

12 December 2022

At 5.00 pm

**Council**

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## Agenda

1. **Confirmation of Minutes**
2. **Statement of Ethical Obligations and Disclosures of Interest**
3. **Minutes by the Lord Mayor**
  - 3.1 Continued Solidarity with the People of Ukraine
  - 3.2 180 George Street, Sydney
  - 3.3 State Government Action on Gambling Harm
4. **Memoranda by the Chief Executive Officer**
  - 4.1 Powers of Attorney and Chief Executive Officer Performance Review
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
  - 6.1 Confirmation of Minutes
  - 6.2 Statement of Ethical Obligations and Disclosures of Interest
  - 6.3 Investments Held as at 30 November 2022
  - 6.4 Conduct of the 2024 Local Government Election
  - 6.5 Post Exhibition - Naming Proposal - Two Lanes at 180 George Street, Sydney
  - 6.6 Sale of City Owned Land - Proposed Lot 22, Part 19-21 Lachlan Street, Waterloo
  - 6.7 Project Scope and Contract Variation - Hyde Park Lighting
  - 6.8 Exemption from Tender and Contract Negotiation Outcome - Domestic, Cleansing (Putrescible) and Parks Waste Receipt, Processing and Disposal Services

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- 6.9 Exemption from Tender and Contract Variation - Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals
  - 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
  - 6.11 Tender - T-2021-615 - Construction of North Rosebery Park and Green Link
  - 6.12 Cancellation of Tender - Alexandra Canal Depot Workspace Relocation Stage 2 Construction
  - 6.13 Public Access IT Refresh Project
- 7. Report of the Resilient Communities Committee**
- 7.1 Confirmation of Minutes
  - 7.2 Statement of Ethical Obligations and Disclosures of Interest
  - 7.3 Grants and Sponsorship – Aboriginal and Torres Strait Islander Collaboration Fund
- 8. Report of the Transport, Heritage, Environment and Planning Committee**
- 8.1 Confirmation of Minutes
  - 8.2 Statement of Ethical Obligations and Disclosures of Interest
  - 8.3 Public Exhibition – Urban Forest Strategy
  - 8.4 Public Exhibition – Street Tree Master Plan
  - 8.5 Public Exhibition – Tree Management and Donation Policy
  - 8.6 Project Scope - George Street North Pedestrianisation
  - 8.7 Project Scope - Arthur Street Reserve, Surry Hills
  - 8.8 Permanent Road Closure - Park Road, Alexandria

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- 8.9 Traffic Treatment - Proposed Road Closure - Farnell Street, Surry Hills
- 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
- 8.11 Public Exhibition - Planning Proposal - Stables Theatre 10 and 12 Nimrod Street, Darlinghurst - Sydney Local Environmental Plan 2012 Amendment
- 8.12 Post Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012 Amendment
- 8.13 Approved Variations to Development Standards Reported to the Department of Planning and Environment
- 8.14 Fire Safety Reports
- 9. Questions on Notice**
- 10. Supplementary Answers to Previous Questions**
- 11. Notices of Motion**
  - 11.1 Vale Victor Pinkerton
  - 11.2 City of Sydney Heritage Strategy
  - 11.3 Supporting Peaceful Protest in the City
  - 11.4 Extension of Free Hire of Community Spaces for Local Community Groups
  - 11.5 Accessibility Upgrade – Need for Lift at McElhone Stairs
  - 11.6 Access to the Harbour Foreshore Walk from Woolloomooloo
  - 11.7 Acknowledging Keiran Kevans at the Glebe Youth Service
  - 11.8 NSW Government Transparency and Financial Accountability Relating to Fort Street Public School on Observatory Hill

## **Item 1**

### **Confirmation of Minutes**

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

Meeting of 21 November 2022

## Item 2

### **Statement of Ethical Obligations**

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

### **Disclosures of Interest**

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

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

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

### Item 3.1

#### Continued Solidarity with the People of Ukraine

File No: S051491

#### 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](http://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



**Item 3.2****180 George Street, Sydney****File No: S051491****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:

- (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

**Item 3.3****State Government Action on Gambling Harm****File No: S051491****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 Pyrmont.

