

**13 March 2023**

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 Vale Brian Michael Sherman AM
  - 3.2 Support for Vanuatu
  - 3.3 Congratulations to WorldPride
  - 3.4 International Women's Day
4. **Memoranda by the Chief Executive Officer**
  - 4.1 City of Sydney Community Campaign - The Voice to Parliament
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 28 February 2023
7. **Report of the Transport, Heritage, Environment and Planning Committee**
  - 7.1 Confirmation of Minutes
  - 7.2 Statement of Ethical Obligations and Disclosures of Interest
  - 7.3 Extension of Temporary Use of Road Space for Outdoor Dining
  - 7.4 Post Exhibition - City North Public Domain Plan
  - 7.5 Post Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

## Agenda

- 7.6 Fire Safety Reports
- 7.7 Approved Variations to Development Standards Reported to the Department of Planning and Environment
- 8. Adoption - Council Related Development Applications Policy**
- 9. Questions on Notice**
- 10. Supplementary Answers to Previous Questions**
- 11. Notices of Motion**
  - 11.1 Report of the Select Committee on Barangaroo Sight Lines
  - 11.2 The Franklyn Street Report Launch
  - 11.3 Safer Streets around Childcare Centres
  - 11.4 United Services Union 120th Anniversary
  - 11.5 Fossil Fuel Ad Ban - Motion to the Australian Local Government Association Conference
  - 11.6 Recent Police Intimidation of Peaceful Protesters in the City of Sydney
  - 11.7 Restriction of Peaceful Protests at Sydney Town Hall
  - 11.8 Supporting the Student Affordability 'Get a Room' Campaign
  - 11.9 Off-Leash Dog Areas – Hyde Park and The Domain
  - 11.10 Live Music at the Eveleigh Hotel
  - 11.11 Waste Management Reporting and Response
  - 11.12 Diversifying City of Sydney Art Projects

## **Item 1**

### **Confirmation of Minutes**

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

Meeting of 20 February 2023

## 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

### Vale Brian Sherman AM

File No: S051491

#### Minute by the Lord Mayor

To Council:

In September last year, Brian Sherman AM, the philanthropist, animals advocate and entrepreneur, passed away peacefully after a long battle with Parkinson's disease.

I first came to know Brian, his widow Gene and daughter Ondine, through the animal protection organisation Voiceless, which Brian and Ondine founded in 2004. I soon discovered that Brian's advocacy for animals who had no voice was one of his many passions, which I shared.

Brian Michael Sherman was born into a tight-knit Jewish community in Brakman, a small South African mining town. While at university, he met his future wife, Gene. At the time, Brian was the beau of one of Gene's cousins. A relationship was forged that was to continue until Brian's death.

Apartheid was well-established in the South Africa of the 1960s and 1970s. In June 1976, black schoolchildren protested against the teaching of Afrikaans, a language associated with the apartheid regime. Police violently put down the protests, with many children being shot and killed. Encouraged by Gene's cousin, Laurence Freedman, Brian, Gene and their young family moved to Australia the same year, with just \$5,000 between them.

Brian soon got a job with the Bank of NSW, now known as Westpac. He worked in the fixed interest department, where his talent for investing was soon recognised.

In 1981, Brian and Laurence founded EquitiLink, a fund management business, at Brian's kitchen table with an initial \$5,000 investment. The Australian Financial Review later described EquitiLink as "the first funds management company specifically aimed at offering retail investors the kind of sophisticated products sold to institutions".

In 1986, they floated EquitiLink on the American Stock Exchange, raising over a billion Australian dollars. Equitilink was eventually sold to Aberdeen Asset Management in 2000 for \$153 million, with \$5.5 billion under management, of which 55 per cent was in the United States.

In 1992, Brian was part of a consortium that bought Channel Ten from Westpac for \$230 million. According to the Australian Financial Review, it increased in value to \$650 million within five years. Brian served on its board from 1994 to 2007.

Brian's interests ranged well beyond the world of finance. He served on the board of the Organising Committee for the 2000 Sydney Olympic Games and chaired its finance committee. He was President of the Australian Museum Trust from 2001 to 2009, ensuring it continued to be world-leading in its collections and scientific research. This was helped by his being founding Chairperson of the Australian Museum Foundation and the President's Circle of donors as key fundraising vehicles. He was a director of the Australia-Israel and Jewish Affairs Council, and chairman of the Rambam Israel Fellowships program.

Brian shared Gene's passion for art and supported her commitment to Sydney's cultural life. He was a director of the Sherman Galleries from 1986 to 2007 and subsequently the Sherman Contemporary Art Foundation from 2008 to 2017. Gene intended this Foundation to be a 10-year project. In 2018, it transformed into the Sherman Centre for Culture and Ideas to facilitate discussion about fashion and architecture.

Brian and Gene were also avid art collectors, owning over 900 artworks. In 2015, they began downsizing their collection, gifting works by twenty of Asia's most important contemporary artists to the Art Gallery of NSW. Other works were later gifted to the National Gallery of Australia, the University of Melbourne, Sydney University's Chau Chak Wing Museum, MoMA in New York and Tate Modern in London.

In 2021, they donated their entire collection of moving image and virtual reality works to the Art Gallery of NSW. They were among the first people to support the construction of the Gallery's Sydney Modern, pledging \$1.5 million to its capital campaign. A project gallery in the new building will be named the Sherman Family Gallery. It was not their first contribution to new gallery space. In 2010, they gifted \$2 million toward the new gallery for the College of Fine Arts (now UNSW Art and Design) in Paddington.

Brian's philanthropic endeavours were not limited to supporting the arts. When his twin grandchildren were born with the rare Allen Herndon Dudley Syndrome (AHDS), he supported study of the disease by the University of Technology Sydney via the MCT8 International Research Initiative. The Sherman Foundation made significant donations to UTS's global AHDS research and supported workshops for parents of children dealing with the disease.

Inspired by Ondine's passion, Brian supported animal protection through their organisation, Voiceless. Since its establishment, Voiceless has helped to significantly fund UTS's animal law courses, advocacy, and the Centre for Compassionate Conservation. Brian helped found the first-of-its-kind with Ondine's husband, the ecologist Dr Dror Ben-Ami. The Centre conducts ground-breaking research across several continents, with the aims of slowing extinction, resolving human-wildlife conflict, eliminating wildlife trade and enhancing coexistence. Voiceless also established the annual Honourable Michael Kirby Voiceless Prize for Animal Law, awarded to the highest achieving student.

In 2010, Brian was diagnosed with Parkinson's disease. At first it was a private family matter, but Brian eventually took steps to ensure his experience would benefit others. He worked with the Garvan Institute of Medical Research, taking part in a powerful advertising campaign to raise awareness and shared his experience in two episodes of Australian Story.

In March last year, he published *Walking Through Honey: My Journey with Parkinson's Disease* co-authored with A.M. Jonson. The title was taken from a phrase Gene's father had used to explain how he felt when he, too, was fighting the disease. The book proposed "more experimental approaches to treating Parkinson's Disease", advocating turning to the arts, including music, art and movement, for therapy. He previously published his memoir *Lives of Brian: Entrepreneur, Philanthropist, Animal Activist*, in 2018, also co-authored with A.M. Jonson.

In June 2004, Brian became a Member of the Order of Australia in recognition of "his service to the community as a philanthropist and benefactor to a range of arts, education, and sporting organisations, and to business and commerce". Brian also received an Ernst & Young Entrepreneur of the Year award, an Honorary Doctor of Letters from the University of Technology, Sydney and with Gene, the B'nai B'rith Gold Medal for outstanding humanitarianism.

At his funeral, Rabbi Jeffrey Kamins said that Brian embraced his work to “improve the world with a fullness of heart, mind and body, spurred on by ... his fabulous success in business, achieved with his incredible physical and mental stamina, his strategic insight, self-assurance and dogged determination.”

### **Recommendation**

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Brian Michael Sherman AM and his significant contribution to the animal advocacy, the arts and philanthropy;
- (B) Council express its condolences to Brian's widow, Gene, their children Emile and Ondine, and their grandchildren; and
- (C) the Lord Mayor be requested to convey Council's condolences to Brian Sherman's family.

### **COUNCILLOR CLOVER MOORE**

Lord Mayor



## Item 3.2

### Support for Vanuatu

File No: S051491

#### Minute by the Lord Mayor

To Council:

The Islands of Vanuatu are now under a six-month state of emergency after Tropical Cyclone Judy, Tropical Cyclone Kevin and earthquakes struck the Pacific Island nation at the beginning of March.

On 1 March 2023, Tropical Cyclone Judy crossed the country, bringing heavy rain and gale-force winds, with the capital Port Vila bearing the greatest impacts. Within 48 hours this was followed by Cyclone Kevin and two earthquakes. The first earthquake, with a 6.5 magnitude struck at 5am 90km from Luganville, Vanuatu's second largest city, while the second with a 5.4 magnitude earthquake struck 90 minutes later 114km from the city.

The cyclones flooded roads, overturned light planes, uprooted trees, downed powerlines, disrupted communications and caused severe damage to infrastructure and crops. Homes were battered, with roofs being torn off while others were flattened.

Save the Children Australia are working with the Vanuatu National Disaster Management Office (NDMO) and other relevant authorities and humanitarian support partners to assess how many households require immediate assistance. They are providing first aid to individuals and families coordinating short term and long-term relief with regional communities.

The damage is on a similar scale to that caused by category 5 Cyclone Pam which hit Vanuatu in 2015 and caused widespread damage. While Vanuatu is prone to natural disasters, experiencing two cyclones close to each other is unprecedented. Climate change is increasing the intensity of these events.

On 2 March 2023, the Australian Government announced it would join over 100 other nations in co-sponsoring Vanuatu's bid for an International Court of Justice advisory opinion on climate change. The bid is part of an international campaign to ensure an adequate global response to the human rights crisis caused by climate change, with the people who have contributed the least to global emissions being impacted the most. The request will be made by a United Nations General Assembly resolution, to be voted on later this year. While non-binding, the advisory opinion will set out the right of people and states, particularly small islands states, to a safe climate.

While this move is welcomed, immediate assistance is needed. The Australian Government has deployed HMAS Canberra, with more than 600 Australian Defence Force personnel, to Vanuatu. This deployment was preceded by a 12-person rapid assessment team travelling on two Royal Australian Air Force aircraft. They will help Vanuatu with aerial damage assessments and a range of disaster, health, infrastructure, power and humanitarian assessment capabilities.

Australia's initial support package included shelters, water purification supplies and other essential items for impacted communities. The aid teams are working with partners from France and New Zealand to support Vanuatu's official response.

I am proposing that Council support these aid efforts with a donation of \$50,000 to Save the Children Australia.

These donations comply with the City of Sydney's Support for Charities Policy adopted by Council on 21 November 2022, and are in line with previous donations. They also align with objective 7.3.2 (2) of the City's Operational Plan 2022/23, which states that the City will support communities beyond our local area and international communities experiencing emergency situations.

