

Council

Meeting No 9

Monday 31 October 2022

Notice No 9/1646

Notice Date 27 October 2022

minutes

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Present

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

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

At the commencement of business at 5.01pm, those present were:

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

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillors Ellsmore, Jarrett, Scott and Weldon were attending the meeting of Council remotely, via audio visual link pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

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.

Councillor Scott left the meeting of Council at 5.54pm prior to discussion on Item 6.8, and returned at 5.55pm, after the vote on Item 6.8. Councillor Scott was not present at the meeting of Council, which she was attending remotely, during discussion or voting on Item 6.8.

Closed Meeting

At 6.16pm, Council resolved to close the meeting to the public to discuss the confidential attachment to Item 10 on the agenda.

Open Meeting

At 7.07pm, the meeting of Council was reopened to the public.

Item 1 Confirmation of Minutes

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

That the Minutes of the meeting of Council of Monday, 19 September 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2 Statement of Ethical Obligations and Disclosures of Interest

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 5.2(b) on the agenda, in that her children attend the public school referred to in the petition. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the concern for child safety is shared by everyone.
- a less than significant, non-pecuniary interest in Item 6.5 on the agenda, in that she is Chair of an industry superannuation fund, CareSuper, which also undertakes investment activity. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she sees no crossover, but makes this disclosure out of an abundance of caution.
- a pecuniary interest in Item 6.8 on the agenda, in that she is president of the Australian Local Government Association, of which the NSW Local Government Association is a member. Additionally, Councillor Scott is the City's delegate to SSROC, and Senator John Faulkner, who she understands was involved in the establishment of the Bondi to Manly Walk Supporters, is a previous employer.

Councillor Scott stated that she would not be voting on this matter.

- a less than significant, non-pecuniary interest in Item 13.9 on the agenda, in that she is Chair of an industry superannuation fund, CareSuper, and president of the Australian Local Government Association, both of which have been invited to join the fund. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this motion relates directly to the City's affordable housing fund contributions.

Councillor HY William Chan made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.8 on the agenda, in that he is a member or is affiliated with: Local Government NSW, The Committee for Sydney, International Council for Local Environmental Initiatives (ICLEI), Materials and Embodied Carbon Leaders' Alliance (MECLA), and Green Building Council of Australia. Councillor Chan also disclosed that he has been elected on the executive of Climate Emergency Australia, as a Councillor representing the City of Sydney. Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because these are all voluntary roles and the memberships do not conflict with that of the City of Sydney.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that he is a former employee of Hassell in the Sydney studio. Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not worked for Hassell since 2013 and was not involved in the City North projects presented in the Council report.
- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that he previously worked on Transport for NSW's Sydney Metro City and Southwest and Sydney Metro West urban design and master planning, including for Martin Place and Hunter Street stations. Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not been involved in the aforementioned Sydney Metro station projects since 2020.

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 Vale Aunty Selena Blakeney

Minute by the Lord Mayor

To Council:

The Woolloomooloo community along with many City staff were saddened by the recent passing of Aunty Selena Blakeney. Her family has given me permission to honour her life in this Lord Mayoral Minute.

Born on 13 September 1948, Aunty Selena identified as a Yaegl / Wiradjuri woman from Cabbage Tree Island. Passionate about her culture and communities, she shared her time between her family and the communities of Cabbage Tree Island and Woolloomooloo. A generous and kind respected Elder, she was also known in the Woolloomooloo Community as the Black Queen.

Her Woolloomooloo home was a gathering place, a place for all ages to meet, feel welcome and enjoy a sense of belonging. On Christmas Eve, she would have her famous spaghetti bolognaise ready for anyone who popped in for a yarn.

Beyond her home she helped organise many NAIDOC gatherings and community events. The City is particularly grateful for Aunty Selena's leadership, advocacy and assistance in supporting the needs of the Woolloomooloo community during the Covid-19 pandemic.

Aunty Selena's legacy will continue through the many community projects she worked on over her years. Most recently, we recognise her success in creating 'Matora Mob Committee' with support from the City, which provides a space for the needs and aspirations of the Woolloomooloo community that she cared so deeply about.

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Aunty Selena Blakeney and her significant contribution to the Woolloomooloo community;
- (B) Council express its condolences to Aunty Selena's family; and
- (C) the Lord Mayor be requested to convey Council's condolences to Aunty Selena's family.

COUNCILLOR CLOVER MOORE

Lord Mayor

Note – at the meeting of Council, the content of the original Minute was varied by the Lord Mayor. Subsequently, it was –

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

It is resolved that:

(A) Council note:

- (i) Aunty Selena Blakeney was an elder and wise woman from Yaegl and Wiradjuri lands, living from 1948 until 2022;
- (ii) Aunty Selena has been remembered as a strong, cultural woman who stood her ground, for her people;
- (iii) Aunty Selena played a role in delivering successful native title claims on Yaegl and Wiradjuri lands, securing outcomes for Indigenous Australians on lands known by many as Cabbage Tree Island and Yamba; and
- (iv) much of Aunty Selena's life was spent, with her family, in Woolloomooloo advocating for our City's Indigenous communities, bringing together diverse communities to achieve tangible outcomes over the long term;

(B) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Aunty Selena Blakeney and her significant contribution to the Woolloomooloo community;

(C) Council express its condolences to Aunty Selena's family; and

(D) the Lord Mayor be requested to convey Council's condolences to Aunty Selena's family.

Carried unanimously.

Note – the Chair (the Lord Mayor) acknowledged the presence of Michelle Blakeney, Ruby Lai Blakeney, Natasha Davies and Kori Blakeney.

Note – All Councillors, staff and members of the public present stood in silence for one minute as a mark of respect to Aunty Selena Blakeney.

S051491

Item 3.2 Vale Nelson Meers AO**Minute by the Lord Mayor**

To Council:

I wish to inform Council of the passing of Nelson John Meers AO philanthropist, arts patron and 38th Lord Mayor of Sydney.

A fifth-generation Australian, Nelson Meers was born into a pioneer grazing family in Dubbo in 1938. He recalled the walls of the Meers' homesteads being adorned with numerous European bucolic landscapes. Another memory was his father taking him to the Art Gallery of New South Wales at the age of eight to be introduced to George Lambert's iconic painting Across the Black Soil Plains. It was his first real experience of the power of art, and one that helped shape his later work.

After obtaining a law degree from the University of Sydney, he worked as a practising solicitor for several years, establishing an extensive commercial and defamation practice as a partner of two leading international law firms.

On 21 September 1974, he was elected as a Civic Reform Alderman representing Fitzroy Ward, which included Potts Point, Kings Cross and Elizabeth Bay.

As an Alderman, he advocated for the residential regeneration of the CBD and the restoration of the Queen Victoria Building. In 1978, he briefly served as Deputy Lord Mayor, before becoming Lord Mayor following the sudden death of Alderman Leo Port. He continued as Lord Mayor until 21 September 1980, when he did not seek re-election to Council.

He subsequently became the National Executive Director of the Australian Retailers Association and was also involved in the NSW Chamber of Manufactures. He later established Nekar Hoteliers Pty Ltd, an investment company which became owner of seven western Sydney hotels. The venture made him a wealthy man. This wealth was not to be directed exclusively to his private benefit.

In the late 1960s, he visited Minneapolis as a young lawyer. He later recalled:

"There I visited the city's Institute of Arts and was totally unprepared for the visual feast I was served up – Rubens, Rembrandt, El Greco, Pissaro, and all the major impressionists were represented. I was told that all the paintings were donated by private citizens, and I was astounded. There was not enough hanging space in the galleries to accommodate the treasures in the museum's archives!"

"I thought of the relative impoverishment of the art gallery in Sydney at the time and it was then that the dream was born of one day creating a foundation that would support the arts community and its institutions."

That dream was realised in 2001 when, together with his daughter Sam, he established The Nelson Meers Foundation, the first prescribed private fund in Australia.

He later explained: "I accept as a basic truth that if you have prospered it should be shared with the community. It also follows that I do not want my children's ambitions to be shackled by inherited wealth."

The Nelson Meers Foundation was established as a family foundation, with its operations overseen by an advisory board comprised of family members and members of the community. Sam Meers is its executive director.

The Foundation directed its efforts towards providing grants to cultural organisations engaged in the visual arts, the performing arts, and the literary arts. Australian cultural institutions which have benefited from the Foundation's support include the New England Art Museum, the Australian Ballet, and the Australian Youth Orchestra. Its Heritage Collection project with the State Library of NSW resulted in the creation of a gallery within the Library in which historical artefacts such as Bligh's logbook, are made available to the public through a 10-year rotating exhibition program.

Nelson Meers believed wholeheartedly in "conspicuous philanthropy".

"Anonymous giving does little to encourage others and implies a passive role in the giving process. We believe it's important to have a positive, interactive relationship with the organisations we support, and our approach has always been to speak publicly about our giving and about the benefits of philanthropy more generally. I think often of Churchill's famous words: 'We make a living by what we get, but we make a life by what we give.'"

In 2005, the Foundation won the Australian Business Arts Foundation's Philanthropy Leadership Award. In the same year, Nelson Meers became an Officer of the Order of Australia in recognition of his service to the preservation of Australian cultural life.

Nelson Meers explained the motivation for his Foundation's work.

"In my life I have been fortunate to experience the magnificence of visual art, literature, music, architecture and all the performing disciplines. Throughout history, and indeed in my lifetime, I have seen the potency of art and the capacity various artistic forms have to influence and focus the human spirit for the better. The credo for our foundation has therefore become 'where the arts and learning flourish so do tolerance and enlightenment'. As such we are extremely proud to support organisations and projects that advance the arts, or that seek to utilise the arts to create positive social change, by promoting individual wellbeing, community sustainability or cultural tolerance."

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Nelson John Meers AO and his significant contribution to the arts, philanthropy and civic life;
- (B) Council express its condolences to Nelson Meers' family; and
- (C) the Lord Mayor be requested to convey Council's condolences to Nelson Meers' family.

COUNCILLOR CLOVER MOORE

Lord Mayor

Moved by the Chair (the Lord Mayor) –

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

Carried unanimously.

Note – the Chair (the Lord Mayor) acknowledged the presence of Carole Meers, Sam Meers, Simon Meers, and Byron Meers.

Note – All Councillors, staff and members of the public present stood in silence for one minute as a mark of respect to Nelson John Meers AO.

S051491

Item 3.3 Prince Alfred Park**Minute by the Lord Mayor**

To Council:

Unique outdoor events, like the Night Noodle Markets, have been a key part of how many people enjoy Sydney for many years.

The City works hard to balance the protection of our public spaces with opportunities to create community events and support business opportunities in the City. This has been especially important as we recover from the impacts of the pandemic.

However, climate change has accelerated severe weather events, adding another layer of complexity to event planning. Given this year's unrelenting rain, outdoor events have made a significant impact on our parks.

Hyde Park traditionally hosted the noodle markets, but approval wasn't given this year because of damage to the park in the past and the need to lock off large areas of the park for a significant time for it to recover. A decision was made to relocate the night noodle markets this year to Prince Alfred Park because of its size and proximity to public transport.

The City carried out a dilapidation report before the Night Noodle Markets commenced to assess the park's condition, and it was found to be satisfactory. Now the markets have finished, City staff will do another assessment and the event organiser will be responsible for restoring the park to its original condition. Sections of the park will temporarily be fenced off for turfing and remediation.

We know the damage caused has been of concern for our residents who love and rely on our parks for renewal, and recreation.

