

21 November 2022

At 5.00 pm

Council

Agenda

1. **Confirmation of Minutes**
2. **Statement of Ethical Obligations and Disclosures of Interest**
3. **Minutes by the Lord Mayor**
 - 3.1 Support for the Justice Reform Initiative and Criminal Justice Reform
 - 3.2 St George Community Housing Foyer
 - 3.3 Outdoor Dining Extension
4. **Memoranda by the Chief Executive Officer**
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
 - 6.1 Confirmation of Minutes
 - 6.2 Statement of Ethical Obligations and Disclosures of Interest
 - 6.3 2022/23 Quarter 1 Review - Delivery Program 2022-2026
 - 6.4 City of Sydney 2021/22 Annual Reporting and Public Presentation of the 2021/22 Financial Statements and Audit Reports
 - 6.5 Investments Held as at 31 October 2022
 - 6.6 Post Exhibition - Councillors' Expenses and Facilities Policy
 - 6.7 Sydney Metro Compulsory Acquisition by Agreement - City's Stratum Interest, De Mestre Place, Sydney
 - 6.8 Lease Approval and Permanent Road Closure - Part Jones Street, Ultimo

Agenda

7. Report of the Business and Economic Development Committee

- 7.1 Confirmation of Minutes
- 7.2 Statement of Ethical Obligations and Disclosures of Interest
- 7.3 Grants and Sponsorship - Innovation and Ideas Grants Program

8. Report of the Cultural and Creative Committee

- 8.1 Confirmation of Minutes
- 8.2 Statement of Ethical Obligations and Disclosures of Interest
- 8.3 Grants and Sponsorship – Cultural Grants
- 8.4 Post Exhibition - Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy

9. Report of the Resilient Communities Committee

- 9.1 Confirmation of Minutes
- 9.2 Statement of Ethical Obligations and Disclosures of Interest
- 9.3 Grants and Sponsorship – Aboriginal and Torres Strait Islander Collaboration Fund
- 9.4 Adoption - Support for Charities Policy

10. Report of the Transport, Heritage, Environment and Planning Committee

- 10.1 Confirmation of Minutes
- 10.2 Statement of Ethical Obligations and Disclosures of Interest
- 10.3 Grants and Sponsorship - Environmental Grants
- 10.4 Project Definition and Scope - Dixon Street Improvements

Agenda

- 10.5 Public Exhibition - Planning Proposal - Green Square and Southern Areas Retail Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 10.6 Public Exhibition - Planning Proposal - 923-935 Bourke Street, Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 10.7 Post-Exhibition - Outdoor Dining Policy, Outdoor Dining Guidelines, and Display of Goods on the Footway Local Approvals Policy
- 10.8 Post Exhibition - Hoardings and Scaffolding Local Approvals Policy
- 10.9 Post Exhibition - Mobile Food Vending Vehicles Local Approvals Policy
- 10.10 Post Exhibition - Contaminated Land Policy
- 10.11 Fire Safety Reports
- 11. Questions on Notice**
- 12. Supplementary Answers to Previous Questions**
- 13. Notices of Motion**
 - 13.1 Support to Reform Tenancy Laws to Allow Pets in Rentals
 - 13.2 Community Consultation on Woolloomooloo Playground
 - 13.3 Protecting the Right to Peaceful Non-Violent Protest in NSW
 - 13.4 Party Wall Consent
 - 13.5 South Eveleigh Train Workshop Council Submission

Item 1

Confirmation of Minutes

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

Meeting of 31 October 2022.

Item 2

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

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.1**Support for the Justice Reform Initiative and Criminal Justice Reform****File No: S051491****Minute by the Lord Mayor**

To Council:

Vibrant, liveable cities are inclusive cities. They are also safe cities.

At the City of Sydney, we welcome the contributions made by all people and we work hard to build social cohesion and combat disadvantage.

Yet despite our best efforts, widespread disadvantage persists. Sydney is Australia's least affordable city and homelessness is at unprecedented levels. While unemployment is low, insecure work is high, creating a new class of working poor. And although we have come a long way in our understanding of mental illness and substance abuse, specialist services for treating these conditions are stretched beyond capacity, especially since Covid.

The relationship between these sources of disadvantage and incarceration is clear. Homelessness, unemployment, mental illness and substance abuse are both a cause and a consequence of incarceration.

In NSW, complex health issues are much higher among people in prison than the general population, 50 per cent of people released from prison are homeless and two-thirds of those who return to gaol were unemployed at the time they committed their offence.

Aboriginal and Torres Strait Islander people have the unfortunate distinction of being the most incarcerated people in the world. In NSW, Aboriginal and Torres Strait Islander adults make up 26 per cent of the prison population despite making up just three per cent of the general population. And Aboriginal and Torres Strait Islander children account for 42 per cent of children in custody despite making up just six per cent of the general population between the ages of 10 and 17.

I am pleased to say the relationship between police and Aboriginal and Torres Strait Islander young people in the City of Sydney has improved greatly since I first represented Redfern in the 1980s. However, as long as kids between the ages of 10 and 13 can be deemed criminally liable for their actions, too many children will come into contact with the criminal justice system instead of getting the help they need at home and at school.