### **Recommendation**

It is resolved that:

- (A) Council donate \$50,000 to Save the Children Australia from the 2022/23 General Contingency Fund; and
- (B) the Chief Executive Officer be requested to arrange a program for staff donations to Save the Children Australia to support the relief effort in Vanuatu and for Council to match dollar for dollar any contributions until the end of March 2023 from the 2022/23 General Contingency Fund.

### **COUNCILLOR CLOVER MOORE**

Lord Mayor

**Item 3.3**

**Congratulations to WorldPride**

Document to Follow

## Item 3.4

### International Women's Day 2023

File No: S051491

#### Minute by the Lord Mayor

To Council:

To mark this International Women's Day, I would like to reflect on the progress we have made at the City as a proud champion of women's participation and leadership, and what more needs to be done to achieve gender equality.

#### Leading the way

As the first female popularly elected Lord Mayor, and after many years battling patriarchal party politicians, I wanted to make sure the City of Sydney was an organisation that attracted, supported and retained talented women. So, along with our exceptional Chief Executive Officer Monica Barone, we set about change.

We became the first local government organisation to monitor and publicly report on gender pay equity and we introduced new family friendly policies for women and men.

For six years in a row, we have defied Australian trends with a pay gap in favour of women. Our 2022 gender pay gap was 5.3 per cent in favour of women. The main reason for this is the leadership profile of our organisation. In 2021:

- 70 per cent of our Council were female;
- 55 per cent of our Executive team including our Chief Executive Officer were female;
- 53 per cent of our senior managers were female; and
- 50 per cent of our section managers were female.

By promoting the City as an employer of choice for women and by addressing conscious and unconscious gender bias, the City's workforce composition has become more gender balanced. The number of women employed by the City of Sydney has grown substantially from 29 per cent in 2005 to 42.7 per cent in 2022.

Women shouldn't be penalised by lower superannuation benefits at retirement when caring for children interrupts their careers. City of Sydney staff can access 52 weeks of parental leave – 18 weeks on full pay (or 36 weeks at half pay) and 34 weeks of unpaid leave – with superannuation paid for this entire period. Partners also receive four weeks paid partner leave.

Though we were ahead of the times when we introduced 18 weeks paid parental leave and four weeks paid partner leave, the time has come to consider whether we can extend these even further. We know that the first six months of a newborn's life are crucial to their future wellbeing, and yet we don't give parents the support they need to ensure they are able to care for their children as they would like throughout that period. This must change.

The City was one of the first organisations to gain White Ribbon workplace accreditation, and to offer paid domestic and family violence leave. We also have an active Women's Staff Network, support for breastfeeding women and mentoring programs.

Of course, women have many other identities which we also strive to support. The City has initiatives for Aboriginal and Torres Strait Islander staff, staff who identify as LGBTQIA+ and staff with a disability.

### **What more needs to be done**

Though we have come along way when it comes addressing gender equality, there is still a long way to go.

#### Pay

Workplace Gender Equality Agency (WGEA) data shows that Australia has a gender pay gap of 13.3 per cent in favour of men across the private and public sectors. This means that, on average, men earn \$253 more than women each week. According to the WGEA, it will take another 26 years for Australian women to reach pay parity with men if we progress at the same pace.

#### Housing

Women over 55 are the fastest growing group of homeless people in Australia. Reasons for this include having taken time out of the workforce to care for children, lower levels of superannuation, lower pay rates, and domestic and family violence.

In 2016, the City invested \$1.5 million in a HammondCare facility in Darlinghurst. This facility houses 42 older people who were at risk of homelessness, and includes a floor just for women which caters for survivors of domestic and family violence. More broadly, the City has built almost 1,500 affordable housing units, and has 600 more affordable homes in the pipeline and 700 more affordable homes planned for the future.

But the City cannot address Sydney's housing affordability crisis on its own. The State Government is primarily responsible for social and affordable housing and – with 58,000 households on the social housing waiting list – it must build more social housing across the city, without selling off existing stock. It must also reduce the age at which people are given priority for housing from 80 to 55 years, in line with the lived experiences of older women.

#### Leadership

Australia has made great strides when it comes to the number of women on government boards, with 51 per cent of positions held by women, and 41 per cent of Chair and Deputy Chair positions held by women. However, when it comes to the boards of ASX200 companies, 36 per cent of positions are held by women and a mere 11 per cent of Chair positions are held by women. We also know that a small number of very well-educated white women hold a disproportionate number of these positions, and much more work needs to be done to reflect our diversity.

Although progress is being made when it comes to women's representation in Australia's federal parliament and cabinet, the same is not true of our state parliament and cabinet. At a federal level, women make up 39 per cent of members of parliament, and 43 per cent of cabinet members. In NSW, these numbers drop to 33 per cent of parliamentarians and just 26 per cent of cabinet positions.

### Domestic and family violence

Across Australia, one woman is still killed each week by a partner or ex-partner. And we know that this is just the tip of the iceberg when it comes to domestic and family violence incidents. In NSW, where reported cases of intimate partner assault have been steadily rising, we urgently need more resources for our overwhelmed courts, and more refuges for domestic and family violence survivors.

Migrant women face additional barriers when it comes to escaping domestic and family violence, including language barriers, a lack of family support and precarious visa statuses. These women must also receive the specialised assistance they need if we are to end domestic and family violence in Australia.

### Healthcare

Bucking a long-term Australia-wide trend, teenage pregnancies are on the rise in 14 rural, regional and remote local government areas across NSW. It is imperative that all adolescents have access to the full spectrum of reproductive sexual health services regardless of where they live, as well as tailored support to continue their education should they have a baby before they complete high school.

### Removal of children

Aboriginal and Torres Strait Islander children now account for 44 per cent of children in out-of-home care in NSW, even though Aboriginal and Torres Strait Islander children make up around just 6 per cent of all Australian children. This means Aboriginal children are now 11 times more likely than non-Aboriginal children to be removed from their parents. For our Aboriginal communities and those of us who are still haunted by the testimonies of the Stolen Generations, these statistics are devastating.

### Trans and gender-diverse people

Astoundingly, a person in NSW is still required to have sex affirmation surgery if they want to change their sex on their birth certificate. This is out of step with numerous jurisdictions around the world – including Australia – which recognise that a person may want the sex descriptor on their official documentation changed so that it reflects their chosen gender, and that whether that person has genital surgery or not is a personal matter that is entirely up to them.

### Women in prison

Most women in prison have committed non-violent offences, and women in prison are more likely than men in prison to have experienced physical and sexual abuse, mental health issues, and drug and alcohol dependency. Two thirds of women in NSW prisons have at least one child under the age of 18, and one third of women in NSW prisons are Aboriginal and Torres Strait Islander. At a cost of \$80,000 to imprison one person per year, and a recidivism rate of 50 per cent, we really have to ask ourselves if this is the best use of taxpayer's money when it comes to making our community safer.

The City of Sydney is a progressive organisation in a vibrant and dynamic city that celebrates diversity. On this International Women's Day, I ask that we to pay our respects to the women who fought so hard to achieve this, make sure we never let our guard down, and advocate for the ongoing changes we need to ensure future generations of women are able to enjoy all the opportunities they are entitled to.

**Recommendation**

It is resolved that:

- (A) the Chief Executive Officer be requested to investigate extending paid parental leave, inclusive of adoption leave, at the City of Sydney, from 18 weeks to 26 weeks;
- (B) the Chief Executive Officer be requested to investigate extending paid partner leave at the City of Sydney from four weeks to six weeks; and
- (C) the Lord Mayor be requested to write to the Prime Minister, Federal Minister for Women, incoming NSW Premier and incoming NSW Minister for Women asking them to advance progress towards gender equality by:
  - (i) closing the gender pay gap;
  - (ii) dramatically increasing access to social and affordable housing, including by addressing the needs of women over 55;
  - (iii) increasing the proportion of women with different backgrounds on boards, in parliament and in cabinet;
  - (iv) eliminating domestic and family violence by ensuring all victim/survivors – regardless of their visa status – are eligible for income support, crisis payments, healthcare, crisis accommodation and legal advice;
  - (v) ensuring women and girls freely choose if and when they have children, including by making reproductive sexual health services available to all adolescents regardless of where they live;
  - (vi) allocating the resources needed to keep families together by addressing the underlying social and economic factors that lead to entrenched disadvantage, particularly among Aboriginal and Torres Strait Islander women;
  - (vii) adopting a system of self-identification for the purposes of changing sex or gender descriptors on official documentation; and
  - (viii) reducing the number of women in prison by addressing the underlying causes of imprisonment, including by reallocating the vast sums of money spent on incarcerating traumatised, nonviolent women each year.

**COUNCILLOR CLOVER MOORE**

Lord Mayor

**Item 4.1**

**City of Sydney Community Campaign – The Voice to Parliament**

Document to Follow



## **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 - 6 March 2023**

**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 13 February 2023, 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 28 February 2023**

It is resolved that the Investment Report as at 28 February 2023 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

**Item 7**

**Report of the Transport, Heritage, Environment and Planning Committee - 6 March 2023**

**Item 7.1**

**Confirmation of Minutes**

Moved by Councillor Chan, seconded by Councillor Kok –

That the Minutes of the Meeting of the Transport, Heritage, Environment and Planning Committee of Monday 13 February 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## **Item 7.2**

### **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 Transport, Heritage, Environment and Planning Committee.

## Item 7.3

### Extension of Temporary Use of Road Space for Outdoor Dining

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 13 March 2023.

#### Officer's Recommendation

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

It is resolved that:

- (A) Council continue the temporary use of road space for existing on-street Outdoor Dining approvals until 31 December 2024;
- (B) authority be delegated to the Chief Executive Officer to extend existing on-street footway approvals to cover the notification and assessment period where the operator has lodged a new footway application prior to 30 April 2023;
- (C) authority be delegated to the Chief Executive Officer to amend Appendix 1 of the Outdoor Dining Guidelines to replace the words '30 April 2023' with '31 December 2024';
- (D) the Chief Executive Officer include in the next draft budget to be submitted to Council for endorsement to go on public exhibition funding for the extension of the current program until 31 December 2024, at a cost of approximately \$3.8 million in expenses and revenue foregone as set out in this report;
- (E) Council note that these costs are in addition to the proposed extension of the fee waiver for outdoor dining permits to be included in the draft budget in accordance with Council's resolution of 21 November 2022; and
- (F) Council note that a review of the Outdoor Dining Guidelines will be carried out in relation to applications on or near parks and other public spaces to ensure equitable and accessible use of the parks and other public space spaces and that any amendments will be reported to Council for its consideration and public exhibition.

#### Officer's Report

The officer's report on this matter can be found at Item 3 on the agenda of the meeting of the Transport, Heritage, Environment and Planning Committee on 6 March 2023.