In the past, the City has carefully distributed events across a range of sites to make sure locations are not overused, and when our parks are used for events, clear conditions for organisers to adhere to are set out to minimise their impact.

We want to be able to continue to hold one day community events such as Christmas concerts, Yabun and Mardi Gras Fair Day. We could also consider hard stand venues such as St. Mary's Cathedral Square, Martin Place or Darling Harbour for other events.

Recommendation

It is resolved that:

- (A) the Chief Executive Officer be requested to:
- (i) review the City of Sydney's policies for booking our public parks in relation to any existing and future events, particularly commercial events that extend to more than one day;
 - (ii) not accept any new bookings for events in our parks that may cause damage to the grassed areas while the review is underway;
 - (iii) work with event applicants to find alternative hard-stand locations (within and outside the City's jurisdiction), where possible; and
 - (iv) report back to Councillors on the progress of the review via CEO Updates; and
- (B) the Lord Mayor be requested to write to the NSW Minister for Infrastructure, Cities and Active Transport about making State-controlled public spaces like Darling Harbour more available and affordable for events.

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.

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

That the Minute be amended by the removal of clause (B).

The amendment was lost on the following show of hands –

Ayes (1) Councillor Scott

Noes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scully and Weldon*.

Amendment lost.

*Note – Councillor Weldon abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Weldon is taken to have voted against the amendment.

The substantive Minute was carried unanimously.

S051491

Item 4 Memoranda by the Chief Executive Officer**Item 4.1 Proposed Schedule of Meetings and Briefings for 2023****Memorandum by the Chief Executive Officer**

To Council:

This memorandum requests that Council approve the draft Schedule of Meetings and Briefings for 2023.

The draft Schedule of Meetings and Briefings for 2023 (Attachment A) has been prepared on the basis of a three-week meeting cycle (Council Briefings, Committees and Council), consistent with the meeting arrangements adopted by Council in previous years. The draft schedule proposes 10 meeting cycles for 2023.

Section 365 of the Local Government Act 1993 states that "the council is required to meet at least 10 times each year, each time in a different month", with "year" meaning the period from 1 July to the following 30 June (the financial year).

To ensure compliance with the provisions of section 365, the draft Schedule of Meetings and Briefings for the calendar year 2023 provides for:

- (a) five meetings in the first half of 2023 (making a total of 10 meetings for the 2022/23 financial year, inclusive of the five meetings of Council which will have been held in the second half of 2022); and
- (b) five meetings of Council held in the second half of 2023 (making a total of 10 meetings for the 2023/24 financial year, on the basis that a further five meetings of Council will be scheduled for the first half of 2024).

It is noted that:

- (a) the 2023 Annual Conference of Local Government NSW is currently scheduled to be held from 12 to 14 November 2023;
- (2) briefings will be held on a Tuesday in June 2023 due to a public holiday falling on the relevant Monday; and
- (b) if considered necessary, additional "tentative" briefings dates, intended to accommodate such matters as external presentations, workshops and other non-meeting agenda items, will be separately distributed to Councillors, following approval of the draft schedule.

It would be appropriate for Council to now determine a program of meetings and briefings for next year to enable all interested parties to plan their commitments.

The City's website will be updated with the 2023 meeting dates if endorsed by Council.

Recommendation

It is resolved that Council adopt the draft schedule of meetings and briefings for 2023, as shown at Attachment A to the subject memorandum.

MONICA BARONE

Chief Executive Officer

Attachments

Attachment A. Draft Schedule of Meetings and Briefings for 2023

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

It is resolved that Council adopt the draft schedule of meetings and briefings for 2023, as shown at Attachment A to the subject memorandum.

Carried unanimously.

S063444-02

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2023	
DATE	MEETING
SCHOOL HOLIDAYS – Monday 19 December 2022 to Wednesday 25 January 2022, inclusive	
MONDAY 30 JANUARY	• RECESS
MONDAY 6 FEBRUARY	• BRIEFINGS
MONDAY 13 FEBRUARY	• COMMITTEES
MONDAY 20 FEBRUARY	• COUNCIL
MONDAY 27 FEBRUARY	• BRIEFINGS
MONDAY 6 MARCH	• COMMITTEES
MONDAY 13 MARCH	• COUNCIL
MONDAY 20 MARCH	• BRIEFINGS
MONDAY 27 MARCH	• COMMITTEES
MONDAY 3 APRIL	• COUNCIL
SCHOOL HOLIDAYS – Monday 10 April to Monday 24 April 2022, inclusive	
MONDAY 10 APRIL	• RECESS (Public Holiday)
MONDAY 17 APRIL	• RECESS
MONDAY 24 APRIL	• RECESS
MONDAY 1 MAY	• BRIEFINGS
MONDAY 8 MAY	• COMMITTEES
MONDAY 15 MAY	• COUNCIL
MONDAY 22 MAY	• RECESS
MONDAY 29 MAY	• RECESS

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2023	
DATE	MEETING
MONDAY 5 JUNE	• RECESS
MONDAY 12 JUNE	• King's Birthday Public Holiday
TUESDAY 13 JUNE	• BRIEFINGS
MONDAY 19 JUNE	• COMMITTEES
MONDAY 26 JUNE	• COUNCIL
SCHOOL HOLIDAYS - Monday 3 July to Friday 14 July 2022, inclusive	
MONDAY 3 JULY	• RECESS
MONDAY 10 JULY	• RECESS
MONDAY 17 JULY	• RECESS
MONDAY 24 JULY	• RECESS
MONDAY 31 JULY	• RECESS
MONDAY 7 AUGUST	• BRIEFINGS
MONDAY 14 AUGUST	• COMMITTEES
MONDAY 21 AUGUST	• COUNCIL
MONDAY 28 AUGUST	• RECESS
MONDAY 4 SEPTEMBER	• BRIEFINGS
MONDAY 11 SEPTEMBER	• COMMITTEES
MONDAY 18 SEPTEMBER	• COUNCIL
SCHOOL HOLIDAYS - Monday 25 September to Friday 6 October 2022, inclusive	
MONDAY 25 SEPTEMBER	• RECESS
MONDAY 2 OCTOBER	• RECESS (Labour Day Public Holiday)
MONDAY 9 OCTOBER	• BRIEFINGS

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2023	
DATE	MEETING
MONDAY 16 OCTOBER	• COMMITTEES
MONDAY 23 OCTOBER	• COUNCIL
MONDAY 30 OCTOBER	• BRIEFINGS
MONDAY 6 NOVEMBER	• COMMITTEES
Sunday 12 to Tuesday 14 November	• LGNSW Annual Conference
MONDAY 20 NOVEMBER	• COUNCIL
MONDAY 27 NOVEMBER	• BRIEFINGS
MONDAY 4 DECEMBER	• COMMITTEES
MONDAY 11 DECEMBER	• COUNCIL
MONDAY 18 DECEMBER	• RECESS
SCHOOL HOLIDAYS – Wednesday 20 December 2023 to Monday 29 January 2024, inclusive	

The recess continues until the first Committee meetings of 2024.

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

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

Carried unanimously.

5.2 Petitions

(a) Petition in Regards to Parking for Arts Workers

The following Petition, of which notice was given by the Lord Mayor, was tabled.

We the undersigned would like to request that provision be made for cheap parking for workers in the theatre / arts zone incorporating the Sydney Opera House, the Wharf theatres (serving Sydney Theatre Company, Sydney Dance Company, Bangarra Dance Theatre, Australian Theatre for Young People and others), and the Roslyn Packer Theatre.

Currently parking is non-subsidised and exorbitant for workers involved in six nights performance per week. Costs are between \$4.40 and \$6.40 per hour on the street metres, and the Wilson Parking early-bird rates are unavailable to arts workers commencing their work in the evenings. This severely impacts on incomes in this high-inflation era.

Public transport is distant, especially for the Wharf and Roslyn Packer theatre areas, and workers coming out of theatre shows at night are vulnerable on the walk to busses, rail or light rail.

We ask that subsidised parking be made available to workers in the above areas, either by arrangement with Wilson Parking, or by the creation of a subsidised parking area set aside for authorised working personnel (with suitable accessibility arrangements for changing cast and crew).

We also ask that during major city-based events such as Vivid, arts workers are given secured access to parking in the Arts precinct.

We ask that a response to this petition be given no later than thirty-one days after it has been delivered.

A copy of this petition has been lodged with the City of Sydney, the Artistic Director and Executive Director of Sydney Theatre Company, the Executive Assistant to the CEO of the Sydney Opera House, the Executive Director and Artistic Director of Bangarra Dance Theatre, the Executive Director of Bell Shakespeare Company, and the Artistic Director, Executive Director and Director of Strategic Initiatives of ATYP.

(b) Street Safety for Newtown Public School

The following Petition, of which notice was given by Councillor Scott, was tabled.

Safety of our students is the number one priority of community members of Newtown Public School.

Accordingly, in light of a near fatal accident involving a child, we call on the City of Sydney Council to urgently improve the pedestrian safety of Whitehorse Street, off King Street, including undergrounding power lines to increase space for students to walk safely and removing hazardous blind spots.

Additionally, we call on the City of Sydney to urgently fund and progress a joint project with School Infrastructure NSW to widen the footpath on Whitehorse Street, between Newman Lane and Norfolk Street, and where possible include a kiss and ride spot to enable safer drop offs and pick ups for parents of students.

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

It is resolved that the Petitions be received and noted.

Carried unanimously.

S044250

Point of Order

During discussion of Item 5.2(b), Councillor Scully raised a point of order, stating that Councillor Scott was speaking to a matter unrelated to the item under discussion.

The Chair (the Lord Mayor) upheld the point of order.

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

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jess Scully
(Deputy Chair)

Deputy Lord Mayor Councillor Sylvie Ellsmore, Councillors HY William Chan, Lyndon Gannon, Shauna Jarrett, Robert Kok, Linda Scott and Yvonne Weldon.

At the commencement of business at 2.00pm those present were -

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

Councillor Scott left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.18pm, prior to discussion on Item 6.8, and returned at 3.20pm, after the vote on Item 6.8. Councillor Scott was not present at, or in sight of, the meeting of the Corporate, Finance, Properties and Tenders Committee during discussion or voting on Item 6.8.

Apologies

Councillor (Waskam) Emelda Davis extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 3.45pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Scully, seconded by Councillor Scott –

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 17 October 2022 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.3 to 6.7 and 6.9 to 6.15 inclusive being adopted in globo, and Item 6.8 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.1

Confirmation of Minutes

Moved by Councillor Scully, seconded by Councillor Ellsmore –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 12 September 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 6.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.5 on the agenda, in that she is Chair of an industry super fund, CareSuper, which also undertakes investment activity.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she sees no crossover, but makes this disclosure out of an abundance of caution.

- a pecuniary interest in Item 6.8 on the agenda, in that she is president of the Australian Local Government Association, of which the NSW Local Government Association is a member. Additionally, Councillor Scott is the City's delegate to SSROC, and Senator John Faulkner, who she understands was involved in the establishment of the Bondi to Manly Walk Supporters, is a previous employer.

Councillor Scott stated that she would not be voting on this matter.

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 6.3

Presentation of the 2021/22 Financial Statements and Audit Reports to Council

It is resolved that Council:

- receive the Financial Statements for City of Sydney for the year ended 30 June 2022, as shown at Attachment A to the subject report;
- authorise the Lord Mayor, Councillor Jess Scully (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the General Purpose Financial Statements;
- authorise the Lord Mayor, Councillor Jess Scully (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the Special Purpose Financial Statements;
- receive the auditor's reports on the 2021/22 Annual Financial Statements;
- note that due to the timing of Council's meeting calendar for 2022, a short extension has been sought from the Office of Local Government for submission of the Annual Financial Statements to allow Council approval and receipt of signed Auditor's reports; and
- authorise that notice be given, through Sydney Your Say, of public presentation of the audited 2021/22 Financial Statements for the City of Sydney at the Council meeting on 21 November 2022.