I know of a 12-year-old Aboriginal boy in the City of Sydney who was recently charged with larceny for taking a \$1 Slurpee from a convenience store. His home was searched by police and his school records were obtained with a view to showing he knew right from wrong. His mother – a sole parent – took time off work to attend her son's police and court dates.

I am not suggesting we turn a blind eye to shop lifting. But I am suggesting this is an expensive and wholly ineffective way of dealing with a young child who took a drink from a store.

We also know that women's prisons are full of victim-survivors of domestic violence. Across Australia, around 70 per cent of women in gaol have been in an abusive relationship, with this figure rising even higher for Aboriginal and Torres Strait Islander women in gaol.

And even though we lock all of these people up – at a cost of \$1 billion a year in NSW and \$5 billion a year across Australia – gaols are not leading to a reduction in crime. Fifty per cent of people released from prison in NSW will return to prison within two years.

Australia's punitive response to disadvantage – which has been pursued by both sides of politics for the last 30 years – is not working. It's not working for offenders of crime, it's not working for victims of crime and it's not working for the community at large.

This is why I am so pleased to welcome the formation of the Justice Reform Initiative, a bipartisan organisation seeking evidenced-based criminal justice policies across Australia that identify alternatives to incarceration and enhance community safety.

I also encourage other Councils to support this campaign. Though States and Territories are primarily responsible for crime, housing and health, as the level of government closest to the community we see the fallout from the lack of investment in social services every day.

To the Chair of the Justice Reform Initiative, Robert Tickner AO, and the many other prominent Australians who are campaigning for a more compassionate and effective response to disadvantage and crime - we support your campaign.

Recommendation

It is resolved that:

(A) Council:

- (i) reaffirm its commitment to building social cohesion and combatting disadvantage;
- (ii) note the well-established nexus between incarceration and homelessness, unemployment, mental illness, substance abuse and other socioeconomic causes of crime;
- (iii) note the over-representation of Aboriginal and Torres Strait Islander people, and the high number of women who are victim-survivors of domestic violence, in NSW gaols;
- (iv) note that \$1 billion dollars is spent on running NSW gaols each year;
- (v) note that 50 per cent of those who are released from NSW gaols return within two years;
- (vi) welcome the formation of the Justice Reform Initiative, a bipartisan organisation seeking evidenced-based criminal justice policies across Australia that identify alternatives to incarceration and enhance community safety;
- (vii) call on all NSW parliamentarians to support evidenced-based criminal justice policies, including those that address the underlying causes of crime such as homelessness, unemployment, mental illness and substance abuse; and

- (viii) call on all NSW parliamentarians to raise the age of criminal responsibility; and
- (B) the Lord Mayor be requested to write to the NSW Premier and Attorney General, and the Leader of the Opposition and Shadow Attorney General, expressing Council's support for the Justice Reform Initiative's campaign for:
 - (i) evidenced-based criminal justice reform;
 - (ii) reduced incarceration; and
 - (iii) a greater emphasis on addressing the sources of disadvantage that lead to, and flow from, incarceration.

COUNCILLOR CLOVER MOORE

Lord Mayor

Item 3.2

St George Community Housing Foyer

File No: S051491

Minute by the Lord Mayor

To Council:

Access to affordable and social housing is essential for a diverse, cohesive, and economically successful global city. Yet as we know, Sydney is Australia's least affordable City.

Although tackling housing affordability is primarily the responsibility of the State and Federal Governments, the Council is committed to supporting affordable and social housing any way we can. This includes through our Affordable and Diverse Housing Fund, which we established with \$10 million in 2015, and supplemented with another \$10 million in 2020.

One of our earliest grants under this Fund was a \$3 million grant for St George Community Housing's Foyer Central project at 26 City Road, Chippendale. And earlier this month, I was really inspired and encouraged when I was taken on a tour of the Foyer by two of its impressive young residents.

Like all of the residents in this 53-room purpose-built complex, these young women had been in out-of-home care and were at risk of homelessness when they turned 18 and had to leave, and fortunately they connected with staff and support workers at the Foyer. And now they are clearly thriving.

To prepare their residents for independent living, the Foyer provides wrap around services so they can set and achieve educational and employment goals that will set them up for life. In return, residents are expected to see their development coaches for at least an hour a week, attend a range of life-skill lessons and – most controversially, as far as the residents are concerned – keep their room tidy!

They say "it takes a village" and the Foyer certainly attests to that. It is run by St George Community Housing, Uniting and Social Ventures Australia. The Sisters of Charity provide scholarships that support some of the residents at university and an Aboriginal officer from Redfern Local Area Command runs weekly yarning circles. In addition, many local community organisations, such as OzHarvest, volunteer their time to support the residents achieve their goals.

Staff told me that one of the best things about the Foyer is its location. It is close to buses, trams and trains; three universities; a TAFE; and any number of businesses and employment opportunities. Although the residents clearly benefit from all the City has to offer, we in turn undoubtedly benefit from all the residents have to offer.

I would also like to take this opportunity to commend the NSW Government for raising the age of out-of-home care support from 18 to 21 years of age. Many of us cannot imagine how hard it is for children growing up in out-of-home care facing the transition to adulthood without the love and support of our families. This increased investment from the Government means that young people can be supported for longer in places like the Foyer and be better prepared for independent living.

