

Council

Meeting No 11

Monday 12 December 2022

Notice No 11/1648

Notice Date 8 December 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 5.02pm, 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.

Opening Prayer and Acknowledgement of Country

The Lord Mayor opened the meeting with a 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.

Order of Business

Council agreed that the order of business be altered such that Item 11.1 be brought forward and dealt with before Item 4, for the benefit of family members present.

Councillor Weldon left the meeting of Council at 6.06pm prior to discussion on Item 7.3, and returned at 6.07pm, after the vote on Item 7.3. Councillor Weldon was not present at, or in sight of, the meeting of Council during discussion or voting on Item 7.3.

Council agreed that the order of business be altered such that Item 11.7 be brought forward and dealt with before Item 11.2, for the benefit of the subject of the Notice of Motion, who was present.

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, 21 November 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 Emelda Davis made the following disclosures:

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that Nathan Moran, Chief Executive Officer of the Metropolitan Local Aboriginal Land Council, has opened numerous events for Australian South Sea Islanders Port Jackson (ASSIPJ), an organisation of which she is the founder and Chairwoman.
- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that John Leha, Founding Director and Chair of BlaQ Aboriginal Corporation, is known to her via numerous community connections spanning over a decade. Also, Jinny-Jane Smith, a team member, is known to Councillor Davis via the City of Sydney Aboriginal and Torres Strait Islander Advisory Panel and through community connections.

Councillor Davis considers that these non-pecuniary conflicts of interest are not significant and do not require further action in the circumstances because the interests are of a relationship basis that does not impede the objectiveness of her decision making and does not render personal beneficiary benefits.

Councillor Shauna Jarrett disclosed a less than significant, non-pecuniary interest in Item 8.7 on the agenda, in that she is an annual subscriber to the program of Stables Theatre.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she is merely an annual subscriber.

Councillor Yvonne Weldon disclosed a significant, non-pecuniary interest in Item 7.3 on the agenda, in that she is the Deputy Chairperson of the Metropolitan Local Aboriginal Land Council, one of the applicants for an Aboriginal and Torres Strait Islander Collaboration Fund grant.

Councillor Weldon 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 Council.

Item 3 Minutes by the Lord Mayor**Item 3.1 Continued Solidarity with the People of Ukraine****Minute by the Lord Mayor**

To Council:

The devastating humanitarian crisis caused by the Russian Federation's immoral and illegal invasion of the Sovereign State of Ukraine on 24 February 2022 has no signs of ending.

While the brave people of Ukraine have valiantly resisted the Russian onslaught, recapturing occupied lands, including the city of Kherson, Russian missile strikes and military action have continued, destroying cities and towns and leaving hundreds of thousands of people without food, water, heat, electricity or medical care for lengthy periods. Tens of thousands of people have lost their lives and many more have been injured. Millions have fled Ukraine, creating a refugee crisis. Approximately 5,000 Ukrainians have found safety in Australia including 1,750 who have settled in NSW.

Soon after the invasion on 24 February 2022, the City joined with others in showing solidarity with all Australians of Ukrainian heritage by flying the Ukrainian flag and lighting Sydney Town Hall with its colours.

At our Council meeting on 21 March 2022, all persons present in the Council Chamber stood for one minute as an expression of solidarity with and support for the people of Ukraine and the Ukrainian diaspora, including the millions who had fled their country.

Council also unanimously agreed to provide cash sponsorship to the Ukrainian Council of NSW Inc to assist it to hold an event to raise funds to provide humanitarian aid and support.

The Ukrainian Fundraising Concert, held in Sydney Town Hall on 28 March 2022, was attended by 750 people and raised \$32,000 for the Ukraine Crisis Appeal. This appeal is a collaboration between the Australian Federation of Ukrainian Organisations Rotary Australia World Community Service (RAWCS) and Caritas Ukraine. The Appeal's priority is providing emergency humanitarian aid for food, shelter, medical aid, psychological support and child welfare.

The Ukrainian Council of NSW is planning to hold another fundraising event in support of the Crisis Appeal on or close to the first anniversary of the Russian invasion of Ukraine and has again sought the City's support. I propose that Council continue to stand in solidarity with the People of Ukraine by agreeing to this request. Specifically, I am recommending that Council again approve a cash sponsorship to the Ukrainian Council of NSW Inc for an amount of up to \$50,000 towards the use of an appropriate City venue, which may include Sydney Town Hall, subject to its availability on the day of the event.

This sponsorship complies with the City of Sydney's Support for Charities Policy adopted by Council on 21 November 2022.

Australians may also continue show solidarity by donating to the Ukraine Crisis Appeal:
www.ukrainecrisisappeal.org.

Recommendation

It is resolved that:

- (A) Council reaffirm its commitment of solidarity with and support for the people of Ukraine and the Ukrainian diaspora, including the millions who have fled their country;
- (B) Council approve a cash sponsorship to the Ukrainian Council of NSW Inc for an amount of up to \$50,000 (excluding GST) for venue hire and associated costs to use an appropriate City of Sydney venue for a Ukraine Crisis Appeal event, with funds to be sourced from the 2022/23 General Contingency Fund; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the Ukrainian Council of NSW Inc in relation to (B) above.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

S051491

Item 3.2 180 George Street, Sydney**Minute by the Lord Mayor**

To Council:

Last month I was pleased to participate in the opening of the new commercial building at 180 George Street. Known as Sydney Place, this will be the flagship site for the global software platform, Salesforce, and will also be tenanted by real estate agency, JLL. What makes this development special is the negotiated public outcomes which will be a significant public benefit for city workers, residents and visitors.

The building is an impressively designed office tower by Foster + Partners with Architectus, and a public plaza with a plaza building that will activate the area and includes a major public artwork, designed in collaboration between architect Sir David Adjaye and Sydney-based Aboriginal artist Daniel Boyd. It was developed and constructed by Lendlease, in a joint venture with Ping An Real Estate and Mitsubishi Estate Asia.

We're currently looking for an Aboriginal and Torres Strait Islander operator to manage, curate and program the plaza building which includes a ground floor retail space, multipurpose space on the first floor and a public viewing terrace. These spaces could become a café, exhibition space, cultural display or performance space for the enjoyment of the community.

Almost half the entire site, which was once taken up by tired office buildings, will become public space for the people of Sydney with the George Street Plaza and a laneway network extending through to Pitt Street, Underwood Street and Alfred Street. Later tonight, Council will consider naming those two lanes, Ah Toy Lane and Sai Ying Lane to celebrate the Chinese-Australian history and businesses of the area.

By March next year, the network of laneways beneath the tower will host 24 new retailers, a curated dining precinct with Sydney hospitality heavyweights and the return of the Jacksons on George pub, designed by Stewart Hollenstein. This site will appeal to workers and visitors and re-energise this very important northern part of Sydney which is so close to our stunning harbour.

This development has benefited from the City's design excellence program, and its public benefits were secured by negotiations with the City. Recently, Fabrizio Perilli, former Managing Director of TOGA and now an advisor to the NSW Building Commissioner, said that greater collaboration is needed between developers and councils and other governments. He said most councils need to articulate their vision for their community and that unlike other jurisdictions, the City of Sydney does this well, which is an exception. The exemplary goodwill and collaboration between Lendlease and the City on this project is a great example of this.

In collaborating with the developers, the City owned part of a laneway on this site which we transferred to Lendlease, along with another triangle of land and a contribution from Lendlease to consolidate public space. Without the transfer, this tower could not have been built, and the City would not have received the plaza and public cycle facilities for 200 bikes below nor the other public benefits mentioned previously.

While public art was a condition of consent, we enabled Lendlease to meet their obligations with Daniel Boyd's stunning canopy artwork as part of the plaza building. This 20-metre artwork is not only highly visible but adds to the amenity of the plaza. It allows the sunlight into the plaza when the sun is low during winter and provides shade when the sun is high in summer. This is the first new plaza in the city centre to be dedicated to the public in decades.

The City also negotiated to deliver the public end-of-trip facilities including 200 bike racks and amenities.

The building's sustainability credentials have already been awarded a Platinum WELL rating and a Six Star Green Star Design and is targeting a 5.5 Star NABERS energy rating. Sustainability is now a bottom line in all we do, and I congratulate Lendlease and their partners on meeting the challenge head on and setting benchmarks for other Sydney developments.

To add to the public benefits from this development, the first three floors of office space has been provided to the City for 20 years. The City will let our three floors of office space for 100 high-performing climate technology start-ups and scale-ups creating 1,500 jobs over the first ten years.

This is a complex and nuanced development that serves both private and public interests. It complements the renewal of this part of the City, where we have approved a further \$30 million to extend the pedestrianisation of George Street to Circular Quay which will transform the street and improve the entrance to this precinct.

Buildings and precincts such as these will help to boost interest and investment in our city, will attract international visitors, and provide a new and exciting place for workers, shoppers and residents.

Recommendation

It is resolved that Council:

- (A) note the completion and opening of the Salesforce Tower and George Street Plaza at 180 George Street and the many public benefits this development will provide to our City including a public plaza, plaza building and artwork, laneway connectivity and activation, public end-of-trip facilities and floor space for climate innovation;
- (B) acknowledge the architects, designers, project managers, builders and investors who brought this building to life; and
- (C) commend the City's planning staff under the leadership of Director Graham Jahn, who worked collaboratively and negotiated with the project team from the beginning to achieve the many public benefits for our city, as well as other areas such as City Design, City Projects and Legal and our Design Advisory Panel, Public Art Advisory Panel and the Aboriginal and Torres Strait Islander Advisory Panel who contributed to this complex project.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

S051491

Item 3.3 State Government Action on Gambling Harm

Minute by the Lord Mayor

To Council:

For too long, successive State Governments have been addicted to the proceeds of gambling and let the industry expand unchecked to a point where we have shocking rates of gambling harm and numerous inquiries finding the industry supports organised crime.

I have a long history of opposing the proliferation of gambling in this state, including the establishment of Sydney's first casino at Pymont.

In 1992, as Member for Bligh in the NSW Parliament, I opposed the Casino Control Bill because it would provide an outlet for criminals to pursue illegal practices and cause further harm to gamblers and their families. My concerns were vindicated by the recent Bell inquiry into the Star, which found evidence of money laundering, organised crime, fraud and foreign interference, concluding that it is unsuitable to hold a casino licence.

In 1999, I called on the Government to strengthen its so-called "Responsible Gambling" Bill, asking:

What does a bill that has in its title the term "responsible gambling" reflect of our social values? Where have we arrived as a society when governments sell assets which generate revenue to provide better services and instead raise revenue through the misery and exploitation of its citizens—the problem gamblers?

In 2003, I opposed the Gaming Machines Amendment (Shutdown Periods) Bill which sought to water down a range of gambling harm minimisation measures introduced just two years earlier.

And now here we are – three decades later – and the State Government is stuck in the same cycle of increasing revenue raising opportunities for gaming venues and itself, while occasionally conceding that something must be done to mitigate the devastation gambling causes within our communities.

I am now calling on Councillors to support the latest gambling harm minimisation initiative by Independent members of the Legislative Assembly cross bench, Alex Greenwich, Greg Piper and Dr Joe McGirr.

As they state in their open letter to the Premier calling for a Special Commission of Inquiry into Gambling Harm:

Data from the NSW Gambling Survey and the Productivity Commission show that 3.8 percent of all adults in this state are either problem gamblers or at risk, and together they represent up to 75 per cent of electronic gaming machine spending. Harm minimisation experts have reported countless examples of clubs and hotels knowingly allowing, or at time encouraging, problem gamblers to use electronic gaming machines in their venues.

Here are some more sobering statistics:

- With more than 86,000 gaming machines, NSW has more gaming machines than any other place in the world aside from Nevada.
- Around \$95 billion is gambled through gaming machines across NSW each year, including billions of dollars in proceeds of crime.
- While gamblers in the City of Sydney lost \$282 million in 2021, the highest losses were sustained in council areas where residents can least afford it – \$562 million in Canterbury Bankstown, \$527 million in Fairfield and \$356 million in Cumberland.

Although this should be more than enough to illustrate how harmful gaming machines are in our communities, we can't lose sight of the fact that behind these high-level statistics are real people's lives, in ruin. Studies repeatedly highlight the link between gambling and suicide, bankruptcy and criminal behaviour, including family violence.

Unlike many countries, Australia does not limit gaming machines to casinos and betting shops, but instead permits them in hotels, clubs and pubs. Gaming machines are everywhere. The role of successive State Governments in enabling this harm is indisputable, and it is incumbent upon the current State Government to fix it.

Gambling harm minimisation experts and the NSW Crime Commission say that the only way to reduce harm from gambling habits and organised crime is to introduce a mandatory cashless gaming card. The one card would have built-in harm reductions like restrictions on losses and hours played, traceable expenditure, universal to all venues and linked to a state-wide exclusion register. Currently people seeking to control their gambling habit must register venue by venue and then rely on staff in each venue to recognise them to deny them entry. I also support experts' calls to turn gaming machines off after midnight because that is when most harm is done.

In addition, councils have been excluded from making submissions to, or appealing decisions made by, the Independent Liquor and Gaming Authority about gaming machines in their local government area, even though we are the level of government closest to the people. We should have a right of submission and appeal.

Recommendation

It is resolved that:

(A) Council note:

- (i) 3.8 per cent of all adults in NSW are either problem gamblers or at risk, and together they represent up to 75 per cent of electronic gaming machine spending;
- (ii) with more than 86,000 gaming machines, NSW has more gaming machines than any other place in the world aside from Nevada;
- (iii) around \$95 billion is gambled through gaming machines across NSW each year, including billions of dollars in proceeds of crime; and
- (iv) while gamblers in the City of Sydney lost \$282 million in 2021, the highest losses were sustained in council areas where residents can least afford it, including \$562 million in Canterbury Bankstown, \$527 million in Fairfield and \$356 million in Cumberland; and

- (B) the Lord Mayor be requested to write to the NSW Premier and Opposition Leader calling on them to:
- (i) take immediate action to reduce the harm caused by the proliferation of gambling machines including by:
 - (a) introducing a mandatory cashless gaming card scheme;
 - (b) establishing a state-wide exclusion register with management and oversight that is independent of the gambling industry;
 - (c) outlawing the use of gaming machines in hotels, clubs and pubs between 12am and 10am; and
 - (d) restoring the right of councils to make submissions to, and appeal decisions by, the Independent Liquor and Gaming Authority about gaming machines in their local government area; and
 - (ii) support a Special Commission of Inquiry into Gambling Harm that examines the influence of the gambling industry over public policy on gambling harm.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

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

- (v) that of the 86,000 electronic gaming machines across NSW, The Star Sydney Casino Sydney has 1,500.

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

S051491

Item 4 Memoranda by the Chief Executive Officer

Item 4.1 Powers of Attorney and Chief Executive Officer Performance Review

Memorandum by the Chief Executive Officer

To Council:

Arrangements for an Acting Chief Executive Officer / Powers of Attorney

A Resolution of Council is sought to grant new Powers of Attorney to all City of Sydney Directors.

At present the Council has granted Power of Attorney to specific individual Directors, as follows:

- Patricia Monica Barone, by resolution dated 1 June 2009;
- Kim Philip Woodbury, by resolution dated 24 October 2016;
- William Ross Carter, by resolution dated 24 October 2016; and
- Kirsten Tara Morrin, by resolution dated 28 October 2019.

It is appropriate that Powers of Attorney be granted to all people filling the permanent Director roles, as follows:

- Chief Executive Officer;
- Chief Operating Officer;
- Chief Financial Officer;
- General Counsel, Director Legal and Governance;
- Director City Services;
- Director City Life;
- Director People, Performance and Technology; and
- Director City Planning Development and Transport;

to enable those Directors to act make decisions on behalf of the Chief Executive Officer.

The Chief Executive Officer has the capacity to appoint someone to act in her role while she is on annual leave under her general delegations from Council. The delegation to appoint an acting Chief Executive Officer in other circumstances rests with the Lord Mayor in accordance with the Register of Delegations from Council to the Lord Mayor (Delegation 19).

Section 378 of the Local Government Act 1993 provides that:

378 Delegations by the general manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).

The Powers of Attorney will be used:

- when the Chief Executive Officer has appointed a Director to be Acting Chief Executive Officer when she is on annual leave;
- under delegation from the Chief Executive Officer when she is not physically able to sign documents due to being interstate/overseas while on duty or due to illness or where there is an urgent need for documents to be physically signed at a time when she is not available; or
- when the Lord Mayor has appointed a Director (M2) to temporarily act as Chief Executive Officer in accordance with Register of Delegations from Council to the Lord Mayor.

Updated Guidelines for the Appointment and Oversight of General Managers

New Guidelines for the Appointment and Oversight of General Managers (Guidelines) have been issued under section 23A of the Local Government Act 1993.

The Guidelines have been updated to reflect new standard contracts and to implement the Independent Commission Against Corruption (ICAC)'s recommendation that they include guidance that general managers' performance agreements include performance indicators related to the promotion of an ethical culture. The Guidelines also contain guidance on the importance of good working relationships between councils and general managers.

Under section 23A of the Act, councils must consider the updated Guidelines when exercising their functions in relation to the recruitment and oversight of general managers.

Establishment of a Chief Executive Officer Performance Review Panel

In accordance with the Guidelines and a 19 September 2022 Resolution of Council, a Chief Executive Officer Performance Review Panel (Panel) will be established.

The Panel will comprise of:

- The Lord Mayor;
- The Deputy Lord Mayor;
- a Councillor nominated by Council;
- a Councillor nominated by the Chief Executive Office (note that the Chief Executive Officer will nominate a Councillor prior to the Panel convening); and
- an independent observer being the Chair of the Audit, Risk and Compliance Committee (Carolyn Walsh).