Carried unanimously.

Speakers

Margaret Crawford (NSW Auditor-General) and Carolyn Karakatsanis (Director Financial Audit) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

Item 6.4

Audit Risk and Compliance Committee Annual Report to Council 2021/22

It is resolved that Council note the Audit Risk and Compliance Committee's 2021/22 Annual Report, as shown as Attachment A to the subject report.

Carried unanimously.

S083523

Speaker

Carolyn Walsh, Chair of the Audit, Risk and Compliance Committee, addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.4.

Item 6.5

Review of the Investment Policy and Strategy

It is resolved that Council adopt the revised Investment Policy and Investment Strategy for the management and investment of Council's funds, as shown in Attachments A and B to the subject report.

Carried unanimously.

X020701

Item 6.6

Investments Held as at 30 September 2022

It is resolved that the Investment Report as at 30 September 2022 be received and noted.

Carried unanimously.

X020701

Item 6.7**Public Exhibition - Naming Policy**

Note - the Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 31 October 2022.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Scully and seconded by Councillor Scott, as part of an in globo motion -

It is resolved that:

- (A) Council approve the public exhibition of the draft Naming Policy as shown in Attachment A to the subject report for a minimum of 28 days;
- (B) Council note the draft Naming Policy and any recommended changes will be reported back to Council following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Naming Policy.

Carried unanimously.

X091474

Item 6.8**External Memberships**

Moved by Councillor Scully, seconded by Councillor Kok -

It is resolved that Council:

- (A) receive and note the City's membership of the associations outlined in Attachment A to the subject report; and
- (B) note that final membership amounts change from time to time and any significant changes will be reported back to Council via the CEO Update.

Carried unanimously.

S076031

Item 6.9**Land Classification - 4C-4F Huntley Street, Alexandria**

It is resolved that Council endorse the classification of the City owned property at 4C-4F Huntley Street, Alexandria (being Folio Identifiers 5/270849, 4/270849, 3/270849, 2/270849) as operational land in accordance with section 31 of the Local Government Act 1993 (NSW).

Carried unanimously.

X086236.011

Item 6.10

Ashmore Precinct Trunk Stormwater Project - Amendment to Project Agreement with Sydney Water

It is resolved that:

- (A) Council note that the updated extensive flood modelling for the Ashmore Precinct Trunk Stormwater Project confirms the significant stormwater works, already undertaken and to be undertaken as part of the redevelopment of the Ashmore precinct, will significantly reduce flooding in the precinct;
- (B) Council note that the Concept Design Report in Confidential Attachment C to the subject report has recommended the scope include construction of a large inlet structure on Coulson Street, Transition Structure within 165-175 Mitchell Road, culvert improvements on Euston Road and short-term flap gate(s) installation along Burrows Road, Erskineville. This reduced scope will still meet the original objectives of the Project;
- (C) Council approve the substantive terms of the draft contract variation, set out in Annexure 1 to the Original Ashmore Project Agreement between the City and Sydney Water Corporation for the Ashmore Precinct Trunk Stormwater Project, as detailed in Confidential Attachment B to the subject report;
- (D) Council note that, as detailed in Confidential Attachment B to the subject report, on execution of the contract variation, the new scope will be split between the parties for delivery. Sydney Water will engage third party service providers for their works and the City will complete their works under an existing Voluntary Planning Agreement (VPA);
- (E) Council note that, as detailed in Confidential Attachment B to the subject report, Sydney Water will reimburse the City's costs on the project to date to offset Green Square Trunk Drain descope works, Sydney Water will deliver all scope not covered by an existing VPA and both parties will cover their own costs after execution;
- (F) Council not invite tenders for the City's works in accordance with the tendering requirements set out in section 55 of the Local Government Act 1993 as the work will be completed under an existing Voluntary Planning Agreement; and
- (G) authority be delegated to the Chief Executive Officer to finalise negotiations, execute and administer the contract variation to the Original Ashmore Project Agreement, based on terms substantially the same as the terms shown at Confidential Attachment B to the subject report.

Carried unanimously.

X008356.006

Item 6.11**Green Square Trunk Drain - Updated Project Agreement with Sydney Water**

It is resolved that:

- (A) Council note that the delivery of the eastern section (approximately 400 metres) of the project from Rose Valley Way to Link Road has been staged due to buildings at the time being located over the stormwater drain. Delivery of this section is being timed with the redevelopment of three properties via Voluntary Planning Agreements, of which two are substantially complete;
- (B) Council approve the substantive terms of the Deed of Asset Ownership and amendment to the original Project Agreement for the Green Square Trunk Stormwater Project between the City and Sydney Water Corporation, as detailed in Confidential Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to finalise negotiations, execute and administer the Deed of Asset Ownership and amendment to the original Project Agreement, substantially on the same terms shown at Confidential Attachment B to the subject report.

Carried unanimously.

S121015

Item 6.12**Contract Variations – Construction Contract and Design Consultancy Contract for the Green Square to Ashmore Connector Road**

It is resolved that Council:

- (A) approve additional contract contingency for the consultancy contract with AECOM Australia for additional design and construction stage services for the Green Square to Ashmore Connector, as outlined in Confidential Attachment A to the subject report;
- (B) approve additional contract contingency for the construction contract with Ford Civil Contracting Pty Ltd for construction of the Green Square to Ashmore Connector Road and Associated Works, as outlined in Confidential Attachment A to the subject report; and
- (C) approve the additional funds sought for the Green Square to Ashmore Connector Road project as detailed in Confidential Attachment A to the subject report.

Carried unanimously.

X010049

Item 6.13

Contract Variation - Design Consultants for the Bike Network Program

It is resolved that:

- (A) Council approve an increased contingency value for the existing Head Consultant Contract with AECOM Australia Pty Ltd for the Bike Network Program to cover additional services as described in Confidential Attachment A to the subject report; and
- (B) Council note the financial implications detailed in Confidential Attachment A to the subject report.

Carried unanimously.

X026113

Item 6.14

Exemption from Tender - SEEK and LinkedIn Job Board Subscription Services

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders to provide job board subscriptions;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) there is a lack of availability of alternative suppliers;
 - (ii) both SEEK and LinkedIn are unique platforms in the Australian job market without viable competitors; and
 - (iii) both SEEK and LinkedIn are central to the City's advertising strategy to attract talent;
- (C) Council approve entering into contracts with:
 - (i) SEEK Limited, and
 - (ii) LinkedIn Singapore PTE LTD;for job board subscription services for a period of up to five years subject to satisfactory performance, which will be reviewed annually;
- (D) Council note that the total contract sums and contingency for SEEK Limited and LinkedIn Singapore PTE LTD job board subscriptions are outlined in Confidential Attachment A to the subject report; and

- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the SEEK and LinkedIn job board subscriptions.

Carried unanimously.

X084308

Item 6.15

Cancellation of Tender - T-2022-802 and Exemption from Tender - Construction, Installation, and De-Installation of Lantern Toppers and Ground Based Lanterns for 2023 Sydney Lunar Festival

It is resolved that:

- (A) Council cancel the tender for the construction, installation and de-installation of Lantern Toppers and Ground Based Lanterns for 2023 Sydney Lunar Festival as no responses were received;
- (B) Council approve an exemption from tender to enter into agreement(s) of up to three-years (subject to the outcome of the negotiations) with suitable supplier(s) for the construction of Lantern Toppers and Ground Based Lanterns for the 2023 Sydney Lunar Festival together with the installation and de-installation for the 2024 and 2025 events;
- (C) Council approve an exemption from tender to enter into one-year agreement(s) with suitable supplier(s) for the repair, installation and de-installation of existing Zodiac Lanterns for the 2023 Sydney Lunar Festival;
- (D) Council approve an exemption from tender to enter into one-year agreement(s) with suitable supplier(s) for the supply, installation and de-installation of alternate decorations for 2023 Sydney Lunar Festival;
- (E) Council note that the maximum contract sum for all contracts that may be entered into under (B), (C) and (D) is outlined in Confidential Attachment B to the subject report;
- (F) Council note the reasons a satisfactory outcome would not be achieved by inviting fresh tenders is due to the following extenuating circumstances:
- (i) there is insufficient time to undertake required scoping discussions and a tender process for these services, given the timing constraints for construction of the lanterns ahead of the festival in January 2023;
 - (ii) the industry is currently experiencing unexpected demand and capacity issues and timing in the market is very difficult at the moment. As a result, the City needs to work with suppliers to determine the scope that can be delivered within the remaining timeframes; and
 - (iii) it is considered that inviting fresh tenders would not attract additional suitable suppliers to deliver the services;
- (G) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any necessary documentation to give effect to these resolutions; and
- (H) Council be informed of the outcome of negotiations, including the final scope to be delivered, via the CEO Update.

Carried unanimously.

X087768.003

Item 7 Report of the Cultural and Creative Committee

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Lyndon Gannon
(Deputy Chair)

Deputy Lord Mayor Councillor Sylvie Ellsmore, Councillors HY William Chan, Shauna Jarrett, Robert Kok, Linda Scott, Jess Scully and Yvonne Weldon.

At the commencement of business at 4.30pm those present were -

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

Apologies

Councillor (Waskam) Emelda Davis extended her apologies for her inability to attend the meeting of the Cultural and Creative Committee.

The meeting of the Cultural and Creative Committee concluded at 4.45pm.

Report of the Cultural and Creative Committee

Moved by Councillor Gannon, seconded by Councillor Scully –

That the report of the Cultural and Creative Committee of its meeting of 17 October 2022 be received, with Items 7.1 and 7.2 being noted and Items 7.3 and 7.4 being dealt with as shown immediately following those items.

Carried unanimously.

Item 7.1

Confirmation of Minutes

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

That the minutes of the meeting of the Cultural and Creative Committee of 15 August 2022, as circulated to Councillors, be confirmed.

Item 7.2

Statement of Ethical Obligations and Disclosures of Interest

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

The Cultural and Creative Committee recommended the following:

Item 7.3

Grants and Sponsorship - Additional Support for Sydney WorldPride 2023

Moved by Councillor Gannon, seconded by Councillor Scully -

It is resolved that:

- (A) Council approve an additional cash sponsorship of up to \$300,000 (plus GST) to Sydney WorldPride Limited for the further beautification and activation of the Oxford Street neighbourhood for the duration of the festival subject to the applicant providing an acceptable project plan including timeframes;
- (B) Council note that these funds will be drawn from the 2022/23 General Contingency Fund;
- (C) authority be delegated to the Chief Executive Officer to vary the existing grant agreement between the City and Sydney WorldPride Limited to incorporate the additional funding and project scope under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (D) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the upper limit of the funding and the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Carried unanimously.

X082566

Speakers

Meredith Jones (Sydney WorldPride) and Alex Daoust (Sydney WorldPride) addressed the meeting of the Cultural and Creative Committee on Item 7.3.