Recommendation

It is resolved that Council:

- (A) reaffirm its commitment to continue taking action to increase affordable housing in the City of Sydney;
- (B) continue to recognise the important role the Affordable and Diverse Housing Fund plays in the development of affordable and diverse housing in our area;
- (C) congratulate St George Community Housing and its partners for delivering on its goal of providing a safe haven for some of our most vulnerable young people; and
- (D) commend the NSW Government for raising the age of support for young people in out-of-home care from 18 to 21 years of age.

COUNCILLOR CLOVER MOORE

Lord Mayor

Item 3.3

Outdoor Dining Extension

Document to Follow

Item 4

Memoranda by the Chief Executive Officer

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

Item 5

Matters for Tabling

5.1 Disclosures of Interest

Disclosure of Interest returns that have been lodged in accordance with the City of Sydney Code of Conduct will be tabled.

Recommendation

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

5.2 Petitions

Petition to City of Sydney – Charity Providers at Tom Uren Place

Councillor Linda Scott gives notice that, at the meeting of Council on Monday, 21 November 2022, she will table and speak to a petition with the following terms:

We the undersigned request action from the City of Sydney and TAHE to stop Charity Providers from daily, unaccountable and uninsured activities at Tom Uren Place.

The Charity Providers services are not targeting needs, but rather have reinforced and normalised antisocial, inappropriate behaviours by participants.

These Charity Providers are onsite, every night, without any overarching bodies monitoring the short and long term impacts on the participants or the local residents.

For over a decade, Police, CofS, local businesses and residents have been left to deal with the ramifications of these Providers and their Users.

We call for an end to Charity Providers in Tom Uren Place, now.

Recommendation

It is resolved that the Petition be received and noted.

Item 6

Report of the Corporate, Finance, Properties and Tenders Committee - 14 November 2022

Item 6.1

Confirmation of Minutes

Moved by Councillor Scully, seconded by Councillor Kok –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 17 October 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 6.2**Statement of Ethical Obligations and Disclosures of Interest**

Councillor Sylvie Ellsmore disclosed a less than significant, non-pecuniary interest in Item 6.3 on the agenda, in that a not for profit organisation for which she is a member of the Coordinating Committee – Redfern Eveleigh Darlington Waterloo Watch resident action group, or REDWatch – was the beneficiary of a venue waiver, which is noted in the report.

Councillor Ellsmore considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because her involvement in REDWatch is as a volunteer, and this item relates to a waiver offered in the past, which Council is noting.

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 recommends the following:

Item 6.3

2022/23 Quarter 1 Review - Delivery Program 2022-2026

It is resolved that:

- (A) Council note the financial performance of Council for the first quarter, ending 30 September 2022, including a Quarter 1 Net Operating Result for the Year of \$53.2M and the full year forecast of \$89.0M, as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) Council note the Quarter 1 Capital Works expenditure of \$33.4M and a revised full year forecast of \$196.6M, and approve the proposed adjustments to the adopted budget, including bringing forward \$6.1M of funds into the 2022/23 capital budget and \$0.5M from the capital works contingency as detailed in Attachment B to the subject report;
- (C) Council note the Technology and Digital Services Capital Works of \$4.6M, net of disposals, and a full year forecast of \$20.4M, and approve the allocation of \$0.3M from capital works contingency as detailed in Attachment B to the subject report;
- (D) Council note the Quarter 1 Plant and Equipment expenditure of \$1.4M, net of disposals, a revised full year forecast of \$10.9M, and approve bringing forward \$1.9M of funds into the 2022/23 budget and \$30K from capital works contingency as detailed in Attachment B to the subject report;
- (E) Council note the Quarter 1 net Property Acquisitions of \$114.6M, and the full year forecast net Property Acquisitions of \$112.8M; and
- (F) Council note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 1, as detailed in Attachment C to the subject report.

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

X039568

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 6.4

City of Sydney 2021/22 Annual Reporting and Public Presentation of the 2021/22 Financial Statements and Audit Reports

It is resolved that:

- (A) Council present the 2021/22 Annual Financial Statements and Auditor's Reports to the public as shown at Attachment B to the subject report;
- (B) Council adopt the 2021/22 Annual Financial Reports subject to the receipt of any submissions over the ensuing seven day period;
- (C) Council endorse the 2021/22 Annual Report, including the Statutory Returns, Financial Statements and Q4 Operational Plan report as shown at Attachments A, B and C to the subject report;
- (D) Council endorse the organisational structure and senior positions included within the Annual Report Statutory Returns;
- (E) Council note the 2021/22 annual report on the City's Inclusion (Disability) Action Plan 2021-2025 as shown at Attachment D to the subject report;
- (F) Council note the 2021/22 Green Report as shown at Attachment E to the subject report; and
- (G) authority be delegated to the Chief Executive Officer to make any minor amendments to the reports to correct any drafting errors and finalise design, artwork and accessible formats for publication.

