female teenagers, women and those who identify as non-binary, providing equal opportunities to participate, thereby contributing to our realisation of a 'City for All'; and
 - (xvi) the City's responsibility to set an example to other local government areas by committing to achieving greater gender equality within this Council term;
- (B) Council commits to and adopts Goal 5 of the United Nations Sustainable Development goals, namely, 'gender equality' and applies this to the distribution of City grants; and
- (C) the Chief Executive Officer be requested to:
- (i) consider, as part of the City of Sydney's review of the Grants and Sponsorship Policy, including in the standard assessment criteria for all grant and sponsorship programs a requirement that applicants demonstrate evidence of diversity, inclusion and equity, in their organisation, and in the planning and delivery of their project;
 - (ii) inform Councillors via the CEO Update of action taken to date to address the "Gender Play Gap", including the City's community engagement strategies to enhance the participation, engagement and ongoing support of women and girls at all levels of competition in all sports and activities; and
 - (iii) adopt, as part of the City's communications strategy, gender equity with respect to featuring women and girls through City of Sydney communications and social media.

The motion, as varied by consent, was carried unanimously.

X086655

At 8.17 pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on Monday 16 May 2022 at which
meeting the signature herein was subscribed.