Item 7.4

Post Exhibition - Oxford Street LGBTIQ+ Place Strategy

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

It is resolved that:

- (A) Council adopt the Oxford Street LGBTIQ+ Social and Cultural Place Strategy as shown at Attachment A to the subject report;
- (B) Council note the feedback received on the draft Oxford Street LGBTIQ+ Social and Cultural Place Strategy as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Oxford Street LGBTIQ+ Social and Cultural Place Strategy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

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

It is resolved that:

- (A) Council adopt the Oxford Street LGBTIQIA+ Social and Cultural Place Strategy as shown at Attachment A to the subject report;
- (B) Council note the feedback received on the draft Oxford Street LGBTIQIA+ Social and Cultural Place Strategy as shown at Attachment B to the subject report, with the following additions or amendments at Priority 5:
 - (i) noting that the City of Sydney has been a leader in harm minimisation, include a commitment to promote harm minimisation and work with NSW Health and continue to work with NSW Police particularly Surry Hills Area Command, in relation to addressing safety issues in the precinct;
 - (ii) include at Action 9.1 a commitment to work with NSW Health or other relevant stakeholders to support harm minimisation;
 - (iii) include a new Action 9.4 to advocate for the increased presence of health services and the adoption of harm minimisation strategies to address real and perceived substance use and safety concerns, or equivalent; and
 - (iv) otherwise amend relevant actions to acknowledge that strategies are needed to address and prevent heavy handed policing in the precinct, as this is a key issues that makes many LGBTIQIA+ people feel unsafe; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Oxford Street LGBTIQIA+ Social and Cultural Place Strategy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

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

X089462.002

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 Sylvie Ellsmore, Councillors Lyndon Gannon, Shauna Jarrett, Robert Kok, Linda Scott, Jess Scully and Yvonne Weldon.

At the commencement of business at 4.45pm those present were -

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

Apologies

Councillor (Waskam) Emelda Davis extended her apologies for her inability to attend the meeting of the Transport, Heritage, Environment and Planning Committee.

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 5.12pm.

Report of the Transport, Heritage, Environment and Planning Committee

Moved by Councillor Chan, seconded by Councillor Kok –

That the report of the Transport, Heritage, Environment and Planning Committee of its meeting of 17 October 2022 be received, with Items 8.1 and 8.2 being noted and the recommendations set out below for Items 8.3 to 8.5 inclusive being adopted in globo.

Carried unanimously.

Item 8.1**Confirmation of Minutes**

Moved by Councillor Chan, seconded by Councillor Scully –

That the minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of Monday 12 September 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor HY William Chan made the following disclosures:

- a less than significant non-pecuniary interest in Item 8.3 on the agenda, in that he is a former employee of Hassell in the Sydney Studio. Councillor Chan considers this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not worked for Hassell since 2013 and was not involved in the City North projects presented in the Council report.
- a less than significant non-pecuniary interest in Item 8.3 on the agenda, in that he previously worked on Transport for NSW's Sydney Metro City and Southwest and Sydney Metro West urban design and master planning, including for Martin Place and Hunter Street stations. Councillor Chan considers this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not been involved in the aforementioned Sydney Metro station projects since 2020.

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

Item 8.3

Public Exhibition - City North Public Domain Plan

Note – the recommendation of the Transport, Heritage, Environment and Planning Committee was not adopted. The following alternative recommendation was adopted (as contained in the Information Relevant To Memorandum dated 27 October 2022 from the Chief Operating Officer, circulated prior to the meeting) as part of an in globo motion:

It is resolved that Council:

- (A) approve the public exhibition of the Draft City North Public Domain Plan, as shown at Attachment A to the subject report, for a minimum period of 28 days, subject to the following amendments:
 - (i) addition of an Acknowledgement of Country in the introduction;
 - (ii) addition of a section on Connecting with Country referencing the NSW Government Architect's draft principles and discussion papers; and
 - (iii) addition of further images and description of the City's Sustainable Sydney 2030-2050 Continuing the Vision - vision for Circular Quay outlined in the Project Idea - 3 Linked Squares. This will also reference the Eora Journey – Yananurala project;
- (B) note that a report will be brought back to Council incorporating a recommended City North Public Domain Plan for adoption that includes the results of the public exhibition and a project implementation plan; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Draft City North Public Domain Plan for clarity or correction of drafting errors prior to public exhibition.

Carried unanimously.

The Transport, Heritage, Environment and Planning Committee recommended the following:

Item 8.4

Post Exhibition - Managing Waste in Public Places Local Approvals Policy

It is resolved that:

- (A) Council note the submissions received on the exhibited draft Managing Waste in Public Places Local Approvals Policy, as shown in Attachment C to the subject report;
- (B) Council adopt the Managing Waste in Public Places Local Approvals Policy as shown at Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Managing Waste in Public Places Local Approvals Policy to correct any drafting errors and finalise design, artwork and accessible formats for publication.

Carried unanimously.

X006529.004

Item 8.5

Fire Safety Reports

Note - The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 31 October 2022.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Chan and seconded by Councillor Kok, as part of an in globo motion -

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 exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 32-38 Rothschild Avenue, Rosebery;
- (D) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 40-50 Belvoir Street, Surry Hills; and
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 280 Jones Street, Pyrmont.

Carried unanimously.

S105001.002

**Item 9 Greater Sydney Parklands - Council Nomination for Centennial Parklands
Community Trustee Board**

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

It is resolved that Council:

- (A) nominate and endorse the Lord Mayor Councillor Clover Moore as the City of Sydney representative to the Centennial Parklands community trustee board;
- (B) nominate and endorse former City of Sydney Councillor Philip Thalys as the Lord Mayor's delegate who is an architect with expertise in heritage, urban design and public space projects; and
- (C) note that representative duties and requirements will be as per the Terms of Reference as finalised by Greater Sydney Parklands.

Carried unanimously.

S127007.015

Item 10 Advertising Screens Review

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

It is resolved that:

- (A) Council note that the contract with QMS Media Pty Limited provides significant value to the City - both in terms of attractive, well-maintained street furniture and income;
- (B) Council note that the City and QMS Media Pty Limited are both committed to the delivery of the contract; and
- (C) the Chief Executive Officer be requested to:
 - (i) provide assurance to Council that the new advertising screens comply with Development Consent approvals;
 - (ii) carry out an external review of the advertising screens to identify any locations that do not comply with relevant standards and have a significant negative impact on the public domain and pedestrian amenity;
 - (iii) work with QMS Media Pty Limited to respond to the recommendations of the review and reconsider the location of those advertising screens that have a significant negative impact on the public domain and pedestrian amenity; and
 - (iv) provide Council with a map showing where the new street furniture is located, and an update on progress with the review and outcomes via the CEO Update.

Procedural Motion: Closed Meeting

During discussion on Item 10, at 6.16pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Davis –

That the meeting be closed in accordance with the provisions of section 10A of the Local Government Act 1993 to discuss the confidential attachment to Item 10.

Carried unanimously.

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

That the motion be amended by the addition of a clause (C) (v) as follows –

- (v) commission an external review of the City of Sydney's internal planning and contract development processes that have resulted in the design and installation of screens that are counter to the City's strategic goals to make our neighbourhoods more walkable, expand space for people on our streets and improve the accessibility of the public domain.

The amendment was lost on the following show of hands –

Ayes (4) Councillors Ellsmore, Jarrett, Scott and Weldon

Noes (6) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Kok and Scully.

Amendment lost.

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

The amendment was ruled out of order by the Chair (the Lord Mayor), pursuant to clause 9.8 of the Code of Meeting Practice.

The substantive motion was carried unanimously.

X037777

Procedural Motion: Open Meeting

At 7.07pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting of Council be re-opened to the public.

Carried unanimously.

The Council Business Coordinator announced the resolution passed by Council during the closed meeting, in accordance with clause 13.24 of the Code of Meeting Practice.

Adjournment

At this stage of the meeting, at 7.07pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Chan –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 7.25pm.

Item 11 Questions on Notice

1. Electric Vehicle Initiatives

By Councillor Jarrett

Question

The Australian Renewable Energy Agency (ARENA) recently announced the installation of electric vehicle (EV) chargers to existing Ausgrid electrical infrastructure in nine NSW councils by Intellihub Australia. The City of Sydney is not participating in this project.

1. Was the City of Sydney approached by ARENA or Intellihub to apply for the project? If not, was the City aware of the project?
2. Has the City of Sydney applied for ARENA funding and if not, why did the City of Sydney not participate? If the City of Sydney was unable to apply for ARENA funding, why was it unable to, and how were the nine participating Councils selected?
3. How can the City of Sydney become involved in the project? Is the City of Sydney engaging with any businesses on a commercial basis to increase the amount of EV charging infrastructure in the City?
4. What State and Federal electric vehicle grants and initiatives has the City of Sydney applied for? If the City of Sydney has not applied for such grants or initiatives, why has it not, and will the City of Sydney be applying for such grants and initiatives in 2022 or 2023?
5. When will the City of Sydney's Electric Vehicle Policy be available for public display and for consultation?

X086666

Answer by the Chief Executive Officer

The City was not invited to apply for or participate in the ARENA funded initiative.

The City's proposed approach to supporting electrification of the transport system, including public charging, will be addressed in the *Electrification of Transport Strategy and Action Plan* coming to Council shortly.

2. Bridge Road Cycleway

By Councillor Jarrett

Question

In March 2022, Transport for NSW announced that the pop-up Bridge Road cycleway will be upgraded and made permanent.

1. Did the NSW Government discuss with the City of Sydney the possibility of making the Bridge Road cycleway permanent prior to their announcement in March 2022?
2. If the NSW Government did discuss this possibility with the City of Sydney, what did this discussion/s consist of and when did the discussion/s occur?
3. Is it the City of Sydney's preference to make the Bridge Road cycleway permanent?
4. Did the City of Sydney or the NSW Government consider alternatives to upgrading and making permanent the Bridge Road cycleway? If so, what is the justification for the plan announced by Transport for NSW to make the cycleway permanent?
5. When is the pop-up cycleway scheduled to be upgraded and made permanent?
6. What has been the cost of the Bridge Road cycleway to date? What is the cost of making the cycleway permanent, and who is providing the funding?
7. When was the Cycling Strategy and Action Plan 2018-2030 last reviewed by the City of Sydney? Is a review of the Strategy planned, and if so when this review scheduled to occur?

X086666

Answer by the Chief Executive Officer

1. City staff did not have any prior knowledge of the decision to make the cycleway permanent before it was made public.
2. The City has discussed options and opportunities for a cycleway along Bridge Road since 2015.
3. Yes, it is part of the City of Sydney's bike network plan (adopted by Council in 2018).
4. Yes, alternative routes were investigated and assessed for impacts. The justification is detailed in the Transport for NSW report attached to a CEO Update circulated on 14 April 2022.
5. City staff are not aware of the planned timeframe. This is a Transport for NSW project.
6. City staff have no information about the cost to date or cost of the permanent cycleway. This is a Transport for NSW project and is funded by the NSW Government.
7. The *Cycling Strategy and Action Plan 2018-2030* was last reviewed in 2018 and will be reviewed before 2030.

3. Woolloomooloo Public Toilet

By Councillor Scott

Question

When will the City's planned public toilet in Woolloomooloo, to support families able to take their children to the park, be completed?

X086668

Answer by the Chief Executive Officer

A Development Application has been lodged for the permanent toilets, and is due to go to the Local Planning Panel for a final decision in November. A temporary toilet has been in operation since 13 September and will remain in place until the permanent toilets are built in 2023, subject to approval.

4. Projects Using Commonwealth Government Local Roads and Community Infrastructure Funding

By Councillor Scott

Question

Please specify the projects the City has undertaken using the \$865,560 in funding allocated by the Commonwealth Government Local Roads and Community Infrastructure Funding by:

- (a) Year
- (b) Cost
- (c) Location.