S060627-02

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

#### **Item 7.4**

#### **Post Exhibition - City North Public Domain Plan**

It is resolved that:

- (A) Council adopt the City North Public Domain Plain with amendments, as shown at Attachment A to the subject report, as a guiding document to inform capital works planning, negotiations with government and developers, planning proposals and development applications;
- (B) Council note that project opportunities require further advocacy, consultation, testing, feasibility assessment and design development in collaboration with key stakeholders including property owners and Transport NSW / Sydney Metro, to inform future capital works budgets and future scoping reports to be considered by Council; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the City North Public Domain Plan in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

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

S121925

#### **Speaker**

Heather Loewenthal addressed the meeting of the Transport, Heritage, Environment and Planning Committee on item 7.4.



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

## Item 7.5

### **Post Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal – 757-763 George Street, Haymarket, the draft Sydney Development Control Plan 2012 – 757-763 George Street, Haymarket amendment, and draft Voluntary Planning Agreement, as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal – 757-763 George Street, Haymarket, as shown at Attachment B to the subject report, and request the relevant local plan making authority as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket amendment, as amended following public exhibition and shown at Attachment C to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal 757-763 George Street, Haymarket and draft Sydney Development Control Plan - 757-763 George Street, Haymarket amendment to correct any minor errors or omissions prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreement, as shown at Attachment D to the subject report, will be executed under delegation of Council in accordance with 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 Gannon, and carried on the following show of hands –

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

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.)

X038464

## Speaker

Tom Cook (Mecone) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 7.5.

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

## **Item 7.6**

### **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 33 Euston Road, Alexandria at this time;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 10-18 Gadigal Avenue, Waterloo at this time; and
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issues a Fire Safety Order at 241-243 Commonwealth Street, Surry Hills at this time.

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

S105001.002

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

**Item 7.7**

**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 Councillor Kok, and carried unanimously.)

S040864

**Item 8****Adoption - Council-Related Development Applications Policy****File No: X090920****Summary**

The Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 (the "Regulation") will commence on 3 April 2023. This regulation amendment will have two effects:

- all "council-related development applications" are required to be notified for 28 days before they can be determined
- Council is required to have adopted a policy for managing potential conflicts of interest in relation to council-related development applications and to have conformed with the requirements of the Regulation and adopted policy prior to determining impacted applications.

By 3 April 2023, Council is required to have in place a conflict of interest policy that sets out how Council-related development applications will be managed. This policy is required to comply with the "Council-related Development Application Conflict of Interest Guidelines" published by the Department of Planning and Environment.

Council-related development applications made after 3 April 2023 cannot be determined unless the Council has a policy in place and has considered the policy in relation to that application. The definition of Council-related development application for the purposes of the Regulation is any development application that is

- (a) made by or on behalf of the Council, or
- (b) for development on land other than a public road within the meaning of the Local Government Act-
  - (i) of which the Council is an owner, lessee or a licensee, or
  - (ii) otherwise vested in or under the control of the council.

The City has prepared a draft Council-Related Development Applications Policy in order to ensure it complies with the requirements of the Regulation and can determine impacted applications after 3 April 2023.

## Recommendation

It is resolved that:

- (A) Council adopt the draft Council-Related Development Applications Policy as set out at Attachment A to the subject report, to commence at the time the Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 commences; and
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Council-Related Development Applications Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

## Attachments

**Attachment A.** Draft Council-Related Development Applications Policy

**Attachment B.** Council-Related Development Applications Conflict of Interest Guidelines, published by the Department of Planning and Environment

## Background

1. The Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 (the "Regulation") will commence on 3 April 2023. At the time of the commencement of the Regulation, Council is required to have in place a policy that sets out how council related development applications will be managed. This policy is required to comply with the "Council-related Development Application Conflict of Interest Guidelines" published by the Department of Planning and Environment.
2. After 3 April 2023, a Council-related development application cannot be determined unless the Council has a policy in place and has considered the policy in relation to that application. The definition of Council-related development application for the purposes of the Regulation is any development application that is
  - (a) made by or on behalf of the Council, or
  - (b) for development on land, other than a public road within the meaning of the Local Government Act 1993 -
    - (i) of which the Council is an owner, lessee or a licensee, or
    - (ii) otherwise vested in or under the control of the council.
3. All applications lodged after 3 April 2023 which meet the above definition will be required to be publicly exhibited for a minimum of 28 days.
4. The City has prepared a draft Council-Related Development Applications Policy in order to ensure it complies with the requirements of the Regulation and can determine impacted applications after 3 April 2023.
5. The draft policy complies with the Department's Council-Related Development Application Conflict of Interest Guidelines. It sets out:
  - (a) the process the City will follow to identify whether a particular development application is a council-related development application;
  - (b) which Council-related development applications are considered to be of such minor risk that they do not require a specific management response ("excluded development");
  - (c) the risk assessment process, specific categories of application and management strategies in relation to those different categories; and
  - (d) management strategies in relation to the undertaking of enforcement and compliance activities relating to council-related development.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

6. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
  - (a) Direction 1 - Responsible governance and stewardship - adoption of the policy is necessary under the current proposed Regulation in order to ensure that Council can lawfully determine development applications. The draft Policy as proposed largely reflects Council's current approach to dealing with conflicts of interest on development applications in which council has a significant interest, whether as landowner or for some other reason. There are additional aspects of public notification and participation which will ensure compliance with the legislative requirements.

### Organisational Impact

7. The Regulation and Policy introduce additional administrative steps into the development application process for development applications that meet the definition of council related development. The impacts on development determination times will be monitored to determine if there is an impact on the time taken for determination of development applications and capacity in the planning assessments unit.

### Risks

8. If the Policy is not adopted as recommended the City will not be compliant with the Regulation and Council-related development applications lodged after 3 April 2023 cannot be lawfully determined. If Council-related development applications are determined without the Policy having been adopted and considered in the determination, those consents may be subject to challenge. The existence of the Policy provides greater transparency on the City's existing processes and provides a clear statement as to a course of action that will be adopted in relation to conflicts management in relation to both development assessment and construction stages of council related development.

### Economic

9. As currently proposed, the Regulation introduces further administrative steps which may impact the timeframes for determining development applications and is therefore likely to have a negative impact on the economy of the state, given its application to all council areas.

### Relevant Legislation

10. Environmental Planning and Assessment Act 1979.
11. Environmental Planning and Assessment Regulation 2021.
12. Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022.
13. Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023.

**Critical Dates / Time Frames**

14. The City is required to have a policy in place by 3 April 2023.

**Options**

15. The City does not have any option other than to adopt a policy under the Regulation. If a policy is not adopted any impacted development application which is lodged and determined after 3 April 2023 may be open to challenge on the basis that it has not been determined in accordance with the requirements of the Regulation.

**Public Consultation**

16. There is no obligation for public consultation in relation to the making of the policy. The policy and the regulation themselves set out requirements for additional public consultation in certain circumstances.

**GRAHAM JAHN AM**

Director City Planning, Development and Transport

**KIRSTEN MORRIN**

Director Legal and Governance



# **Attachment A**

**Draft Council-related Development  
Applications Policy**

# Council-related Development Applications Policy

The City of Sydney Council operates as a consent authority and development regulator for most development within our local government area. In some circumstances the Council is also the landowner of land to which an application relates, has given a grant or has a commercial interest in the land they regulate. Where councils have this dual role, a potential conflict can arise between their interests in the development and their duty as regulator.

This Policy explains how the Council will identify matters in which these potential conflicts arise and address them throughout the development process.

This Policy does not change the delegations in relation to which entity performs the role of consent authority for an application, unless a determination is made by the CEO to refer a matter to a particular consent authority following a risk assessment.

## Preliminary

### (1) Name of policy

This policy is the Council-related Development Applications Policy.

### (2) Aim of policy

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

### (3) Scope

This policy applies to council-related development as defined in the Environmental Planning and Assessment Act 1979. This policy has been prepared in accordance with the requirements of s 66A of the Environmental Planning and Assessment Regulation 2021 and the *Council-related Development Application Conflict of Interest Guidelines* issued by the Department of Planning and Environment.

This policy does not apply to any works carried out under Part 5 of the Environmental Planning and Assessment Act 1979.

This policy applies to development applications made on or after 3 April 2023.

**(4) Definitions**

In this policy:

Term	Meaning
Application	An application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate or any works carried out under Part 5 of the Environmental Planning and Assessment Act 1979.
Council	City of Sydney Council
Council-related development application	As defined in Sch 1 cl 9B of the Act
Development process	Application, assessment, determination, and enforcement
Excluded development	<p>Applications in which Council’s interest is related only to one of the following:</p> <ul style="list-style-type: none"> <li>a. commercial fit outs and minor changes to the building façade</li> <li>b. internal alterations or additions to buildings that are not a heritage item</li> <li>c. advertising signage on commercial property</li> <li>d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)</li> <li>e. development where the City might receive a small fee for the use of their land (such as outdoor dining areas for which fees are or may be payable under legislation)</li> <li>f. changes of use from one permitted use to another with no greater than minor impacts on the amenity of the surrounding area</li> <li>g. alteration or addition of minor structures in parks and other public places (such as shade structures in public playgrounds).</li> </ul>
The Act	Environmental Planning and Assessment Act 1979.
The Regulation	Environmental Planning and Assessment Regulation 2021

A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act unless it is otherwise defined in this policy.

Notes included in this policy do not form part of the policy.

## Process for identifying and managing potential conflicts of interest

### (5) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls

- a) Where a preliminary meeting is held prior to the lodging of an application which may be council-related development, the matter should be referred to the Executive Manager Development (or delegate) and the issue of appropriate management controls should be an agenda item for discussion at the meeting, with the proposed approach recorded as part of the minutes of the meeting.

Preliminary meetings held prior to the lodgement of a development application are a standard service provided by the Council and any comments provided at such meetings are advisory only and do not bind the consent authority in its assessment or determination of a future application.

- b) Development applications that are for council-related development are to be referred to the Executive Manager Development (or delegate) for an initial conflict-of-interest risk assessment and preparation of a management statement in accordance with the requirements of the Regulation.
- c) At the preliminary stage, the Executive Manager Development (or delegate) is to:
- i. assess whether the application is one in which a potential conflict of interest exists,
  - ii. identify the phase(s) of the development process at which the identified conflict of interest arises,
  - iii. assess the level of risk involved at each phase of the development process, determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 6 of the policy,
  - iv. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.
- d) Council-related development is to be assigned a level of risk in accordance with the following categories:

#### Low Risk

- a. Any application which would have been determined by the Local Planning Panel but for the fact that the Local Planning Panel has delegated its functions as consent authority to Council staff including:
- (i) Internal alternations and additions to heritage items,
  - (ii) Temporary installations of public art
  - (iii) Temporary events
  - (iv) Outdoor seating (no more than one objection)
  - (v) Works in public domain, construction of driveways, landscaping and the like (no more than one objection)

**Low Risk**

- (vi) Placement or relocation of kiosks and other minor structures within the public domain (no more than one objection)
  - (vii) Installation of shade structures and play equipment (no more than one objection)
  - (viii) Installation of solar panels (no more than one objection)
  - (ix) Small scale alternations and additions to existing facilities (no more than one objection)
  - (x) Other small-scale development with a development cost of no more than \$100,000 (no more than one objection)
- b. Development which is not excluded development as referred to below but which does not meet the Medium Risk or High Risk criteria as set out in this policy

**Medium Risk**

- a. Any application for which the Local Planning Panel is the consent authority
- b. Any application in relation to which the Council has resolved to provide a grant
- c. Changes of use which have the capacity to create more than minor impacts on amenity.