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

X084202

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 6.5

Investments Held as at 31 October 2022

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

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

X020701

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 6.6

Post Exhibition - Councillors' Expenses and Facilities Policy

It is resolved that:

- (A) Council adopt the revised Councillors' Expenses and Facilities Policy as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Councillors' Expenses and Facilities Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

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

S051923

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 6.7

Sydney Metro Compulsory Acquisition by Agreement - City's Stratum Interest, De Mestre Place, Sydney

It is resolved that:

- (A) Council note the acquisition by compulsory process of the City's freehold interest in road known as De Mestre Place;
- (B) Council note that compensation for the compulsory acquisition of De Mestre Place is assessed under the Roads Act 1993 as detailed within the report;
- (C) Council endorse the compulsory acquisition by agreement under the Land Acquisition (Just Terms Compensation) Act 1991 by Sydney Metro of Lot 1 in Deposited Plan 1003818 being a freehold stratum lot, limited in height and depth within De Mestre Place; and
- (D) Council endorse the negotiated compensation amount and the commercial terms for the acquisition of the freehold stratum as detailed within confidential Attachment C to the subject report and delegate authority to the Chief Executive Officer to finalise an agreement generally in accordance with these terms.

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

X036064

Item 6.8**Lease Approval and Permanent Road Closure - Part Jones Street, Ultimo**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 21 November 2022.

Officer's Recommendation

The officer's recommendation to the Corporate, Finance, Properties and Tenders Committee was as follows -

It is resolved that:

- (A) Council endorse the permanent road closure of Jones Street, Ultimo, between Broadway and Thomas Street, vesting in the City of Sydney as operational land, and as shown as Proposed Lot 100 in the Draft Plan of First Title Creation at Attachment B to the subject report;
- (B) Council approve the proposed 40 year lease to the University of Technology Sydney for the occupation of Jones Street, Ultimo, between Broadway and Thomas Street, in accordance with the terms and conditions contained in Confidential Attachment I to the subject report;
- (C) Council note the surrender of the existing short-term lease of an unused road to University of Technology Sydney will occur in accordance with the delegations from the Chief Executive Officer to Directors and staff, one day prior to the commencement of the new lease, subject to the terms and conditions outlined in Confidential Attachment I to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to:
 - (i) negotiate, execute and administer the terms of the lease in accordance with the essential terms and conditions contained in the Confidential Attachment I to the subject report; and
 - (ii) approve the publication of a Government Gazette to give effect to the permanent road closure and classification as operational land.

Officer's Report

The officer's report on this matter can be found at Item 8 on the agenda of the meeting of the Corporate, Finance, Properties and Tenders Committee on 14 November 2022.

X003280.001

Item 7

Report of the Business and Economic Development Committee - 14 November 2022

Item 7.1

Confirmation of Minutes

Moved by Councillor Kok, seconded by Councillor Ellsmore –

That the Minutes of the meeting of the Business and Economic Development Committee of Monday 12 September 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 7.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that he is involved in presenting at and contributing to Remix Summits.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because his involvement as a presenter and contributor is in a voluntary capacity. He has not been involved in, and was not aware of, Remix Summits' grant application.

Councillor Yvonne Weldon disclosed a significant, non-pecuniary interest in Item 7.3 on the agenda, in that she is a non-executive director of Domestic Violence NSW (DVNSW), one of the applicants for Innovation and Ideas Grant Program funding.

Councillor Weldon 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 Business and Economic Development Committee.

The Business and Economic Development Committee recommends the following:

Item 7.3

Grants and Sponsorship - Innovation and Ideas Grants Program

It is resolved that:

- (A) Council approve the cash and value in kind recommendations for the Innovation and Ideas Grant program as shown at Attachment A to the subject report;
- (B) Council note the applicants who were not recommended in obtaining a cash grant or value in kind for the Innovation and Ideas Grant program as shown at Attachment B to the subject report;
- (C) Council note that all grant amounts are exclusive of GST;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (E) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that 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.

(Note – at the meeting of the Business and Economic Development Committee, this recommendation was moved by Councillor Kok, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S117676

Item 8

Report of the Cultural and Creative Committee - 14 November 2022

Item 8.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Cultural and Creative Committee of Monday 17 October 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor (Waskam) Emelda Davis disclosed a significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is Chairwoman of Australian South Sea Islanders Port Jackson. The organisation provided grant support letters to the Australian Maritime Museum and the Pyrmont-Ultimo Chamber of Commerce.

Councillor Davis noted that these organisations are recommended for funding, and stated that she would not be voting on this matter.

Councillor Sylvie Ellsmore disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that one of the grant recipients recommended for funding is Sydney Improvised Music Association Incorporated. Councillor Ellsmore was recently a guest and spoke at the opening of the Women's Jazz Festival, which was a recipient of the previous grant, and organised in part by the Sydney Improvised Music Association Incorporated (SIMA).

Councillor Ellsmore considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she was attending the event in her capacity as a Councillor and the event was officially sponsored by the City. She was not aware of the grant application which is subject to a recommendation at Council, and did not discuss the grant with SIMA or any related person or organisation.

Councillor Yvonne Weldon disclosed a significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is the Deputy Chairperson of the Metropolitan Local Aboriginal Land Council, one of the applicants for Cultural Grants funding.

Councillor Weldon 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 Cultural and Creative Committee.

Item 8.3**Grants and Sponsorship – Cultural Grants**

The Cultural and Creative Committee decided that consideration of this matter shall be deferred to the meeting of Council on 21 November 2022.