X086668

Answer by the Chief Executive Officer

Local Roads and Community Infrastructure Funding Phase 1 - Granite paving and streetlighting upgrade.

- (a) Year – completed June 2021
- (b) Funding allocation - \$865,560
- (c) Location - Sussex Street, between Liverpool Street and Goulburn Street.

5. Urban Ecology Strategic Action Plan Update

By Councillor Scott

Question

1. Please advise the City's action taken to progress the following targets and the progress that has been achieved:
 - (a) increase the area of naturally occurring vegetation from 2.7 hectares and its condition;
 - (b) 100% increase in bush restoration sites from 4.2 hectares;
 - (c) establishment of representative patches of at least three likely original vegetation communities;
 - (d) increase in indigenous fauna species diversity from 2012 baseline;
 - (e) recording of priority species from a greater number of locations and in higher numbers compared to 2012 baseline; and
 - (f) increase the number of habitat features for priority fauna species established along potential habitat linkages.
2. Is there a report of the city's progress on meeting the strategy's targets and goals?
3. Is there an updated strategy underway that builds upon these goals and establishes new targets for the future?
4. Has this strategy or possible future strategies prioritised plants which serve as food, shelter or breeding grounds for the flora of the city?
5. Has it been a priority of this strategy or any future strategies to invite flora back into the city?

X086668

Answer by the Chief Executive Officer

1.
 - (a) The City currently manages 12.9 ha of bush restoration area. These areas comprise of naturally occurring vegetation and reconstructed vegetation communities.
 - (b) This target has been reached with the City currently managing 12.9 ha of bush restoration areas, in areas like Sydney Park, Glebe, Pyrmont and Rosebery.
 - (c) This target has been reached through the establishment of representative patches of:
 - Eastern Suburbs banksia scrub and Sydney turpentine-ironbark forest at Sydney Park
 - Endangered saltmarsh communities along Johnston Creek Canal
 - Grassy open meadow at Prince Alfred Park

- Mangrove at Bicentennial Park, which is now identified as a coastal wetland area under the Resilience and Hazards SEPP 2021.

- (d) There were 99 fauna species confirmed in the Local Government Area in the 2012 baseline, which includes 70 species of bird. The City has completed a range of targeted surveys or citizen science initiatives since this time to monitor species diversity. As animals are mobile, it can be hard to accurately determine presence or absence of species, but ecological survey data indicates that there are now upwards of 108 species of birds observed in the Local Government Area. The City encourages Citizen Science initiatives, i.e. FrogID, Aussie Backyard Bird Count and Great Southern Bioblitz, which have seen a steady increase in participation and priority species observations.

In line with the Greening Sydney Strategy action a comprehensive urban ecology health check will be undertaken in 2023. This health check will collect information about our existing urban biodiversity status to determine the progress the City has made since the baseline data was collected. This will be combined with other data sources to not only contribute to the surveys but also to consolidate existing data to determine potential habitat measures, reassess priority works and to define future performance targets for the updated Urban Ecology Strategic Action Plan.

- (e) See above

- (f) The City has been rolling out a nest box program across select City parks. As part of this program, 42 nest boxes have been installed for various priority species (including microbats, owls, possums, small birds), with a further 63 to be installed next year. Installation of nest boxes in private developments is also encouraged. In addition, two frog habitat ponds have been constructed at Glebe and Rosebery. Further habitat features such as rocks, tree hollows, and logs are also used in parks to provide habitat.

2. Progress and management of Urban Ecology targets and activities can be found in the Green Report and quarterly corporate reporting.
3. The [Urban Ecology Strategic Action Plan \(UESAP\)](#) is currently being reviewed and prepared for update. New targets and goals will be established in line with current City strategies as part of the process. This Plan will be developed over the next year and is scheduled for adoption in 2024.
4. The current Urban Ecology Strategic Action Plan encourages the City to implement plantings with habitat value – particularly food, shelter or nesting location for fauna. This is achieved through plantings at bush restoration sites, and in broader park and streetscape gardens. The [Urban habitat creation guide](#) published in 2019 provides a guide for the community to contribute planting for habitat, and is tailored towards encouraging the local community, particularly resident gardeners to install and maintain native plantings.
5. It is a priority of the current Urban Ecology Strategic Action Plan to encourage fauna and flora to re-enter and thrive in the City. Direction 5 of the Greening Sydney Strategy aims to strengthen biodiversity corridors to facilitate the safe movement of species between places. The City's Development Control Plan has also been strengthened to conserve and enhance flora, biodiversity and habitat connections in the City.

6. Reconciliation Economic Development Plan (2016) Update

By Councillor Scott

Question

Broken down by action item in the City's Reconciliation Economic Development Plan (2016), please detail City progress and achievements on each item.

Answer by the Chief Executive Officer

The City has a Reconciliation Action Plan and has also incorporated Closing the Gap Actions into the Community Strategic Plan and Operational Plan. These documents outline the City of Sydney's commitments and are reported against regularly via quarterly reports and the CEO Update. An annual report against our Reconciliation Action plan is also prepared.

7. The City's Electrical Vehicle Actions

By Councillor Scott

Question

1. Please detail what formal and informal discussions, communications or surveys the City has undertaken with relevant entities in formulating the policies of the Electrical Vehicle Strategy? Specifically the following:
 - (a) Federal and State government agencies;
 - (b) Council contractors;
 - (c) The Electrical Vehicle council;
 - (d) Electrical Vehicle charging companies;
 - (e) Car share operators;
 - (f) Vehicle leasing companies;
 - (g) Retail centre owners;
 - (h) Car parking companies;
 - (i) Taxi companies and associations;;
 - (j) Fuel retailers;
 - (k) Resident and community organisations; and
 - (l) Business associations.
2. Please detail assessments that have or will be carried out of council properties and selected low traffic street parking precincts to enable them to be used for public fast charging.

3. Please detail submissions and advocacy the City has undertaken to State and Federal Governments on spaces for EV chargers within in the City of Sydney.

X086668

Answer by the Chief Executive Officer

These matters will be detailed when the *Electrification of Transport in the City Strategy and Action Plan* is presented to Council shortly.

8. QMS Street Furniture

By Councillor Scott

Question

1. Please detail:
 - (a) the number of bins installed, and locations where bins were removed and not replaced?
 - (b) the number of bus stops installed, and locations where bus stops were removed and not replaced?
 - (c) the number of seats installed, and locations where seats were removed and not replaced?
 - (d) the number of advertising signs installed, and locations where advertising signs were not present and installed?
2. Please detail the City's projected QMS income, broken down by year, in the City's 10 year forward plan?
3. Please detail the QMS contract penalties that may be imposed on the City, if any, and for what reason.
4. Please detail the City's former and projected payments to QMS, broken down by year, in the past and in the City's 10 year forward plan, for penalties or any other reason?

X086668

Answer by the Chief Executive Officer

At the 31 October 2022 Council meeting, the Chief Executive Officer has been requested to conduct a review of this matter. As such the information requested in this Question on Notice will be reconciled and reported as part of the review.

9. Sale, Transfer and Redevelopment of Public Housing in the City

By Councillor Ellsmore

Question

Within the City of Sydney Local Government Area, what public housing (that is housing owned by the NSW Government, or the Federal Government, or owned or managed or owner agency or authority connected with the NSW Government, or the Federal Government):

1. Has been sold over the last 12 years? [Please provide details including street addresses, who is the landowner, other known details including number of dwellings]

2. Has been transferred to a social housing, Community Housing Provider or equivalent over the last 12 years? [Please provide details including street addresses, who is the landowner, other known details including number of dwellings]
3. Is currently under development? [Please provide details including street addresses, who is the landowner, other known details including number of dwellings]
4. Is currently proposed for sale? [Please provide details including street addresses, who is the landowner, other known details including number of dwellings]
5. Is currently proposed for transfer to a social housing, Community Housing Provider or equivalent? [Please provide details including street addresses, who is the landowner, other known details including number of dwellings]
6. Is currently the subject of a proposed, future development? [Please provide details including street addresses, who is the landowner, other known details including number of dwellings]
7. Has been the subject of discussions between the NSW Government or a NSW Government representative, about a potential future development, sale or transfer? [Please provide details]

X086664

Answer by the Chief Executive Officer

This information is not held or readily available to the City of Sydney. In order to obtain the most accurate information, this is a matter best addressed by the NSW Minister for Housing.

10. Public, Social and Community Housing Targets

By Councillor Ellsmore

Question

1. As a percentage and in absolute numbers, how much public housing existed in the City of Sydney in 2010 (or the closest date that the City has this data), by:
 - (a) Number of dwellings
 - (b) Number of rooms (ie the number of dwellings that are one room, two room etc)?
2. As a percentage and in absolute numbers, how much social or community housing existed in the City of Sydney in 2010 (or the closest date that the City has this data), by:
 - (a) Number of dwellings
 - (b) Number of rooms (ie the number of dwellings that are one room, two room etc)?
3. As a percentage and in absolute numbers, what are the estimates of other kinds of affordable housing which existed in the City in 2010 (or closest available data) by:
 - (a) Number of dwellings
 - (b) Number of rooms (ie the number of dwellings that are one room, two room etc)?

4. As a percentage and in absolute numbers, how much social or community housing exists in the City now, by:
 - (a) Number of dwellings
 - (b) Number of rooms (ie the number of dwellings that are one room, two room etc)?
5. As a percentage and in absolute numbers, how much new public housing is currently under development by:
 - (a) Number of dwellings
 - (b) Number of rooms (ie the number of dwellings that are one room, two room etc)?
6. As a percentage and in absolute numbers, how much new social or community housing is currently under development by:
 - (a) Number of dwellings
 - (b) Number of rooms (ie the number of dwellings that are one room, two room etc)?
7. What are the City of Sydney's public housing targets – including baseline year and future year/s?
8. What are the City of Sydney's social and community housing targets – including baseline year and future year/s?
9. For the questions above, where can the public access the data referenced?

[If compiled data is the only available data, please provide the compiled data, with relevant notes]

X086664

Answer by the Chief Executive Officer

The City's Housing Monitor and Housing Audit have tracked residential development, including social and affordable housing, in the local government area since 2015 against baseline data for 2007. Data is only available for 'dwellings' and is not available for 'rooms'.

All housing monitor and audits produced since 2015 are publicly available on the City's website at: <https://www.cityofsydney.nsw.gov.au/surveys-case-studies-reports/city-monitor-reports#:~:text=City%20monitoring%20tracks%20the%20supply,of%20all%20local%20residential%20housing.>

A summary table of audit data is compiled below:

	2007	2015	2021
Total private dwellings	89,749	101,321	121,725
Absolute public/social housing	9397	9800	9,705
% of total that is public/social	10.5%	9.7%	8.0%
Absolute affordable rental housing*	447	753	1,213
% of total that is affordable rental housing	0.5%	0.7%	1.0%

*Does not include 115 dwellings resulting from the City's Affordable and Diverse Fund

The Housing Monitor and Housing Audit for 2022 are currently being prepared and will be released in November. It will include up to date information about the amount of public / social housing and affordable housing that is built, and how much is currently under development.

As at July 2021 however, there were 918 affordable dwellings that were in the development pipeline or expected (developments of which the City is aware, and expects to be built, but have not yet reached DA stage). Some of these dwellings will have been built, and more may have moved into the development pipeline.