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 times 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

**Item 4.1****Powers of Attorney and Chief Executive Officer Performance Review****File No: S115439****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;
- (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

# **Attachment A**

## **Guidelines for the Appointment and Oversight of General Mangers**

# Guidelines for the Appointment and Oversight of General Managers

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2022



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# INTRODUCTION

The *Local Government Act 1993* (the Act) requires councils to appoint a person to be the council's general manager (section 334).

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager and to monitor their performance (section 223).

These Guidelines have been developed to assist councillors when performing their functions under the Act relating to the appointment of general managers and overseeing their performance. They provide guidance on:

- the role of the general manager and the importance of a good working relationship between councillors and the general manager
- the recruitment process and the appointment of a general manager
- day to day oversight of and liaison with the general manager
- the performance review process
- separation, and
- renewal of the general manager's contract.

These Guidelines are issued under section 23A of the Act and must be taken into consideration by councils when exercising their functions in relation to the recruitment and oversight of general managers. They should be read in conjunction with the relevant provisions of the Act and the *Local Government (General) Regulation 2021* (the Regulation) and the standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act (the approved standard contract).

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# ROLE OF THE GENERAL MANAGER

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the general manager's role to implement the lawful decisions of the council and to carry out the functions conferred on them by the Act and Regulation and other legislation.

General managers also perform other functions delegated to them by the governing body.

The governing body monitors the implementation of its decisions through the general manager's reports to council meetings.

## Key functions of the general manager

The Act confers certain functions on general managers of councils (section 335). Key aspects of the general manager's role are set out below:

### Management of the council

The general manager is responsible for conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies approved by the governing body of the council and implementing without undue delay, lawful decisions of the governing body.

### Assisting the governing body to set the strategic direction

The general manager also plays a key role in assisting the governing body to develop the council's strategic direction. The general manager is responsible for guiding the preparation of the community strategic plan and the council's response to it via the delivery program and operational plans. The general manager is also responsible for implementing the delivery program and operational plans and reports to the governing body on their

implementation. More information on this is available on the Office of Local Government's [website](#).

### Determining the organisation structure

The general manager is responsible for determining the organisation structure of the council (other than senior staff positions) following consultation with the governing body and in accordance with the budget approved by the governing body (section 332). The positions within the organisation structure of the council must be determined to give effect to the priorities set out in the council's strategic plans, including the community strategic plan and delivery program.

### Appointment and direction of staff

The general manager is responsible for the appointment and direction of staff and their dismissal. The general manager must consult with the governing body before appointing or dismissing senior staff.

### Supporting councillors

The general manager is also responsible for ensuring councillors are provided with the information and the advice they require to make informed decisions and to carry out their civic duties.

The general manager should ensure that council meeting business papers contain sufficient information to allow councillors to make informed decisions and to allow them to effectively monitor and review the council's operations and performance. This will assist councils in ensuring they are complying with statutory requirements, keeping within the budget approved by the council, and achieving the strategic goals set by the council in its delivery program and operational Plan.

The governing body may direct the general manager to provide councillors with advice but



cannot direct them as to the content of that advice.

Requests by councillors for assistance or information outside of meetings should be made to the general manager unless the general manager has authorised another staff member to receive such requests. The *Model Code of Conduct for Local Councils in NSW* contemplates that councils should adopt a policy to provide guidance on interactions between councillors and staff. The policy should be agreed to by both the governing body and the general manager. To assist councils, the Office of Local Government has prepared a model councillor and staff interaction policy which reflects best practice. This is available on the Office of Local Government's [website](#).

## The delegation of functions to the general manager

A governing body may delegate certain functions of the council to the general manager but cannot delegate the functions set out in section 377(1) of the Act. The delegation of a council's functions must be made by resolution and be evidenced in writing. Delegations must be reviewed during the first 12 months of each term of the council (section 380).

The general manager may sub-delegate a function delegated to them by the governing body (section 378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

## The importance of a good working relationship with the general manager

The position of general manager is pivotal in a council. It is the interface between the governing body which sets the strategic

direction of the council and monitors its performance, and the administrative body of the council, headed by the general manager, which implements the decisions of the governing body. A good working relationship between the general manager and the councillors is therefore critical for good governance and a well-functioning council. Where this relationship breaks down, this can quickly lead to dysfunction.