The role of the Panel includes:

- conducting performance reviews
- reporting the findings and recommendations of reviews to Council, and
- development of the performance agreement.

Members of the Panel will be required to undertake training. This training will be arranged and provided by the City and offered to all Councillors.

Councillors who are not members of the performance review panel may be invited to contribute to the performance review process by providing feedback to the Lord Mayor on the Chief Executive Officer's performance relevant to the agreed performance criteria. All Councillors will be notified of relevant dates in the performance review cycle and be kept advised of the Panel's findings and recommendations.

MONICA BARONE

Chief Executive Officer

Recommendation

It is resolved that:

- (A) Council note the recommendation to revoke each current Power of Attorney and grant a new Power of Attorney to each permanent Director role at the City of Sydney;
- (B) Council note that a further report to Council to revoke each current power of attorney and grant a new power of attorney to each permanent Director role will be provided to Council for approval in 2023;
- (C) Council note that each current Power of Attorney will remain in full force and effect until Council makes a resolution to revoke each Power of Attorney;
- (D) Council note the Guidelines for the Appointment and Oversight of General Managers as shown at Attachment A to the subject memorandum;
- (E) Council establish a Chief Executive Officer Performance Review Panel comprised of the Lord Mayor, Deputy Lord Mayor, Councillor _____ (nominated by Council), a Councillor nominated by the Chief Executive Officer (note that that the Chief Executive Officer will nominate a Councillor prior to the convening of the Panel) and an independent observer being the Chair of the Audit, Risk and Compliance Committee;
- (F) authority be delegated to the Chief Executive Officer Performance Review Panel to undertake the Chief Executive Officer's performance review in accordance with the Guidelines; and
- (G) Council note that the Panel will report back to Council in a confidential session on the findings and recommendations of performance reviews as soon as practicable following any performance review.

Attachments

Attachment A. Guidelines for the Appointment and Oversight of General Managers

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

It is resolved that:

- (A) Council note the recommendation to revoke each current Power of Attorney and grant a new Power of Attorney to each permanent Director role at the City of Sydney;
- (B) Council note that a further report to Council to revoke each current power of attorney and grant a new power of attorney to each permanent Director role will be provided to Council for approval in 2023;
- (C) Council note that each current Power of Attorney will remain in full force and effect until Council makes a resolution to revoke each Power of Attorney;
- (D) Council note the Guidelines for the Appointment and Oversight of General Managers as shown at Attachment A to the subject memorandum;
- (E) Council establish a Chief Executive Officer Performance Review Panel comprised of the Lord Mayor, Deputy Lord Mayor, Councillor Lyndon Gannon (nominated by Council), a Councillor nominated by the Chief Executive Officer (note that that the Chief Executive Officer will nominate a Councillor prior to the convening of the Panel) and an independent observer being the Chair of the Audit, Risk and Compliance Committee;
- (F) authority be delegated to the Chief Executive Officer Performance Review Panel to undertake the Chief Executive Officer's performance review in accordance with the Guidelines; and
- (G) Council note that the Panel will report back to Council in a confidential session on the findings and recommendations of performance reviews as soon as practicable following any performance review.

Procedural Motion

Moved by Councillor Weldon, seconded by Councillor Jarrett –

That the motion be considered in seriatum, being clauses (A) to (C) inclusive, then clauses (D) to (G) inclusive.

Carried unanimously.

Clauses (A) to (C) were moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.

Clauses (D) to (G) were moved by the Chair (the Lord Mayor), seconded by Councillor Kok – noting that Councillor Lyndon Gannon would be the Councillor nominated by Council in clause (E).

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

- (D) Council note the Guidelines for the Appointment and Oversight of General Managers as shown at Attachment A to the subject memorandum;
- (E) Council establish a Chief Executive Officer Performance Review Panel comprised of the Lord Mayor, Deputy Lord Mayor, Councillor Lyndon Gannon (nominated by Council), a Councillor nominated by the Chief Executive Officer (note that that the Chief Executive Officer will nominate a Councillor prior to the convening of the Panel) and an Independent Observer to be selected by Council from a shortlist nominated by the Office of Local Government;

- (F) authority be delegated to the Chief Executive Officer Performance Review Panel to undertake the Chief Executive Officer's performance review in accordance with the Guidelines and to engage a consultant recommended by the Office of Local Government to advise and assist with the Chief Executive Officer Performance Review and ensure the Panel complies with best practice and the provisions of the Local Government Act 1993;
- (G) Council note that the Panel will report back to Council in a confidential session on the findings and recommendations of performance reviews as soon as practicable following any performance review;
- (H) members of the Chief Executive Officer Performance Review Panel attend training as recommended by Office of Local Government guidelines prior to the next Chief Executive Officer Performance Review; and
- (I) Council note that the Chief Executive Officer Performance Review Panel will report back to Council regarding clauses (E), (F), (G) and (H).

The amendment was lost on the following show of hands –

Ayes (2) Councillors Jarrett and Weldon

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

Amendment lost.

The substantive motion (comprising clauses (D) to (G)) 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.

Substantive motion (comprising clauses (D) to (G)) carried.

S115439

Item 5 Matters for Tabling**5.1 Disclosures of Interest**

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

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

Carried unanimously.

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

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

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

At the commencement of business at 2.10pm those present were -

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor (Waskam) Emelda Davis and Councillor Linda Scott were attending the meeting of the Corporate, Finance, Properties and Tenders Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

Apologies

Councillor Jess Scully 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 2.59pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 5 December 2022 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.3 to 6.5, 6.7 to 6.9, and 6.11 to 6.13 being adopted in globo, and Items 6.6 and 6.10 being dealt with as shown immediately following those items.

Carried unanimously.

Item 6.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 14 November 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

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

No 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**Investments Held as at 30 November 2022**

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

Carried unanimously.

X020701

Item 6.4**Conduct of the 2024 Local Government Election**

It is resolved that:

- (A) pursuant to s296(2) and (3) of the Local Government Act 1993, that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of Council;
- (B) pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a council poll arrangement be entered into by contract for the NSW Electoral Commissioner to administer all council polls of Council;
- (C) pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a constitutional referendum arrangement be entered into by contract for the NSW Electoral Commissioner to administer all constitutional referenda of Council;
- (D) authority be delegated to the Chief Executive Officer to negotiate and execute the contract with the NSW Electoral Commissioner; and
- (E) the means of voting at the 2021 election will be retained for the 2024 election (that is, a combination of attendance and postal voting).

Carried unanimously.

X001937

Item 6.5

Post Exhibition - Naming Proposal - Two Lanes at 180 George Street, Sydney

Note - The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 12 December 2022.

At the meeting of Council, the officer's recommendation was moved by Councillor Scully, seconded by the Chair (the Lord Mayor), as part of an in globo motion –

It is resolved that:

- (A) Council approve the name "Ah Toy Lane" for the northeast-southwest aligned lane;
- (B) Council approve the name "Sai Ying Lane" for the east-west aligned lane; and
- (C) an application be made to the Geographical Names Board for the naming of the lanes as approved in (A) and (B), in accordance with the Geographical Names Act 1996.

Carried unanimously.

X086317

Item 6.6

Sale of City Owned Land - Proposed Lot 22, Part 19-21 Lachlan Street, Waterloo

Moved by Councillor Scully, seconded by Councillor Kok –

It is resolved that:

- (A) Council endorse the sale of proposed lot 22 in an as yet unregistered plan of subdivision of 19-21 Lachlan Street, Waterloo, being Lot 18 in Deposited Plan 610311, at the price agreed to by both parties and supported by independent valuation as detailed in Confidential Attachment C to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise all negotiations and enter into a Contract for Sale and any other documentation required to complete the sale.

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

It is resolved that:

- (A) Council endorse the sale of proposed lot 22 in an as yet unregistered plan of subdivision of 19-21 Lachlan Street, Waterloo, being Lot 18 in Deposited Plan 610311, at the price agreed to by both parties and supported by independent valuation as detailed in Confidential Attachment C to the subject report;
- (B) authority be delegated to the Chief Executive Officer to finalise all negotiations and enter into a Contract for Sale and any other documentation required to complete the sale;
- (C) in future, where the Council is considering selling or transferring land it owns which has been deemed as 'surplus', Council is given the opportunity to provide feedback on the use of the land, before any options are substantially progressed;

- (D) to assist the Council in providing feedback, the Chief Executive Officer be requested to provide advice about potential uses for the surplus land. These could include for: affordable housing, pocket parks or green spaces, recreation or public art; and
- (E) Council may determine to undertake community consultation on the use of surplus land.

Amendment carried unanimously.

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

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

Noes (2) Councillors Scott and Weldon.

Amended motion carried.

X020058

Item 6.7

Project Scope and Contract Variation - Hyde Park Lighting

It is resolved that:

- (A) Council endorse the project scope as outlined in the subject report and shown in Attachment A to the subject report, to proceed with design, documentation, and tender for construction of the Hyde Park lighting works;
- (B) Council note the indicative costs and financial implications detailed in Confidential Attachment C to the subject report;
- (C) Council approve the additional project budget for the Hyde Park Lighting project as outlined in Confidential Attachment C to the subject report;
- (D) Council approve the additional contract contingency for the consultancy contract with AECOM Australia as outlined in Confidential Attachment C to the subject report;
- (E) Council note that the total new total contract sum including contingency for the existing head design consultants contract is outlined in Confidential Attachment C to the subject report; and
- (F) authority be delegated to the Chief Executive Officers to negotiate, execute, and administer the variation of the contracts with the head consultants.

Carried unanimously.

X019620

Item 6.8

Exemption from Tender and Contract Negotiation Outcome - Domestic, Cleansing (Putrescible) and Parks Waste Receipt, Processing and Disposal Services

It is resolved that:

- (A) Council note the outcome of the City's contract negotiation process with Cleanaway Pty Ltd (Cleanaway) to reset the contract terms and integrate the following two processing agreements into one contract:
 - (i) Alternative Resource Recovery Processing Agreement for the processing of domestic waste; and
 - (ii) Cleansing Waste (Putrescible) Receipt and Processing Services Agreement contract for the processing of public place and parks waste;
- (B) Council approve an exemption from tender for Domestic, Cleansing and Parks (Putrescible) Waste Receipt, Processing and Disposal Services in accordance with section 55(3)(i) of the Local Government Act 1993;
- (C) Council note that a satisfactory result would not be achieved by inviting tenders because the market of suitable suppliers is extremely limited, with only two suppliers, one of which is at capacity and the other which is the current City supplier;
- (D) Council approve the contract with Cleanaway for the receipt, processing and disposal of domestic, cleansing and parks (putrescible) waste for:
 - (i) the price, schedule of rates and contingency outlined in Confidential Attachment B to the subject report; and
 - (ii) an initial term of three years (1 January 2023 to 31 December 2025) with three optional one-year contract extensions which can be ended early if Cleanaway implements new technology or changes the use of the processing facilities, and the parties cannot agree to subsequent variations required to the contract; and
- (E) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contract and to exercise the options referred to in clause (D)(ii), if appropriate.

Carried unanimously.

X085362.008

Item 6.9**Exemption from Tender and Contract Variation - Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals**

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals to extend the term of the existing contract by 12 months;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders because:
 - (i) the Commonwealth Government's funding model announcement (expected July 2023) is likely to have significant changes in how grant funding is allocated (post July 2024); and
 - (ii) extending the current meal provision contract will allow sufficient time for the City to research and develop new operational strategies to align with the proposed reforms;
- (C) Council approve a contract variation for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals to:
 - (i) increase the contract value to accommodate an increased need to procure meals through the life of the contract, as shown in Confidential Attachment A to the subject report; and
 - (ii) extend the contract by 12 months to 18 May 2024 to enable a tender process to take place in line with any changes to funding provided by the Commonwealth;
- (D) Council note the total contract sum and contingency for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals outlined in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute, administer the variation to the contract and enter into any necessary documentation with the current supplier to give effect to the resolutions above.

Carried unanimously.

S074367

Item 6.10

Tender - T-2021-616 - Reject and Negotiate - Revitalisation of Perry Park: Park Upgrade, Synthetic Sportsfield, Amenities and Associated Works and Contract Variation - Head Design Consultant

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

It is resolved that:

- (A) Council decline to accept the tender offers for Revitalisation of Perry Park: Park Upgrade, Synthetic Sportsfield, Amenities and Associated Works, for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (E) Council be informed of the successful contractor via the CEO Update;
- (F) Council approve a variation to the existing contract for Aspect Studios Pty Ltd for Head Design Consultant services on the terms contained in Confidential Attachment A to the subject report;
- (G) Council approve the increased amount and increased contingency to the existing head design consultants' contract as outlined in Confidential Attachment A to the subject report; and
- (H) Council approve additional project funding as outlined in Confidential Attachment A to the subject report.

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

It is resolved that:

- (A) Council decline to accept the tender offers for Revitalisation of Perry Park: Park Upgrade, Synthetic Sportsfield, Amenities and Associated Works, for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) Council note that the synthetic turf field at Perry Park, Zetland has been proposed to address significant projected demand for playable sports hours on fields in the City of Sydney Local Government Area;

- (D) Council note that the NSW Government commissioned the Synthetic Turf Study in Public Open Spaces. The report's 'key findings' include that:
- (i) best practice natural turf management can improve field capacity (i.e. allow more playable hours) Advances in technology are enabling more targeted maintenance and management of natural turf to reduce energy consumption and costs, and maintain capacity;
 - (ii) sporting facility demand, supply and capacity is complex and contextual. Natural turf fields cater for more diverse uses that include organised sporting activities and passive recreation activities. The carrying capacity of synthetic turf is higher... Synthetic turf can improve reliability (in wet weather) ... however during summer ... (play) may need to be cancelled due to heat more frequently than natural surface fields;
 - (iii) concerns associated with the environmental impacts include pollution, chemical use, waste, heat (absorbing rather than reflecting), carbon emissions, soil sterilisation, water usage, variability, and wildlife, though it is also noted that the design of synthetic surfaces is technologically advancing in response to some of the impacts e.g. microplastics pollution; and
 - (iv) synthetic turf fields have traditionally been perceived as requiring lower maintenance and hence lower operating costs... however, synthetic surfaces have a prescriptive maintenance regime, and there is indication from recent studies in other jurisdictions... that in practice synthetic turf can have recurring maintenance costs for repairs and cleaning of surfaces that can be compared to that of natural turf;
- (E) rather than progress with a synthetic turf option at Perry Park with an increased budget allocation, the Chief Executive Officer provide urgent advice to Councillors about the cost and benefits of installing and maintaining a natural turf field or hybrid turf field at that location, which takes into account the climate profile for the Local Government Area, recent research and technology about synthetic turf, and more environmentally friendly alternatives; and
- (F) Council note that environmentally friendly alternatives have recently implemented by other local Councils - including by Mosman Council at Middle Head Oval, where composted garden organics have been used to significantly increase the number of playable hours on natural turf, at an estimated 50 per cent of the cost of installing a synthetic turf alternative.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Amendment lost.

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

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

Noes (2) Councillors Ellsmore and Weldon*.

*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.

Substantive motion carried.

X020986.001

Item 6.11

Tender - T-2021-615 - Construction of North Rosebery Park and Green Link

It is resolved that:

- (A) Council accept the tender offer of Tenderer B for the Construction of North Rosebery Park and Green Link for the price and contingency outlined in Confidential Attachment A to the subject report;
- (B) Council note that the total contract sum and contingency for Construction of North Rosebery Park and Green Link as outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (D) Council approve additional funds for the project as outlined in Confidential Attachment A to the subject report.

Carried unanimously.

X022419.001

Item 6.12

Cancellation of Tender - Alexandra Canal Depot Workspace Relocation Stage 2 Construction

It is resolved that Council:

- (A) decline to accept the tender offer for Alexandra Canal Depot Workspace Relocation Stage 2 Construction;
- (B) cancel the tender for the Alexandra Canal Depot Workspace Relocation Stage 2 Construction for the reasons outlined in Confidential Attachment A to the subject report; and
- (C) note that a proposed adjustment of scope and procurement method will be developed for the Alexandra Canal Depot Workspace Relocation Stage 2 Construction.

Carried unanimously.

X038195.022

Item 6.13

Public Access IT Refresh Project

It is resolved that:

- (A) Council note the outcome of the Public Access IT Refresh project tender as set out in Confidential Attachment A to the subject report, following negotiations with suppliers; and
- (B) Council approve additional funds for this project budget, to be transferred from Council's capital works contingency, as outlined in Confidential Attachment A to the subject report.

Carried unanimously.

X039997.001

Item 7 Report of the Resilient Communities Committee**PRESENT**

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor (Waskam) Emelda Davis
(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 2.59pm those present were -

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

Councillor Yvonne Weldon left the meeting of the Resilient Communities Committee at 3.02pm, prior to the vote on Item 7.3, and did not return. Councillor Weldon was not present at the meeting during voting on Item 7.3.

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor (Waskam) Emelda Davis and Councillor Linda Scott were attending the meeting of the Resilient Communities Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

Apologies

Councillor Jess Scully extended her apologies for her inability to attend the meeting of the Resilient Communities Committee.

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

That the apology of Councillor Scully be accepted and leave of absence from the meeting of the Resilient Communities Committee be granted.

Carried unanimously.

The meeting of the Resilient Communities Committee concluded at 3.05pm.

Report of the Resilient Communities Committee

Moved by Councillor Davis, seconded by Councillor Chan –

That the report of the Resilient Communities Committee of its meeting of 5 December 2022 be received, with Items 7.1 and 7.2 being noted and the recommendations set out below for Item 7.3 being dealt with as shown immediately following that item.

Carried unanimously.