The City's housing targets, including targets for social and affordable housing, are available at the City of Sydney Local Housing Strategy, Housing for All (excerpt below). The housing strategy can be accessed by the public at: <https://www.cityofsydney.nsw.gov.au/strategic-land-use-plans/local-housing-strategy>

Table 1: Housing provision to 2036*

Housing	Total 2016	2016–2021 (0–5 year) target	2022–2026 (6–10 year) target	2027–2036 (11–20 year) contribution	Total 2036
Total private dwellings*	105,860	+18,300	+14,000	+17,700	155,860
private market	95,309	+15,092	+10,792	+11,285	132,480
affordable**	835	+2,714	+2,714	+5,428	11,690
social**	9,716	+494	+494	+987	11,690
Non-private dwellings**	11,569	+2,575	+3,033	+392	17,569
Total dwellings	117,429	+ 20,875	+ 17,033	+ 18,092	173,429

* Data compiled and monitored using the City of Sydney Housing Audit.

* 'Private dwellings' comprise 'market housing', generally represented by homes in private ownership or being rented, 'affordable rental housing' and 'social housing'.

** This reflects the City's target that of all private housing, 7.5 per cent will be affordable housing and 7.5 per cent will be social housing. Despite this, it is acknowledged the City has limited influence over how much housing is provided as affordable or social housing.

** 'Non-private' dwellings are those dwellings that typically comprise shared spaces, such as student housing, boarding houses, group homes, seniors and co-housing housing.

11. Scale of Public Land Proposed for Development in the City

By Councillor Ellsmore

Question

1. What current projects on public land are under development on public land, in the City of Sydney Council Local Government Area? [Please provide a list of locations, the land owner, the proponent and the project names]
2. What current projects are proposed for future development on public land (e.g. are the subject of some form of planning or development review, proposal or application), in the City of Sydney Council Local Government Area? [Please provide a list of locations, the land owner, the proponent and the project names]
3. Are there any further areas of public land, not listed in the answers to questions 1 and 2, which the City is aware are being considered for future development? [If yes, please provide details]
4. What is the square footage of public land:
 - (a) For the projects referenced in question 1?
 - (b) For the projects references in question 2?
 - (c) For the projects or areas referenced in question 3?

5. What public land in the City of Sydney Local Government Area is Council aware has been sold, over the last 12 years? [Please provide specific locations and any details the City has in relation to the sale, including which agency or entity sold the land, who it was sold to, and what uses it was sold for]

X086664

Answer by the Chief Executive Officer

This information is not held or readily available to the City of Sydney. In order to obtain the most accurate information, this is a matter best addressed by the NSW Minister for Housing, NSW Minister for Planning and NSW Treasurer.

12. State Government Projects

By Councillor Ellsmore

Question

1. What projects involving the sale or development of public land on or related to the areas listed below is the City aware of:
 - (a) Bays West
 - (b) Barangaroo
 - (c) Blackwattle Bay
 - (d) The Sydney Fish Markets
 - (e) The Pyrmont Precinct
 - (f) Tech Central
 - (g) Central Station rezoning
 - (h) Glebe public housing
 - (i) Waterloo public housing
 - (j) Waterloo metro
 - (k) Redfern Station
 - (l) North Eveleigh
 - (m) South Eveleigh
 - (n) Newtown Station
2. Is the City aware of any additional State Government projects to sell or redevelop public land, not listed above? Is yes, please provide details.
3. What is the size or square footage of the public land which will be sold or development in relation to each of the projects listed in the answers to questions 1 and 2?
4. Who is the land-owner or agency responsible for the land in relation to each of the projects (or areas of land) in the answers to questions 1 and 2?

5. At what stage is each of the developments or sales referred to referred to in the answers to questions 1 and 2?
6. At what stage is each of the developments referred to in the answers to questions 1 and 2?
7. If the land was sold or is to be sold, to whom was the land sold to in each of the projects (or areas of land) referred to in questions 1 and 2?
8. If known, what is the value of the land to be developed or sold in each case?
9. If known, what is the value of the development in each case?

X086664

Answer by the Chief Executive Officer

This information is not held or readily available to the City of Sydney. In order to obtain the most accurate information, this is a matter best addressed by the NSW Minister for Housing, NSW Minister for Planning and NSW Treasurer.

Item 12 Supplementary Answers to Previous Questions

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

Item 13 Notices of Motion

Item 13.1 Basic Income and Local Government

Moved by Councillor Ellsmore, seconded by Councillor Scully -

It is resolved that:

(A) Council note:

- (i) Basic Income (also known as Guaranteed Income or Universal Income) is a form of periodic cash payment which is provided universally to all individuals without condition;
- (ii) under Basic Income pilots, people receive payments from government - sometimes with the support of private philanthropy or community organisations - without the restrictive and often punitive obligations or conditions placed on people who receive income support in Australia;
- (iii) around the world, local governments are playing a central role in exploring and implementing Basic Income, including:
 - (a) In the United States of America there are currently over 50 local government trials, and the number of Mayors in the Mayors for a Guaranteed Income network recently passed 100 Mayors in support of guaranteed income;
 - (b) Youth Basic Income was introduced in Seongnam City, and then Gyeonggi-do Province in the Republic of Korea; and
 - (c) The Republic of Ireland has recently launched a 'Basic Income for the Arts' pilot, providing a Basic Income to 2,000 musicians, writers, dancers, film makers, choreographers and other artists;
- (iv) Basic Income experiments and trials have identified significant positive effects on physical and mental health, reducing poverty and enhancing social cohesion. Basic Income pilots have shown that people provided with unconditional and sufficient income support are more likely to become employed, and are more likely to start a business; and
- (v) the international Basic Income Earth Network Conference was held in Australia in September 2022. Keynote speaker Scott Santens at the conference and the Australian Basic Income Lab visited Sydney Town Hall to provide a briefing on efforts to advance Basic Income, particularly through local government.

The motion was carried on the following show of hands:

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

Noes (2) Councillors Jarrett* and Weldon*

Motion carried.

*Note – Councillors Jarrett and Weldon abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting practice, Councillors Jarrett and Weldon are taken to have voted against the motion.

X086659

Item 13.2 Street Furniture Upgrade**Procedural Motion**

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

That the motion be withdrawn as the matter had already been dealt with at Item 10.

Carried unanimously.

Item 13.3 Council Commits to Install Refugees Are Welcome Banners at Town Hall and at Other Key Locations

Moved by Councillor Ellsmore, seconded by Councillor Scott -

It is resolved that:

(A) Council note:

- (i) that the City of Sydney has been a Refugee Welcome Zone since 2005;
- (ii) that Council currently undertakes a wide range of activities and programs to welcome and support refugees and asylum seekers, and to make the City more accessible to refugees and people seeking asylum. This includes through Refugee Week, subsidised fees to city-owned facilities, and training and employment opportunities for refugees and people seeking asylum;
- (iii) that refugees and people seeking asylum have been subjected to unimaginably cruel and arbitrary policies in Australia for decades;
- (iv) that currently, there are 89.3 million people worldwide that are forcibly displaced. Australia's annual refugee intake remains low compared to other countries, and has not been increased by the current Federal Government;
- (v) that, in recent weeks, the Federal Government has sent a letter to many temporary visa holders, including people seeking asylum, informing them that they will "never be resettled in Australia, and that they must apply to settle in New Zealand"; and
- (vi) that, on 24 October 2022, City of Sydney Councillors and other local council delegates attending the Local Government NSW annual conference unanimously supported a motion that Local Government NSW: "[call] on the NSW Government to work with the Australian Government to expeditiously transition refugees on Temporary Protection Visas or Safe Haven Enterprise Visas to Permanent Protection Visas to safeguard the health and wellbeing of these 'temporary' refugees and enable them to continue to contribute to the economic and social fabric of the communities they have chosen to call home";

(B) Council also note:

- (i) that Council has previously displayed 'Refugees Are Welcome' banners during Refugee Week, and throughout the year in selected locations; and
- (ii) that Council has received 16 letters of support from organisations and refugee advocates requesting that 'Refugees are Welcome' banners be displayed prominently in front of Sydney Town Hall;

(C) Council commit to the creation of banners or signage stating that 'Refugees are Welcome' (or equivalent) which can be prominently displayed at the Sydney Town Hall and other key locations within the City of Sydney, to send a resounding message of acceptance to refugees and people seeking asylum; and

- (D) the Chief Executive Officer be requested to:
- (i) investigate options to display prominent 'Refugees are Welcome' signage at the Sydney Town Hall and other prominent locations, including options:
 - (a) for a 'Refugees Are Welcome' banner to be created and hung across the front façade of Sydney Town Hall; and
 - (b) for one or more 'Refugees are Welcome' pull-up banners which would be prominently visible from George Street if placed on the Sydney Town Hall steps;
 - (ii) provide advice about opportunities and costs to create the banners or signage, including if the Council were to commission or collaborate with a refugee or asylum seeker artist or organisation to design the banners or signage; and
 - (iii) provide a report back to Council.

Carried unanimously.

X086659

Item 13.4 Vale Auntie Selena Blakeney

Procedural Motion

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

That the motion be withdrawn as the matter had already been dealt with at Item 3.1.

Carried unanimously.

Item 13.5 Installing the Plaque for the World's First Modern Milk Bar

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) this year marks ninety years since Mick Adams (Joachim Tavlaridis) opened the Black & White Milk Bar at 24 Martin Place, Sydney;
- (ii) the milkshake was revolutionised by Mr Adams' modern milk bar, this influenced the nation and later Great Britain, Europe, New Zealand, South Africa, South Pacific Islands and Japan too;
- (iii) Leonard Janiszewski and Effy Alexakis first applied to the City of Sydney's historical 'green plaques' program in 2017 to have the site officially recognised for its cultural and historical significance;
- (iv) the Council's historical office reviewed the application and approved the recommendation for a plaque to be produced;
- (v) however, the new owner of the site would not agree to the plaque being placed on the structure;
- (vi) for five years, Greek Australian historians and descendants of Mr Adams have been calling on the Council to finally provide a solution for where to place the historical plaque;
- (vii) in that time, Mr Adams' daughter, Lilian Keldoulis, passed away and his other daughter, Helen Gerondis, is currently unwell;
- (viii) alternative sites such as several doors east of the site, a low wall away from the site or next to a water drain have been proposed by the Council's Public Art Collections and Cultural Heritage team;
- (ix) all of which undermine the significance of the site, purport historical inaccuracy and have been rejected by the plaque applicant and Mr Adams' descendants; and
- (x) "It's something that would attract more tourists. It would be celebrating multicultural heritage. For the family it would be a celebration and recognition of all the hard work my grandfather did and everything he gave to the country," Ms France, Mr Adams' daughter said; and

(B) the Chief Executive Officer be requested to:

- (i) find a suitable location for the plaque in consultation with the Adams family and the plaque applicants;
- (ii) install the plaque within the 2022/23 financial year; and
- (iii) write an apology to the Adams family for the years of disappointment that they have undergone.

Note – at the meeting of Council, the content of the original Notice of Motion was varied. Subsequently it was:

Moved by Councillor Scott, seconded by Councillor Scully –

It is resolved that:

(A) Council note:

- (i) this year marks ninety years since Mick Adams (Joachim Tavlaridis) opened the Black & White Milk Bar at 24 Martin Place, Sydney;
- (ii) the milkshake was revolutionised by Mr Adams' modern milk bar, this influenced the nation and later Great Britain, Europe, New Zealand, South Africa, South Pacific Islands and Japan too;
- (iii) Leonard Janiszewski and Effy Alexakis first applied to the City of Sydney's historical 'green plaques' program in 2017 to have the site officially recognised for its cultural and historical significance;
- (iv) the Council's historical office reviewed the application and approved the recommendation for a plaque to be produced;
- (v) however, 24 Martin Place, Sydney, is now part of a larger site which is home to a much larger building with glass walls;
- (vi) this building's owners have refused to give consent to the installation of the plaque, despite the City holding numerous meetings with building management, engaging in negotiations with the building owners, and providing several suggestions for locating the plaque that would not impact the glass facade;
- (vii) an alternative location in Pitt Street for the plaque proposed by the building owners was considered unsuitable by the plaque's proponents as it did not link with milk bar's history; and
- (viii) the City has recently consulted with the plaque's proponents on an alternative location for the plaque, closer to the original milk bar site, and consulted with stakeholders and is waiting for the building's owners to agree to its installation.