The Centre for Local Government at the University of Technology in Sydney has identified the following as key components of a good working relationship between councillors and the general manager:

- mutual trust and respect
- councillors publicly supporting the work of the general manager
- councillors dealing with any performance concerns through appropriate channels e.g., not the media or council meetings
- councillors not getting involved in the day-to-day operational matters of the council (which makes it difficult for the general manager to do their job)
- councillors having a clear understanding of how and when to approach the general manager or other staff for information or support and following agreed protocols
- regular meetings between the general manager, mayor and councillors to ask questions and share information and advice
- respect of confidentiality, and
- any conflict is dealt with professionally and quickly and where it can't be addressed informally, proper processes are followed.

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# RECRUITMENT AND SELECTION

## Requirements of the *Local Government Act 1993*

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager (section 223).

When recruiting a new general manager, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position (section 348).

As with the appointment of all council staff, councils must ensure that the appointment of the general manager is made using merit selection principles (section 349). Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the role is appointed. Equal employment opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

Councils should engage an external recruitment consultant to assist them with the recruitment process and that person should have a role in verifying that proper processes and procedures are followed in the appointment of the general manager.

There are a range of possible approaches to undertaking the recruitment of the general manager. The guidance contained in these Guidelines reflects what the Office of Local Government considers to be best practice.

## The pre-interview phase

As noted above, the council's governing body is responsible for determining the process for recruiting the general manager.

The governing body should delegate the task of recruitment to a selection panel led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the council.

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council. Where practicable, the selection panel membership should remain the same throughout the entire recruitment process.

Selection panels should, where possible, have a mix of genders.

The council's governing body should delegate to one person (generally the mayor) the task of ensuring:

- the selection panel is established
- the general manager's position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- the proposed salary range reflects the responsibilities and duties of the position
- the position is advertised according to the requirements of the Act
- information packages are prepared, and
- applicants selected for interview are notified.

The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

## Interview phase

Interviews should be held as soon as possible after candidates are short listed.

Questions should be designed to reflect the selection criteria for the position and assist the selection panel to assess the suitability of the candidate for the position.

Interviews should be kept confidential.

All written references must be checked. The selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.

If contact with someone other than a nominated referee is required, the applicant's permission must be sought.

At least 2 referees must be contacted and asked questions about the candidate relevant to the selection criteria.

Where tertiary qualifications are relied on, they should be produced for inspection and if necessary, for verification.

Appropriate background checks must be undertaken, for example, bankruptcy and criminal records checks and whether the candidate has been disqualified from managing a corporation by the Australian Securities and Investments Commission. For guidance on better practice recruitment background checks, see the Australian Standard AS 4811:2022 [Workforce Screening](#) and the Independent Commission Against Corruption's publication, *Strengthening employment screening practices in the NSW public sector* which is available on its [website](#).

## Selection panel report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process

- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of the council.

The appointment of a general manager is a non-delegable function of the council under section 377 of the Act and a general manager cannot be appointed without a formal resolution of the council.

The council's governing body must by resolution approve the position of the general manager being offered to the successful candidate before the position is offered to the candidate.

## Finalising the appointment

The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer can be made by telephone.

Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of the council) can be discussed by telephone but must be confirmed in writing.

The standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used. The approved standard contract is available on the Office's [website](#). The terms of the approved standard contract must not be varied. Only the term of the contract and the schedules to the approved standard contract can be adapted by councils.

General managers must be employed for 1–5 years.

The contract governs:

- the duties and functions of general managers
- performance agreements
- the process for renewal of employment contracts
- termination of employment and termination payments
- salary increases, and
- leave entitlements.

It should be noted that the Departmental Chief Executive of the Office of Local Government cannot approve individual variations to the standard terms of the contract.

Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

## **Record keeping**

Councils should retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate. These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

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# DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER

While one of the prescribed functions of the governing body is to monitor the general manager's performance, day-to-day oversight of and liaison with the general manager should be undertaken by the mayor.