Item 7.1

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 14 November 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 7.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor (Waskam) Emelda Davis made the following disclosures:

- a less than significant non-pecuniary interest in Item 7.3 on the agenda, in that Nathan Moran, Chief Executive Officer of the Metropolitan Local Aboriginal Land Council, has opened numerous events for Australian South Sea Islanders Port Jackson (ASSIPJ), an organisation of which she is the founder and Chairwoman;
- a less than significant non-pecuniary interest in Item 7.3 on the agenda, in that John Leha, Founding Director and Chair of BlaQ Aboriginal Corporation, is known to her via numerous community connections spanning over a decade; and
- a less than significant non-pecuniary interest in Item 7.3 on the agenda, in that Jinny-Jane Smith, team member of the BlaQ Aboriginal Corporation, is known to her via the City of Sydney Aboriginal and Torres Strait Islander Advisory Panel and through community connections.

Councillor Davis considers that these non-pecuniary conflicts of interest are not significant and do not require further action in the circumstances because the interests are of a relationship basis that does not impede the objectiveness of her decision-making and does not render personal beneficiary benefits.

Councillor Yvonne Weldon disclosed a significant non-pecuniary interest in Item 7.3 on the agenda, in that she is the Deputy Chairperson of the Metropolitan Local Aboriginal Land Council, one of the applicants for an Aboriginal and Torres Strait Islander Collaboration Fund grant. 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 Resilient Communities Committee.

The Resilient Communities Committee recommended the following:

Item 7.3

Grants and Sponsorship – Aboriginal and Torres Strait Islander Collaboration Fund

Moved by Councillor Davis, seconded by Councillor Chan –

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 the applicants who were not recommended in obtaining a cash grant for the Aboriginal and Torres Strait Islander Collaboration Fund 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.

Carried unanimously.

S117676

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 (Waskam) Emelda Davis, Lyndon Gannon, Shauna Jarrett, Robert Kok, Linda Scott and Yvonne Weldon.

At the commencement of business at 3.06pm those present were -

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor (Waskam) Emelda Davis and Councillor Linda Scott were attending the meeting of the Transport, Heritage, Environment and Planning Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

Apologies

Councillor Jess Scully extended her apologies for her inability to attend the meeting of the Transport, Heritage, Environment and Planning Committee.

Adjournment

At 3.35pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Chan:

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

Carried unanimously.

At the resumption of the meeting of the Transport, Heritage, Environment and Planning Committee at 3.53pm, those present were –

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

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 5.29pm.

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 5 December 2022 be received, with Items 8.1 and 8.2 being noted, the recommendations set out below for Items 8.4, 8.5, 8.7 to 8.9, and 8.11 to 8.14 being adopted in globo, and Items 8.3, 8.6 and 8.10 being dealt with as shown immediately following those items.

Carried unanimously.

Item 8.1

Confirmation of Minutes

Moved by Councillor Chan, seconded by Councillor Ellsmore –

That the minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of Monday 14 November 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Shauna Jarrett disclosed a less than significant, non-pecuniary interest in Item 8.11 on the agenda, in that she is an annual subscriber to the theatre program.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she is merely an annual subscriber.

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 recommended the following:-

Item 8.3

Public Exhibition – Urban Forest Strategy

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

It is resolved that:

- (A) Council approve for public exhibition the draft Urban Forest Strategy (the Strategy), as shown at Attachment A to the subject report;
- (B) Council note that the Urban Forest Strategy including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Urban Forest Strategy.

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

It is resolved that:

(A) Council note:

- (i) London plane trees (*Platanus x acerifolia*), an introduced species, currently make up 8.5 per cent of street and park trees managed by the City of Sydney;
- (ii) that the draft Urban Forest Strategy recommends limiting the use of London plane trees on the basis of their climate resilience, noting that the City “will continue to reduce our reliance” on them and “consider alternative species when appropriate, especially in areas where they are most common”;
- (iii) the ‘In focus’ section on page 59 of the draft Urban Forest Strategy, downplays the link between London plane Trees and hay fever, citing a study conducted 10 years ago;
- (iv) in fact, although limited in scope and whilst not conclusive, the study cited did indicate a likely link between London plane trees and hay fever;
- (v) there is also a growing body of evidence from more recent investigations that support the link between London plane trees and hay fever;
- (vi) that allergens caused by trees and other sources adversely and, in some instances, severely impact residents and visitors to the City of Sydney;
- (vii) that aside from allergens, plane tree trichomes (the spiky protective fibres derived from the leaves of plane trees), also cause a range of irritant effects; and
- (viii) the 119 respondents who made a submission to the Street Tree Master Plan Early Engagement cited concerns with the prevalence of London Plane Trees in the City of Sydney. This was, by a far, the most prevalent issue raised;

- (B) the draft Urban Forest Strategy be amended to acknowledge the likely link between London plane trees and hay fever;
- (C) the draft Urban Forest Strategy be amended to include a provision that no new London plane trees be planted in the City of Sydney (both on the basis of climate resilience and the impact of allergens and trichomes);
- (D) that subject to the changes necessitated by (B) and (C), Council approve for public exhibition the draft Urban Forest Strategy, as shown at Attachment A to the subject report;
- (E) Council note that the Urban Forest Strategy including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (F) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Urban Forest Strategy.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Jarrett, Scott and Weldon

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

Amendment lost.

Substantive motion carried unanimously.

X087075

Speaker

Christine Newton addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.3.

Adjournment

At this stage of the meeting, at 6.33pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 6.50pm.

Item 8.4

Public Exhibition – Street Tree Master Plan

It is resolved that:

- (A) Council approve for public exhibition the draft Street Tree Master Plan, as shown in the online link in Attachment A to the subject report;
- (B) Council note that the planting of street trees will be in accordance with the draft Street Tree Master Plan, from the start of the planting season commencing in mid-March 2023, unless a submission from the community is received that does not support the recommended species for that specific site;
- (C) Council note that the Street Tree Master Plan including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Street Tree Master Plan.

Carried unanimously.

X085710

Speaker

Richard Churchill addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.4.

Item 8.5

Public Exhibition – Tree Management and Donation Policy

It is resolved that:

- (A) Council approve for public exhibition the draft Tree Management and Donation Policy (the Policy), as shown at Attachment A to the subject report, for public exhibition ; and
- (B) Council note that the Tree Management and Donation Policy including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Tree Management and Donation Policy.

Carried unanimously.

X085711

Item 8.6

Project Scope - George Street North Pedestrianisation

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 9 December 2022 from the Chief Operating Officer, circulated prior to the meeting).

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

It is resolved that Council:

- (A) endorse the scope of works for the George Street North Pedestrianisation between Hunter Street and Essex Street as described in the subject report and as generally indicated in Attachment A to the subject report for progression to detailed design, documentation and construction of works;
- (B) note the financial implications as outlined in Confidential Attachment F to the subject report; and
- (C) approve the traffic changes as recommended by the Local Pedestrian Cycling and Traffic Calming Committee at the meeting held on 8 December 2022 as contained in Attachment B to the subject Information Relevant To Memorandum, subject to approval processes in accordance with the requirements of the Roads Act 1993.

Carried unanimously.

X089792

Item 8.7**Project Scope - Arthur Street Reserve, Surry Hills**

It is resolved that Council:

- (A) endorse the scope of improvements to the playground and streetscape at Arthur Street Reserve, Surry Hills as described in the subject report and shown in the revised Draft Concept Plan as shown at Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (B) approve the additional funds required to deliver the project as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X083884.002

Item 8.8**Permanent Road Closure - Part Park Road, Alexandria**

It is resolved that:

- (A) Council endorse the permanent road closure of Park Road, Alexandria, in accordance with section 38E of the Roads Act 1993 and as shown as Proposed Lot 1 in the Draft Plan of First Title Creation at Attachment F to the subject report;
- (B) authority be delegated to the Chief Executive Officer to approve the publication of a Government Gazette to give effect to the permanent road closure; and
- (C) Council note that upon publication of the Government Gazette, the land comprising the former road will remain vested in Council as operational land under the Local Government Act 1993.

Carried unanimously.

X017670.002

Item 8.9**Traffic Treatment - Proposed Road Closure - Farnell Street, Surry Hills**

It is resolved that Council approve the installation of traffic treatments to close Farnell Street, Surry Hills, between Fitzroy and Sandwell Streets to vehicular traffic.

Carried unanimously.

X088131.005

Item 8.10

Public Exhibition - Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by Councillor Chan, seconded by Councillor Kok –

It is resolved that:

- (A) Council approve Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland, 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;
- (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 - 118-130 Epsom Road and 905 South Dowling Street, Zetland;
- (D) Council approve Draft Sydney Development Control Plan 2012 - 118-130 Epsom Road and 905 South Dowling Street, Zetland, shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland and Draft Sydney Development Control Plan 2012 - 118-130 Epsom Road and 905 South Dowling Street, Zetland 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 3 November 2021 at Attachment C to the subject report and the requirements of the Environmental Planning and Assessment Act 1979.

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

It is resolved that:

- (A) Council delay consideration of the Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, so that further advice can be received by Council, and feedback from the surrounding residents and bordering Randwick Council can be urgently considered;
- (B) Council delay consideration of Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland, 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 so that further advice can be received by Council, and feedback from the surrounding residents and bordering Randwick Council can be urgently considered; and

- (C) the Chief Executive Officer be requested to provide Council with urgent advice about:
- (i) the progress of urban renewal targets for Green Square and Zetland, specifically to what extent residential and commercial development targets have been met, or are projected to be met, as a result of development which is approved or underway;
 - (ii) estimated key infrastructure needs and gaps for the current and projected future residents of the area, noting that the State Government is not currently proposing to deliver key community and transport infrastructure such as the Zetland Metro Station, or the additional three public schools that the City has estimated will be needed by 2031; and
 - (iii) noting that the draft planning proposal includes no affordable housing on site, opportunities for Council to amend affordable housing policies and planning instruments to require major developments to include affordable housing.

The amendment was lost on the following show of hands –

Ayes (3) Councillor Ellsmore, Scott and Weldon

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

Amendment lost.

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

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

Noes (3) Councillor Ellsmore, Scott and Weldon.

Substantive motion carried.

X087876

Speakers

Jane Grusovin and Matthew Lennartz (Meriton) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.10.

Item 8.11

Public Exhibition - Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst as shown as 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 the Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst 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;
- (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 the Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst to ensure consistency with the Gateway Determination.

Carried unanimously.

X083757

Speaker

Bruce Meagher (Griffin Theatre Company) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.11.

Item 8.12

Post Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of Planning Proposal - Heritage Floor Space Amendment, as shown in Attachment E to the subject report;
- (B) Council approve Planning Proposal - Heritage Floor Space Amendment, as amended, following the Gateway Determination and as shown at Attachment A to the subject report, and request the relevant local plan making authority make the amendment as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal – Heritage Floor Space Amendment to correct any minor errors or omissions prior to finalisation; and
- (D) Council approve the amendment to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B.

Carried unanimously.

X091559

Item 8.13**Approved Variations to Development Standards Reported to the Department of Planning and Environment**

It is resolved that the subject report be received and noted.

Carried unanimously.

S040864

Item 8.14**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 reports by Fire and Rescue NSW, as shown at Attachments B to D of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 13 Oatley Road, Paddington;
- (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 2 York Street, Sydney; 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 1 Towns Place, Millers Point.

Carried unanimously.

S105001.002

Item 9 Questions on Notice

1. Claimable Crown Land

By Councillor Jarrett

Question

In November 2022, the Land and Environment Court found that in the case of *New South Wales Aboriginal Land Council v Minister Administering the Crown Land Management Act – Waverton Bowling Club* the Claimed Land was claimable Crown Land and was not likely to be needed for public recreation. The North Sydney Council was ordered to transfer the land in Waverton that was the subject of the Claims to the Metropolitan Local Aboriginal Land Council.

1. Are management plans concerning Crown Land managed by the City of Sydney reviewed to ensure Crown Land is used for essential public purpose? If so, what is the process for ensuring management plans maximise public benefits?
2. In light of the decision in *New South Wales Aboriginal Land Council v Minister Administering the Crown Land Management Act – Waverton Bowling Club*, is there Crown Land managed by the City of Sydney that has been or could be subject to claims by the New South Wales Aboriginal Land Council or local Aboriginal land councils?
3. Does the City of Sydney review the use of City of Sydney managed Crown Land to assess whether such land used for non-essential purposes could be transferred to the New South Wales Aboriginal Land Council or local Aboriginal land councils?
4. Does the City advise the Council on land claims?
5. How many land claims has the Council received?
6. What has been the decision of each claim?

X086666

Answer by the Chief Executive Officer

1. The Crown land management plans were adopted by Council in March 2022 and will be monitored annually to ensure that the established objectives continue to align with the community's vision and values. Operational activities are assessed and managed in accordance with the plans to ensure compliance and to enable optimum use of the land for the community.
2. All Crown land managed by the City of Sydney may be subject to an Aboriginal Land Claim at any given time. The process to determine whether the land is claimable is assessed independently by a NSW Authority. The City has no role in assessing Aboriginal Lands Claims. To date, no Crown land within the City of Sydney local government area appears to have been awarded to any Aboriginal Land Council.
3. All Crown land under the care and control of the City of Sydney is consistently maintained and managed in accordance with the associated Crown reserve purpose and plan of management.

4. Registers of Aboriginal Land Claims lodged within the City of Sydney local government area can be provided to Council, at its request. The City of Sydney is not notified when a claim has been lodged and must make enquiries directly to Crown Lands and the Office of the Registrar.
5. Crown Lands has received a total of 21 Aboriginal Land Claims within the City of Sydney local government area.
6. The status of the Aboriginal Land Claims lodged within the City of Sydney local government area is detailed below:
 - 1 x withdrawn
 - 12 x refused
 - 8 x incomplete (to be investigated)

2. Public Housing in the City of Sydney

By Councillor Ellsmore

Question

1. Is the Council aware of any current development applications or planning proposals regarding the development or sale of public housing in the Local Government Area? If yes, please provide details.
2. Have City staff had any recent discussions with NSW Government representatives about planned or future development applications, or planning proposals, regarding the development or sale of public housing in the Local Government Area? If yes, please provide details.

X086664

Answer by the Chief Executive Officer

1. There are no current development applications (DA) for the development or sale of public housing in the Local Government Area (LGA).

The NSW Government's [website](#) has information on disposal of Government property and information can be searched via agency such as the Transport Asset Holding Entity (TAHE) or the NSW Land and Housing Corporation (LAHC).

The NSW Land and Housing Corporation (LAHC) is investigating rezoning of Franklyn Street, Glebe and Explorer Street, South Everleigh. Information is available at [Franklyn Street, Glebe](#) and at [South Everleigh](#).

2. In the past 12 months there have been three Pre-DA requests regarding the development of public housing. No Development Applications have been lodged for these proposals, see list below:

Pre DA	Address	Proposal
PDA/2022/130	14 Wentworth Park Road, GLEBE NSW 2037 16 Wentworth Park Road, GLEBE NSW 2037 18 Wentworth Park Road, GLEBE NSW 2037 20 Wentworth Park Road, GLEBE NSW 2037 22 Wentworth Park Road, GLEBE NSW 2037 24 Wentworth Park Road, GLEBE NSW 2037 26 Wentworth Park Road, GLEBE NSW 2037 28 Wentworth Park Road, GLEBE NSW 2037 30 Wentworth Park Road, GLEBE NSW 2037 32 Wentworth Park Road, GLEBE NSW 2037 34 Wentworth Park Road, GLEBE NSW 2037 36 Wentworth Park Road, GLEBE NSW 2037	Demolition of existing development on site and construction of a 3-storey (and roof top open space) residential apartment building
PDA/2022/244	10 Raper Street, NEWTOWN NSW 2042 16 Raper Street, NEWTOWN NSW 2042 18 Raper Street, NEWTOWN NSW 2042	Construction of an 8 bedroom boarding house and associated works.
PDA/2022/44	82 Wentworth Park Road, GLEBE NSW 2037	Land and Housing project

The City initiated discussions with LAHC, as one of many landowners, in relation to the City's review of planning controls and forthcoming planning proposal for the Pyrmont Peninsula. The sites included were:

- 12-20 Point Street, Pyrmont
- 86-118 Bowman Street, Pyrmont
- 26-52 Mount Street, Pyrmont
- 13 Jones Street, Pyrmont
- 282-318 Jones Steet, Pyrmont
- 336-368 Jones Street, Pyrmont
- 1-7 Henry Street, Pyrmont
- 528-538 Jones Street, Ultimo.

3. State Government Redevelopment Projects in the City of Sydney

By Councillor Ellsmore

Question

1. What development applications or other form of planning proposals is the City of Sydney currently assessing, where the NSW Government is the land owner or proponent? Please provide details.
2. What development applications or other form of planning proposals is the City of Sydney currently assessing, where the Land and Housing Corporation (LAHC) is the proponent?
3. What development applications or other form of planning proposals is the City of Sydney currently assessing, where the Transport Asset Holding Entity (TAHE) is the proponent?
4. What development applications or other form of planning proposals is the City of Sydney currently assessing, where other NSW Government entities or agencies are known to be the landowner or proponent? Please provide details.
5. Which development applications or other forms of planning proposals - where the NSW Government is the land owner or proponent - has the City of Sydney responded to in the last 12 months? This includes through submissions or other representatives regarding. Please provide details.
6. Have City staff had any recent discussions with NSW Government representatives about future or planned development applications, or planning proposals, regarding State owned or controlled land in NSW? If yes, please provide details.

X086664

Answer by the Chief Executive Officer

1. See below list of current development applications (DA) under assessment where the NSW Government is the land owner or proponent.

The City is assessing a planning proposal for the Sydney Metro West Hunter Street over station development of two sites in Central Sydney. This proposal is currently on public exhibition.