Carried unanimously.

X086655

Item 13.6 Honouring Eileen O'Connor

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

It is resolved that:

(A) Council note:

- (i) on 10 January 1921, Eileen O'Connor who was a Servant of God and a holy woman, passed away at the age of 28;
- (ii) Eileen has now been declared by Pope Francis as a 'Servant of God', a title given by the Pope in recognition that one's life was holy and deserves further investigation as a potential saint;
- (iii) Eileen's life was one filled with physical suffering and immense pain stemming from her disabilities which confined her to being in a wheelchair and bed ridden for most of her life;
- (iv) the O'Connor family moved from Melbourne to Sydney in 1902. The O'Connor family moved to 144 Baptist Street, Redfern, then to Telopea Street, Redfern. Eileen attended Mass and school here at Waterloo for a period of time;
- (v) despite her struggle with mobility and through sheer perseverance Eileen would often crawl up the hill to pray and attend Mass in this church. Sometimes her brothers would carry her up the hill;
- (vi) Eileen persevered through her adversities and utilised the skills and insights she gained from them to co-found Our Lady's Nurses for the poor. They provided free nursing services to the poor;
- (vii) Eileen lived in a time when healthcare wasn't readily available for the poorest people in Australian society. In her diaries, she wrote a beautiful reflection about the mission to serve the sick and dying poor and worked with the most marginalised people in Waterloo and Eastern suburbs to do so;
- (viii) a non-Catholic doctor who cared for Eileen at Our Lady's Home once remarked to Fr McGrath 'that there is something ethereal about Eileen, and when in her presence you feel you want to be better';
- (ix) you must not lay things aside because they are small or of little use. You must also be sure to care for others, not to be indifferent because you do not like or need them;
- (x) Eileen demonstrates what it means to be utterly and truly selfless, an exemplary human and devoted to making this world better;
- (xi) it is people such as Eileen who characterise a community and inspire us all to do our best to make a difference, a pursuit we all here have in common;

- (xii) Rev. Anthony Fisher most eloquently put it, “Eileen’s life was a life of immense suffering... that she is on her way to possibly being our next saint shows even a short life marked by incredible suffering, can be an inspiration to all and remind us of the dignity of every human life”; and
 - (xiii) her holiness and virtue have been recognised by the Holy See and the cause for her canonisation opened by the Vatican’s Congregation for the Causes of Saints; and
- (B) Council acknowledge and honour Eileen O’Connor’s notable contributions to the City as a woman of God and a member of the community.

Carried unanimously.

X086655

Item 13.7 Referendum on Council Wards

Moved by Councillor Scott, seconded by Councillor Ellsmore -

It is resolved that:

- (A) Council note the previous referendum on wards held in 2008 following the amalgamation of South Sydney and City of Sydney Councils;
- (B) Council note the changes to the City of Sydney Act 1988 to modify the voting eligibility at the 2016 election and subsequent elections;
- (C) Council support holding a referendum on the introduction of a ward structure; and
- (D) the Chief Executive Officer be requested to provide advice on constitutional referendums and all legislative requirements.

The motion was lost on the following show of hands:

Ayes (2) Councillors Ellsmore and Scott

Noes (8) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scully and Weldon*.

Motion lost.

*Note – Councillor Weldon abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Weldon is taken to have voted against the motion.

X086655

Item 13.8 Star Casino's Tower Development and the Sydney Western Harbour Business Improvement District

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) The Star Casino Sydney, a wholly owned subsidiary of The Star Entertainment Group, has had its casino licence suspended for failing to stem criminal activity and money laundering;
- (ii) the NSW Independent Casino Commission has also issued a record \$100 million fine to The Star Entertainment Group;
- (iii) the fine and licence suspension were issued following an inquiry which uncovered a wide range of systemic issues with The Star's operations and management;
- (iv) amongst a range of issues, tours and perks for 'high rollers' were identified as a key area of concern, which facilitated or was connected to criminal activity and money laundering;
- (v) The Star Casino Sydney and The Star Entertainment Group have written to the City of Sydney advising that they accept the findings of the inquiry and acknowledged the gravity of the conduct. Recent actions taken by the Star include management resignations, permanently stopping high roller 'junkets' and closing the Marquee nightclub;
- (vi) the casino is continuing to operate, under an 'independent manager'; and
- (vii) The Star Casino Sydney or a related organisation may be allowed to operate the casino again in the near future;

(B) Council note:

- (i) immediately prior to the public corruption hearings into the Star, in January 2022 the NSW Government (through the NSW Department of Planning and Environment (DPE)) put on exhibition the first tranche of major planning changes as part of the new 'Pyrmont Peninsula Place Strategy';
- (ii) the Department of Planning and Environment placed on exhibition a proposed spot rezoning for the Star casino site at 20-80 Pyrmont Street, Pyrmont (which is under existing controls including a 28 metre height limit) which would allow it to construct a 108 metre tall tower and create a 'luxury six-star hotel'; and
- (iii) those planning controls have now been approved;

- (C) Council note:
- (i) The Star is a founding partner of the 'Sydney Western Harbour Business District', NSW's only 'business improvement district', proposed to enable particular businesses to have a greater say over the harbour and Pyrmont Peninsula; and
 - (ii) the Board and leadership of the Sydney Western Harbour Business District includes one or more former executive members of The Star, including one or more members who have recently resigned from The Star;
- (D) Council agree that the City not consider any rezoning of land related to The Star under the Pyrmont Peninsula Strategic Review;
- (E) the Lord Mayor be requested to immediately write to:
- (i) the NSW Minister for Planning asking the NSW Government (as the land owner who currently leases the land to The Star) to not grant consent to any development application which would enable the expansion of activities by The Star; and
 - (ii) the NSW Premier asking for the casino licence to be fully revoked and The Star closed; and
- (F) the Chief Executive Officer be requested to provide immediate advice as to the governance arrangements of the 'Sydney Western Harbour Business District' and the City's role.

Note – at the meeting of Council, the content of the original Notice of Motion was varied. Subsequently it was:

Moved by Councillor Ellsmore, seconded by Councillor Chan –

It is resolved that:

- (A) Council note:
- (i) The Star Casino Sydney, a wholly owned subsidiary of The Star Entertainment Group, has had its casino licence suspended for failing to stem criminal activity and money laundering;
 - (ii) the NSW Independent Casino Commission has also issued a record \$100 million fine to The Star Entertainment Group;
 - (iii) the fine and licence suspension were issued following an inquiry which uncovered a wide range of systemic issues with The Star's operations and management;
 - (iv) amongst a range of issues, tours and perks for 'high rollers' were identified as a key area of concern, which facilitated or was connected to criminal activity and money laundering;
 - (v) The Star Casino Sydney and The Star Entertainment Group have written to the City of Sydney advising that they accept the findings of the inquiry and acknowledged the gravity of the conduct. Recent actions taken by the Star include management resignations, permanently stopping high roller 'junkets' and closing the Marquee nightclub;
 - (vi) the casino is continuing to operate, under an 'independent manager'; and
 - (vii) The Star Casino Sydney or a related organisation may be allowed to operate the casino again in the near future;

(B) Council note:

- (i) the Department of Planning and Environment exhibited the sub-precinct master plans and new planning controls for four key sites in Pyrmont between 26 November 2021 and 4 February 2022 and approved them in July 2022;
- (ii) one of the four key sites was the Star casino site at 20-80 Pyrmont Street, Pyrmont. The City's planning controls for the site included a 28 to 65 metre height limit which would allow it to construct a 105 metre tall tower and create a 'luxury six-star' hotel; and
- (iii) those planning controls have now been approved;

(C) Council note:

- (i) The Star is a founding partner of the 'Sydney Western Harbour Business District', NSW's only 'business improvement district', proposed to enable particular businesses to have a greater say over the harbour and Pyrmont Peninsula; and
- (ii) the Board and leadership of the Sydney Western Harbour Business District includes one or more former executive members of The Star, including one or more members who have recently resigned from The Star;

(D) the Lord Mayor be requested to immediately write to:

- (i) the NSW Minister for Planning asking the NSW Government (as the land owner who currently leases the land to The Star) to not grant consent to any development application which would enable the expansion of activities by The Star; and
- (ii) the NSW Premier asking for the casino licence to be fully revoked and The Star closed; and

(E) the Chief Executive Officer be requested to provide advice as to the governance arrangements of the 'Sydney Western Harbour Business District' and the City's role in a CEO Update.

Amendment. Moved by Councillor Chan, seconded by Councillor Gannon –

That the motion be amended such that it read as follows –

It is resolved that:

(A) Council note:

- (i) The Star Casino Sydney, a wholly owned subsidiary of The Star Entertainment Group, has had its casino licence suspended for failing to stem criminal activity and money laundering;
- (ii) the NSW Independent Casino Commission has also issued a record \$100 million fine to The Star Entertainment Group;
- (iii) the fine and licence suspension were issued following an inquiry which uncovered a wide range of systemic issues with The Star's operations and management;
- (iv) amongst a range of issues, tours and perks for 'high rollers' were identified as a key area of concern, which facilitated or was connected to criminal activity and money laundering;

- (v) The Star Casino Sydney and The Star Entertainment Group have written to the City of Sydney advising that they accept the findings of the inquiry and acknowledged the gravity of the conduct. Recent actions taken by the Star include management resignations, permanently stopping high roller 'junkets' and closing the Marquee nightclub;
 - (vi) the casino is continuing to operate, under an 'independent manager'; and
 - (vii) The Star Casino Sydney or a related organisation may be allowed to operate the casino again in the near future;
- (B) Council note:
- (i) the Department of Planning and Environment exhibited the sub-precinct master plans and new planning controls for four key sites in Pyrmont between 26 November 2021 and 4 February 2022 and approved them in July 2022;
 - (ii) one of the four key sites was the Star casino site at 20-80 Pyrmont Street, Pyrmont. The City's planning controls for the site included a 28 to 65 metre height limit which would allow it to construct a 105 metre tall tower and create a 'luxury six-star' hotel; and
 - (iii) those planning controls have now been approved;
- (C) Council note:
- (i) The Star is a founding partner of the 'Sydney Western Harbour Business District', NSW's only 'business improvement district', proposed to enable particular businesses to have a greater say over the harbour and Pyrmont Peninsula; and
 - (ii) the Board and leadership of the Sydney Western Harbour Business District includes one or more former executive members of The Star, including one or more members who have recently resigned from The Star;
- (D) once a State Significant Development Application is lodged for The Star site, the City will review the proposal and make a submission to the Department of Planning and Environment; and
- (E) the Chief Executive Officer be requested to provide advice as to the governance arrangements of the 'Sydney Western Harbour Business District' and the City's role in a CEO Update.

The amendment 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.

Amendment carried.

The amended motion was carried on the following show of hands –

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

Noes (1) Councillor Jarrett.

Amended motion carried.