The mayor's role in the day-to-day management of the general manager should include:

- approving leave
- approving expenses incurred, and
- receiving and managing complaints about the general manager in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

The council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of and liaison with the general manager and keep those policies under regular review.

Some of the key policies the governing body should ensure are in place are those relating to:

- leave
- travel
- credit cards
- purchasing and procurement
- expenses and facilities
- petty cash, and
- financial and non-financial delegations of authority.

The governing body should also ensure there are appropriate policies in place with respect to the expenditure of council funds and reporting requirements in relation to that expenditure.

The council's governing body should satisfy itself that any policy governing the conferral of a benefit on the general manager, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the general manager's salary package in Schedule C to the approved standard contract.

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# PERFORMANCE MANAGEMENT

## Managing the performance of the general manager

The general manager is made accountable to the council for their performance principally through their contract of employment.

The role of the governing body is to monitor the general manager's performance in accordance with their contract of employment.

The performance of the general manager must be reviewed at least annually against the agreed performance criteria for the position. Councils may also choose to undertake more frequent interim reviews of the general manager's performance.

The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract. Development of the performance agreement is discussed below.

## Establishing a performance review panel

The governing body must establish a performance review panel led by the mayor, and delegate the task of undertaking the general manager's performance reviews to the panel. The extent of the delegation should be clear.

It is recommended that full responsibility for performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager.

The council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of general managers.

The role of the review panel includes:

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

The governing body and the general manager may agree on the involvement of a suitably qualified external facilitator such as a human resources professional to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.

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 mayor on the general manager's performance relevant to the agreed performance criteria.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should report back to the governing body of the council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. This should not be an opportunity to debate the results or revisit the general manager's performance review. The general manager should not be present when the matter is considered.

The performance agreement, action plan and any associated records that contain specific information about the work performance or conduct of the general manager are to remain confidential unless otherwise agreed to by the general manager or are required to be disclosed by law. The unauthorised disclosure of this information may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

## Establishing the performance agreement

The performance agreement is the most important component of successful performance management. The performance agreement should include clearly defined and measurable performance indicators against which the general manager's performance can be measured.

As one of the general manager's key responsibilities is to oversee the implementation of the council's strategic direction, it is important to align the general manager's performance criteria to the goals contained in the community strategic plan, and the council's delivery program and operational plans.

The performance agreement should also include indicators relevant to the general manager's personal contribution to the council's key achievements and their core capabilities, including leadership qualities.

The performance agreement should also include indicators related to promoting and maintaining an ethical culture within the council. These could include the conduct and measurement of the outcomes from staff surveys and the promotion of whistleblowing procedures under the *Public Interest Disclosures Act 1994* and the reporting of suspected wrongdoing to appropriate oversight agencies including the Independent Commission Against Corruption and the Office of Local Government.

The performance agreement should contain but not be limited to key indicators that measure how well the general manager has met the council's expectations with respect to:

- service delivery targets in the council's delivery program and operational plans
- budget compliance
- organisational capability
- timeliness and accuracy of information and advice to councillors
- timely implementation of council resolutions
- management of organisational risks
- promotion of an ethical culture
- ensuring a safe workplace and facilitating compliance with the *Work Health and Safety Act 2011*, and
- leadership and providing a consultative and supportive working environment for staff etc.

## Performance review process

The approved standard contract requires that the performance of the general manager must be formally reviewed at least annually. The governing body of the council may also undertake interim performance reviews as appropriate.

The assessment should include:

- a self-assessment by the general manager, and
- an assessment by the review panel of the general manager's performance against the performance agreement.

The performance review meeting should be scheduled with sufficient notice to all parties in accordance with clauses 7.6 and 7.7 of the approved standard contract. These require:

- the general manager to give the council 21 days' written notice that an annual performance review is due, and
- the council to give the general manager at least 10 days' written notice that the performance review is to be conducted.

The meeting should concentrate on constructive dialogue about the general manager's performance against all sections of the performance agreement.

The meeting should identify any areas of concern and agreed actions to address those concerns.

In undertaking the performance review, care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice. The appointment by the council, in agreement with the general manager, of a suitably qualified external facilitator to advise on the process (see above) should assist councils to comply with these requirements.