Application No.	Applicant Name	Owner Name	Address	Suburb	Description
D/2022/663	NEW SOUTH WALES LAND AND HOUSING CORPORATION	NEW SOUTH WALES LAND AND HOUSING CORPORATION	41-59 Young Street REDFERN NSW 2016	REDFERN	PAN-238663- Alterations and Additions to residential development
D/2022/473	TOGA DEVELOPMENT NO 27 PTY LIMITED	MARITIME AUTHORITY of NSW and MARINE MINISTERIAL HOLDING CORPORATION	26A Pirrama Road PYRMONT NSW 2009	PYRMONT	PAN-225372 Designated Development application for the reconfiguration of the existing Jones Bay Wharf Marina including the increase of nine berths (from 31 to 40 vessels) and associated floating storage and ancillary structures and infrastructure. The application is an Integrated DA requiring approval under the Fisheries Management Act 1994 and the Water Management Act 2000. Unless the Independent Planning Commission has held a public hearing, a person who objected to the development by making a submission and who is dissatisfied with the determination of the consent authority to grant development consent, may appeal to the Court. If the Independent Planning Commission holds a public hearing, the Commission's determination of the application is final and not subject to appeal.
D/2022/989	SKYLIGHT DEV CO PTY LTD	THE STATE of NEW SOUTH WALES and SYDNEY METRO and MACQUARIE BANK LIMITED	2003 Martin Place SYDNEY NSW 2000	SYDNEY	PAN-265347 - Subdivision of land in 3 lots
D/2022/1036	AUSTRALIAN NATIONAL MARITIME MUSEUM	PLACE MANAGEMENT NSW	2 Murray Street SYDNEY NSW 2000	SYDNEY	Remove the existing pontoon and the construction of new piles, pontoon and associated services. The pontoon is to be used for access/egress to the moored vessels for museum visitors. The application is Integrated Development requiring the approval of the Department of Planning and Environment under the Water Management Act 2000.
D/2022/1250	CARRIAGEWORKS PTY LTD	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES	1001 Wilson Street EVELEIGH NSW 2015	EVELEIGH	Application to extend hours of operation for Carriageworks on 18-19 February 2023 to allow two events for a 24 hour period as part of Sydney World Pride 2023.
D/2022/887	AUSTRALIAN POSTAL CORPORATION	TRANSPORT FOR NSW	201-217 Kent Street SYDNEY NSW 2000	SYDNEY	PAN-256893 - Use of premises for Postal Boxes located on Level 5. Proposed operating hours are 24 hours a day and 7 days a week.

Application No.	Applicant Name	Owner Name	Address	Suburb	Description
D/2022/1182	TRUSTEES of ROYAL BOTANIC GARDENS & DOMAIN TRUST	TRUSTEES of ROYAL BOTANIC GARDENS & DOMAIN TRUST	4 Macquarie Street SYDNEY NSW 2000	SYDNEY	PAN-281307 - Alterations and additions to the Robert Brown Building including installation of external lift, removal of walls to facilitate external fire stairs and glazing, and modifications to pedestrian entry and pathway. This application is Integrated Development, with concurrence required from Heritage NSW under the Heritage Act 1977.
D/2022/1261	PLACE MANAGEMENT NSW	PLACE MANAGEMENT NSW	73 George Street THE ROCKS NSW 2000	THE ROCKS	Alterations and additions to commercial development - Replacement of existing cobblestone paving throughout the area
D/2019/280	OOH! MEDIA ASSETS PTY LTD	PLACE MANAGEMENT NSW	1-5 Wheat Road SYDNEY NSW 2000	SYDNEY	Upgrade of existing freestanding advertising structure including a new custom designed cabinet, the conversion of the existing lightbox on the Southern elevation to a digital screen of the same dimensions and the conversion of the existing externally illuminated sign on the northern elevation to an internally illuminated light box of the same dimensions.
D/2022/1053	LENDLEASE CONSTRUCTION PTY LTD	PLACE MANAGEMENT NSW and LEND LEASE DEVELOPMENT PTY LTD	Office Bld 11 Harbour Street SYDNEY NSW 2000	SYDNEY	PAN-270783 Installation of bollards, concrete barriers and fixed concrete blocks
D/2022/1071	GOOGLE AUSTRALIA PTY LIMITED	PLACE MANAGEMENT NSW	48 Pirrama Road PYRMONT NSW 2009	PYRMONT	PAN-272298 Installation of New Signage including two sculptural business identification signs and associated works.
D/2022/1114	ACKERMAN EMPIRE PTY LTD	CENTENNIAL PARK & MOORE PARK TRUST	116 Lang Road MOORE PARK NSW 2021	MOORE PARK	PAN-275679 Internal fitout to combine Tenancy 220- 2C-G08 of Building 220 for the use as a 24 hour gym.

Table 1 - Development applications (DA) under assessment where the NSW Government is the land owner or proponent

2. The City is not assessing any DAs or planning proposals where the NSW Land and Housing Corporation (LAHC) is the applicant.
3. There are no DAs currently under assessment where the Transport Asset Holding Entity (TAHE) is the proponent, as shown in Table 1 above.

However, there are currently six applications where TAHE is the land owner (but not the proponent). These mostly relate to shop fitouts on Eddy Avenue, as outlined below:

- (a) D/2022/1250 – 1001 Wilson Street, Eveleigh

Proponent: Carriageworks Pty Ltd

Application to extend hours of operation for Carriageworks on 18-19 February 2023 to allow two events for a 24 hour period as part of Sydney World Pride 2023

- (b) D/2022/1127 – 1 Eddy Avenue, Haymarket

Proponent: Kim Rothe

Change of use - Use of tenancies 12 and 12A as a cinema, bar and function centre, with subordinate retail and business services. Proposed operating hours are 12.00pm to 12.00 midnight Monday to Saturday inclusive, and 9.00am to 12.00 midnight Sunday

- (c) D/2022/1128 – 1 Eddy Avenue, Haymarket.

Proponent: Kim Rothe

Use of Tenancy 11 as a licenced food and drinks premises. Proposed hours of operation are 12.00pm to 12.00 midnight Sunday to Wednesday, and 12.00pm to 2.00am Thursday to Saturday

- (d) D/2022/1146 – 1 Eddy Avenue, Haymarket.

Proponent: Kim Rothe

Use of Tenancy 7 as a food and drink premises - restaurant and take away services, with associated on-premises liquor licence. Proposed trading hours are 7.00am to 12.00 midnight Tuesday to Sunday inclusive

- (e) D/2022/984 – 1 Eddy Avenue, Haymarket

Proponent: Kim Rothe

Use of tenancies 4-7 of the lower concourse level on Eddy Avenue for a Culture and Events Multi Space (CEMS) and formalise a liquor licence for the tenancy

- (f) D/2021/776/A – 3 Martin Place, Sydney

Proponent: QMS Media Pty Ltd

Modification of consent to re-position Kiosk KL1018 in Martin Place slightly northwards and eastwards

The City is not assessing any planning proposals where TAHE is the applicant.

4. See Table 1 above for a list of current applications under assessment where NSW Government entities or agencies are the landowner/ proponent.

The City is assessing a planning proposal for the Sydney Metro West Hunter Street over station development of two sites in Central Sydney. This proposal is currently on public exhibition.

Transport for NSW have requested the City correct an anomaly in Sydney LEP 2012 whereby land at 257 Sussex Street, Sydney, has no maximum height or FSR development standard. This will be included in the LEP/DCP update.

5. See below list of State Significant Development (SSD) referrals that the City has received and responded to in the past 12 months, where the NSW Government is the land owner or proponent.

The City has worked with the Department of Planning and Environment to finalise the planning proposal, where LAHC was the applicant, for Elizabeth Street, Redfern.

The City has completed submissions or made representations for NSW Government led planning proposals and state significant precincts, including:

- Waterloo Estate (South)
- Blackwattle Bay
- Pyrmont key sites, masterplan and infrastructure plan which included the Star Hotel, two Metro Station sites and UTS Indigenous Residential College site
- Paint Shop Sub-Precinct at Redfern North Eveleigh
- Large Erecting Shed at South Eveleigh
- Central Precinct Western Gateway Rezoning Proposal
- Central Precinct (Station Over Station Development)

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2008/16/I	Mod 9 Barangaroo Concept Plan MP 06_0162	4 Towns Place BARANGAROO NSW 2000	INFRASTRUCTURE NSW	BARANGAROO DELIVERY AUTHORITY and NDEWCASTLE PORT CORPORATION
R/2009/120/C	The Entertainment Quarter Concept Plan – MP 07_0144 MOD 4 – Advice on Modification	40 Driver Avenue MOORE PARK NSW 2021	CARSINGHA INVESTMENTS PTY LTD	CENTENNIAL PARK & MOORE PARK TRUST and DVENUES NEW SOUTH WALES
R/2014/13/J	Art Gallery SSD 6471 Mod 6	2B Art Gallery Road SYDNEY NSW 2000	ART GALLERY of NEW SOUTH WALES	ART GALLERY of NEW SOUTH WALES
R/2014/13/K	Art Gallery SSD 6471 Mod 7	2B Art Gallery Road SYDNEY NSW 2000	ART GALLERY of NEW SOUTH WALES	ART GALLERY of NEW SOUTH WALES
R/2014/13/L	Art Gallery SSD 6471 Mod 8	2B Art Gallery Road SYDNEY NSW 2000	ART GALLERY of NEW SOUTH WALES	ART GALLERY of NEW SOUTH WALES
R/2014/13/M	Art Gallery SSD 6471 Mod 8 RTS	2B Art Gallery Road SYDNEY NSW 2000	ART GALLERY of NEW SOUTH WALES TRUST	ART GALLERY of NEW SOUTH WALES
R/2014/13/N	Art Gallery of NSW – SSD 6471 Mod 9 – Advice on Modification	2B Art Gallery Road SYDNEY NSW 2000	ART GALLERY of NEW SOUTH WALES	ART GALLERY of NEW SOUTH WALES
R/2014/39/A	Sandstone Precinct SSD 7484 – Mod 13 - SRtS	23-33 Bridge Street SYDNEY NSW 2000	PONTIAC LAND GROUP	GOVERNMENT PROPERTY NSW

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2014/39/A	The Sandstone Precinct – Lands Building (SSD 7484 MOD 17) - RtS	23-33 Bridge Street SYDNEY NSW 2000	PONTIAC LAND GROUP	GOVERNMENT PROPERTY NSW
R/2014/39/A	The Sandstone Precinct – MOD 17	23-33 Bridge Street SYDNEY NSW 2000	PONTIAC LAND GROUP	GOVERNMENT PROPERTY NSW
R/2015/37/A	Australian Technology Park – SSD 7317 MOD 20 – Advice on Modification	13A Garden Street EVELEIGH NSW 2015	MIRVAC PROJECTS PTY LIMITED	EVELEIGH PRECINCT PTY LTD
R/2015/41/T	IMAX Redevelopment (SSD 7388 Mod 15)	31 Harbour Street SYDNEY NSW 2000	GREATON DEVELOPMENT PTY LTD	PLACE MANAGEMENT NSW
R/2015/41/U	IMAX Redevelopment - SSD 7388 Mod 16 – Advice on Modification	31 Harbour Street SYDNEY NSW 2000	GREATON DEVELOPMENT PTY LTD	PLACE MANAGEMENT NSW
R/2015/8/L	Barangaroo Crown Sydney Hotel (SSD-6957-Mod-7)	4 Towns Place BARANGAROO NSW 2000	CROWN SYDNEY PROPERTY PTY LTD	BARANGAROO DELIVERY AUTHORITY
R/2016/15/H	SSD 7610 MOD 5 – Inner Sydney High School	242 Cleveland Street SURRY HILLS NSW 2010	NSW DEPARTMENT of EDUCATION & TRAINING	GREEK ORTHODOX ARCHDIOCESE of AUSTRALIA
R/2016/19/F	Overseas Passenger Terminal – SSD 7683 MOD 3 – Advice on Modification	5 Hickson Road THE ROCKS NSW 2000	JIMMY'S ON THE MALL	NEWCASTLE PORT CORPORATION

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2016/1/I	Star Casino Mod 17 MP08 0098	20-80 Pyrmont Street PYRMONT NSW 2009	STAR CITY CASINO	PLACE MANAGEMENT NSW
R/2016/1/J	Star Casino – MP08_0098 Mod 18 – Modifications to Multi-Use Entertainment Facility – Advice on Modification	20-80 Pyrmont Street PYRMONT NSW 2009	STAR CITY CASINO	PLACE MANAGEMENT NSW
R/2016/1/K	The Star Mod 17 – Outdoor Gaming Conversion (MP 08 0098 MOD 17)	20-80 Pyrmont Street PYRMONT NSW 2009	STAR CITY CASINO	PLACE MANAGEMENT NSW
R/2016/1/L	Star Casino – MP08_0098 Mod 18 – Modifications to Multi-Use Entertainment Facility – Advice on RTS	20-80 Pyrmont Street PYRMONT NSW 2009	STAR ENTERTAINMENT GROUP	PLACE MANAGEMENT NSW
R/2016/35/E	Barangaroo Building R4A SSD 6964 Mod 5	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/35/F	Barangaroo Building R4A SSD 6964 Mod 4	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/35/G	Barangaroo Building R4A SSD 6964 Mod 4 RTS	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2016/35/H	Barangaroo South – Building R4A – SSD 6964 MOD 6 – Advice on Modification	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and NDEWCASTLE PORT CORPORATION
R/2016/36/E	Barangaroo Building R4B SSD 6965 Mod 4	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/36/F	Barangaroo Building R4B SSD 6965 Mod 3	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/36/G	Barangaroo Building R4B SSD 6965 Mod 3 RTS	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/36/H	Barangaroo South – Residential R4B (SSD 6965 MOD 5) – Advice on Modification	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and NDEWCASTLE PORT CORPORATION
R/2016/36/I	Barangaroo South – Residential R4B – SSD 6965 MOD 6 – Advice on Modification	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and NDEWCASTLE PORT CORPORATION
R/2016/36/J	SSD 6965 – Barangaroo South Residential Building R4B MOD 6 – Advice on Modification	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2016/37/D	Barangaroo South - R5 Residential Building (SSD 6966) Mod 2	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/37/E	Barangaroo South - R5 Residential Building (SSD 6966) Mod 3	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY
R/2016/37/F	Barangaroo Building R5 – SSD 6966 MOD 4 – Advice on Modification	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and NDEWCASTLE PORT CORPORATION
R/2016/37/G	SSD 6966 – Barangaroo South Residential Building R5	4 Towns Place BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and NDEWCASTLE PORT CORPORATION
R/2016/41/E	Harbourside Shopping Centre – SSD 7874 – Mod 1	2-10 Darling Drive SYDNEY NSW 2000	MIRVAC CAPITAL PTY LIMITED	PLACE MANAGEMENT NSW
R/2016/41/F	Harbourside Shopping Centre – SSD 7874 – Mod 2	2-10 Darling Drive SYDNEY NSW 2000	MIRVAC CAPITAL PTY LIMITED	PLACE MANAGEMENT NSW
R/2017/17/H	Walsh Bay Arts & Cultural Precinct SSD 8671 Mod 7	13 Hickson Road DAWES POINT NSW 2000	INFRASTRUCTURE NSW	THE OWNERS - STRATA PLAN NO 73989

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2017/25/I	Sydney Fish Markets – SSD 8925 Mod 6 - RTS	1 Bridge Road GLEBE NSW 2037	URBAN GROWTH NSW DEVELOPMENT CORPORATION	WATERWAYS AUTHORITY
R/2017/25/J	Sydney Fish Markets – SSD 8925 Mod 7	1 Bridge Road GLEBE NSW 2037	INFRASTRUCTURE NSW	WATERWAYS AUTHORITY
R/2017/25/K	Sydney Fish Markets – SSD 8925 MOD 8 – Advice on Modification	1 Bridge Road GLEBE NSW 2037	INFRASTRUCTURE NEW SOUTH WALES	WATERWAYS AUTHORITY
R/2017/25/L	Sydney Fish Markets – SSD 8925 MOD 9 – Advice on Modification	1 Bridge Road GLEBE NSW 2037	INFRASTRUCTURE NEW SOUTH WALES	WATERWAYS AUTHORITY
R/2017/28/D	SCEGGS Darlinghurst SSD 8993 Mod 3	165-215 Forbes Street DARLINGHURST NSW 2010	SCEGGS DARLINGHURST LTD	SCEGGS DARLINGHURST LTD
R/2017/9/E	Alexandria Park Community School – SSD 8373 Mod 3 – Advice on Modification	7-11 Park Road ALEXANDRIA NSW 2015	DEPARTMENT of EDUCATION AND TRAINING	MINISTER of EDUCATION TRAINING & YOUTH AFFAIRS
R/2017/9/F	Alexandria Park Community School – SSD 8373 Mod 3 – RTS	7-11 Park Road ALEXANDRIA NSW 2015	DEPARTMENT of EDUCATION AND TRAINING	MINISTER of EDUCATION TRAINING & YOUTH AFFAIRS