**High Risk**

- a. Any application made by or on behalf of Council, or for development substantially on land owned or leased by Council, and for which the Central Sydney Planning Committee is the consent authority
- b. Any matter which is assessed as being high risk by the CEO, on the recommendation of the Executive Manager Development, due to the particular circumstances of the application (for example, where there is a significant public interest due to the nature of the proposed development)

e) Where circumstances change throughout the assessment of an application (for example, where public submissions are received objecting to a proposal) assessment staff will raise the matter with the Executive Manager Development, who may review the management strategy in relation to the application and make adjustments as appropriate. Where a management strategy is updated in the course of assessment of an application it will be updated in the Planning Portal.

**(6) Management controls and strategies**

- a) For all applications which constitute council-related development, staff will ensure that written records are kept of all communications between applicant staff and applicants' representatives (whether staff or external consultants). Substantial discussions should occur only in the context of a formal meeting and written records of such meetings are kept. Directors are responsible for ensuring that staff follow strict communications protocols in relation to council-related development.

- b) In accordance with Sch 1 cl 9B of the Act and the City's Community Participation Plan, all council-related development applications will be publicly exhibited for a minimum of 28 days. The management strategy will be publicly exhibited with the application and will remain publicly available on the NSW Planning Portal.
- c) The management strategy for excluded development is that no additional management controls need to be applied.

However, an application for excluded development may be subject to additional management controls if more than one objection is received or where the CEO, on the recommendation of the Executive Manager Development, determines it is appropriate in the circumstances of the case.

For clarity, the Regulation requires that applications for excluded development must only be accompanied by a statement that the council has no management strategy for the application in accordance with this Policy.

- d) The management strategy in relation to the assessment and determination of applications for council-related development is to be in accordance with the level of risk identified under this Policy. In general, the following management strategies are to be implemented:
  - i. *Low Risk*

Application assessed and determined by council staff under existing delegations, subject to any specific matters as set out in the management statement for the application.
  - ii. *Medium risk*

Application assessed by council staff and determined by the Local Planning Panel. It is noted that in exceptional circumstances it may be considered appropriate for these matters to be assessed by external consultants and this will be specified in the management statement where applicable.
  - iii. *High risk*

Application assessed by external consultants, determined by the Central Sydney Planning Committee (or Local Planning Panel where appropriate).
- e) Where a council-related development becomes the subject of any proceeding before the Land and Environment Court (for example, Class 1 merit review proceedings or Class 4 judicial review proceedings), external legal representatives and consultants will be engaged to conduct the matter on behalf of the City.
- f) The management strategy in relation to the regulation of council-related development (other than excluded development) is that all certification related to applications where the value of works exceeds \$2 million, including the issue of construction certificates and occupation certificates, will be undertaken by a private certifier.
- g) The management strategy in relation to the undertaking of enforcement and compliance activities in relation to all council-related development and all development on council land is as follows:
  - i. The Executive Manager Development will oversee all compliance and enforcement activities related to council-related development and all development on council land and will provide regular updates on these activities to the Executive.

- ii. Where a non-compliance is identified (for example, a breach of development consent conditions or a failure to comply with the terms of a development control order), the matter will be escalated to the Director Legal and Governance for review and consideration of appropriate action. This may include engaging external consultants in order to undertake investigations and/or to peer review recommendations of council staff. Non-compliances will be recorded in the City’s Compliance Register until such time as the matter has been rectified.
- iii. Where a matter is considered a significant breach of any law, the non-compliance will be referred by the Director Legal and Governance to the compliance staff of the Department of Planning and Environment for advice and action as appropriate.
- iv. Any instances of deliberate non-compliance by Council staff may be investigated and dealt with in accordance with the Code of Conduct, Disciplinary Procedure and/or action under relevant legislation if appropriate. Such matters will be referred to the appropriate independent authority or the Department of Planning and Environment if it is suspected that an offence has been committed.
- v. All legal proceedings in relation to enforcement and compliance matters for council-related development and activities on council land will be conducted by external legal providers, engaging third party consultants to provide expert advice if required.

**Example template Management Strategy – Medium Risk matter**

<b>Management Strategy – Pre DA</b>	Potential conflict of interest reviewed and identified as Medium Risk. Management strategy developed at time of DA lodgement recognising Local Planning Panel as Consent Authority
<b>Management Strategy - Assessment</b>	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> <li>• The application will be referred to the local planning panel to determine the development application.</li> <li>• Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team.</li> </ul>
<b>Management strategy – Compliance / Enforcement</b>	<ul style="list-style-type: none"> <li>• A private certifier will be engaged to undertake the certification for the development.</li> <li>• Any complaints and/or compliance activity will be referred to Executive Manager Development to confirm appropriate course of action and reported to CEO.</li> </ul>
<b>Contact</b>	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.

## References

### Laws and Standards

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Local Government Act 1993
- Roads Act 1993
- Building and Development Certifiers Regulation 2020

### Policies and Procedures

- Code of Conduct
- Compliance Policy
- Prosecution and Civil Enforcement Policy

## Review period

This policy will be reviewed every two years.

## Approval Status

City of Sydney Council approved this policy on [day month xxxx].

## Approval History

Stage	Date	Comment	TRIM Reference
Original Policy			
Reviewed			
Commence Review Date			
Approval Due Date			



**Ownership and approval**

<b>Responsibility</b>	<b>Role</b>
Author	(City job role)
Owner	(City job role)
Endorser	City of Sydney Executive
Approver	City of Sydney Council

## **Attachment B**

**Council-Related Development Applications  
Conflict of Interest Guidelines published by  
the Department of Planning and  
Environment**

# Council-related Development Application Conflict of Interest Guidelines

## Introduction

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The following requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in council related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements in these Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

While the regulation changes do not mandate the use of the framework once a development consent is issued, it is best practice when developing their policies for councils to also address conflicts that may occur after development consent has been granted. This could be as simple as stating in the policy that the council will seek to enter a shared services arrangement with a neighbouring council about this phase of the development process, for any development that is the subject of the policy.

## Purpose of these Guidelines

These Guidelines are intended to:

- set out the requirements for the council conflict of interest policy required under section 66A,

- assist councils in meeting these requirements by providing a sample policy and management strategy statement that can be used as a template when developing their policies
- provide general information and guidance about the policy.

## Flexibility

In some circumstances, council may determine the risks associated with a council-related development are sufficiently low and no specific controls are warranted. Where this is the case, council should still publicly communicate that fact to ensure transparency.

Where a council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a councillor or a council staff member in their private capacity.

This can happen, for instance, where the council is the owner of a large commercial building that has a range of shops within it, for which it receives many development applications for commercial fit outs and minor changes to the building facade. In those circumstances, the council's policy could outline that its management strategy for this class of development does not apply additional controls for conflicts of interest.

Other examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the council might receive a small fee for the use of their land.

## Sample policy

The sample policy below is to help councils develop their conflict of interest policies for council-related development. It provides practical solutions for developing and implementing ways to manage potential conflicts at all stages of the development process.

For councils that have local planning panels, the council's policy only needs to deal with a subset of this development, as a range of development to which the policy would otherwise apply will already be referred to local planning panels.

**Using the sample policy is optional.** Each council and local government area is different and has unique local settings, therefore, councils should decide what is appropriate in their circumstances and develop a policy for managing conflicts of interest about council-related development that is suitable for their local area.

An example management strategy statement is also included below.

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## Requirements for conflict-of-interest policies

Any policy prepared and adopted by a council must:

- establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in,
- outline the process through which potential conflicts of interest will be identified, the risks assessed and appropriate management controls determined, and
- outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

---

## Sample policy

### Part 1 Preliminary

#### (1) Name of policy

This policy is the [insert name of policy].

*Note: For example, Conflicts of interest policy – dealing with council-related development throughout the development process.*

#### (2) Aim of policy

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

#### (3) Scope

This policy applies to council-related development.

#### (4) Definitions

(1) In this policy:

**application** means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

**council** means [insert name of the council]

**council-related development** means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

**development process** means application, assessment, determination, and enforcement

**the Act** means the *Environmental Planning and Assessment Act 1979*.

(2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

(3) Notes included in this policy do not form part of the policy.

*Note: Other definitions can be inserted.*

## Part 2 Process for identifying and managing potential conflicts of interest

### (5) Management controls and strategies

(1) The following management controls may be applied to:

- a. the **assessment** of an application for council-related development
  - *insert control(s)*
- b. the **determination** of an application for council-related development
  - *insert control(s)*
- c. the **regulation and enforcement** of approved council-related development
  - *insert control(s)*.

*Note: For example, council will enter into a shared services arrangement with a neighbouring council.*

(2) The management strategy for the following kinds of development is that no management controls need to be applied:

- a. commercial fit outs and minor changes to the building façade
- b. internal alterations or additions to buildings that are not a heritage item
- c. advertising signage
- d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- e. development where the council might receive a small fee for the use of their land.

Notes:

1. *While councils must have a policy that sets out how they propose to deal with potential conflicts of interest for council-related development, it could implement different controls for dealing with them based on the level of risk. For example, councils could set their controls based on:*
  - a. *risk category – low, moderate, high, very high*
  - b. *types of development – non-controversial small-scale development, development of a certain value with/without a commercial interest, controversial development, or even*
  - c. *capital investment value of the proposed development.*
2. *There is a range of management controls that could be applied in particular circumstances. The following are some examples that councils could use. Note that councils are not limited to one approach and could specify more than one approach if appropriate in their local settings:*
  - a. *Assessment and determination*
    - i. *The assessment and/or determination of an application are to be undertaken by council staff under delegation – this might be appropriate if the proposal is considered to be a low-level risk or non-controversial. For more controversial projects, this might only be effective if strict role separation controls are imposed.*
    - ii. *The application could also be referred for external assessment and/or determination to either:*

1. another council
2. a local planning panel if one is in place
3. a regional planning panel (may require negotiation – RPPs are not required to accept referrals)
4. a consultant.

*The involvement of an external third party might be appropriate for development where council has a commercial interest in the land, or the development is seen to be a political priority for the council.*

b. *Regulation and enforcement*

- i. *Engagement of a private certifier*
- ii. *Publication of certificates issued under Part 6 of the Act on the NSW Planning Portal*
- iii. *Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council*
- iv. *Reporting of key milestones to the full council.*

3. *Councils may also wish to take advantage of their audit and risk committee to provide guidance for the types of controls that could be applied in specific circumstances.*

## **(6) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls**

- (1) Development applications lodged with the council that are council-related development are to be referred to the general manager (or a delegate) for a conflict-of-interest risk assessment.