The council's governing body must advise the general manager, in writing, in clear terms, the outcome of any performance review.

The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period. The agreement should be presented to the governing body of the council for discussion in a closed meeting together with the outcomes of the previous review period.



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## REMUNERATION AND REWARD

Under the approved standard contract, general managers are entitled to an annual increase in their salary package on each anniversary of the contract, equivalent to the latest percentage increase in remuneration for NSW public sector senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal.

Councils may also approve discretionary increases to the general manager's total remuneration package under the approved standard contract as a reward for good performance. Discretionary increases may only be approved after a formal review of the general manager's performance has been undertaken and the general manager's performance has been assessed as being better than satisfactory.

Any discretionary increases should be modest and in line with community expectations and only apply for one year unless the council determines that it is to apply for the balance of the contract. All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of the council.

Councils may also on one occasion during the term of the contract approve the payment of a retention bonus to the general manager as an incentive for them to serve out their contract. If approved, the retention bonus is to be accrued on an annual, pro-rata basis for the remainder of the contract and is to be paid at the end of the contract period.

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# SEPARATION

## Termination of the general manager's employment

The approved standard contract sets out how the general manager's employment contract can be terminated before its expiry date by either the governing body or the general manager (see clause 10 of the approved standard contract). The circumstances in which the general manager's employment contract may be terminated are set out below:

### By agreement

The contract may be terminated at any time by written agreement between the council and the general manager.

### Resignation

The general manager may terminate the contract by giving 4 weeks written notice to the governing body of the council.

### Incapacity

A council may terminate the general manager's contract by giving them 4 weeks written notice or by paying the equivalent of 4 weeks' remuneration calculated in accordance with Schedule C of the approved standard contract where:

- the general manager has become incapacitated for 12 weeks or more
- they have exhausted their sick leave, and
- the duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

### Poor performance

A council may terminate the general manager's contract by giving them 13 weeks written notice or by paying the equivalent of 13 weeks' remuneration calculated in accordance with Schedule C of the approved

standard contract on grounds of poor performance.

A council may only terminate the general manager's contract on the grounds of poor performance where:

- a performance review has been conducted, and
- the council has concluded that the general manager's performance falls short of the performance criteria or the terms of their performance agreement, and
- the general manager has been afforded a reasonable opportunity to utilise dispute resolution under clause 17 of the contract (see below).

### No fault termination

A council may terminate the general manager's contract at any time by giving them 38 weeks written notice or paying the equivalent of 38 weeks remuneration calculated in accordance with Schedule C of the approved standard contract. If there are less than 38 weeks left to run in the term of the general manager's contract, the council can pay out the balance of the contract in lieu of notice.

Where the council proposes to terminate the general manager's contract on these grounds, if either party requests it and both parties agree, they may participate in mediation in relation to the proposed decision to terminate the contract. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

Where a council terminates the contract on these grounds, it must give the general manager reasons for its decision to terminate their employment where the general manager requests it.

## Summary dismissal

Councils may summarily dismiss the general manager on the grounds set out under clause 10.4 of the approved standard contract. These include:

- serious or persistent breach of the employment contract
- serious and wilful disobedience of any reasonable and lawful instruction or direction given by the council,
- serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the general manager's duties and functions under their contract,
- failure to comply with any law or council policy concerning sexual harassment or racial or religious vilification
- serious or persistent breach of the council's code of conduct
- commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the general manager's ability to perform their duties and functions satisfactorily, or that brings the council into disrepute
- absence without approval for a period of 3 or more consecutive business days.

## Automatic termination

The general manager's contract of employment is automatically terminated where the general manager becomes bankrupt, or they are disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001*.

Where this occurs, the general manager's employment with the council automatically ends without the need for a decision by the council to terminate their contract of employment.

## Suspension of the general manager

Councils may suspend the general manager, for example while allegations against them are

being investigated. Suspension should be on full pay for a clearly defined period.

Councils should not suspend a general manager's employment without first seeking expert legal advice. It would not be appropriate to seek advice from council human resources staff on the proposed suspension of the general manager.