Officer's Recommendation

The officer's recommendation to the Cultural and Creative Committee was as follows -

It is resolved that:

- (A) Council approve the cash and value in kind recommendations for the Festivals and Events Sponsorship program as shown at Attachment A to the subject report;
- (B) Council note the applicants who were not recommended in obtaining a cash grant or value in kind for the Festivals and Events Sponsorship program as shown at Attachment B to the subject report;
- (C) Council note that all grant amounts are exclusive of GST;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (E) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that 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.

Officer's Report

The officer's report on this matter can be found at Item 3 on the agenda of the meeting of the Cultural and Creative Committee on 14 November 2022.

S117676

The Cultural and Creative Committee recommends the following:

Item 8.4

Post Exhibition - Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy

It is resolved that:

- (A) Council adopt the Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy, as shown at Attachment A to the subject report;
- (B) Council note the Sydney Busking Code, as shown at Attachment B to the subject report, to be published as a guidance document to accompany the Policy; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Aboriginal and Torres Strait Islander Cultural Practice Policy and the Sydney Busking Code in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

(Note – at the meeting of the Cultural and Creative Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Davis, and carried unanimously.)

X085068.004

Item 9

Report of the Resilient Communities Committee - 14 November 2022

Item 9.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Resilient Communities Committee of Monday 12 September 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 9.2**Statement of Ethical Obligations and Disclosures of Interest**

Councillor (Waskam) Emelda Davis disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is Chair of Australian South Sea Islanders Port Jackson, and the organisation has paid Brolga Dance Academy for performances. Councillor Davis has known the director of Brolga Dance Academy for more than five years.

Councillor Davis considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the nature of the interest is that of a relationship that does not impede her decision-making or render any personal benefits.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matters on the agenda for this meeting of the Resilient Communities Committee.

The Resilient Communities Committee recommends the following:

Item 9.3

Grants and Sponsorship – Aboriginal and Torres Strait Islander Collaboration Fund

It is resolved that:

- (A) Council approve the cash recommendation for the Aboriginal and Torres Strait Islander Collaboration Fund program as shown at Attachment A to the subject report;
- (B) Council note that all grant amounts are exclusive of GST;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; 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 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.

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

S117676

The Resilient Communities Committee recommends the following:

Item 9.4

Adoption - Support for Charities Policy

It is resolved that:

- (A) Council adopt the Support for Charities Policy as shown at Attachment A to the subject report;
- (B) Council rescind the current Humanitarian Crisis Response Guidelines 2010, as shown at Attachment B to the subject report, which are superseded by the Support for Charities Policy;
- (C) Council rescind the current Support for Charities Guidelines 2018, as shown at Attachment C to the subject report, which are superseded by the Support for Charities Policy; and
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Support for Charities Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

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

X080317

Item 10

Report of the Transport, Heritage, Environment and Planning Committee - 14 November 2022

Item 10.1

Confirmation of Minutes

Moved by Councillor Chan, seconded by Councillor Gannon –

That the minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of Monday 17 October 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 10.2**Statement of Ethical Obligations and Disclosures of Interest**

The Lord Mayor (Councillor Clover Moore) disclosed a pecuniary interest in Item 5 on the agenda, in that her husband owns shares in Woolworths Group, the landowner for the site in the Planning Proposal.

The Lord Mayor stated that she would not be voting on this matter.

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.

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

Item 10.3

Grants and Sponsorship - Environmental Grants

It is resolved that:

- (A) Council approve the cash recommendations for the Green Building Grant program as shown at Attachment A to the subject report;
- (B) Council note the applicants who were not recommended in obtaining a cash grant for the Green Building Grant program as shown at Attachment B to the subject report;
- (C) Council note that all grant amounts are exclusive of GST;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (E) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that 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.

(Note – at the meeting of the Transport, Heritage, Environment Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S117676

Item 10.4**Project Definition and Scope - Dixon Street Improvements**

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 21 November 2022.

Officer's Recommendation

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

It is resolved that Council:

- (A) endorse the initial scope proposed for Dixon Street as described in the subject report for progression to design development which will include further engagement through the process;
- (B) note that prior to progression to construction of the works, a Dixon Street concept design and detailed scoping report with financial implications will be prepared for Council approval; and
- (C) note an updated Chinatown Public Domain Plan informed by the Haymarket consultation process with project priorities and opportunities for the Chinatown/Haymarket area will be prepared for Council approval.

Officer's Report

The officer's report on this matter can be found at Item 4 on the agenda of the Transport, Heritage, Environment and Planning Committee on 14 November 2022.

Speakers

Kevin Cheng (Soul of Chinatown), Eddie Ma (Vigilanti) and Catherine Chung (Posei) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 10.4.

X090157

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

Item 10.5

Public Exhibition - Planning Proposal - Green Square and Southern Areas Retail Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - Green Square and Southern Areas Retail Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal - Green Square and Southern Areas Retail Review, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council approve the draft Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment, shown at Attachment B of the subject report, for public exhibition concurrent with the planning proposal;
- (D) Council seek authority from the Department of Planning and Environment to exercise its delegation under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the amending Local Environmental Plan; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Green Square and Southern Areas Retail Review and draft Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment to correct any drafting errors or inconsistencies, or to ensure consistency with any condition of the Gateway Determination.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X084812