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2018/13/D	MOD 1 - Block 4B Central Park Adaptive Reuse (SSD 9374)	6 Central Park Avenue CHIPPENDALE NSW 2008	DEPARTMENT of PLANNING	FRASERS CENTRAL PARK LAND NO.2 PTY LTD and IDGLU NO. 206 PTY LIMITED and DBREWERY YARD PTY LTD and o
R/2018/13/E	Central Park Block 4B Adaptive Reuse – SSD 9374 MOD 1 – Advice on RTS	6 Central Park Avenue CHIPPENDALE NSW 2008	DEPARTMENT of PLANNING	FRASERS CENTRAL PARK LAND NO.2 PTY LTD and IDGLU NO. 206 PTY LIMITED and DBREWERY YARD PTY LTD and o
R/2018/32/E	Adaptive reuse of the Royal Hall of Industries – Mod 1	1 Driver Avenue MOORE PARK NSW 2021	SYDNEY SWANS	CENTENNIAL PARK & MOORE PARK TRUST
R/2018/32/F	Adaptive reuse of the Royal hall of Industries – SSD 9726 Mod 1 – Response to Submissions	1 Driver Avenue MOORE PARK NSW 2021	SYDNEY SWANS	CENTENNIAL PARK & MOORE PARK TRUST
R/2018/3/I	13-23 Gibbons Street, Redfern – SSD 9194 MOD 5 – Advice on Modification	13-23 Gibbons Street REDFERN NSW 2016	WEE HUR CAPITAL	THE OWNERS - STRATA PLAN NO 60485
R/2018/3/J	SSD 9194 MOD 5 – Advice on RTS	13-23 Gibbons Street REDFERN NSW 2016	WEE HUR CAPITAL	THE OWNERS - STRATA PLAN NO 60485

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2018/4/J	Sydney Football Stadium SSD 9249 Mod 6 Advice RTS	44 Driver Avenue MOORE PARK NSW 2021	VENUES NEW SOUTH WALES	VENUES NEW SOUTH WALES
R/2018/4/K	Sydney Football Stadium SSD 9249 Mod 6 Advice on RTS	44 Driver Avenue MOORE PARK NSW 2021	VENUES NEW SOUTH WALES	VENUES NEW SOUTH WALES
R/2018/4/L	Sydney Football Stadium SSD 9249 Mod 6 Advice on RRTS	44 Driver Avenue MOORE PARK NSW 2021	VENUES NEW SOUTH WALES	VENUES NEW SOUTH WALES
R/2019/17/C	Pitt Street South OSD Stage 2 – SSD 10376 MOD 2 – Advice on Modification	125-129 Bathurst Street SYDNEY NSW 2000	TRANSPORT FOR NSW	SYDNEY METRO
R/2019/19/C	Sydney Metro West – Concept and Stage 1 – SSI 10038 Mod 3 – Administrative Modification	456 Kent Street SYDNEY NSW 2000	SYDNEY METRO	THE COUNCIL of THE CITY of SYDNEY
R/2019/22/D	90-102 Regent Street, Redfern – Student Accommodation SSD- 10382, MOD 1	90 Regent Street REDFERN NSW 2016	WEE HUR CAPITAL	THE TRUST COMPANY (AUSTRALIA) LIMITED and DTHE OWNERS - STRATA PLAN NO 57425

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2019/26/D	8-10 Lee Street Haymarket (SSD 10405) Atlassian – Mod 1	8-10 Lee Street HAYMARKET NSW 2000	ATLASSIAN PTY LTD	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES
R/2019/26/E	(SSD 10405) Atlassian – Mod 2	8-10 Lee Street HAYMARKET NSW 2000	ATLASSIAN PTY LTD	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES
R/2019/26/F	(SSD-10405) – Atlassian MOD 3 (Tower Design Changes)	8-10 Lee Street HAYMARKET NSW 2000	ATLASSIAN PTY LTD	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES
R/2019/26/G	(Atlassian – SSD 10405 MOD 2 – Advice on RTS	8-10 Lee Street HAYMARKET NSW 2000	ATLASSIAN PTY LTD	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES
R/2019/2/J	Sydney Football Stadium SSD 9835 Mod 7 RTS	44 Driver Avenue MOORE PARK NSW 2021	VENUES NEW SOUTH WALES	VENUES NEW SOUTH WALES
R/2019/2/K	Sydney Football Stadium SSD 9835 Mod 7 RRTS	44 Driver Avenue MOORE PARK NSW 2021	INFRASTRUCTURE NSW	SYDNEY CRICKET & SPORTS GROUND TRUST
R/2019/6/F	Fort Street Public School – SSD 10340 MOD 2 – Advice on Modification	1005 Upper Fort Street MILLERS POINT NSW 2000	SCHOOL INFRASTRUCTURE NSW	DEPARTMENT of EDUCATION AND TRAINING and DMINISTER FOR EDUCATION & EARLY LEARNING

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2020/13/B	Amending SSDA for Blg R4B Barangaroo South – Mod 2	51A Hickson Road BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and IDNFRASTRUCTURE NSW and DLENDLEASE MILLERS POINT PTY LTD
R/2020/13/C	Amending SSDA for Blg R4B Barangaroo South – Mod 1	51A Hickson Road BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and IDNFRASTRUCTURE NSW and DLENDLEASE MILLERS POINT PTY LTD
R/2020/13/D	Amending SSDA for Blg R4B Barangaroo South – Mod 1 RTS	51A Hickson Road BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and IDNFRASTRUCTURE NSW and DLENDLEASE MILLERS POINT PTY LTD
R/2020/13/E	Amending SSDA Barangaroo South Building R4B – SSD 8892218 MOD 3 – Advice on Modification	51A Hickson Road BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and IDNFRASTRUCTURE NSW and DLENDLEASE MILLERS POINT PTY LTD
R/2020/13/F	Amending SSDA Barangaroo South Building R4B – SSD 8892218 MOD 4 – Advice on Modification	51A Hickson Road BARANGAROO NSW 2000	LEND LEASE	BARANGAROO DELIVERY AUTHORITY and IDNFRASTRUCTURE NSW and DLENDLEASE MILLERS POINT PTY LTD

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2020/6/C	Waterloo Metro Quarter OSD – Southern Precinct Detailed Design – SSD 10437 MOD 1	49-67 Botany Road WATERLOO NSW 2017	WL DEVELOPER PTY LTD	SYDNEY METRO
R/2020/7/C	Waterloo Metro Quarter Basement – Southern Precinct Detailed Design – SSD 10438 MOD 1	49-67 Botany Road WATERLOO NSW 2017	WL DEVELOPER PTY LTD	SYDNEY METRO
R/2021/10	Powerhouse Ultimo Renewal SSD 32927319 – Advice on SEARs	500 Harris Street ULTIMO NSW 2007	CREATE NSW	TRUSTEES of THE MUSEUM of APPLIED ARTS
R/2021/10/A	Powerhouse Ultimo Renewal – Stage 1 Early Works – SSD 32927319 – Advice on EIS	500 Harris Street ULTIMO NSW 2007	CREATE NSW	TRUSTEES of THE MUSEUM of APPLIED ARTS
R/2021/10/B	Powerhouse Ultimo Renewal – Stage 1 Early Works –SSD 32927319 – Advice on RTS	500 Harris Street ULTIMO NSW 2007	CREATE NSW	TRUSTEES of THE MUSEUM of APPLIED ARTS
R/2021/4/B	Sydney Metro West – The Bays to CBD – SSI- 19238057 – Advice on RTS	37-69 Union Street PYRMONT NSW 2009	SYDNEY METRO	DESTINATION SYDNEY CONSORTIUM INVESTMENTS PTY LTD

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2021/6/A	Sydney Metro West – The Bays to CBD – SSI- 22765520 – Advice on EIS (Station & operations)	37-69 Union Street PYRMONT NSW 2009	SYDNEY METRO	DESTINATION SYDNEY CONSORTIUM INVESTMENTS PTY LTD
R/2021/6/B	Sydney Metro West - Station for Bays to CBD - (SSI- 22765520) - Advice on RTS (Station & operations)	37-69 Union Street PYRMONT NSW 2009	SYDNEY METRO	DESTINATION SYDNEY CONSORTIUM INVESTMENTS PTY LTD
R/2021/6/C	Sydney Metro West – The Bays to CBD – SSI- 22765520 – Advice on SEARs (Station & operations)	37-69 Union Street PYRMONT NSW 2009	SYDNEY METRO	DESTINATION SYDNEY CONSORTIUM INVESTMENTS PTY LTD
R/2021/8/A	RTS for Glebe Island Silos Signage	5010 Glebe Island PYRMONT NSW 2009	EYE DRIVE SYDNEY PTY LTD	TRANSPORT FOR NSW
R/2022/10	Hunter Street West Over Station Development (SSD 46246214) – advice on SEARs	5 Hunter Street SYDNEY NSW 2000	SYDNEY METRO	THE OWNERS - STRATA PLAN NO 65054
R/2022/10/A	Hunter Street West Over Station Development - SSD 46246214 – Advice on EIS	5 Hunter Street SYDNEY NSW 2000	SYDNEY METRO	THE OWNERS - STRATA PLAN NO 65054

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2022/11	Central Barangaroo Early Works Phase 2 (SSD-46922214)(Advice on SEARs)	29-51 Hickson Road BARANGAROO NSW 2000	AQUALAND	BARANGAROO DELIVERY AUTHORITY
R/2022/12	Saunders and Miller Street, Digital Advertising Signage DA 22/6650	100A Miller Street PYRMONT NSW 2009	SYDNEY TRAINS	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES
R/2022/13	Digital Advertising Signage – Western Distributor - (DA 22/10079)	66 Gipps Street PYRMONT NSW 2009	SYDNEY TRAINS	THE STATE RAIL AUTHORITY of NSW
R/2022/15	2 & 8A Lee Street, Haymarket – Toga Central (SSD-33258337) – Advice on EIS	2 Lee Street HAYMARKET NSW 2000	TOGA CENTRAL DEVELOPMENTS PTY LTD	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES and TRANSPORT FOR NSW
R/2022/16	The Cutaway Cultural Facility, Barangaroo - (SSD- 47498458) – Advice on SEARS	29-51 Hickson Road BARANGAROO NSW 2000	INFRASTRUCTURE NSW	BARANGAROO DELIVERY AUTHORITY
R/2022/17	Registrar General Building – Early Works Part 5/REF – Initial consultation	1 Prince Albert Road SYDNEY NSW 2000	GOVERNMENT PROPERTY NSW	GOVERNMENT PROPERTY NSW

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2022/18	Digital Advertising Signage – Intersection of Enmore Road and King Street, Newtown (Inner West Council) – DA 22/7946	456 Kent Street SYDNEY NSW 2000	SYDNEY TRAINS	THE COUNCIL of THE CITY of SYDNEY
R/2022/19	Review of Environmental Factors – Western Distributor Road Network Improvements	6000 Western Distributor PYRMONT NSW 2009	TRANSPORT FOR NSW	TRANSPORT FOR NSW and DROADS & TRAFFIC AUTHORITY of NSW and DPLACE MANAGEMENT NSW
R/2022/20	Sydney Metro West Pyrmont OSD – SSD 9620481 – Advice on SEARs	37-69 Union Street PYRMONT NSW 2009	SYDNEY METRO	DESTINATION SYDNEY CONSORTIUM INVESTMENTS PTY LTD
R/2022/21	South Eveleigh Large Erecting Shop – SSD 49583710 – Advice on SEARs	1001 Wilson Street EVELEIGH NSW 2015	MIRVAC	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES
R/2022/23	Barangaroo Harbour Park – SSD 49673466 – Advice on SEARs	29-51 Hickson Road BARANGAROO NSW 2000	INFRASTRUCTURE NEW SOUTH WALES	BARANGAROO DELIVERY AUTHORITY
R/2022/24	Redfern Mixed Use Co-living Housing Development – SSD 32275057 – Advice on EIS	175 Cleveland Street REDFERN NSW 2016	EG FUNDS MANAGEMENT	PERPETUAL CORPORATE TRUST LIMITED

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2022/25	Harbourside – Bridges and Public Domain – SSD 49653211 - SEARs	2-10 Darling Drive SYDNEY NSW 2000	MIRVAC RETAIL SUB PTY LTD	PLACE MANAGEMENT NSW
R/2022/3	Harbourside Bulk Excavation Works (SSD-38881729) (SEARs)	2-10 Darling Drive SYDNEY NSW 2000	MIRVAC	PLACE MANAGEMENT NSW
R/2022/3/A	Harbourside Bulk Excavation Works – SSD 38881729 – Advice on EIS	2-10 Darling Drive SYDNEY NSW 2000	MIRVAC	PLACE MANAGEMENT NSW
R/2022/3/B	Harbourside Bulk Excavation Works – SSD 38881729 – Advice on RTS	2-10 Darling Drive SYDNEY NSW 2000	MIRVAC	PLACE MANAGEMENT NSW
R/2022/4	Central Barangaroo Early Works (SSD-39587022) (Advice on SEARs)	29-51 Hickson Road BARANGAROO NSW 2000	AQUALAND	BARANGAROO DELIVERY AUTHORITY
R/2022/6	George Street Overpass, The Rocks, Digital Advertising Signage DA 22/1839	5044 George Street THE ROCKS NSW 2000	JC DECAUX	

Application No.	Application Description	Primary Formatted Address	Applicant Name	Owner Name
R/2022/6/A	George Street Overpass, The Rocks, Digital Advertising Signage DA 22/1839 (RTS)	5044 George Street THE ROCKS NSW 2000	JC DECAUX	
R/2022/7	Sydney Metro – Sydney and Southwest – SSI 7400 Mod 9	456 Kent Street SYDNEY NSW 2000	SYDNEY METRO	THE COUNCIL of THE CITY of SYDNEY
R/2022/8	Sydney Terminal Building Revitalisation – SSI 45421960 - SEARs	1 Eddy Avenue HAYMARKET NSW 2000	TRANSPORT FOR NSW	TRANSPORT ASSET HOLDING ENTITY of NSW
R/2022/9	Hunter Street East Over Station Development (SSD 46246713)– Advice on SEARs	44-48 Hunter Street SYDNEY NSW 2000	SYDNEY METRO	TELADO PTY LTD
R/2022/9/A	Hunter Street East Over Station Development – SSD 46246713 – Advice on EIS	44-48 Hunter Street SYDNEY NSW 2000	SYDNEY METRO	SYDNEY METRO

Table 2 - State Significant Development (SSD) Referrals

6. There have been four Pre-DA requests for NSW Government representatives in the past 12 months regarding State owned or controlled land. Please see list below:

Pre DA	Address	Proposal
PDA/2022/130	14 Wentworth Park Road, GLEBE NSW 2037 16 Wentworth Park Road, GLEBE NSW 2037 18 Wentworth Park Road, GLEBE NSW 2037 20 Wentworth Park Road, GLEBE NSW 2037 22 Wentworth Park Road, GLEBE NSW 2037 24 Wentworth Park Road, GLEBE NSW 2037 26 Wentworth Park Road, GLEBE NSW 2037 28 Wentworth Park Road, GLEBE NSW 2037 30 Wentworth Park Road, GLEBE NSW 2037 32 Wentworth Park Road, GLEBE NSW 2037 34 Wentworth Park Road, GLEBE NSW 2037 36 Wentworth Park Road, GLEBE NSW 2037	Demolition of existing development on site and construction of a 3-storey (and roof top open space) residential apartment building
PDA/2022/244	10 Raper Street, NEWTOWN NSW 2042 16 Raper Street, NEWTOWN NSW 2042 18 Raper Street, NEWTOWN NSW 2042	Construction of an 8 bedroom boarding house and associated works.
PDA/2022/44	82 Wentworth Park Road, GLEBE NSW 2037	Land & Housing project
PDA/2022/132	3B Martin Place, SYDNEY NSW 2000	Martin Place Station ticket office to be alternated to be new retail space.

The City wrote to the NSW Department of Planning and Environment on 26 September 2022 asking what, if any, the NSW Government's intentions and activities in relation to Woolloomooloo and East Sydney were and if they had undertaken any studies in relation to Woolloomooloo and East Sydney.

On 17 October 2022, the Department responded advising that:

- they commenced background studies as part of a broader investigation of the East Sydney area in 2021
- that these preliminary investigations did not relate to a Grimshaw proposal in the media at the time
- these preliminary investigations for East Sydney were not progressed due to the Government's change in priorities, and

- they have no current plans to progress this work or undertake new investigations in Woolloomooloo or East Sydney areas.

The Department has provided the City with a copy of the background studies. The Department's response was circulated to Councillors via CEO Update on 21 October 2022.

The City has also had discussions with the NSW Government about the extent of SSCI within a possible State Significant Precinct for Circular Quay.

The City participated in a workshop for the Clothing Store Precinct at Redfern North Eveleigh about the future park and use of the Clothing Store under the current planning framework.

4. New Cleanaway Contract's Adherence to the City's Waste Targets

By Councillor Scott

Question

1. Will the City's new negotiated contract with Cleanaway ensure the City achieves the City's following targets:
 - (a) Percentage of source separated recycling of total residential waste at 35 per cent by 2025; and
 - (b) Percentage diversion from landfill of residential waste at 70 per cent by 2025 and 90 per cent by 2030.
2. If so, how and what reductions will be achieved, by year?

X086668

Answer by the Chief Executive Officer

As detailed in the Exemption from Tender and Contract Negotiation Outcome - Domestic, Cleansing and Parks (Putrescible) Waste Receipt, Processing and Disposal Services report, Cleanaway is currently the only available supplier that can process these types of putrescible waste streams using advanced waste technology that enables a portion of the waste stream to be recovered and diverted from landfill.

These facilities will provide a minimum diversion from landfill rate of 23 per cent, which is consistent with current industry diversion rates for these types of putrescible waste streams.

5. Leasing of Council Property to Politicians

By Councillor Weldon

Question

1. Are there presently any properties owned by City of Sydney which are leased to:
 - (a) Local government Councillors, including City of Sydney Councillors?
 - (b) NSW State parliamentarians?
 - (c) Members of the Federal Parliament?
2. If the answer to any part of 1 is yes,
 - (a) What are the names of the lessees and what are the addresses of the properties?
 - (b) Are there any special probity or integrity measures to ensure that ethical and/or conflict of issues are addressed?
 - (c) How was the rent for any such properties determined and by whom was it determined?
 - (d) Was the property available to the public generally immediately prior to the occupation by the present occupant?