Any decision to suspend a general manager should be made at a closed council meeting, having first carefully considered the expert legal advice received in relation to the specific matter.

The principals of procedural fairness apply to any decision to suspend a general manager, i.e., the general manager must be advised of the circumstances leading to their suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

## Dispute resolution

The approved standard contract contains a dispute resolution clause at clause 17. These provisions are designed to encourage councils and general managers to attempt to resolve disputes when they arise.

Councils are required to offer the general manager an opportunity to utilise dispute resolution before they can terminate their employment for poor performance.

Where it is proposed to terminate the contract on the "no fault" grounds (clause 10.3.1(e)), if either party requests it and both parties agree, they may participate in mediation under clause 17 in relation to the proposed decision to terminate. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

The governing body of the council should ideally resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.

If the dispute involves the mayor, then the deputy mayor should take the mayor's place. If there is no deputy mayor then the governing body should resolve to appoint another councillor to take the mayor's place.

The governing body of the council and the general manager should agree on an independent mediator to mediate the dispute. The approved standard contract allows the Departmental Chief Executive of the Office of Local Government to appoint a mediator where the parties cannot agree on one.

Councils and general managers may also agree on a mediator when the contract is made.

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# RENEWING THE GENERAL MANAGER'S CONTRACT

Clause 5 of the approved standard contract sets out the process for renewing the general manager's contract of employment. The key steps in the process are as follows:

- At least 9 months before the contract expires (or 6 months if the term of employment is for less than 3 years), the general manager must apply to the council in writing if seeking re-appointment to the position
- At least 6 months before the contract expires (or 3 months if the term of employment is for less than 3 years), the council must respond to the general manager's application by notifying the general manager in writing of its decision to either offer the general manager a new contract of employment (and on what terms) or to decline their application for re-appointment
- At least 3 months before the contract expires (or 1 month if the term of employment is for less than 3 years) the general manager must notify the council in writing of their decision to either accept or decline the offer made by the council.

Approval may be sought from the Departmental Chief Executive of the Office of Local Government to vary these timeframes in exceptional or unforeseen circumstances.

The terms of the new contract of employment, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body should ensure that the performance criteria of the new performance agreement adequately reflect its expectations of the general manager's performance.

The governing body should also consider previous performance reviews conducted under previous contracts.

The process of deciding whether to offer the general manager a new contract should be as follows:

- a performance review is conducted
- findings and recommendations are reported to a closed council meeting in the absence of the general manager
- the closed meeting considers and decides whether to offer a new contract of employment to the general manager and on what terms as set out in the schedules to the contract
- the mayor informs the general manager of the council's decision.

Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.

# Appendix 1 – Performance management timelines

<b>Timeline</b>	<b>Activity</b>	<b>Responsibility</b>
At commencement of each new council	Provide induction training on performance management of the general manager	Council
Within 3 months of the commencement date of the contract	A performance agreement setting out agreed performance criteria must be signed between the general manager and the council	Council or council panel General Manager
Within 2 months of the signing of the performance agreement	The general manager must prepare and submit to the council an action plan which sets out how the performance criteria are to be met	General Manager
21 days' notice (before annual review)	The general manager gives the council written notice that an annual performance review is due	General Manager
At least 10 days' notice	The council must give the general manager written notice that the performance review is to be conducted	Council or council panel
After 6 months	The council may also decide, with the agreement of the general manager, to provide interim feedback to the general manager midway through the annual review period	Council or council panel General Manager
Prior to the annual review	Ensure all councillors on the review panel have been trained in performance management of general managers	Council
Prior to the annual performance review	The general manager may submit to council a self-assessment of their performance	General Manager
Annually	The general manager's performance must be reviewed having regard to the performance criteria in the agreement	Council or council panel General Manager
Annually	The performance agreement must be reviewed and varied by agreement	Council or council panel General Manager
Within 6 weeks of the conclusion of the performance review	Council will prepare and send to the general manager a written statement with council's conclusions on the general manager's performance during the performance review period	Council or council panel
As soon as possible after receipt of the statement	The general manager and the council will agree on any variation to the performance agreement for the next period of review	Council or council panel General Manager