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

Item 10.6

Public Exhibition - Planning Proposal - 923-935 Bourke Street, Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - 923-935 Bourke Street, Waterloo, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strike through~~):
 - (i) Drafting instruction on page 42: notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of ***a*** shops with a gross floor area not greater than 3,200 square metres;
- (B) Council approve Planning Proposal - 923-935 Bourke Street, Waterloo, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strike through~~):
 - (i) Drafting instruction on page 42: notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of ***a*** shops with a gross floor area not greater than 3,200 square metres;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 923-935 Bourke Street, Waterloo;
- (D) Council approve draft Development Control Plan - 923-935 Bourke Street, Waterloo Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strike through~~):
 - (i) On page 10: (2) Any dedication of land to Council is required to secure an appropriate remediation outcome that is endorsed by Council to confirm the land is fit for purpose ~~and is not constrained by a long term Environmental Management Plan~~;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012 - 923-935 Bourke Street, Waterloo Amendment to correct any drafting errors or to ensure consistency with the Gateway Determination; and

- (F) authority be delegated to the Chief Executive Officer to prepare and exhibit a draft planning agreement in accordance with the letter of offer dated 11 November 2022 as shown at Attachment A to the subject Information Relevant to Memorandum – Item 6 – Transport, Heritage, Environment and Planning Committee meeting on 14 November 2022 and the requirements of the Environmental Planning and Assessment Act 1979.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this alternative recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X083066

Speakers

Pierre Abrahamse (Woolworths Property Group) and Daniel Howard (Ethos Urban) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 10.6.

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

Item 10.7

Post Exhibition - Outdoor Dining Policy, Outdoor Dining Guidelines, and Display of Goods on the Footway Local Approvals Policy

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the draft Outdoor Dining Policy, draft Outdoor Dining Guidelines and draft Display of Goods on the Footway Local Approvals Policy, as shown in the Summary of Submissions at Attachment A to the subject report;
- (B) Council adopt the Outdoor Dining Policy and Outdoor Dining Guidelines, as shown at Attachments B and C to the subject report;
- (C) Council endorse the Display of Goods on the Footway Local Approvals Policy, as shown at Attachment D to the subject report, for submission to the Office of Local Government with a request for the consent of the Departmental Chief Executive for the adoption of the Policy in accordance with section 162 of the Local Government Act 1993;
- (D) authority be delegated to the Chief Executive Officer to adopt the Display of Goods on the Footway Local Approvals Policy, as shown at Attachment D subject to consent of the Departmental Chief Executive under section 162 of the Local Government Act 1993; and
- (E) authority be delegated to the Chief Executive Officer to make minor variations to the draft Outdoor Dining Policy, draft Outdoor Dining Guidelines, and draft Display of Goods on the Footway Local Approvals Policy to correct any minor errors prior to finalisation or address requirements of the Office of Local Government in granting their consent under section 162 of the Local Government Act 1993.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S060627-02

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

Item 10.8

Post Exhibition - Hoardings and Scaffolding Local Approvals Policy

It is resolved that:

- (A) Council adopt the Local Approvals Policy for Hoardings and Scaffolding as shown at Attachment A to the subject report;
- (B) Council approve the supporting Guidelines for Hoardings and Scaffolding as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Local Approvals Policy for Hoardings and Scaffolding and Guidelines for Hoardings and Scaffolding to correct any drafting errors and finalise design, artwork and accessible formats for publication.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X08769

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

Item 10.9

Post Exhibition - Mobile Food Vending Vehicles Local Approvals Policy

It is resolved that:

- (A) Council adopt the Mobile Food Vending Vehicles Local Approvals Policy as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Mobile Food Vending Vehicles Local Approvals Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Kok, and carried unanimously.)

X087518

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

Item 10.10

Post Exhibition - Contaminated Land Policy

It is resolved that:

- (A) Council adopt the Contaminated Land Policy, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Contaminated Land Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Kok, and carried unanimously.)

S111706

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

Item 10.11

Fire Safety Reports

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 report by Fire and Rescue NSW, as shown at Attachment B of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 89 Bay Street, Glebe.

(Note - at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Gannon, and carried unanimously.)

S105001.002

Item 11

Questions on Notice

1. Vacant Properties in the City of Sydney

By Councillor Ellsmore

Question

1. What data does the City collect or have access to, in relation to vacant residential properties within the Sydney Local Government Area? (Please provide details)
2. How are vacant residential properties in the City of Sydney Local Government Area tracked and monitored?
3. Is this data available to the public and how can the data be accessed? (Please provide details)
4. What is the number and type of vacant residential properties in the Local Government Area? (Please include most recent data and details)
5. Does the City have data in relation to how many short term holiday homes (e.g. Airbnb) there are in the City of Sydney Local Government Area?
6. Acknowledging that the City of Sydney Local Government Area is among the least affordable Local Government Areas in Australia to rent, what policy or planning options has the City considered, or is currently considering, to encourage the occupation of vacant residential dwellings?
7. What opportunities and challenges exist within the existing NSW Government planning framework for local Councils to address the issue of vacant residential dwellings?

X086664

2. Industry-Specific Parking Schemes

By Councillor Ellsmore

Question

1. Within the City of Sydney Local Government Area, has any type of industry-specific parking been implemented?
2. What are the details of the 2020 free parking for Emergency Support Workers scheme?
3. Has any type of subsidised parking been provided for arts and hospitality workers? Please provide details.