X086659

Item 13.9 Supporting the Affordable and Diverse Housing Fund

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the Government's National Housing Infrastructure Facility (NHIF) is a \$1 billion facility that provides finance for eligible infrastructure projects that will unlock new housing supply, particularly affordable housing;
- (ii) the Government announcement that \$575 million of the National Housing Infrastructure Facility will be available for funding one million affordable homes;
- (iii) the National Housing Infrastructure Facility is a \$1 billion facility that provides finance (concessional interest rates, and/or longer loan tenure) for eligible infrastructure projects that will unlock new housing supply, particularly affordable housing;
- (iv) the fund has been underutilised as there were expectations that local governments would access it;
- (v) the City takes a multi-pronged approach to supporting the delivery of affordable housing in the local area, as well as in the wider metropolitan area, including:
 - (a) using its planning controls, including affordable housing levies, for the delivery of affordable housing;
 - (b) selling its land to community housing providers;
 - (c) providing grants for the delivery of affordable and diverse housing; and
 - (d) collaborating with other councils and the state government to encourage more affordable housing across metropolitan Sydney;
- (vi) the City currently has an Affordable and Diverse Housing Fund aimed at promoting a wide range of affordable and diverse rental housing development in our area;
- (vii) as at July 2021, there were 1,328 built affordable housing units in the local area, 386 dwellings in the development pipeline and a further 532 that are expected to be built in the future (but not yet in the development pipeline). Noting the dwellings quoted below may be counted under more than one category, there are:
 - (a) 994 dwellings (built, pipeline and expected) that come from the City's affordable housing contribution schemes;
 - (b) 454 dwellings (built, pipeline and expected) that have been assisted by subsidised land sales from the City to community housing providers;
 - (c) 439 dwellings (built, pipeline and expected) that have been assisted by the City's Affordable and Diverse Housing Fund; and
 - (d) a further 359 dwellings (built, pipeline and expected) that have not been assisted by any of the above; and

- (viii) City staff performed an audit and sale of vacant land for community housing providers, the last sale being 2016; and
- (B) the Chief Executive Officer be requested to bring forward \$10 million to the Affordable Housing Fund in order to attract housing providers to the City of Sydney and maximise the amount of affordable housing.

Note – at the meeting of Council, the content of the original Notice of Motion was varied. Subsequently it was:

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council note:
 - (i) the Government's National Housing Infrastructure Facility (NHIF) is a \$1 billion facility that provides finance for eligible infrastructure projects that will unlock new housing supply, particularly affordable housing;
 - (ii) the Government announcement that \$575 million of the National Housing Infrastructure Facility will be available for funding one million affordable homes;
 - (iii) the National Housing Infrastructure Facility is a \$1 billion facility that provides finance (concessional interest rates, and/or longer loan tenure) for eligible infrastructure projects that will unlock new housing supply, particularly affordable housing;
 - (iv) the National Housing Infrastructure Facility has been underutilised as there were expectations that local governments would access it;
 - (v) the City takes a multi-pronged approach to supporting the delivery of affordable housing in the local area, as well as in the wider metropolitan area, including:
 - (a) using its planning controls, including affordable housing levies, for the delivery of affordable housing;
 - (b) selling its land to community housing providers;
 - (c) providing grants for the delivery of affordable and diverse housing; and
 - (d) collaborating with other councils and the state government to encourage more affordable housing across metropolitan Sydney;
 - (vi) the City currently has an Affordable and Diverse Housing Fund aimed at promoting a wide range of affordable and diverse rental housing development in our area;
 - (vii) as at July 2021, there were 1,328 built affordable housing units in the local area, 386 dwellings in the development pipeline and a further 532 that are expected to be built in the future (but not yet in the development pipeline). Noting the dwellings quoted below may be counted under more than one category, there are:
 - (a) 994 dwellings (built, pipeline and expected) that come from the City's affordable housing contribution schemes;
 - (b) 454 dwellings (built, pipeline and expected) that have been assisted by subsidised land sales from the City to community housing providers;
 - (c) 439 dwellings (built, pipeline and expected) that have been assisted by the City's Affordable and Diverse Housing Fund; and

- (d) a further 359 dwellings (built, pipeline and expected) that have not been assisted by any of the above; and
 - (viii) City staff performed an audit and sale of vacant land for community housing providers, the last sale being 2016; and
- (B) the Chief Executive Officer be requested to bring forward \$10 million to the Affordable Housing Fund in order to attract housing providers to the City of Sydney and maximise the amount of affordable housing.

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

It is resolved that:

- (A) Council note:
- (i) the Government's National Housing Infrastructure Facility (NHIF) is a \$1 billion facility that provides finance for eligible infrastructure projects that will unlock new housing supply, particularly affordable housing;
 - (ii) the Government announcement that \$575 million of the National Housing Infrastructure Facility will be available for funding one million affordable homes;
 - (iii) the National Housing Infrastructure Facility is a \$1 billion facility that provides finance (concessional interest rates, and/or longer loan tenure) for eligible infrastructure projects that will unlock new housing supply, particularly affordable housing;
 - (iv) the City takes a multi-pronged approach to supporting the delivery of affordable housing in the local area, as well as in the wider metropolitan area, including:
 - (a) using its planning controls, including affordable housing levies, for the delivery of affordable housing;
 - (b) selling its land to community housing providers;
 - (c) providing grants for the delivery of affordable and diverse housing; and
 - (d) collaborating with other councils and the state government to encourage more affordable housing across metropolitan Sydney;
 - (v) the City currently has an Affordable and Diverse Housing Fund aimed at promoting a wide range of affordable and diverse rental housing development in our area;
 - (vi) as at July 2021, there were 1,328 built affordable housing units in the local area, 386 dwellings in the development pipeline and a further 532 that are expected to be built in the future (but not yet in the development pipeline). Noting the dwellings quoted below may be counted under more than one category, there are:
 - (a) 994 dwellings (built, pipeline and expected) that come from the City's affordable housing contribution schemes;
 - (b) 454 dwellings (built, pipeline and expected) that have been assisted by subsidised land sales from the City to community housing providers;
 - (c) 439 dwellings (built, pipeline and expected) that have been assisted by the City's Affordable and Diverse Housing Fund; and
 - (d) a further 359 dwellings (built, pipeline and expected) that have not been assisted by any of the above;

- (vii) City staff performed an audit and sale of vacant land for community housing providers, the last sale being 2016;
 - (viii) in March 2020, Council resolved to add an additional \$10 million to the Affordable and Diverse Housing Fund, with financial support to be provided via cash grants or the discounted sale or lease of surplus City land;
 - (ix) in September 2022, the Lord Mayor and Chief Executive Officer travelled to Canberra with the capital city Lord Mayors to advocate to the Commonwealth Government for more affordable and social housing in inner-city areas; and
 - (x) last week, the Lord Mayor hosted the Southern Sydney Regional Organisation of Councils (SSROC) and Resilient Sydney Affordable Housing Mayoral Summit, where mayors from across Sydney came together with community housing providers to discuss partnership opportunities that will enable them to increase social and affordable housing in their communities; and
- (B) the Chief Executive Officer be requested to update Council via CEO Update on:
- (i) the outcomes of the Southern Sydney Regional Organisation of Councils (SSROC) and Resilient Sydney Affordable Housing Mayoral Summit; and
 - (ii) future opportunities for the City of Sydney to invest in social and affordable housing via the Affordable and Diverse Housing Fund in consultation with the Housing For All Working Group.

The amendment was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Jarret, Kok, Scully and Weldon.

Noes (1) Councillor Scott.

Amendment carried.

Amended motion carried unanimously.

X086655

Item 13.10 Review of Electronic Billboards

Procedural Motion

Moved by Councillor Ellsmore, seconded by Councillor Scott -

That the motion be withdrawn as the matter had already been dealt with at Item 10.

Carried unanimously.

Item 13.11 Rosebery Eligibility Low Rise Medium Density Housing Code

Moved by Councillor Scott, seconded by Councillor Chan -

It is resolved that:

- (A) Council note the NSW Low Rise Medium Density Housing Code came into effect on 1 July 2020;
- (B) Council note the City has:
 - (i) consulted extensively with residents in the R2 zone in Rosebery about the impact of the Low Rise Medium Density Housing Code; and
 - (ii) with the support of Local Government NSW, successfully sought to exempt the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 from the Low Rise Medium Density Housing Code, permanently, from the commencement of the code;
- (C) Council note:
 - (i) the Lord Mayor wrote to the former Minister for Planning and Public Spaces, requesting the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 be exempted from the Low Rise Medium Density Housing Code, as resolved by Council on 20 July 2020, and that this request was granted for a period of two years;
 - (ii) the Lord Mayor wrote to the Minister for Planning, again requesting the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 be exempted permanently from the Low Rise Medium Density Housing Code, in April 2022;
 - (iii) the NSW Government has agreed with the City that the Rosebery Estate covenant, which limits dwellings to one storey, continues to apply and the SEPP does not overrule it;
 - (iv) as a result, currently, any two-storey development or addition within the Rosebery Estate must be assessed as a development application, and it cannot be approved as Complying Development;
 - (v) the Minister advised the exemption will not be made permanent. The Housing Codes will again come into force in Rosebery Estate from 1 January 2023; and
 - (vi) in light of the NSW Government's response providing only a further temporary exemption, that the City of Sydney will continue to advocate for the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 to be exempted from the Low Rise Medium Density Housing Code permanently; and
- (D) the Chief Executive Officer be requested to provide an update to Councillors via the CEO Update about City advocacy activities and outcomes.

Amendment. Moved by Councillor Chan, seconded by Councillor Kok –

It is resolved that:

- (A) Council note the NSW Low Rise Housing Diversity Code came into effect on 1 July 2020;
- (B) Council note the City has:
 - (i) consulted extensively with residents in the R2 zone in Rosebery about the impact of the Low Rise Housing Diversity Code; and
 - (ii) with the support of Local Government NSW, successfully sought to temporarily exempt the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 from the Low Rise Housing Diversity Code, until 31 December 2022;
- (C) Council note:
 - (i) the Lord Mayor wrote to the former Minister for Planning and Public Spaces, requesting the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 be exempted from the Low Rise Housing Diversity Code, as resolved by Council on 20 July 2020, and a temporary exemption was granted for a period of two years;
 - (ii) the Lord Mayor wrote to the Minister for Planning, again requesting the Rosebery Special Character Area identified in Sydney Local Environmental Plan 2012 be exempted permanently from the Low Rise Housing Diversity Code, in April 2022;
 - (iii) the NSW Government has agreed with the City that the Rosebery Estate covenant, which limits dwellings to one storey, continues to apply and the SEPP does not overrule it;
 - (iv) as a result, from 1 January 2023, any two-storey development or addition within the Rosebery Estate must be assessed as a development application, and it cannot be approved as Complying Development;
 - (v) the Minister advised the exemption will not be made permanent. The Housing Codes will again come into force in Rosebery Estate from 1 January 2023; and
 - (vi) in light of the NSW Government's response, the Lord Mayor again wrote to the Minister for Planning asking he make sure that private certifiers know that they cannot issue Complying Development Certificates for two-storey developments and to confirm how his Department will prevent private certifiers from issuing incorrect Complying Development Certificates in the Rosebery Estate; and
- (D) the Chief Executive Officer be requested to provide an update to Councillors via the CEO Update about how City staff have informed private certifiers of the NSW Government's decision.

The amendment was carried on the following show of hands:

Ayes (6) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Kok and Scully

Noes (4) Councillors Ellsmore, Jarrett, Scott and Weldon.

Amendment carried.

Amended motion carried unanimously.

X086655

At 8.42 pm the meeting concluded.

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