*Note: Council-related development is defined in section 4.*

- (2) The general manager is to:

- a. assess whether the application is one in which a potential conflict of interest exists,
- b. identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. assess the level of risk involved at each phase of the development process,
- d. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the general manager's assessment of the level of risk involved as set out clause 6(2)(c) of the policy,

*Note: The general manager could determine that no management controls are necessary in the circumstances.*

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

*Note: The following is an example of a statement that could be published by councils to document its proposed management approach in a particular circumstance.*

## Scenario

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration.

### Example management statement

<b>Council conflict of interest management statement</b>	
<b>Project name</b>	Blue River Civic Place
<b>DA number</b>	DA21/0001
<b>Potential conflict</b>	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
<b>Management strategy</b>	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> <li>• The application will be referred to the local planning panel to determine the development application.</li> <li>• Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team.</li> <li>• A private certifier will be engaged to undertake the certification for the development.</li> <li>• Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made.</li> <li>• Key project milestones following the development consent will be reported at a public council meeting.</li> </ul>
<b>Contact</b>	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.



**Item 9****Questions on Notice****1. Investigating Options to Install Refugees Are Welcome Banners at Town Hall and at Other Key Locations**

By Councillor Ellsmore

**Question**

1. At the 31 October 2022 Council meeting, Council unanimously committed to create banners or signage stating that 'Refugees are Welcome' (or equivalent) that can be prominently displayed at the Sydney Town Hall and other key locations within the City of Sydney. Which locations to display Refugees are Welcome Banners (or equivalent) have been considered or investigated by the City?
2. Where are banners or signage currently displayed, including banners which recognise the City's long running commitment as a Refugee Welcome Zone?
3. What heritage or other considerations were taken into account, in relation to the Sydney Town Hall?
4. What locations and types of banners are being proposed for the future? (Including which town halls, community centres and other key locations are proposed).
5. The 31 October 2022 Council decision requested that the Chief Executive Officer provide advice about costs of creating these banners, including if the Council were to commission or collaborate with a refugee or asylum seeker artist or organisation to design the banners or signage. What investigations or discussions has the City undertaken with refugee-affiliated organisations and/or refugee artists regarding the creation of Refugees Are Welcome Banners?
6. Which organisations or individuals has the City had discussions with, or is proposing to have discussions with?
7. What is the proposed timeline for implementation?
8. Are new banners or signs proposed for Refugee Week in June? Are banners or signs proposed at other times of the year?

X086664

## 2. Public Housing and Public Land Redevelopment in the City of Sydney

By Councillor Ellsmore

### Question

1. In an answer to a Question on Notice tabled at the 12 December 2022 Council meeting, it was advised that there had been three Pre-DA requests regarding the development of public housing in the last 12 months, relating to multiple properties on Wentworth Park Road and Raper Street Newtown. What are the details of what was discussed at these pre-DA meetings? What development or changes are proposed for these properties?
2. Since November 2022, have City staff had any discussions or correspondence with NSW Government representatives about planned or future development applications regarding State-owned or controlled land in NSW, including any pre-DA requests? If yes, please provide details.
3. In an answer to a Question on Notice tabled at the 12 December 2022 Council meeting, it was advised that the City initiated discussions with the Land and Housing Corporation (or LAHC), in relation to eight planning proposals or forthcoming planning proposals.

Since November 2022, have City staff had any discussions or correspondence with NSW Government representatives about these or additional planning proposals relating to State-owned or controlled land in NSW? If yes, please provide details.

4. Generally, what City of Sydney policies or guidelines determine what or how pre-DA advice is provided? Please provide details.

X086664

## 3. Street Furniture Contract

By Councillor Scott

### Question

1. Please detail where and how the contract for the provision of the City's street furniture is available to the public.
2. During the procurement process, how many tenders were considered? Why did the City staff recommend to reject and negotiate?
3. What were the tender specifications for street furniture?
4. Were sites for advertising signs specified during the tender process? To any or all tenderers?
5. How many sites were specified during the tender process? How many sites were specified during the contract negotiation process?

6. Post the signing of the contract, how many sites did the City provide landowner permission for? Post signing of the contract, how many sites did the City refuse? Has the City revoked any sites for permission at any stage?
7. Were fixed prices for fixed sites provided by any tenderers? Were fixed prices requested by the City?
8. How much income has been received, broken down by month, since the contract was signed with the City? What's the formula for the income?
9. Please detail who tendered, and how many meetings were held with each tenderer?
10. How many advertising sites did JCDecaux have?
11. Which sites have heritage considerations? Please detail how the City has considered the heritage of the sites approved, and those rejected?
12. Were guarantees of landowner consent or approvals given to tenderers about approvals for signs at any stage in the tender or contract negotiation process? Were any guarantees given during contract variation processes?
13. How much time is allocated in total, per month, to the City's advertising? What is the cost in kind of this?
14. How did the City's Audit, Risk and Compliance Committee consider this contract?
15. How many contract amendments have been requested? How many have been granted? Please detail what they are for.

X086668

#### **4. Mardi Gras**

By Councillor Scott

##### **Question**

1. How many tickets to march in the City of Sydney Mardi Gras was the City of Sydney allocated?
2. How were they allocated? Were any elected members of council or their staff provided with tickets to march in the parade?

X086668

## 5. City of Sydney Live Music and Performance Plan Update

By Councillor Scott

### Question

Individually, please detail the progress of the following recommendations under the Live Music and Performance Action Plan (2012):

1. Review the Sydney Development Control Plan (DCP) to optimise its support for the live music and performance sector by identifying and protecting areas with strong traditions of live music and performance, and by supporting areas where urban and cultural amenity can be improved by live music and performance activity.
2. Establish a City of Sydney live music and performance liaison officer.
3. Review City of Sydney policies and protocols, refine the process for assessment of 'offensive noise' and develop City policies to address outdated development consent conditions
4. Establish a policy and process that includes alternative dispute resolution options for live music and performance venues in the City of Sydney;
5. Monitor the impacts of the Building Code of Australia on creative practice;
6. Develop a pre-lodgement process to provide bespoke advice and support for the development of temporary or non-traditional performance spaces;
7. Establish a venue-satisfaction survey and formal network of live music and performance venues to meet biannually in order to build relationships and discuss issues of concern;
8. Establish a Music and Performance Program Coordinator role based at an appropriate peak body, supported by a financial contribution from the City, to assist first-time venues find, select and program live music or performance;
9. Collaborate with the Australian Hotels Association and Music NSW to make appropriate, unused hotel spaces available for music rehearsals;
10. Establish a grant program for venues and organisations wanting to hold all-ages events;
11. Optimise City-owned indoor and outdoor facilities for use as live music and performance venues by augmenting existing equipment with appropriate sound, lighting and seating infrastructure, and issuing licences to enhance their use as performance venues;
12. Provide space in suitable City properties for innovative start-up businesses that support live music and performance; and
13. Allocate \$20,000 matched funding to APRA|AMCOS to develop a campaign to support local musicians to play live in local venues.

X086668

## 6. Advertising Screens Review

By Councillor Weldon

### Question

1. At the October 2022 Council meeting, the Chief Executive Officer was requested to undertake a review of the new advertising screens in the City and report back to Council. What is the status of this review and when will it be complete?
2. Have any advertising screens been found to be non-compliant with their development application approvals. If so, how many?
3. How many screens have been removed or relocated as a result of this review?
4. Has the City of Sydney incurred any costs (including forfeited revenue) as a result of the review and removal or relocation of advertising screens?

X086670

## 7. Change of Use of Boarding Houses

By Councillor Weldon

### Question

1. In the last 10 years, how many applications have there been for 'Change of Use' from a boarding house to residential dwelling in the City of Sydney?
2. Of these applications, how many have been approved and how many boarding house rooms have been lost?
3. Of those approved, how many were determined to be financially unviable and on what other basis were applications approved?
4. When assessing the financial viability of a Boarding House, what steps are taken to verify the relevant values (rental income, expenses, depreciation, current investment value and capital upgrading) provided by the applicant to calculate rental yield?
5. How does the City of Sydney safeguard against asset 'harvesting' i.e. the inclusion of expenditure which is a result of inadequate maintenance over an extended period?

X086670

**Item 10****Supplementary Answers to Previous Questions**

Supplementary Answers to Questions on Notice are as follows:

**Question on Notice – Council 20 February 2023****5. City of Sydney Waste Disposal**

By Councillor Scott

**Question**

- 1. In the last five years, has the City withheld payment for waste services at any time from any external providers? If so, when, how much and what for?**

No. Payments are adjusted to reflect work undertaken by contracted service providers.

- 2. If not, will the City consider this option in future? If not, why not?**

The City always reviews invoices to ensure that payments are correct.

- 3. Has the City sought any contract amendments from Cleanaway since 2019?**

No.

- 4. Have Cleanaway sought any contract amendments from the City since 2019?**

No.

- 5. What are the additional costs that the City has incurred as a result of increased waste complaints?**

Nil additional costs associated with the management of the waste complaints.



7. Please detail, broken down by month since 2018, how many requests for bulk collection the City has received? Of these, how many have been collected on the day booked? How many have been missed? How many have been delayed?

The below table details total number of bookings received, per year and month versus service provider.

Year/Month	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
<b>2018</b>					
Jan	1656	N/A	3256	894	5806
Feb	1139	N/A	2435	782	4356
Mar	1132	N/A	2480	802	4414
Apr	1185	N/A	2413	791	4389
May	1131	N/A	2396	837	4364
Jun	936	N/A	2118	761	3815
Jul	1182	N/A	2620	866	4668
Aug	1049	N/A	2470	830	4349
Sep	1102	N/A	2371	754	4227
Oct	1212	N/A	2612	886	4710
Nov	1251	N/A	2822	902	4975
Dec	1421	N/A	2794	830	5045
<b>Total 2018</b>	<b>14396</b>	<b>0</b>	<b>30787</b>	<b>9935</b>	<b>55118</b>

2019	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Jan	1878	N/A	3512	1042	6432
Feb	1577	N/A	3050	988	5615
Mar	1395	N/A	2919	1016	5330
Apr	1448	N/A	2846	996	5290
May	1218	N/A	2730	884	4832
Jun	1109	N/A	2413	773	4295
Jul	1020	3413	14	1004	5451
Aug	856	3113	N/A	824	4793



Year/Month	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Sep	949	3336	N/A	890	5175
Oct	955	3453	N/A	813	5221
Nov	1012	3460	N/A	866	5338
Dec	1157	3793	N/A	929	5879
<b>Total 2019</b>	<b>14574</b>	<b>20568</b>	<b>17484</b>	<b>11025</b>	<b>63651</b>

2020	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Jan	1361	4313	N/A	1072	6746
Feb	1128	3980	N/A	1074	6182
Mar	820	4677	N/A	1222	6719
Apr	N/A	6421	N/A	1480	7901
May	N/A	5530	N/A	1240	6770
Jun	N/A	5579	N/A	1288	6867
Jul	N/A	5918	N/A	1388	7306
Aug	N/A	5842	N/A	1321	7163
Sep	N/A	6017	N/A	1318	7335
Oct	N/A	5577	N/A	1210	6787
Nov	N/A	5967	N/A	1316	7283
Dec	N/A	6662	N/A	1314	7976
<b>Total 2020</b>	<b>3309</b>	<b>66483</b>	<b>0</b>	<b>15243</b>	<b>85035</b>