## Appendix 2 – Stages of performance management

STAGE	ACTION	PROCESS
1. Developing performance agreement	<ul style="list-style-type: none"> <li>▪ Examine the position description and contract</li> <li>▪ List all position responsibilities from the position description</li> <li>▪ Identify stakeholder expectations</li> <li>▪ List the key strategic objectives from the delivery program and operational plans</li> <li>▪ Develop performance measures (identify indicators - set standards)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Good planning</li> <li>▪ Direct and effective communication</li> <li>▪ Open negotiation</li> <li>▪ Joint goal setting</li> </ul>
2. Action planning	<ul style="list-style-type: none"> <li>▪ Develop specific strategies to meet strategic objectives</li> <li>▪ Identify resources</li> <li>▪ Delegate tasks (e.g., put these delegated tasks into the performance agreements for other senior staff)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detailed analysis</li> <li>▪ Two-way communication</li> <li>▪ Detailed documentation</li> </ul>
3. Monitoring progress (feedback halfway through the review period)	<ul style="list-style-type: none"> <li>▪ Assess performance</li> <li>▪ Give constructive feedback</li> <li>▪ Adjust priorities and reset performance measures if appropriate</li> </ul>	<ul style="list-style-type: none"> <li>▪ Communication</li> <li>▪ Avoid bias</li> <li>▪ Counselling</li> <li>▪ Coaching</li> <li>▪ Joint problem solving</li> </ul>
4. Annual	<ul style="list-style-type: none"> <li>▪ Assess performance against measures</li> <li>▪ Give constructive feedback</li> <li>▪ Identify poor performance and necessary corrective action</li> <li>▪ Identify outstanding performance and show appreciation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluation of the reasons behind performance being as assessed</li> <li>▪ Open, straightforward communication (as bias free as possible)</li> <li>▪ negotiation</li> <li>▪ Counselling, support, training</li> <li>▪ Documenting</li> <li>▪ Decision making</li> </ul>
5. Developing revised agreement	See stage 1	See Stage 1

## **Item 5**

### **Matters for Tabling**

#### **5.1 Disclosures of Interest**

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

#### **Recommendation**

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



**Item 6**

**Report of the Corporate, Finance, Properties and Tenders Committee - 5 December 2022**

**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 recommends 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.

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

X020701

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

#### **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).

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

X001937

**Item 6.5****Post Exhibition - Naming Proposal - Two Lanes at 180 George Street, Sydney**

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.

**Officer's Recommendation**

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

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.

**Officer's Report**

The officer's report on this matter can be found at Item 5 on the agenda of the meeting of the Corporate, Finance, Properties and Tenders Committee on 5 December 2022.

X086317

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

### **Item 6.6**

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

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.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried on the following show of hands –

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

Noes (2) Councillors Scott and Weldon.

Carried.)

X020058

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

### **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.

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

X019620

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

### **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.

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

X085362.008



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

### **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.

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

S074367

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

### 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**

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.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried on the following show of hands –

Ayes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok and Scott  
Noes (2) Councillors Ellsmore and Weldon\*.

Carried.

\*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.)

X020986.001

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

**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.

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

X022419.001

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

**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.

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

X038195.022

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

### **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.

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

X039997.001

**Item 7**

**Report of the Resilient Communities Committee - 5 December 2022**

**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 recommends the following:

### **Item 7.3**

#### **Grants and Sponsorship – Aboriginal and Torres Strait Islander Collaboration Fund**

It is resolved that:

- (A) Council approve the cash recommendation for the Aboriginal and Torres Strait Islander Collaboration Fund program as shown at Attachment A to the subject report;
- (B) Council note 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.

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

S117676



**Item 8**

**Report of the Transport, Heritage, Environment and Planning Committee - 5  
December 2022**

**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 recommends the following:

### **Item 8.3**

#### **Public Exhibition – Urban Forest Strategy**

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.