X086670

Answer by the Chief Executive Officer

City property is divided into the commercial and community portfolios. All commercial leases are entered into on commercial terms through the City's commercial property management service providers. Leases may be entered into by individuals, companies, incorporated associations and other entities any of which may be associated with politicians or political organisations in some way without the City's knowledge.

Any leases through the City's Accommodation Grants Program are endorsed by Council and all Accommodation Grants Program leases are reviewed and reported to Council annually. The most recent report can be found [here](#).

6. Rat Eradication Management in the City of Sydney

By Councillor Weldon

Question

1. The Mayor of New York City, Eric Adams, recently announced in the media a job posting for what he's terming the Big Apple's "Rat Czar", formally known as Citywide Director of Rodent Mitigation. The salary for the position is reported to US\$120,000-\$170,000.
 - (a) Has the City of Sydney studied the recent announcements by the Mayor of New York City?
 - (b) Is there merit in considering a similar appointment of a "Rat Czar" in the City of Sydney?

- (c) How many Council staff and consultants are employed to work on eradicating rats in the City of Sydney Local Government Area?
 - (d) What is the City of Sydney budget for rat eradication in the Local Government Area in 2021/22?
2. A 2014 Study conducted by Jonathan Auerbach estimated there are two million rats ($\pm 150\,000$) in New York. The study noted rats have a phenomenal rate of reproduction, mating up to 20 times in six hours. A female rat produces four to seven litters of around 10 rats each year.
- (a) Are staff able to provide an estimate of the number of rats in the City of Sydney Local Government Area?
 - (i) If the answer to (a) is yes, what is the estimated number of rats in the Local Government Area?
 - (ii) If the answer to (a) is no, are there studies or other investigations underway or planned to provide information about the number of rats in Sydney?
 - (b) How many rat traps or other rat eradication devices are currently in place in the Local Government Area?
 - (c) Which areas of the Local Government Area are most affected by rat infestation based on number of rat eradication devices installed?

X086670

Answer by the Chief Executive Officer

The City of Sydney's rodent control program covers all public land under the control of Council, which includes streets and parks.

The program consists of strategically placed bait stations, burrow baiting and electronic multi-catch units. There are 945 traditional bait stations and 40 electronic multi-catch units across the City's Local Government Area.

All controls are maintained by licensed pest controllers and in-line with industry best practice. Controls are serviced commensurate to surrounding rodent activity, which is monitored by City staff through live data gathered after every service and reports from the community.

The rodent program is managed by the City's Health and Building team, with a Manager, Environmental Health Specialist and Senior Environmental Health Officer responsible for ensuring that the program is effective. They are further supported by environmental health officers who actively investigate and monitor rodent activity as part of their compliance inspections.

Whilst the program is managed by Health and Building, cross-divisional teams from City Business and Safety, Cleansing and Waste, City Rangers and City Greening and Leisure work collaboratively to holistically address infestations in areas such as parks, NSW Housing properties and laneways.

It is not possible to accurately estimate the number of rats within the City of Sydney; however, existing controls provide clear data to staff of rodent activity, enabling the City to measure increases, decreases and predict likely activity, which enables staff to adjust controls accordingly. Areas identified with the highest rodent activity based on the number of complaints received and capture data recorded by the electronic multi-catch devices are Woolloomooloo, Potts Point, Surry Hills, Redfern and Ultimo.

The City's 2022/23 budget for rodent control is approximately \$222,500.

7. Cyclist Road Safety in George Street and on Temporary Cycleways

By Councillor Weldon

Question

1. Are cyclists permitted to ride on the footpath George Street in the CBD?
2. If the answer to 1 is yes,
 - (a) What sections of the footpath in George Street are cyclists permitted to ride?
 - (b) What sections of the footpath on George Street are cyclists not permitted to ride on?
 - (c) What are the reasons for cyclists not being allowed to ride on the entirety of the footpath George Street?
 - (d) If cyclists are permitted to ride on the footpath in George Street is there signage advising where cyclists can/cannot ride?
 - (e) If cyclists are not permitted to ride on the footpath in George Street where is the signage advising this located?
 - (f) Is the decision about where cyclists can ride on the footpath George Street under review by Council?
 - (g) Are there penalties for cyclists riding on the footpath on George Street where cycling is not permitted?
3. Are cyclists permitted to ride on the road where the trams travel on George Street in the CBD?
4. If the answer to 3 is yes,
 - (a) Where in George Street are cyclists permitted to ride where the trams are on the road?
 - (b) What sections of George Street where the trams travel are cyclists not permitted to ride on?
 - (c) What are the reasons for cyclists not being allowed to ride on the entirety of George Street where the trams travel?
 - (d) If cyclists are not permitted to ride in George Street where the trams travel is there signage advising where cyclists cannot ride?
 - (e) If cyclists are not permitted to ride in George Street where the trams travel is the signage advising this located?
 - (f) Is the decision about where cyclists can ride on George Street where the trams travel under review by Council?
 - (g) Are there penalties for cyclists riding in locations on George Street where the trams travel?
 - (h) If the answer to (g) is yes what are the penalties that apply?

5. The Council website states in respect of the temporary cycleway on Moore Park Road:

“We consulted the community on the design for a permanent cycleway on Moore Park Road in 2017 This design is no longer feasible and will not be implemented.”
and

“Transport for NSW installed this cycleway and gave it to the City of Sydney to manage. The temporary cycleway will remain while Transport for NSW builds the cycleway on Oxford Street between Taylor Square and Centennial Park. When the project is complete, the temporary cycleway on Moore Park Road will be removed and the previous road arrangements will be reinstated.”

- (a) Was a road safety audit undertaken at the time changes were made to the cycleway by Council to change the materials aimed to provide a better a safety barrier for cyclists?
- (b) If the answer to (a) is yes when was the audit conducted and who conducted the road safety audit
- (c) If the answer to (b) is no, why was no road safety audit conducted?
- (d) What is the proposed date for the temporary cycleway in place on Moore Park Road be removed?
- (e) Has a design been finalised for the cycleway announced for Oxford Street from Centennial Park to Taylor Square?
- (f) If the answer to (b) is yes when will the design be exhibited to the public?

6. The Council website states in respect of the temporary cycleway on Bridge Street, Henderson Road and Railway Parade

“We consulted the community on a permanent design for the cycleway. Following feedback, the project was approved. Work started in early 2022 and it due for completion by December 2022.”

- (a) Is the completion date for this cycleway expected to be met?
- (b) Has a pre opening safety audit been conducted for this cycleway?
- (c) If the answer to (b) is no, when will a pre opening road safety audit be undertaken?

7. Bridge Road Glebe temporary cycleway

- (a) Has City of Sydney been consulted by Transport for NSW on a design to replace the unsafe temporary cycleway on Bridge Road Glebe?
- (b) Has City of Sydney been consulted by Transport for NSW on proposals contained in an Options report for the cycleway prepared by Transport for NSW in 2021/22 that the right hand turn lanes for vehicles be removed at Glebe Point Road and Ross Street as part of an option to improve cyclist safety on Bridge Road?

X086670

Answer by the Chief Executive Officer

- 1. The road regulations in NSW generally prohibit cycling on footpaths for people over 15 years of age, unless they are accompanying someone cycling who is under 15 years of age. Full details in NSW Road Rule 250.

2. Not applicable.
3. Yes, where there is a separate traffic lane (for example: Northbound between Hunter Street and Globe Street (The Rocks), Southbound between Globe Street (The Rocks) and Bridge Street, Southbound between Margaret Street and Hunter Street. No, where the road is designated a Tramway.
4. All these questions should be referred to Transport for NSW, which is responsible for the tramway, and associated regulatory signage.
5.
 - (a) No, the change was approved by Transport for NSW and the Local Pedestrian, Cycling and Traffic Calming Committee.
 - (b) Not applicable.
 - (c) A Road Safety Audit is not needed to provide a better 'safety barrier'.
 - (d) On 17 May 2021, Council endorsed the Review of Environmental Factors Pop-Up Cycleway - Moore Park Road and Fitzroy Street which extended the temporary cycleway until May 2023. Staff are currently reviewing, given the currently progress of the proposed Oxford Street East project by Transport for NSW.
 - (e) Transport for NSW has completed a concept design.
 - (f) The City understands that Transport for NSW will exhibit the concept design in the coming months.
6.
 - (a) Most of the physical works along Henderson Road and Railway Parade are complete. However, the final section (at the intersection of Railway Parade and Swanson Street) was delayed due to Transport for NSW traffic signal approvals (now received). As such this will be completed in early 2023.
 - (b) No.
 - (c) This is scheduled to be undertaken prior to Christmas 2022 for the sections that are completed.
7.
 - (a) Transport for NSW has consulted the City on the design for a permanent cycleway that Transport for NSW will construct.
 - (b) The City is not aware of such an options report.

Item 10 Supplementary Answers to Previous Questions

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

Item 11 Notices of Motion

Item 11.1 Vale Victor Pinkerton

Procedural Motion

At 5.20pm, following Item 3.3, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the order of business be altered such that Item 11.1 be brought forward and dealt with before Item 4, for the benefit of family members present.

By Councillor Scully

It is resolved that:

(A) Council note:

- (i) the passing of Victor Pinkerton, social and environmental justice activist, aged 69, on Tuesday 25 October 2022;
- (ii) Victor's unrelenting commitment to social justice in Sydney and across NSW;
- (iii) Victor was a tireless activist and organiser, known for his work on opposing WestConnex, coal seam gas and coal mining, and overdevelopment including the demolition of Willowgrove and the commercialisation of Sydney parks;
- (iv) from his birth at King George V Hospital in Camperdown to French Noumean mother Jeanette and second generation Australia father George, younger brother to sister Georgette, Victor has always been devotedly passionate about Sydney and the welfare of its many communities;
- (v) following the demolition of his family home for the Western Distributor in the early 1970s, Victor lived by his father's words "Treat others the way you'd like to be treated", and was known for his awareness-raising newsletters, his diligent campaigning and support for homeless people living under the Wentworth Park viaducts;
- (vi) after completing an apprenticeship as an electrician with Sydney Country Council, Victor went on to spend 18 months in Darwin restoring power to buildings following Cyclone Tracy, and later contributed to the refurbishment of the iconic Queen Victoria Building and the heritage-listed Bondi Outfalls Project; and
- (vii) Victor was a warm, genuine and caring man who dedicated himself to the preservation and restoration of Sydney and NSW's character and natural environment. He always showed up for the issues that mattered and was able to connect to people and communities. He will be sorely missed;

(B) all present in the meeting take one minute of silence to honour the memory of Victor Pinkerton; and

(C) the Lord Mayor be requested to write to Victor Pinkerton's family expressing the Council's sincere condolences on his passing.

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

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

It is resolved that:

(A) Council note:

- (i) the passing of Victor Pinkerton, social and environmental justice activist, aged 69, on Tuesday 25 October 2022;
- (ii) Victor's passionate commitment to social justice in Sydney and across NSW. Victor was a tireless activist and organiser, and an enthusiastic and well-loved contributor to knowledge and advocacy on a range of issues important to community, environment, and heritage. Victor was well known for his work opposing WestConnex, coal seam gas and coal mining and overdevelopment, including recent activism against the demolition of Willow Grove, the Western Harbour Tunnel, and the raising of the Warragamba Dam wall, as well as long standing support for LGBTQIA+ rights, Indigenous rights and social justice causes;
- (iii) Victor had a long connection with Sydney: born in King George V Hospital in Camperdown, he completed an apprenticeship as an electrician with Sydney County Council, and went on to spent 18 months in Darwin restoring power to buildings following Cyclone Tracy. He later contributed to the refurbishment of the iconic Queen Victoria Building and the heritage-listed Bondi Outfalls Project;
- (iv) Victor's activism may have been sparked by an early injustice: his family home in Ultimo was demolished for the Western Distributor in the early 1970s, and throughout his life he continued to fight for the rights of those who found their own places in the city swept away by decisions of government, or who found that people and planet were being left behind in the quest for profit and power;
- (v) he was known for his insightful and funny awareness-raising email newsletters: journalist Wendy Bacon said she considered him a citizen journalist for his careful reading and very regular commentary which kept many informed on the political issues of the day;
- (vi) Victor lived by his father's words "Treat others the way you'd like to be treated" and was often out providing support for homeless people living under the Wentworth Park viaducts. He was a formative member of the WestConnex protest camp established in Sydney Park in 2016, and he used his technical skills to maintain the camp, to help develop a camp code of conduct and to keep the multi-generational community around the camp connected and committed during the round-the-clock protest and occupation which lasted more than 15 months; and
- (vii) Victor was a warm, genuine and caring person, who dedicated himself to the preservation and restoration of Sydney and NSW's character and natural environment. Community groups across the City have shared their memories of Victor and their gratitude for his advocacy. He always showed up for the issues that mattered, contributed above and beyond the call of duty, and was able to connect to people and communities. His energy and optimism was legendary, and he will be sorely missed;

- (B) all present in the meeting take one minute of silence to honour the memory of Victor Pinkerton; and
- (C) the Lord Mayor be requested to write to Victor Pinkerton's family expressing the Council's sincere condolences on his passing.

Carried unanimously.

X086654

Note – The Chair (the Lord Mayor) acknowledged the presence of Georgie Beazley, Fiona Teys and Mabel Carlisle.

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

Item 11.2 City of Sydney Heritage Strategy

Moved by Councillor Jarrett, seconded by Councillor Gannon –

It is resolved that:

(A) Council note:

- (i) Sydney contains diverse Aboriginal and Torres Strait Islander cultural and environmental heritage, and heritage constructed following European colonisation;
- (ii) the City of Sydney Heritage Development Control Plan 2006 provides objectives and provisions for the development of buildings with heritage significance and establishes a framework for detailed heritage and conservation planning;
- (iii) the City of Sydney provides the Heritage Floorspace Scheme which allows for the conservation management of heritage-listed buildings;
- (iv) the Community Strategic Plan Delivering Sustainable Sydney 2030-2050 incorporates heritage into its framework but does not identify a specific heritage strategy;
- (v) the City of Sydney has yet to formalise a long-term, future focused strategy to plan and maintain Sydney's heritage; and
- (vi) the City of Melbourne, the City of Adelaide, the City of Perth, and the City of Newcastle have long-term heritage strategies that provide a framework to ensure heritage protection; and

(B) the Chief Executive Officer be requested to:

- (i) investigate the possibility of creating a long-term Heritage Planning Strategy to safeguard the City's unique heritage aligned with the City of Sydney's Sustainable Sydney 2030-2050 Continuing the Vision; and
- (ii) report back to Council with the implications of creating a long-term Heritage Planning Strategy including the strategic alignment, organisational impact, budget implications, and any other relevant considerations.

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

It is resolved that:

(A) Council note:

- (i) Sydney contains diverse Aboriginal and Torres Strait Islander cultural and environmental heritage, and heritage constructed following European colonisation;
- (ii) the City of Sydney provides the Heritage Floorspace Scheme which allows for the conservation management of heritage-listed buildings;
- (iii) the City of Melbourne, the City of Adelaide, the City of Perth, and the City of Newcastle have long-term heritage strategies that provide a framework to ensure heritage protection;

- (iv) the City of Sydney's heritage framework is embedded in our planning documents and we have appropriate resources to assess heritage conservation in our Local Government Area;
 - (v) the City has a City historian and heritage officers employed in planning strategy and operational areas;
 - (vi) the Sydney Local Environmental Plan 2012 (LEP) sets out objectives and requirements for heritage conservation and lists conservation areas and items in our Local Government Area. This includes to conserve environmental heritage, heritage buildings, conservation areas, archaeological sites and Aboriginal objects and places;
 - (vii) the Sydney Development Control Plan 2012 (DCP) includes controls to ensure heritage conservation and enhancement is considered as part of development. The City of Sydney Heritage Development Control Plan 2006 applies to a small area of land along part of the southern boundary of the LGA not covered by the 2012 DCP;
 - (viii) the alternative heritage floor space scheme allows developers to defer the timing of allocation of Heritage Floor Space or make a monetary contribution if there is an insufficient amount of Heritage Floor Space available for purchase;
 - (ix) our heritage conservation fund is then used to prepare conservation management plans and maintain heritage items that cannot receive awards such as parks and places;
 - (x) in 2019, the City commissioned a heritage study of post-World War II architecture and subsequently in 2020, Council listed an additional nine heritage items, including our own Town Hall House; and
 - (xi) as part of the City's substantial LEP and DCP review, which is due to come to Council for its consideration early next year, the conservation area review aims to support the retention and adaptation of buildings that contribute to the character of an area, allow reasonable alterations and additions and provide clarity and certainty for landowners and neighbours; and
- (B) the Chief Executive Officer be requested to offer a briefing to all Councillors so that they can be provided more detailed information on the City's heritage framework with an opportunity to ask questions, if desired.

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

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

Noes (5) Councillors Ellsmore, Gannon, Jarrett, Scott and Weldon.

The Chair (the Lord Mayor) exercised her casting vote in favour of the amendment. The amendment was declared carried.

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

Ayes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Kok, Scott and Scully.

Noes (3) Councillor Gannon, Jarrett and Weldon.

Amended motion carried.

X086657

Point of Order

During discussion of Item 11.2, Councillor Weldon raised a point of order, stating that pursuant to clause 9.14 of the Code of Meeting Practice an alternative motion was more appropriate than an amendment in this instance.

The Chair (the Lord Mayor) did not uphold the point of order.