2021	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Jan	N/A	7180	N/A	1408	8588
Feb	N/A	6041	N/A	1395	7436
Mar	N/A	6056	N/A	1371	7427
Apr	N/A	5554	N/A	1235	6789
May	N/A	5574	N/A	1187	6761
Jun	N/A	5119	N/A	1108	6227

Year/Month	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Jul	N/A	5881	N/A	1274	7155
Aug	N/A	6162	N/A	1342	7504
Sep	N/A	5596	N/A	1245	6841
Oct	N/A	5383	N/A	1166	6549
Nov	N/A	5557	N/A	1243	6800
Dec	N/A	5782	N/A	1224	7006
<b>Total 2021</b>	<b>0</b>	<b>69885</b>	<b>0</b>	<b>15198</b>	<b>85083</b>

2022	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Jan	N/A	6446	N/A	1221	7667
Feb	N/A	5134	N/A	1180	6314
Mar	N/A	6051	N/A	1259	7310
Apr	N/A	5499	N/A	1140	6639
May	N/A	5862	N/A	1258	7120
Jun	N/A	5208	N/A	1085	6293
Jul	N/A	2373	N/A	511	2884
Aug	N/A	5475	N/A	1204	6679
Sep	N/A	4702	N/A	1055	5757
Oct	N/A	3359	N/A	787	4146
Nov	N/A	4100	N/A	855	4955
Dec	N/A	2543	N/A	650	3193
<b>Total 2022</b>	<b>0</b>	<b>56752</b>	<b>0</b>	<b>12205</b>	<b>68957</b>

2023	City - Garbage Services	Cleanaway	URM	Waste - Soft Landing	Grand Total
Jan	N/A	1893		660	2553
Feb	N/A	591		303	894
<b>YTD 2023</b>		<b>2484</b>	<b>0</b>	<b>963</b>	<b>3447</b>
<b>Grand Total</b>	<b>32279</b>	<b>216172</b>	<b>48271</b>	<b>64569</b>	<b>361291</b>

The below table details total requests received over the same period (as at 28 February 2023), including detail about days to complete request versus scheduled date:

Early	3148
On time - on day due	138153
Past due	219900
Not yet completed	90
	<b>361291</b>

No bulky waste is ever missed, all bulky waste is eventually collected. Waste is sometimes reported as not presented, generally because it has been recycled or repurposed by others.

**8. What other metrics does the City collect on waste and recycling collection services? How are these monitored?**

<b>Service Level Measurement</b>	<b>Frequency</b>
<b>1- Sustainable Safe Service</b>	
<b>Management of Personnel</b>	
% of safety inspections conducted (safety interactions) of its employees or subcontractors in accordance with the Contractors inspection program.	Monthly
Attend meetings with City WHS representatives as required	As Requested
Provision of adequate WHS supervision of personnel	As Requested
Tool Box or Start Up meetings have safety contact	As Requested
Contract specific risk register is developed and updated and available on an ongoing basis within 3 months of Contract and available to the City	As Requested
Contract specific WHS Incident register is developed and updated and available on an ongoing basis within 3 months of Contract and available to the City	As Requested
Escalation process for managing WHS incidents and risk is developed and updated as required	As Requested
<b>Risk, Safety and Incident Management</b>	
% of incidences and near misses recorded immediately, including mitigation strategies, investigations closed out within 10 business days with root cause analysis, incident to be mitigated immediately with plan to close out within 2 weeks	Monthly
Evidence of inspections and audits recorded. Monthly reporting of safety performance indicators	Monthly
Comply with all statutory reporting and report as part of the Contractors monthly report.	Monthly
Contractor audits compliance with all WHS requirements and undertaken in accordance with Contractor audit program.	Monthly
<b>Management of Personnel and Training</b>	
% of environmental inspections conducted of its employees, subcontractors, equipment in accordance with the Contractors inspection program.	Monthly
Attend meetings with City Environmental representatives as required	As Requested
Provision of adequate Environmental supervision of personnel	As Requested
Tool Box or Start Up meetings have environmental contact	As Requested
<b>Environmental, Risk Incident Management</b>	
Contract specific environmental risk register is always developed and updated and available on an ongoing basis within 3 months of Contract and available to the City	As Requested
Contract specific environmental Incident register is always developed and updated and available on an ongoing basis within 3 months of Contract and available to the City	As Requested
Escalation process for managing environmental incidents and risk is developed and updated as required	As Requested
No materials, oils, liquids are spilt during collection	Monthly
Any materials, oils, liquids are spilt during collection is cleared within 2hrs or as required by WHS or Environmental rules, policy or legislation (whichever is quicker)	Monthly
Compliance with all legislation and Environmental requirements	By Quality Audit

## Council

<b>Process and Systems in Place</b>	
% of incidences and near misses recorded immediately, including mitigation strategies, investigations closed out within 10 business days with root cause analysis, incident to be mitigated immediately with plan to close out within 2 weeks	Monthly
Evidence of inspections and audits recorded. Monthly reporting of environmental performance indicators	Monthly
Comply with all statutory reporting and report as part of the Contractors monthly report.	Monthly
Contractor audits compliance with all Environmental requirements and undertaken in accordance with Contractor audit program.	Monthly
Traffic infringements are recorded immediately, investigated including mitigation strategies, investigations closed out within 10 business days with root cause analysis	Monthly
Third Party <b>vehicle</b> damage is recorded immediately, investigated closed out within 10 business days with root cause analysis	Monthly
Third Party <b>property</b> damage is recorded immediately, investigated closed out within 10 business days with root cause analysis	Monthly
Contractor undertakes scheduled maintenance procedures in accordance with all OEM and Clean Fleet minimum requirements	Monthly
<b>2 - Quality Waste Collection Service</b>	
<b>Service Delivery Compliance against Standards</b>	
Missed Garbage collection $\leq 1$ per 1,000 services	Monthly
Missed Recyclables collection $\leq 1$ per 1,000 services	Monthly
Missed Garden Organics Collection $\leq 1$ per 1,000 services	Monthly
Missed Clean Up Collection $\leq 1$ per 150 services	Monthly
100% of unsuccessful Mobile Bins collections are collected within 24hrs of nominated Collection Day and time period	Monthly
Nil early starts for any Collection Service	Monthly
Specific recovered material streams are delivered to the processing facility in the intended condition. Recyclables and Organic streams are not rejected at the material recovery facility due to Contamination or compaction.	Monthly
<b>Reduction of Customer Complaints</b>	
$\leq 40$ complaints on Garbage collection services	Monthly
$\leq 40$ complaints for Recyclables collection	Monthly
$\leq 10$ complaints on Garden Organics collection Services	Monthly
$\leq 10$ complaints on Clean Up collection Services	Monthly
Mobile Bin repair request are serviced within 2 days	Monthly
New Bin Service requests are fulfilled within 2 days	Monthly
New Mobile Bin replaced on day of service when Mobile Bins are beyond economical repair.	Monthly
All complaints resolved or escalated and documented in a complaint register as part of the monthly report	Monthly
<b>Customer Responsiveness</b>	
All responses to customer complaints resolved within the specified timeframes. Complaints resolution within 24hrs or as otherwise agreed with the City.	Monthly
% of attendance at all scheduled & ad-hoc meetings	Monthly
All information as requested by the City for use in relation to stakeholder management is delivered within agreed timelines	Monthly
Provision of accurate, up to date and completed reports by the due date	Monthly

<b>3 - Effective Contract &amp; Commercial Management</b>	
<b>Meeting and Reporting</b>	
Develop, implement and maintain a Business Continuity plan	As Requested
All required data and documents, missed services footage etc are accessible to City via a web portal	Monthly
100% accurate monthly invoices	Monthly

**7. Waste Management in the City of Sydney**

By Councillor Weldon

**Question**

- How many missed waste and recycling collections were reported to the City of Sydney in each of the preceding 12 months (January 2022 to January 2023)?**

The below table details missed waste and recycling bin reports received by month from January 2022 to 22 January 2023.

	<b>Missed Garbage Bin</b>	<b>Missed Recycling</b>
<b>2022</b>		
Jan	1019	847
Feb	456	235
Mar	459	348
April	609	268
May	511	373
June	449	370
July	476	376
Aug	406	256
Sept	458	314
Oct	588	505
Nov	613	914
Dec	711	696
<b>2023</b>		
Jan	1326	965

2. How much did the City of Sydney expend on waste management services (combined in-house and contracted services) in each of the last five years (FY2017/18, FY2018/19, FY2019/20 and FY2020/21 and FY2021/22)?

Unit 2020 Cleansing and Waste Operating Expenditure	2021-22	2020-21	2019-20	2018-19	2017-18
Salaries and Wages Expenditure	\$24.7M	\$24.5M	\$29.6M	\$28.5M	\$26.8M
Non Salaries and Wages Related Expenditure-including all contracts	\$40.6M	\$39.8M	\$37.3M	\$34.5M	\$32.0M
<b>Total Expenditure</b>	<b>\$65.3M</b>	<b>\$64.3M</b>	<b>\$66.9M</b>	<b>\$63.0M</b>	<b>\$58.8M</b>

This table represents operating costs only and does not include capital purchases or corporate overheads.

3. What was the number of full time/part time staff employed by the City of Sydney engaged in collecting waste in each of the last five years (FY2017/18, FY2018/19, FY2019/20 and FY2020/21 and FY2021/22)?

	FTE Cleansing and Waste Operations
2018	181
2019	188
2020	181
2021	193
2022	183
2023	189

Cleansing and Waste Operations includes street cleaning and sweeping, street litter bin collection, and food scraps collection.

6. If the answer to 5. is yes:

- (a) On how many occasions and on what dates have City of Sydney employees collected waste that is part of the contract obligations of Cleanaway?

The City responds to urgent complaints and health and safety issues, as required. Payments are adjusted to reflect work not completed by contracted service providers.

As a result of the protected industrial action the City has collected 2293 illegal dumps and booked clean ups since 30 January 2023.

- (b) What are the terms under which City of Sydney employees are doing work that is part of the contract obligations of Cleanaway?

The City maintains responsibility for the management of waste, Cleanaway is only paid for waste they have collected, in accordance with the Schedule of Rates as per the contract. Monthly invoices are reconciled and paid on services delivered.

## Council

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7. **Were any privately operated waste collection companies engaged by City of Sydney prior to the execution of the contract with Cleanaway?**

Refer to 20 February 2023 report to Council – City of Sydney Waste Management and Operating Environment.

8. **If the answer to 7. is yes:**

- (c) What was the value of the contracts with City of Sydney with each of the companies?