4. Has the City of Sydney investigated whether this is feasible? Please provide details.

X086664

3. Approved Park Designs

By Councillor Scott

Question

Within the parks upgrade list, which park designs have been approved? For each approved park:

1. When were they approved?
2. When were they exhibited for community consultation or are planned to?
3. When are works planned to be commenced?

X086668

4. Cyclist and Pedestrian Road Safety

By Councillor Weldon

Question

1. Crash and Casualty data published on the NSW Centre for Road Safety website shows during 2020 and 2021 nearly 5000 cyclists were hospitalised in NSW:
 - (a) How many cyclists were hospitalised in 2020 and 2021 in the City of Sydney Local Government Area?
 - (b) How many pedestrians were hospitalised in 2020 and 2021 in the City of Sydney Local Government Area?
 - (c) What were the streets and roads in the Local Government Area where cyclists were injured requiring hospitalisation?
 - (d) What were the streets and roads in the Local Government Area where pedestrians were injured requiring hospitalisation?
2. Are cyclists permitted to ride on George Street in the CBD?
3. If the answer to 2 is yes, where in George Street are cyclists permitted to ride?
4. Are there sections of George Street that cyclists are not permitted to ride?
5. If the answer to 4 is yes:
 - (a) What are the reasons for cyclists not being allowed to ride on the entirety of George Street?

- (b) Are there signs advising where cyclists cannot ride and where is the signage advising this located?
 - (c) Are there penalties for cyclists riding in locations on George Street where cycling is not permitted?
6. Is the decision about where cyclists can ride on George Street under review or reassessment by the Council?
7. How many cyclist accidents have occurred in George Street since the commencement of light rail operations?
8. How many pedestrian accidents have occurred in George Street since the commencement of light rail operations?
9. Has Council recently conducted a review or reassessment of cycleways in the Local Government Area in cooperation with Transport for NSW.
10. If the answer to 9 is yes,
- (a) What was the scope of the review or reassessment?
 - (b) Who conducted the review or reassessment?
 - (c) What was the cost to Council of the review or reassessment?
 - (d) When will the findings of the review or reassessment be released?

X086670

Item 12

Supplementary Answers to Previous Questions

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

Item 13.1**Notices of Motion****Support to Reform Tenancy Laws to Allow Pets in Rentals**

By Councillor Ellsmore

It is resolved that:

- (A) Council note:
- (i) Australia has among the highest rates of pet ownership in the world. Pet ownership has increased in NSW to 60 per cent of households;
 - (ii) research from the RSPCA found that pet ownership has many benefits, including improvements to mental health and wellbeing;
 - (iii) the majority of people living in the City of Sydney are now renters. Households renting in the City increased from 46.7 per cent in 2016, to 53.7 per cent in 2021;
 - (iv) the Council has previously advocated to the NSW Government to introduce legislation to offer better protection to renters, including by prohibiting no-grounds evictions, punitive and discriminatory practices, rent bidding by landlords, and 'no pets' clauses;
 - (v) in NSW, tenancy laws still allow for blanket 'no pets' clauses. This allows landlords to refuse requests from renters to have a pet without providing a reason (unless it is an assistance animal);
 - (vi) in other states and territories, rules have recently changed to make it easier for tenants to keep pets in rental homes by, for example, requiring the landlord to provide a reason to refuse a pet;
 - (vii) the NSW Government is currently consulting about changing tenancy rules, to make it easier for renters to have pets; and
 - (viii) there is strong community campaigning by Make Renting Fair and the Tenants' Union NSW to change NSW tenancy laws to end blanket 'no pets' clauses in NSW;
- (B) Council expresses its strong support for law reforms which would make it easier for renters to have pets in NSW; and
- (C) the Chief Executive Officer be requested to:
- (i) provide a submission to the NSW Government in support of reform to support pet ownership in rentals, by the deadline of Friday, 2 December 2022; and
 - (ii) send a copy of this motion and the City of Sydney Council submission to the Minister for Fair Trading Victor Dominello, the relevant opposition Shadow Minister, and the NSW Tenants Union.

X086659

Item 13.2

Notices of Motion

Community Consultation on Woolloomooloo Playground

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) Woolloomooloo Playground is located adjacent to Dowling Street and Pring Street, Woolloomooloo;
- (ii) the Playground has been identified for renewal as part of the Stage 15 small parks and playgrounds improvement program;
- (iii) the project brief is to refurbish the playground area, replace end of life equipment and soft fall, provide a range of play experiences for children of different ages and abilities, and improve accessibility and circulation into and through the playground, as well as provide additional seating to the playground and associated landscape improvements. Opportunities have also been identified to remove walls and other visual barriers to create a more open and welcoming environment;
- (iv) draft concept plans were presented to the community between 20 July and 24 August 2020 and were exhibited on the City's website;
- (v) works on the Playground are set to take place in less than two weeks;
- (vi) residents and resident action groups have highlighted their concerns about the lack of consultation and notification that took place regarding the proposed changes/upgrades to the Woolloomooloo Playground Area, and the time that has elapsed since the consultation;
- (vii) although the upgrades are welcomed by the community however, as beneficiaries and the most knowledgeable about the parks needs, they request to have further input into the upgrades;
- (viii) the Lord Mayor recently held a Community Housing Forum on 8 November 2022, at which residents raised this matter; and
- (ix) City of Sydney staff have organised a community meeting to receive further input into the design and upgrades to be included in the development; and

- (B) the Chief Executive Officer be requested to:
- (i) continue the process of engaging with the community to pursue their input on the changes and upgrades to be included in the development before commencing the project; and
 - (ii) update Councillors via the CEO Update, about how the community's feedback has been integrated into the development.