Item 11.3 Supporting Peaceful Protest in the City

Moved by Councillor Ellsmore, seconded by Councillor Scott -

It is resolved that:

(A) Council note:

- (i) last month, Council unanimously voted to:
 - (a) acknowledge that the right to protest is fundamental in a democratic society;
 - (b) note that the NSW Government has recently enacted a series of laws which further restrict and criminalise peaceful protests, including changes to the Roads Act 1993 passed by the NSW Parliament in April 2022. Under the recent legal changes, peaceful protesting can carry a maximum penalty of \$22,000 or two years in gaol, or both, if it disrupts roads, bridges and/or tunnels;
 - (c) support and facilitate the right of the community, including climate activists, to peacefully protest in the City; and
 - (d) condemn harsh police practices with respect to protesters;
- (ii) on Friday 2 December 2022, environment activist Violet (Deanna) CoCo faced the Magistrates Court, Downing Centre in Sydney. She had been charged for peacefully protesting climate inaction, following a protest in April 2022 which involved blocking one lane of traffic for approximately 25 minutes;
- (iii) Violet (Deanna) CoCo has been sentenced to 15 months in prison, with a non-parole period of eight months;
- (iv) the sentence has received national and international condemnation. Clément Voule, the United Nation's special rapporteur on freedom of association and peaceful assembly, is reported to have said he was "alarmed" by the sentence and the court's refusal to consider bail for the sentence appeal until March 2023;
- (v) the New South Wales Liberal Premier Dominic Perrottet is reported to have described the minimum eight-month sentence as "pleasing to see"; and
- (vi) over 20 other people involved in peaceful climate protests in the City this year have been charged under the new anti-protest laws, and are currently awaiting trial;

(B) Council also note:

- (i) also following the 21 November 2022 Council meeting, local identity and peaceful protester Danny Lim was taken to hospital after being significantly injured by police, when security at the Queen Victoria Building called the police to remove him from the building. The Queen Victoria Building is owned by the Council; and
- (ii) there were reports during the recent ALP Conference held at the Sydney Town Hall that peaceful protesters holding placards were moved away from the Town Hall Steps, although they had been advised they had permission from the Council to be there; and

(C) the Chief Executive Officer be requested to provide advice about ways for Council to ensure that the right to peaceful protest in Council-owned buildings and spaces controlled by Council, is protected. This includes in Council town halls and surrounds, and commercial properties leased by Council.

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

It is resolved that:

(A) Council note:

- (i) last month, Council unanimously voted to:
 - (a) acknowledge that the right to protest is fundamental in a democratic society;
 - (b) note that the NSW Government has recently enacted a series of laws which further restrict and criminalise peaceful protests, including changes to the Crimes Act 1900 and Roads Act 1993 passed by the NSW Parliament in April 2022. Under the recent legal changes, peacefully protesting can carry a maximum penalty of \$22,000 or two years in gaol, or both, if it disrupts roads, bridges and/or tunnels;
 - (c) support and facilitate the right of the community, including climate activists, to peacefully protest in the City; and
 - (d) condemn harsh police practices with respect to protesters;
- (ii) on Friday 2 December 2022, environment activist Violet (Deanna) CoCo faced the Magistrates Court, Downing Centre in Sydney. She had been charged for peacefully protesting climate inaction, following a protest in April 2022 which involved blocking one lane of traffic for approximately 25 minutes;
- (iii) Violet (Deanna) CoCo has been sentenced to 15 months in prison, with a non-parole period of eight months;
- (iv) the sentence has received national and international condemnation. Clément Voule, the United Nation's special rapporteur on freedom of association and peaceful assembly, is reported to have said he was "alarmed" by the sentence and the court's refusal to consider bail for the sentence appeal until March 2023;
- (v) the New South Wales Liberal Premier Dominic Perrottet is reported to have described the minimum eight-month sentence as "pleasing to see"; and
- (vi) over 20 other people involved in peaceful climate protests in the City this year have been charged under the new anti-protest laws, and are currently awaiting trial;

(B) Council reaffirm its support for the right of people to peacefully protest, including on property and spaces that it owns or controls, while noting:

- (i) protests are required to be conducted under the processes set out in state law (including obtaining approvals for gatherings where required), and while Council disagrees with the NSW Government's prohibition on peaceful protest where it disrupts a road, bridge or tunnel, Council agrees with other prohibitions, such as the prohibition on hate speech; and
- (ii) local governments do not have the authority to make criminal laws, nor enforce those laws via the police. This authority vests solely in our State and Federal Governments; and

(C) Council note that on 23 November 2022, following the distressing arrest of Danny Lim, the Lord Mayor and Alex Greenwich MP wrote to the NSW Minister for Police requesting urgent action to prevent excessive and unnecessary policing by NSW Police.

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.

Adjournment

At this stage of the meeting, at 8.29pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Chan –

That the meeting be adjourned to allow Councillors to review and discuss a proposed amendment.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 8.32pm.

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

It is resolved that:

(A) Council note:

- (i) last month, Council unanimously voted to:
 - (a) acknowledge that the right to protest is fundamental in a democratic society;
 - (b) note that the NSW Government has recently enacted a series of laws which further restrict and criminalise peaceful protests, including changes to the Crimes Act 1900 and Roads Act 1993 passed by the NSW Parliament in April 2022. Under the recent legal changes, peacefully protesting can carry a maximum penalty of \$22,000 or two years in gaol, or both, if it disrupts roads, bridges and/or tunnels;
 - (c) support and facilitate the right of the community, including climate activists, to peacefully protest in the City; and
 - (d) condemn harsh police practices with respect to protesters;
- (ii) on Friday 2 December 2022, environment activist Violet (Deanna) CoCo faced the Magistrates Court, Downing Centre in Sydney. She had been charged for peacefully protesting climate inaction, following a protest in April 2022 which involved blocking one lane of traffic for approximately 25 minutes;
- (iii) Violet (Deanna) CoCo has been sentenced to 15 months in prison, with a non-parole period of eight months;
- (iv) the sentence has received national and international condemnation. Clément Voule, the United Nation's special rapporteur on freedom of association and peaceful assembly, is reported to have said he was "alarmed" by the sentence and the court's refusal to consider bail for the sentence appeal until March 2023;
- (v) the NSW Premier and Leader of the Opposition are both reported to have expressed similar views on the appropriateness of supporting the amendments to the Crimes Act 1990 and the Roads Act 1993; and
- (vi) over 20 other people involved in peaceful climate protests in the City this year have been charged under the new anti-protest laws, and are currently awaiting trial;

- (B) Council reaffirm its support for the right of people to peacefully protest, including on property and spaces that it owns or controls, while noting:
- (i) protests are required to be conducted under the processes set out in state law (including obtaining approvals for gatherings where required), and while Council disagrees with the NSW Government's prohibition on peaceful protest where it disrupts a road, bridge or tunnel, Council agrees with other prohibitions, such as the prohibition on hate speech; and
 - (ii) local governments do not have the authority to make criminal laws, nor enforce those laws via the police. This authority vests solely in our State and Federal Governments; and
- (C) Council note that on 23 November 2022, following the distressing arrest of Danny Lim, the Lord Mayor and Alex Greenwich MP wrote to the NSW Minister for Police requesting urgent action to prevent excessive and unnecessary policing by NSW Police.

The amendment was carried on the following show of hands:

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

Noes (3) Councillors Ellsmore, Scott and Weldon

Amendment carried.

Amended motion carried unanimously.

X086659

Point of Order

During discussion of Item 11.3, Councillor Scott raised a point of order, stating that the proposed wording of Councillor Jarrett's amendment was factually incorrect.

Item 11.4 Extension of Free Hire of Community Spaces for Local Community Groups

Moved by Councillor Ellsmore, seconded by Councillor Scott -

It is resolved that:

(A) Council note that:

- (i) the City of Sydney is currently undertaking a consultation with the community about the activities and services in the City of Sydney's community centres and libraries, with comments due by 15 December 2022;
- (ii) Council included in the 2022/23 budget that venue hire be waived, and public liability insurance coverage be provided for free, for local community groups;
- (iii) the Council decision provided free use of community halls, meeting rooms and other community spaces for not for profit groups, where a group resides in or provides services largely to communities in the City of Sydney. That is: incorporated associations and unincorporated associations whose membership base and purpose is within the City of Sydney Local Government Area. Government agencies, political parties, and groups who do not reflect the Inclusion and Equity principles in the City of Sydney's Community Strategic Plan and other City of Sydney plans such as our Reconciliation Action Plan and Inclusion (Disability) Plan are not included;
- (iv) this measure was one a number of measures which have been implemented by Council to support the community to recover post-Covid. Other initiatives which had been implemented included parking fee suspension, commercial and community rent waivers and fee waivers for outdoor dining permits;
- (v) fee and other Council income waivers in 2022/23 amount to more than \$6 million. The fee waiver for free community uses for one year is estimated to cost Council \$170,000;
- (vi) to date, Council staff and Councillors have received strong positive feedback about the free hire for local community groups; and
- (vii) Council is also implementing a number of other measures to increase access to its community spaces, including through streamlined booking processes and increased staffing;

(B) Council further note that:

- (i) at the 21 November 2022 Council meeting, Council received a report back on the public exhibition of the Outdoor Dining Policy and guidelines; and
- (ii) Council resolved to include in the draft budget an extension of the outdoor dining program for an additional two years, until 30 June 2025, at a cost of approximately \$4 million in revenue foregone;

(C) the Chief Executive Officer be requested to include in the next draft budget to be submitted to Council for endorsement to go on public exhibition an extension of the free use of community centres, town halls and other community spaces by community groups; and

(D) the Chief Executive Officer also be requested to provide advice on any relevant policy or procedural implications for the Council, if Council were to remove hire fees - as opposed to make hire subject to a fee which is then waived or reduced - and any other relevant issues, including how Council currently balances competing hire requests.

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

It is resolved that:

(A) Council note that:

- (i) the City of Sydney is currently undertaking a consultation with the community about the activities and services in the City of Sydney's community centres and libraries, with comments due by 15 December 2022;
- (ii) Council included in the 2022/23 budget that venue hire be waived, and public liability insurance coverage be provided for free, for local community groups;
- (iii) the Council decision provided free use of community halls, meeting rooms and other community spaces for not for profit groups, where a group resides in or provides services largely to communities in the City of Sydney. That is: incorporated associations and unincorporated associations whose membership base and purpose is within the City of Sydney Local Government Area. Government agencies, political parties, and groups who do not reflect the Inclusion and Equity principles in the City of Sydney's Community Strategic Plan and other City of Sydney plans such as our Reconciliation Action Plan and Inclusion (Disability) Plan are not included;
- (iv) this measure was one a number of measures which have been implemented by Council to support the community to recover post-Covid. Other initiatives which had been implemented included parking fee suspension, commercial and community rent waivers and fee waivers for outdoor dining permits;
- (v) fee and other Council income waivers in 2022/23 amount to more than \$6 million. The fee waiver for free community uses for one year is estimated to cost Council \$170,000;
- (vi) to date, Council staff and Councillors have received strong positive feedback about the free hire for local community groups; and
- (vii) Council is also implementing a number of other measures to increase access to its community spaces, including through streamlined booking processes and increased staffing;

(B) Council further note that:

- (i) at the 21 November 2022 Council meeting, Council received a report back on the public exhibition of the Outdoor Dining Policy and guidelines; and
- (ii) Council resolved to include in the draft budget an extension of the outdoor dining program for an additional two years, until 30 June 2025, at a cost of approximately \$4 million in revenue foregone; and

(C) the Chief Executive Officer be requested to include in the next draft budget to be submitted to Council for endorsement to go on public exhibition an extension of the fee waiver for the use of community centres and community spaces by eligible community groups, incorporated and non-incorporated associations and not for profit groups.

The amendment was carried on the following show of hands:

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

Noes (2) Councillors Ellsmore and Weldon*

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.

Amendment carried.

Amended motion carried unanimously.

X086659

Item 11.5 Accessibility Upgrade – Need for Lift at McElhone Stairs

By Councillor Gannon

It is resolved that:

- (A) Council note:
- (i) the topography of Potts Point and Woolloomooloo is challenging, with access from Woolloomooloo to Potts Point only possible via steps or steep hills;
 - (ii) the much-loved McElhone Stairs have served the community well since 1904. The steps were the subject of a Sali Herman's 1944 Wynne Prize landscape, and the site of espionage activities by Russian *persona non grata* during the Cold War;
 - (iii) there is an undeniable need to improve accessibility between Potts Point and Woolloomooloo via lift access. Woolloomooloo is home to a public school, community facilities, playgrounds, and is the connection from the east to the CBD, Art Gallery of NSW, Sydney Modern and the Royal Botanic Gardens;
 - (iv) the demographic of Potts Point and the surrounding suburbs is rapidly changing, with the latest census data showing the number of families and elderly people in the area on the rise;
 - (v) people with different accessibility needs, such as people with mobility issues or families with young children and prams are prevented from accessing Woolloomooloo from Potts Point directly;
 - (vi) the Premier is committed to "enhanc[ing] the liveability of our city, promot[ing] more people actively exploring the city and develop[ing] a drawcard which is on everybody's bucket-list" through the Sydney Great Walk policy. A lift here would fix the missing link of equitable access; and
 - (vii) the area next to the McElhone Stairs offers the best available space for a lift;
- (B) the Chief Executive Officer be requested to investigate the feasibility of installing a lift alongside the McElhone Stairs and report back to Council its costings and findings; and
- (C) the Lord Mayor be requested to write to the Premier and Alex Greenwich MP expressing Council's desire to improve accessibility between Potts Point and Woolloomooloo via a lift at the McElhone stairs and the need for State Government support.

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

Moved by Councillor Gannon, seconded by Councillor Jarrett –

It is resolved that:

- (A) Council note:
- (i) the topography of Potts Point and Woolloomooloo is challenging, with access from Woolloomooloo to Potts Point only possible via steps or steep hills;
 - (ii) the much-loved McElhone Stairs have served the community well since 1904. The steps were the subject of a Sali Herman's 1944 Wynne Prize landscape, and the site of espionage activities by Russian *persona non grata* during the Cold War;

- (iii) there is an undeniable need to improve accessibility between Potts Point and Woolloomooloo via lift access. Woolloomooloo is home to a public school, community facilities, playgrounds, and is the connection from the east to the CBD, Art Gallery of NSW, Sydney Modern and the Royal Botanic Gardens;
 - (iv) the demographic of Potts Point and the surrounding suburbs is rapidly changing, with the latest census data showing the number of families and elderly people in the area on the rise;
 - (v) people with different accessibility needs, such as people with mobility issues or families with young children and prams are prevented from accessing Woolloomooloo from Potts Point directly;
 - (vi) the Premier is committed to “enhanc[ing] the liveability of our city, promot[ing] more people actively exploring the city and develop[ing] a drawcard which is on everybody’s bucket-list” through the Sydney Great Walk policy. A lift here would fix the missing link of equitable access; and
 - (vii) the area next to the McElhone Stairs offers the best available space for a lift;
- (B) the Chief Executive Officer be requested to investigate the feasibility of installing a lift alongside the McElhone Stairs and report back to Council its costings and findings; and
- (C) subject to the feasibility investigations and report outcomes, the Lord Mayor be requested to write to the Premier and Alex Greenwich MP expressing Council’s desire to improve accessibility between Potts Point and Woolloomooloo via a lift at the McElhone stairs and the need for State Government support.

Carried unanimously.

X086658

Item 11.6 Access to the Harbour Foreshore Walk from Woolloomooloo

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) Sydney's beloved heritage-listed stairs linking Cowper Wharf Road with Mrs Macquarie's Road, currently form the only access to the Royal Botanic Gardens via the Harbour Foreshore Walk from Woolloomooloo's Finger Wharves;
- (ii) the heritage-listed stairs are significant and should be preserved, however, are very difficult to navigate for those with wheelchairs, mobility issues, prams and bicycles;
- (iii) that an accessible path to the foreshore walk which leads from Woolloomooloo to the City's wonderful Andrew (Boy) Charlton Pool ought to be installed so that everyone has equal ability to enjoy the facilities provided by the City;
- (iv) that Andrew (Boy) Charlton Pool is located on land managed by The Royal Botanic Gardens and Domain Trust; and
- (v) that the Disability Discrimination Act 1992 and the objectives of A City for All: Social Sustainability Policy and Action Plan 2018-2028 and the Inclusion (Disability) Action Plan 2017-2021 both work to ensure that equitable and dignified opportunities are presented to everyone; and

(B) the Lord Mayor be requested to write to:

- (i) the Royal Botanic Gardens and Domain Trust to request the urgent construction of an alternate route from Woolloomooloo to the foreshore path that meets accessibility guidelines and principles; and
- (ii) the Minister for Disability Services, Minister for Active Transport, Shadow Minister for Transport and Shadow Minister for Disability Inclusion to advocate for this construction.

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

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

(A) Council note:

- (i) the City is committed to building an inclusive and accessible City for residents and visitors now and into the future;
- (ii) there are stairs linking Cowper Wharf Road with Mrs Macquarie's Road, enabling people to access the Royal Botanic Gardens via the Harbour Foreshore Walk from Woolloomooloo's Finger Wharves;
- (iii) however, they are very difficult to navigate for those with wheelchairs, mobility issues, prams and bicycles;
- (iv) an accessible path to the foreshore walk which leads from Woolloomooloo to the City's wonderful Andrew (Boy) Charlton Pool ought to be installed so that everyone has equal ability to enjoy the facilities provided by the City;

- (v) Andrew (Boy) Charlton Pool is located on land managed by The Royal Botanic Gardens and Domain Trust;
 - (vi) the NSW Government is building a 91 kilometre continuous pathway linking the Sydney Opera House to Parramatta Park to ensure more people are able to access and benefit from Sydney's beautiful parks and waterways; and
 - (vii) the Disability Discrimination Act 1992 and the objectives of A City for All: Social Sustainability Policy and Action Plan 2018-2028 and the Inclusion (Disability) Action Plan 2017-2021 both work to ensure that equitable and dignified opportunities are presented to everyone; and
- (B) the Lord Mayor be requested to write to:
- (i) the Royal Botanic Gardens and Domain Trust to investigate the urgent construction of a route from Woolloomooloo to the foreshore path that meets accessibility guidelines and principles, in consultation with the community and the City of Sydney; and
 - (ii) the Minister for Disability Services, Minister for Active Transport, Shadow Minister for Transport and Shadow Minister for Disability Inclusion to advocate for this investigation and ask them to consider whether the continuous waterfront pathway from Parramatta Park should be extended to Woolloomooloo.