<b>Provider</b>	<b>Amount Spent</b>	<b>Contract Term</b>	<b>Commenced</b>
<b>URM</b>	\$72.6M	5+2 Years plus variation to 30 June 2019	10/03/2010
<b>Soft Landing</b>	\$4.6M	3+1+1 Years	01/08/2018



## Item 11.1

### Notices of Motion

#### Report of the Select Committee on Barangaroo Sight Lines

By Councillor Chan

It is resolved that:

(A) Council note:

- (i) a Select Committee was established to inquire into the negotiations between the NSW Government, Lendlease and Crown in relation to sight lines at Barangaroo, including whether any biases influenced the final decision;
- (ii) on 23 September 2022, the Lord Mayor made a submission to the Select Committee raising significant concerns about the planning and delivery of development on public land at Barangaroo including Modification 9 for Central Barangaroo;
- (iii) on 17 February 2023, the Committee's report was tabled;
- (iv) key findings from the Committee's report include that:
  - (a) the Barangaroo sight lines have significant cultural and heritage value which must be preserved and protected; and
  - (b) Modification 9 proposes an unacceptable increase in height and footprint at Central Barangaroo which adversely impacts on sight lines and amenity of the precinct;
- (v) key recommendations from the Committee's report include that the NSW Government:
  - (a) engage in resolution processes for development disputes that seek transparent financial compensation rather than development bonuses;
  - (b) review any guidelines governing post-separation employment for senior public servants to ensure that any conflicts of interest are managed appropriately;
  - (c) develop a view management strategy in consultation with the Heritage Council of NSW, that identifies and preserves significant sight lines in Millers Point and Dawes Point and ensures that these views are considered in the context of any major redevelopment project; and
  - (d) reject Modification 9 and ensure that the redevelopment of Central Barangaroo remains small in scope so as not to cause significant obstructions to the Barangaroo sight lines; and

- (vi) the NSW Government has three months to respond to the committee's report;  
and
- (B) the Lord Mayor be requested to write to the NSW Premier and Leader of the Opposition to seek their assurance that whoever forms government following the State Election will:
  - (i) respond to the Committee's report by 17 May 2023; and
  - (ii) implement all of the recommendations from the report including:
    - (a) formally rejecting Modification 9 for Central Barangaroo; and
    - (b) when developing a view management strategy in consultation with the Heritage Council of NSW, seek feedback from the City of Sydney Council.

X086661

## Item 11.2

### Notices of Motion

#### The Franklyn Street Report Launch

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) the Franklyn Street complex is located between Franklyn, Glebe and Bay Streets in the inner Sydney suburb of Glebe. It is over 1.3 hectares in area and is situated within the Mountain Street Heritage Conservation Area. The collection of mid-rise flats includes common gardens and multi-room apartments. It is home to approximately 100 public housing tenants;
- (ii) the NSW Government has announced its intention to demolish Franklyn Street, and replace the existing public housing with 70 per cent private housing and 30 per cent social housing (also known as the 'Communities Plus' model). Tenants, public housing advocates and the Glebe community have been working to protect the housing, the public land and the community that lives there;
- (iii) on 22 February 2023, public housing tenants and community resident action group Hands off Glebe - with the support of The Glebe Society - launched the 'Franklyn Report' at Sydney Town Hall;
- (iv) the Franklyn Report rejects the NSW Government's demolition and redevelopment plan, calling instead for maintenance, renovation and reuse of the solid brick flats on the site;
- (v) the NSW State Government has imposed a funding restraint on the body that manages public housing homes – Land and Housing Corporation (LAHC) – whereby it is required to raise funds to maintain or build new public housing by privatising or redeveloping public housing sites. This is purported to be the main reason behind redeveloping public housing estates like Franklyn Street;
- (vi) the report outlines how the NSW Government's proposal for the site would result in adverse outcomes for the community, the environment, heritage and the government's own stated policy aim of increasing public housing. Similar to other Communities Plus projects across NSW, the Franklyn Street redevelopment would actually reduce the number of public housing places by reducing the total number of bedrooms;
- (vii) this report outlines that the NSW Government's plans involve:
  - (a) the eviction and forced relocation of long-term residents who have lived in the complex for many years;
  - (b) an unacceptably high cost of taxpayers' money;

- (c) the privatisation of public land;
  - (d) the demolition of sound and attractive public housing; and
  - (e) few new homes and reduced bedrooms, which would not address the waiting list for public housing which is currently more than 10 years in Glebe; and
- (viii) to effectively address the chronic housing affordability challenges across the City of Sydney and NSW, all levels of government need to address the provision of housing as critical infrastructure; accompanied by policies that adequately resource and fund its provision to ensure everyone has a safe, secure and affordable home;
- (B) Council congratulate Hands off Glebe and the Glebe Society for publishing the Franklyn Report, highlighting the inequalities of current government policy, and facilitating a platform for public housing tenants to have a voice; and
- (C) Council recognise the courage, endurance and strong social bonds of public housing residents residing in the Franklyn Street public housing complex.

X086659

## Item 11.3

### Notices of Motion

#### Safer Streets around Childcare Centres

By Councillor Scully

It is resolved that

(A) Council note:

- (i) on average, one child a week is killed or seriously injured on the roads in NSW;
- (ii) in August 2019, 40km/h speed zones in the Sydney CBD were expanded to include additional areas around Ultimo, Barangaroo, Dawes Point, Millers Point to improve safety for pedestrians and bicycle riders and has resulted in a steep reduction in the number of crashes in Sydney CBD;
- (iii) in June 2021, the previous Minister for Transport, Andrew Constance, made a commitment to the Lord Mayor that all local and regional roads and the majority of state roads in our Local Government Area would have a maximum speed limit of 40km/h by the end of that year supported by clear road markings;
- (iv) in many locations where there is now a 40km/h speed limit, Transport for NSW (TfNSW) has not yet installed large roundel signage or other road markings to make this more visible to motorists;
- (v) currently 75 per cent of all roads in the City of Sydney Local Government Area have a speed limit of 40km/h or lower, and Transport for NSW provided the City with a program for approval and installation of the remaining 40km/h speed limits by June 2022 which has been delayed by Transport for NSW indefinitely;
- (vi) towards the end of last year, the Lord Mayor wrote to the Minister for Metropolitan Roads calling for Transport for NSW to work with the City to convert the remaining roads in the City to 40km/h without further delay;
- (vii) there are 143 registered childcare centres in the City of Sydney local government area; 117 of which are in a 40km/h speed zone and 26 which are in a 50km/h or higher speed zone;
- (viii) that the NSW Government has road safety requirements and considerations in place for primary schools across NSW, including 40 km/h school zones established on a section of one or more roads adjacent to a school with a part-time speed limit;
- (ix) however, there are no similar legislative requirements for traffic calming or speed reduction around childcare centres;
- (x) where childcare centres are attached to primary schools, school speeding zone rules generally lapse before childcare drop-off and pick-up times;

- (xi) City staff are in regular contact with childcare centres to advocate for safe pedestrian behaviours, particularly focused on young children around cars, and where possible, have implemented P15 drop-off and pick-up areas as well as *Children may be crossing ahead* signage;
  - (xii) that Mitchell Street, Glebe, which is currently 50km/h, is of particular concern for residents, being a residential area with a childcare centre, Glebe Street Playground and MJ Doherty Reserve;
  - (xiii) in December 2021, a three-year-old boy was tragically killed after being hit by a car on Glebe Street near the intersection at Mitchell Street;
  - (xiv) the installation of two new raised pedestrian crossings at the intersection of Mitchell Street and Glebe Street is programmed in the City's 2024/25 capital works program, which will reduce vehicle speeds and improve safety and connectivity for people walking; and
  - (xv) according to Transport for NSW, in a crash between a car and a pedestrian, there is a 10 per cent risk that a pedestrian will be killed at 30 km/h, 40 per cent risk at 40 km/h, and a 90 per cent risk at 50 km/h;
- (B) the Lord Mayor be requested to write to the NSW Premier and the Leader of the Opposition:
- (i) restating the urgency and necessity of implementing 40km/h speed limits on all streets in the City of Sydney Local Government Area, with consideration to 30km/h in our villages, to support safety for people walking and cycling; and
  - (ii) requesting the implementation of legislative requirements for traffic calming or speed reduction around childcare centres similar to what currently exists for schools; and
- (C) the Chief Executive Officer be requested to:
- (i) write to the Secretary of Transport for NSW to get a status update on commitments made by the previous Minister for Transport to reduce the speed limit to 40km/h on all local and most state roads in the City of Sydney Local Government Area to be supported by clear road markings; and
  - (ii) develop a plan in consultation with the community that identifies priority locations for installing traffic calming treatments with a focus on areas with high levels of walking with children including Mitchell Street in Glebe.

**Item 11.4****Notices of Motion****United Services Union 120<sup>th</sup> Anniversary**

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) the Municipal Employees' Union was established on 20 March 1903;
  - (ii) the Federated Clerks' Union of Australia, NSW Branch, was first registered on the 6 April 1908;
  - (iii) these member organisations merged on 21 May 2003 to become the United Services Union (USU);
  - (iv) the United Services Union represents local government, energy, airline and clerical and administrative employees throughout NSW and the ACT, with over 32,000 members;
  - (v) the United Services Union's members are those which make up the local government workforce and are critical to the ability of councils to perform our important functions;
  - (vi) when considering local government achievements, history favours remembering the elected officials, often failing to recognise the work of all the workers which the United Services Union represents. When Prince Alfred laid the original foundation stone of the City of Sydney Town Hall, his name memorialised, however, the USU represents the people that laid the thousands of stones on top of that which make up the Town Hall we sit in today;
  - (vii) for its 120 years, the United Services Union have worked to protect and enhance members' wages and conditions;
  - (viii) they encourage their members to be active in building a stronger and fairer community; and
  - (ix) they provide a specially trained United Services Union Support Team to all financial members; and
- (B) the Lord Mayor be requested to write to General Secretary Graeme Kelly OAM and the United Services Union congratulating them for their 120 years of service and thanking their workers for their efforts for our City.