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

X087075

#### **Speaker**

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

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

### **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.

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

X085710

#### **Speaker**

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

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

### **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.

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

X085711

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

## Item 8.6

### Project Scope - George Street North Pedestrianisation

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 following traffic changes, subject to approval processes in accordance with the requirements of the Roads Act 1993, noting that the Local Pedestrian Cycling and Traffic Calming Committee will consider the traffic changes at meetings held on 8 December 2022:
  - (i) installation of traffic treatments to close the southbound traffic lanes of George Street, between Essex Street and Hunter Street to general traffic;
  - (ii) installation of traffic treatments to close the northbound traffic lanes of George Street, between Hunter Street and Essex Street to general traffic;
  - (iii) installation of traffic treatments to close Margaret, Jamison, Bond, Dalley and Hunter Streets at George Street to general traffic;
  - (iv) installation of traffic treatments to change the direction of Wynyard Lane from southbound to northbound;
  - (v) installation of a shared zone on Margaret Street between Wynyard Lane and Carrington Street and traffic treatments to change the direction of Margaret Street from two-way to one-way westbound between Wynyard Lane and York Street;
  - (vi) installation of traffic treatments to change the direction of Wynyard Street from two-way to one-way eastbound;
  - (vii) installation of traffic treatments to change the flow of traffic on Jamison Street from one-way westbound to two-way;
  - (viii) installation of traffic treatments to change the flow of traffic on Bond Street west of the Australia Square car park from one-way westbound to two-way;
  - (ix) installation of traffic treatments to improve the geometry of the Bridge and Grosvenor Streets intersection;
  - (x) installation of traffic treatments to improve the intersection performance at Grosvenor and Harrington Streets;
  - (xi) installation of traffic treatments to improve the intersection performance at Margaret and Carrington Streets;
  - (xii) installation of traffic treatments to improve the intersection performance at Lang, York and Jamison Streets;
  - (xiii) installation of traffic treatments to improve the intersection performance at George and Essex Streets;

- (xiv) removal of the “No Right Turn” 6.30am – 10.00am, 3pm – 7pm Mon-Fri” restriction on Grosvenor Street (westbound) into Harrington Street;
- (xv) removal of the “No Left Turn” restriction on York Street (southbound) to Jamison Street;
- (xvi) removal of the “No Right Turn” restriction on George Street (southbound) to Essex Street; and
- (xvii) removal of the “No Right Turn 6.30am – 9.30am, 3pm – 7pm Mon-Fri” restriction on Margaret Street (eastbound) into York Street.

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

X089792

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

**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.

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

X083884.002



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

**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.

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

X017670.002

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

**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.

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

X088131.005

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

### 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**

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.

(Note – at the meeting of the Transport, Heritage, Environment and Planning Committee, this recommendation was moved by Councillor Chan, seconded by Councillor Kok, and carried on the following show of hands:

Ayes (8) The Chair (the Lord Mayor), Councillors

Noes (1) Councillor Ellsmore\*

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

X087876

### Speakers

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

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

### **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.

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

X083757

#### **Speaker**

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

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

### **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.

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

X091559

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

**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.

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

S040864

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

### **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.

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

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. 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

#### 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

### **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 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. 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

### **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

## **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

## **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 be 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 2 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

## 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 the City of Sydney been consulted by Transport for NSW on a design to replace the unsafe temporary cycleway on Bridge Road Glebe?
  - (b) Has the 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

**Item 10**

**Supplementary Answers to Previous Questions**

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

## Item 11.1

### Notices of Motion

#### Vale Victor Pinkerton

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 spent 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.

X086654

## Item 11.2

### Notices of Motion

#### City of Sydney Heritage Strategy

By Councillor Jarrett

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.

X086657



## Item 11.3

### Notices of Motion

#### Supporting Peaceful Protest in the City

By Councillor Ellsmore

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.

X086659

## Item 11.4

### Notices of Motion

#### Extension of Free Hire of Community Spaces for Local Community Groups

By Councillor Ellsmore

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;
- (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 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.

X086659

## Item 11.5

### Notices of Motion

#### 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 it's 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.

X086658

**Item 11.6****Notices of Motion****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.

X086655

## Item 11.7

### Notices of Motion

#### Acknowledging Keiran Kevans at the Glebe Youth Service

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;
  - (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.

X086655



**Item 11.8****Notices of Motion****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;
  - (b) Mod-1 – advice provided on 17 May 2021 and on 19 August 2021;

- (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.

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