X086655

Item 13.3

Notices of Motion

Protecting the Right to Peaceful Non-Violent Protest in NSW

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) the NSW Government has enacted a series of laws which restrict and criminalise peaceful protests;
- (ii) most recently, in April 2022 following protests by climate activists in the city, the NSW Parliament passed legislation to prevent protesting on major roads, bridges, tunnels, public transport and infrastructure facilities. The new legislation amends section 144G the *Roads Act 1993* and criminalises activities that 'cause serious disruption';
- (iii) offences carry a maximum penalty of \$22,000 or two years in gaol, or both;
- (iv) since the passing of the amendment in April 2022, many activists have been charged under these and other anti-protest laws;
- (v) the changes were strongly opposed by human rights, environmental and civil liberties groups; and
- (vi) in October 2022, The Environmental Defenders Office filed a legal challenge to the laws in the NSW Supreme Court;

(B) Council also note:

- (i) the NSW Police has formed a militarised police unit Strike Force Guard which has targeted environmental campaigners;
- (ii) the NSW Council for Civil Liberties and human rights groups have urgently written to the NSW Government (including the Attorney General, Police Minister and Commissioner for Police) expressing concern about pre-emptive and intimidatory police tactics leading up to the International Mining and Resources Conference (IMARC) held in Sydney over 2 to 4 November 2022; and
- (iii) reported police activities include police making unannounced visits to suspected activists' homes, car stops and searches, and arrests of climate activists and networks prior to the event;

- (C) Council:
- (i) acknowledge that the right to protest is fundamental in a democratic society;
 - (ii) condemn harsh police practices with respect to protesters; and
 - (iii) commit to support and facilitate the right of the community, including climate activists, to peacefully protests in the City; and
- (D) the Lord Mayor be requested to urgently write to the NSW Attorney General, NSW Shadow Attorney General, the NSW Minister for Police and the Commissioner for Police:
- (i) to express support for the right of peaceful gathering, meeting, and assembly in NSW;
 - (ii) to express the City's support for the repeal of protest laws introduced in April this year; and
 - (iii) to call on the NSW Police to cease pre-emptive and heavy-handed policing of protests, particularly climate protests.

X086659

Item 13.4

Notices of Motion

Party Wall Consent

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) a party wall is a dividing partition between two adjoining buildings that is shared by the occupants of each residence or business. Each building supported by the party wall is entitled to be supported by the whole wall and the wall is protected by cross easements benefitting both owners. The easements do not give the person who has the benefit of the easement a right to possession of the land (i.e. make them an owner of the land);
- (ii) as such, owner's consent for the lodgement of a development application is only required where the development proposed straddles the property boundary;
- (iii) the court has determined that owner's consent can be obtained at any time prior to the determination of an application and is not a requirement prior to lodgement;
- (iv) where development is proposed that involves works adjacent to a party wall, conditions will typically be imposed on any consent requiring that all works are carried out within the boundary of the site; and
- (v) the City would benefit from a clear and accessible statement, for example on the City's website, clarifying the requirements of carrying out works associated with a party wall and how it relates to the development application process; and

(B) the Chief Executive Officer be requested to:

- (i) create a clear and accessible statement on the City's website clarifying the requirements of carrying out works associated with a party wall and how it relates to the development application process; and
- (ii) provide an update to Councillors on outcomes via the CEO Update.

X086655

Item 13.5

Notices of Motion

South Eveleigh Train Workshop Council Submission

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the South Eveleigh Train Workshop (heritage registered as the Large Erecting Shop) is located in the South Eveleigh precinct, on the site of the former Australian Technology Park;
- (ii) Transport for NSW has prepared a rezoning proposal for the Workshop, aiming to deliver a mixed-use development with commercial and retail uses;
- (iii) the proposal mainly affects only the interior with some minor external works also proposed and is on exhibition for public comment until 24 November 2022;
- (iv) the City's submission to Transport for NSW highlights a number of important improvements to be made to the planned development as outlined below:
 - (a) the City and the Central Sydney Planning Committee (CSPC) should be returned as the consent authority for all development in the South Eveleigh precinct;
 - (b) a bridge connection between north and south Eveleigh should be considered;
 - (c) the proposal does not adequately respect the heritage significance of the site and its individual components;
 - (d) the floor space should be reduced and the voids increased to improve interpretation of the heritage internal fabric of the building;
 - (e) ensure the original spatial conception of the building can be read, meaning aligning voids with the original doors and no new opening are provided in the main southern façade;
 - (f) commit to delivering a significant quantum of affordable commercial floor space on the site for small business, start-ups and creative industries; and
 - (g) identify local infrastructure needs beyond the site boundaries and reflect these in a local infrastructure schedule developed in close consultation with the City;

- (v) the REDWatch community group has been a strong force advocating for the bridge connection and for the scale and purpose of the heritage workshop to be respected and preserved; and
- (vi) this proposal effectively aligns with such community sentiment, actualising their efforts of advocacy.

X086655