Carried unanimously.

X086655

Item 11.7 Acknowledging Keiran Kevans at the Glebe Youth Service

Procedural Motion

At 7.41pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scott –

That the Order of Business be altered such that Item 11.7 be brought forward and dealt with before Item 11.2, as the subject of the notice of motion was in attendance.

Carried unanimously.

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) Keiran Kevans is resigning after 16 years of dedication to the Glebe Youth Service;
- (ii) he began working in social services in the early 2000's on the North Coast;
- (iii) in 2006, he got a job at Glebe Youth Service as a generalist youth worker, running activities for after school and holidays, as well as providing individual support for youth goals;
- (iv) in 2010, he became the co-coordinator and was responsible for reporting, compliance, finance, delivery and community outreach;
- (v) Keiran began reading social history books at a young age, which spoke of the lack of justice for Indigenous people, local empowerment, community and social activism;
- (vi) this curiosity and inspiration was furthered through meeting Aboriginal musicians such as Kev Karmody, Ruby Hunter and Archie Roach;
- (vii) the Glebe Youth Service has been supporting young people for 30 years, helping them reach their potential, achieve their goals and contribute positively to the community;
- (viii) it is a not-for-profit organisation that uniquely works within its public housing context through its embedded position in the community, as it co-evolves and collaborates with it over time;
- (ix) it provides a number of programs and services, including food services, education support, music programs and an Aboriginal Youth Advisory Committee;
- (x) Keiran's work at the service responds to the need for Indigenous children to have a safe and healthy environment to heal and feel connected to their cultures;
- (xi) for example, the 'After Dark' program began in 2008 as a crime diversion program and has evolved into a safe space for children to meet and connect while they enjoy live music, sport and recreation, all of which they would otherwise be unable to participate in;
- (xii) he highlights that conventional high schools don't work for most children and that we need new models of education that incorporate culture, music and sport as modes of expression;

- (xiii) Kieran consistently reconceptualises the traditionally pessimistic focus on the children's disadvantages. Rather, he focuses on their strengths of pride in the community, loyalty, sense of humour and resilience;
 - (xiv) the service also offers an alternative to traditional government institutions, which these communities are often sceptical of, in order to make them feel safe, seen and heard, and support them through upskilling and connection;
 - (xv) further, there are youth and family programs to begin to mend inter-generational trauma and direct families down a more positive path. This acts as early intervention in a context where Indigenous children have the highest rate of Department of Communities and Justice removal;
 - (xvi) the children have a strong connection to Glebe and exhibit this in all their programs and artistic expressions;
 - (xvii) however, the service is facing increasing costs of inputs due to inflation; and
 - (xviii) additionally, the Service's Peppercorn lease expires in 2025, and Elders say it is fundamental to keep the service and this involves reinstating funding every three years; and
- (B) the Lord Mayor be requested to write to Keiran Kevans, thanking and congratulating him on his 16 years of service and all the wonderful things the Glebe Youth Service has and continues to do.

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

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

It is resolved that:

- (A) Council note:
- (i) Keiran Kevans is resigning after 16 years of dedication to the Glebe Youth Service;
 - (ii) he began working in social services in the early 2000's on the North Coast;
 - (iii) in 2006, he got a job at Glebe Youth Service as a generalist youth worker, running activities for after school and holidays, as well as providing individual support for youth goals;
 - (iv) in 2010, he became the co-coordinator and was responsible for reporting, compliance, finance, delivery and community outreach;
 - (v) Keiran began reading social history books at a young age, which spoke of the lack of justice for Indigenous people, local empowerment, community and social activism;
 - (vi) this curiosity and inspiration was furthered through meeting Aboriginal musicians such as Kev Karmody, Ruby Hunter and Archie Roach;
 - (vii) the Glebe Youth Service has been supporting young people for 30 years, helping them reach their potential, achieve their goals and contribute positively to the community;
 - (viii) it is a not-for-profit organisation that uniquely works within its public housing context through its embedded position in the community, as it co-evolves and collaborates with it over time;

- (ix) it provides a number of programs and services, including food services, education support, music programs and an Aboriginal Youth Advisory Committee;
- (x) Keiran's work at the service responds to the need for Indigenous children to have a safe and healthy environment to heal and feel connected to their cultures;
- (xi) the 'After Dark' program began in 2008 as a crime diversion program and has evolved into a safe space for children to meet and connect while they enjoy live music, sport and recreation, all of which they would otherwise be unable to participate in;
- (xii) he highlights that conventional high schools don't work for all children and that we need new models of education that incorporate culture, music and sport as modes of expression;
- (xiii) Kieran consistently reconceptualises the traditionally pessimistic focus on the children's disadvantages. Rather, he focuses on their strengths of pride in the community, loyalty, sense of humour and resilience;
- (xiv) the service also offers an alternative to traditional government institutions, which these communities are often sceptical of, in order to make them feel safe, seen and heard, and support them through upskilling and connection;
- (xv) there are youth and family programs to begin to mend inter-generational trauma and direct families down a more positive path. This acts as early intervention in a context where Indigenous children have the highest rate of Department of Communities and Justice removal;
- (xvi) the children have a strong connection to Glebe and exhibit this in all their programs and artistic expressions;
- (xvii) the service is facing increasing costs of inputs due to inflation;
- (xviii) the Service's Peppercorn lease expires in 2025, and Elders say it is fundamental to keep the service and this involves reinstating funding every three years; and
- (xix) the Lord Mayor wrote to Keiran Kevans on 8 December 2022 congratulating and thanking him for his amazing work at Glebe Youth Service.

Carried unanimously.

X086655

Note – following discussion and voting on this Item, the Chair (the Lord Mayor), all Councillors, staff and members of the public present acknowledged the achievements of Keiran Kevans with a round of applause.

Item 11.8 NSW Government Transparency and Financial Accountability Relating to Fort Street Public School on Observatory Hill

By Councillor Scott

It is resolved that:

- (A) Council strongly supports NSW Government investment in public education;
- (B) Council note:
 - (i) the NSW Government is currently undertaking a re-development of Fort Street Public school, situated on Observatory Hill;
 - (ii) Observatory Hill is one of Australia's most historic sites, being the site of the first windmill in 1796, Fort Phillip in 1800, a signal station to communicate with ships from 1825, and the Colony's second hospital, built in 1825, which in 1848 was converted into the Fort Street Model School;
 - (iii) the first observatory, built in Sydney in 1788 as the southern hemisphere was regarded as an important site for astronomical observations, has also housed a time ball which signalled the time to ships in the harbour each day;
 - (iv) due to increasing light and pollution the Observatory closed in 1982 and is now a museum;
 - (v) there is a lack of transparency surrounding the NSW Government's \$68 million budget for the NSW Government's modification of Fort Street Public School;
 - (vi) there has been inadequate consultation with the Millers Point community regarding the proposed modifications to the school;
 - (vii) on 20 May 2021, Heritage NSW advised the NSW Department of Planning, Industry and Environment that the proposed modification to the school does not comply with the Conservation Management Plan;
 - (viii) that the proposal will make the school the dominant building at Observatory Hill which is a sub-optimal heritage outcome;
 - (ix) that the proposal will have an additional visual impact on the views and vistas of Observatory Hill as well as impacting the visual and historical relationship between the National Trust Centre (former school building) and the 1940s school building at the site;
 - (x) that NSW National Trust has already written to the Budget Estimate Committee to object to the change and the excessive expenditure;
 - (xi) that these proposed modifications are not in accordance with heritage principles and that they will not comply with the building the Department of Education Conservation Management Plan;
 - (xii) that this is a major modification and is going through the State Significant Development (SSD) Process, However, School Infrastructure NSW has only put this on display for public comment for 14 days, even though the NSW State Design Review Panel requirement is 28 days;

- (xiii) that Ethos Urban undertook a visual impact assessment using the meteorology roofline for its low-level view impairment assessment. Many residential and commercial buildings located on Kent Street have harbour bridge views that are below the nominated reduced level, yet there was a failure to acknowledge this in the report. Increasing the stair lobby and lift overrun by 310 and 610 millimetres, respectively, only furthers the damage done to Observatory Hill's skyline and the view loss by local residents, businesses, community and tourists;
 - (xiv) that the original design was for a low-line build that adhered to the Conservation Management Plan and appears to complement the historical values of Observatory Hill;
 - (xv) that Mod-1 included a height increase of the building which received backlash from the community, however, was approved regardless;
 - (xvi) that again, Mod-2 is encroaching on building height (Building J) due to design issues that stemmed from a clear failure to adequately plan for accessibility, services and building integration;
 - (xvii) the issue of protected view has been identified in the City of Sydney's Central Sydney Planning Strategy for 2016-2036;
 - (xviii) that NSW has a mechanism within the planning legislation to protect sightlines;
 - (xix) it is important that the public education continues to be supported and developed within our city. However, this development must take into account the existing heritage of the city that is significant to its character and history;
 - (xx) that the City's most recent submission on the Fort Street School redevelopment is for Mod 2 (SSD 10340 MOD 2), which was provided to the Department of Planning and Environment on 7 December 2022;
 - (xxi) the City will be recommending that the height increase to the stair and lobby roof in Building J be minimised as much as possible, noting the constraints of the servicing requirements. The City also recommend that the heritage mitigations in the Heritage Impact Study be followed; and
 - (xxii) the City has made the following submissions on Fort Street Public School in the past:
 - (a) original SSD – advice provided on 7 May 2020; and
 - (b) Mod-1 – advice provided on 17 May 2021 and on 19 August 2021; and
- (C) the Lord Mayor be requested to write to the below ministers to support the City's submission and advocate for evidenced-based heritage outcomes for Observatory Hill and advocate for all current, planned, and potential future modifications to Fort Street Public School to deliver those outcomes;
- (i) Minister for Environment and Heritage and Shadow Minister for Heritage;
 - (ii) Minister for Education and Shadow Minister for Education; and
 - (iii) Minister for Planning and Shadow Minister for Planning and Public Spaces.

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

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council strongly supports NSW Government investment in public education;
- (B) Council note:
 - (i) the NSW Government is currently undertaking a re-development of Fort Street Public school, situated on Observatory Hill;
 - (ii) Observatory Hill is one of Australia's most historic sites, being the site of the first windmill in 1796, Fort Phillip in 1800, a signal station to communicate with ships from 1825, and the Colony's second hospital, built in 1825, which in 1848 was converted into the Fort Street Model School;
 - (iii) the first observatory, built in Sydney in 1788 as the southern hemisphere was regarded as an important site for astronomical observations, has also housed a time ball which signalled the time to ships in the harbour each day;
 - (iv) due to increasing light and pollution the Observatory closed in 1982 and is now a museum;
 - (v) there is a lack of transparency surrounding the NSW Government's multimillion dollar budget for the NSW Government's modification of Fort Street Public School;
 - (vi) there has been inadequate consultation with the Millers Point community regarding the proposed modifications to the school;
 - (vii) the State Significant Development Application for the Fort Street Public School redevelopment was approved in October 2020 and Modification 1 was approved in December 2021;
 - (viii) the City made submissions to both the original application and Modification 1 raising various concerns including about traffic and transport, the harbour bridge cycleway interface, tree retention, light pollution to the observatory, materials used, the public domain and heritage impacts;
 - (ix) on 20 May 2021, Heritage NSW advised the NSW Department of Planning, Industry and Environment that the proposed modification to the school does not comply with the Conservation Management Plan;
 - (x) local residents and the National Trust raised concerns about the increased bulk and visual impacts from an additional level to Building J;
 - (xi) in August 2021, the Lord Mayor wrote to the then Minister for Planning and Public Spaces requesting the Department of Planning, Industry and Environment investigate ways to reduce the bulk of the additional level to Building J;
 - (xii) in August 2021, the City's Heritage and Urban Design Manager met with the Millers Point Community Resident Action Group and the National Trust to discuss their concerns and options for how the design of Building J could be amended to reduce its bulk;
 - (xiii) City staff discussed these options with Departmental staff and referred to them in their submission to Modification 1;

- (xiv) following this, School Infrastructure NSW amended its plans to reduce the bulk and height of Building J in response to the Lord Mayor's advocacy and the valid concerns of the National Trust, the local community and City staff;
 - (xv) these amended plans were subsequently approved under Modification 1 by the Department of Planning, Industry and Environment;
 - (xvi) there is another modification currently on exhibition (Modification 2) which slightly increases the height of Building J due to technical constraints on the lift systems. School Infrastructure NSW has only put this on display for public comment for the minimum required 14 days;
 - (xvii) as part of the Modification 2 application, Ethos Urban undertook a visual impact assessment using the meteorology roofline for its low-level view impairment assessment. Many residential and commercial buildings located on Kent Street have harbour bridge views that are below the nominated reduced level, yet there was a failure to acknowledge this in the report. Increasing the stair lobby and lift overrun by 310 and 610 millimetres, respectively, only furthers the damage done to Observatory Hill's skyline and the view loss by local residents, businesses, community and tourists;
 - (xviii) the original design was for a low-line build that adhered to the Conservation Management Plan and appears to complement the historical values of Observatory Hill;
 - (xix) NSW has a mechanism within the planning legislation to protect sightlines;
 - (xx) it is important that the public education continues to be supported and developed within our city. However, this development must take into account the existing heritage of the city that is significant to its character and history;
 - (xxi) the City's most recent submission on the Fort Street School redevelopment is for Modification 2 (SSD 10340 MOD 2), which was provided to the Department of Planning and Environment on 7 December 2022; and
 - (xxii) in its submission, the City recommended that the height increase to the stair and lobby roof in Building J be minimised as much as possible, noting the constraints of the servicing requirements. The City also recommend that the heritage mitigations in the Heritage Impact Study be followed; and
- (C) the Lord Mayor be requested to write to the below Ministers to support the City's submission and advocate for evidenced-based heritage outcomes for Observatory Hill and advocate for all current, planned, and potential future modifications to Fort Street Public School to deliver those outcomes;
- (i) Minister for Environment and Heritage and Shadow Minister for Heritage;
 - (ii) Minister for Education and Shadow Minister for Education; and
 - (iii) Minister for Planning and Homes and Shadow Minister for Planning and Public Spaces.

Carried unanimously.

X086655

Item 11.9 State Rezoning of Explorer Street, Eveleigh

Procedural Motion

At this stage of the meeting, it was moved by Councillor Scott, seconded by the Chair (the Lord Mayor) –

That the motion without notice 'State Rezoning of Explorer Street, Eveleigh' be considered by the meeting.

Carried unanimously.

The Chair (the Lord Mayor) ruled the motion without notice 'State Rezoning of Explorer Street, Eveleigh', to be of great urgency in accordance with clause 8.3(b) of the Code of Meeting Practice.

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

It is resolved that:

(A) Council note:

- (i) on 5 December 2022 the Department of Planning and Environment announced 10 sites across NSW where the NSW Government will forcibly take over rezoning from local councils;
- (ii) that the NSW Government intends to remove planning powers from a range of NSW councils to rezone land for 70,000 new dwellings under their Rezoning Pathways Program;
- (iii) that under the program, the NSW Government will assess and select State or regionally significant planning proposals, or lead the rezoning work from start to finish, with all land to be rezoned by 2024;
- (iv) Explorer Street in Eveleigh, including the social housing estate, within the City of Sydney, is on the list of land where planning powers have been removed from council;
- (v) in 2020, the NSW Government announced a proposal to renew the Explorer Street social housing estate in Eveleigh, Sydney, which forms part of the five total locations within the City of Sydney;
- (vi) the NSW Land and Housing Corporation started community consultation with Explorer Street in November 2020;
- (vii) confusingly, the NSW Government Website lists Explorer Street as being at both the 'preliminary planning' and 'scoping' stages;
- (viii) the Housing Renewal Project will deliver 4,250 new homes, 1,260 of which will be social housing – less than 30 per cent of the total dwellings planned for the site that is currently 100 per cent public housing;
- (ix) the Rezoning Pathways Program continues the past actions of the NSW Government, who have repeatedly sought to take control of public housing upgrades and rezoning from councils; and
- (x) local governments are best placed to consider plans relating to the development and rezoning of social housing;

- (B) the Chief Executive Officer be requested to provide Council with a proposed course of action that enables the City to advocate for a substantial portion of social and affordable housing on the site, within a development of an appropriate bulk and scale via the CEO Update prior to the end of 2022; and
- (C) the Lord Mayor be requested to write to the Minister for Planning to request the planning powers be reinstated to the City of Sydney Council for the Explorer Street social housing estate in Eveleigh, and for all other social and affordable housing sites into the future.

Variation. At the request of Councillor Scully, and by consent, the motion was varied by the addition of clause (A)(xi) as follows:

- (xi) that there should be a preservation of a mix of dwelling types and that Council should advocate for the consideration of maintaining family housing in the provision of public housing;

Variation. At the request of Councillor Ellsmore, and by consent, the motion was varied by the addition of words to clause (C), such that it read:

- (C) the Lord Mayor be requested to write to the Minister for Planning and the Shadow Minister for Planning to request the planning powers be reinstated to the City of Sydney Council for the Explorer Street social housing estate in Eveleigh, and for all other social and affordable housing sites into the future.

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

X086655

At 9.07 pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on Monday 20 February 2023 at which
meeting the signature herein was subscribed.