X086655

## Item 11.5

### Notices of Motion

#### **Fossil Fuel Ad Ban - Motion to the Australian Local Government Association Conference**

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) the 2023 National General Assembly of Local Government will be held from 13 to 16 June in Canberra;
- (ii) the theme for the 2023 National General Assembly is 'Our Communities, Our Futures'. This year's call for motions focuses on eight priority areas, one of which is 'Climate Change and Renewable Energy'. Motions are requested which identify programs and initiatives that the Commonwealth Government could develop, to assist Councils in their work to address climate change and reduce emissions;
- (iii) on 20 August 2022, Council passed a motion in support of banning fossil fuel advertising. Council:
  - (a) acknowledged that we are in a climate emergency;
  - (b) noted that air pollution from burning fossil fuels takes 8.7 million lives prematurely each year, which is more than tobacco;
  - (c) noted that several countries around the world have restricted or banned fossil fuel advertising, including France and the United Kingdom;
  - (d) noted that the Federal Government has a responsibility to implement restrictions on fossil fuel advertising through national laws, as was done for tobacco advertising, and which saw a proven reduction in tobacco consumption per capita;
  - (e) committed to investigate ways to restrict fossil fuel advertising in the City of Sydney Local Government Area, and advocate for restrictions on fossil fuel advertising at the State and Federal level; and
  - (f) agreed not to accept sponsorships from companies whose main business is the extraction or sale of coal, oil and gas;
- (iv) the Lord Mayor has since written to the Federal Minister for Communications, asking the Federal Government to pass national laws that restrict fossil fuel advertising, and to the NSW Minister for Digital Government and Minister for Customer Service, requesting the NSW Government impose restrictions on fossil fuel advertising;



- (v) the Chief Executive Officer was requested to take a number of actions, including to work with other councils, Local Government NSW and the Australian Local Government Association to encourage a consistent approach across local government to fossil fuel advertising;
- (B) Council endorse a motion to be submitting to the 2023 National General Assembly of Local Government, which reads as follows:

This National General Assembly calls on the Australian Government to:

1. Recognise local governments are on the front line of the climate transition and that climate related floods and bushfires have left many councils with huge damage to roads and other infrastructure.
  2. Recognise that thriving in the new economy requires communities to adapt to a changing climate, rapidly cut emissions, as well as educating local communities about the impacts and causes of climate change.
  3. Encourage low emissions consumption nationally through public information campaigns, Australian Consumer Law, the Greenhouse and Energy Minimum Standards Act 2012 (Cth) (GEMS Act) or other relevant Commonwealth powers.
  4. Open a fund to allow councils to sponsor community, education, sporting and cultural groups that currently take funding from the coal, petroleum or gas industry.
- (C) the Chief Executive Officer be requested to submit the motion on behalf of Council by the 24 March 2023 deadline, in the required format.

X086659

## Item 11.6

### Notices of Motion

#### Recent Police Intimidation of Peaceful Protesters in the City of Sydney

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) on 21 November 2022, Council passed a motion acknowledging that the right to protest is fundamental in a democratic society, and condemning harsh police practices with respect to protesters;
- (ii) in December 2022, the Lord Mayor wrote to the NSW Attorney General, the NSW Shadow Attorney General, the NSW Minister for Police and the Commissioner for Police:
  - (a) to express support for the right to peacefully gather, meet, and assemble in NSW;
  - (b) to express the City's support for the repeal of protest laws which had been introduced in April 2022; and
  - (c) to call on the NSW Police to cease pre-emptive and heavy-handed policing of protests, of climate protests;
- (iii) the catalyst for the motion of 21 November 2022 was the arrest of Violet Coco, who was arrested for peacefully protesting the climate emergency on the Sydney Harbour Bridge;
- (iv) since this motion passed, there have been numerous instances of arrest and detention being used against peaceful protestors. Examples include:
  - (a) on Friday 17 February 2023, a peaceful student rally was held at Martin Place. The protest was held outside the Martin Place offices of the Commonwealth Bank and the Reserve Bank of Australia, with the aim of highlighting the record profits reported by Australia's major banks while the living standards for young people are falling. At midnight that night, police went to the home of one of the organisers - University of NSW SRC Education Officer Cherish Kuehlmann. She was arrested and placed in custody for several hours, before being released; and
  - (b) anti-war campaigner Stephen Langford has been sticking an A4 note to the statue of Governor Lachlan Macquarie, quoting an 1816 directive from Macquarie ordering the killing of Aboriginal people by British troops. It has been reported that Stephen was later arrested outside the front of Sydney Town Hall and taken into custody, and charged with graffiti offences; and

- (v) police bail conditions are regularly imposed following arrests at peaceful protests, with a common condition imposed that a person charged is banned from a 2km radius of the CBD. The Deputy Lord Mayor's Office has been advised that in both Cherish and Stephen's cases these police conditions were imposed, and subsequently varied or removed completely by a Magistrate;
- (B) Council reaffirm its support for peaceful protest, and its opposition to heavy handed policing; and
- (C) the Chief Executive Officer be requested to provide advice to Council about additional, practical steps the Council could consider, to support the right to peaceful protest. This could include but is not limited to: the development of clear advice or a guide for groups or individuals seeking to organise a peaceful protest on public land, about how they can do so; provision of a standard letter or advice affirming the Council's support for peaceful protest which groups can use in discussions with police; and convening a forum or other discussions between Council and police to discuss the changes to policing noted above.

X086659

## Item 11.7

### Notices of Motion

#### Restriction of Peaceful Protests at Sydney Town Hall

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) as part of its decision of 21 November 2022, in support of the right to peaceful protest, the Council called on the NSW Government to repeal April 2022 changes to the Roads Act 1993;
- (ii) the changes to the Roads Act 1993 were made in response to a climate protest held in the City. The changes introduced fines of up to \$22,000, two years in jail, or both, for disrupting 'major roads', bridges, tunnels, public transport and infrastructure facilities. A large number of roads in the City were identified as potentially included in the definition of 'major road', but to date the NSW Government has not released specific advice to confirm where the new laws apply; and
- (iii) since the introduction of the new anti-protest laws, there have been changes to the approach of NSW Police to organised protests in the CBD, particularly those planned outside Sydney Town Hall. The Office of the Deputy Mayor has received multiple accounts of protesters being told that new restrictions apply, and they may be charged under the new protest law for causing disruption to foot traffic and light rail in the area if they do not move or restrict their planned peaceful protests away from Sydney Town Hall. These include:
  - (a) NSW Police have told organisers of International Women's Day March (to be held on 11 March 2023), School Strike for Climate (held on 4 March 2023) and May Day that they cannot have rallies in front of Sydney Town Hall if the rally exceeds 2,000 people; and
  - (b) Police have told organisers they need to hold rallies in Belmore Park and other venues instead, stating that protests in front of Sydney Town Hall cause too much disruption;

(B) Council affirm that:

- (i) Sydney Town Hall is an important and historic place for individuals to gather to express their political views;
- (ii) Police attempts to restrict peaceful protests at Sydney Town Hall are not compatible with the City of Sydney's commitment to supporting the right of peaceful gathering, meeting and assembly in NSW; and
- (iii) Council continues to strongly support the use of public space in the City of Sydney for peaceful political expression; and

- (C) the Lord Mayor be requested to again write to the NSW Police Minister, the Shadow Police Minister, and the Police Commissioner:
  - (i) expressing concern about the reports of restrictions on peaceful protests outside the Sydney Town Hall,
  - (ii) reaffirming the City's position around the right for people to gather and express political views through peaceful protest in the CBD, and
  - (iii) requesting confirmation of what roads or areas in the Local Government Area are captured by the April 2022 changes to the Roads Act 1993.

X086659

## Item 11.8

### Notices of Motion

#### Supporting the Student Affordability 'Get a Room' Campaign

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) the City of Sydney includes a large percentage of young people. The Local Government Area is home to a number of student campuses, including but not limited to the main campus for the University of Sydney (USyd), the main campus for the University of Technology Sydney (UTS), and the Ultimo TAFE;
- (ii) living standards amongst young people are falling, and poverty is growing. The Australian Council of Social Services (ACOSS) and the University of New South Wales found that Youth Allowance (i.e. the payment for a young person living away from home) is more than \$100 below the poverty line (2020, Poverty in Australia Report). They also reported that nine in 10 young people on Youth Allowance had skipped meals and one in three had withdrawn from their studies because of a lack of funds;
- (iii) housing is the largest single cost for most households, and this is particularly the case for young people living away from home;
- (iv) in recognition of the lack of affordable housing for students, on 20 February 2023 the Council requested that the Chief Executive Officer provide advice on:
  - (a) the current services and programs for both local and international students, which are provided by or supported by the City; and
  - (b) any current discussions with student bodies, education providers or others about strategies to address the housing and cost of living pressures faced by students;
- (v) in recent weeks, the National Union of Students has launched the 'Get a Room' Campaign to lobby governments of all levels to address the problems facing students and young people;
- (vi) the campaign's demands are to:
  - (a) end rent hikes and cut rents with a national two-year rent freeze and rent reductions;
  - (b) investigate and punish dodgy landlords who provide substandard rental housing and exorbitant rents;
  - (c) ban unfair evictions so no one is forced to leave their homes at short notice;

- (d) provide affordable student housing by capping student housing at 30 per cent of income and abolishing the market in private student accommodation;
  - (e) take emergency action to house international students who are arriving in Australia without a place of their own to stay;
  - (f) raise the rate of welfare for Youth Allowance, Austudy and Jobseeker recipients to meet the rising cost of living;
  - (g) build public housing to fill the massive shortfall in demand by 2027; and
  - (h) expropriate investment properties so no one can profiteer from housing while the needy go without shelter; and
- (vii) the campaign is led by the National Union of Students and has been endorsed by the UTS, the USyd and the UNSW Student Representative Councils, as well as USyd Welfare Action Group, UTS Education Action Group, and UNSW Education Collective;
- (B) the Lord Mayor be requested to:
- (i) write to the NSW Premier and the Prime Minister of Australia, to show the City's support for the 'Get A Room' Campaign, and to highlight the need for urgent action be taken to address the housing affordability challenges faced by students and young people; and
  - (ii) write to University Vice-Chancellors of Universities within the Local Government Area and surrounds to express the City's concerns over the sale of University-owned student accommodation to private providers, and to urge Universities to develop action plans to address affordability challenges faced by students; and
- (C) the Chief Executive Officer be requested to expand the advice about student support, which was previously requested by the Council on 20 February 2023, to include opportunities for the City to support the 'Get a Room' Campaign.

X086659

**Item 11.9****Notices of Motion****Off-Leash Dog Areas – Hyde Park and The Domain**

By Councillor Gannon

It is resolved that:

(A) Council note:

- (i) the City of Sydney dog owning community has rapidly grown since the beginning of the pandemic with many residents getting dogs for companionship;
- (ii) our CBD and immediate surrounds are primarily comprised of high-density apartments, stressing the need for green open space for residents and dogs alike;
- (iii) while the City has 44 dog parks, including the Cook and Phillip Park, many residents have found these parks to be at capacity during peak times, especially residents in the CBD; and
- (iv) that there is a need to expand off-leash open spaces for dogs in the CBD area, specifically around The Domain and Hyde Park; and

(B) the Chief Executive Officer be requested to:

- (i) investigate options to make parts of Hyde Park an off-leash zone; and
- (ii) write to The Royal Botanical Gardens Trust requesting that an area of The Domain be turned into a timed off-leash dog zone.

X086658



**Item 11.10****Notices of Motion****Live Music at the Eveleigh Hotel**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the Eveleigh Hotel is a gambling free family friendly community hub at 158 Abercrombie Street;
- (ii) the family-run business has been operating for over a decade;
- (iii) the Eveleigh Hotel have reported that they have been the subject of noise complaints by a neighbour, and as such Council actions have resulted in restrictions on the Hotel;
- (iv) past restrictions issued by Council have been adhered to by the hotel, at immense cost and personal effort by their management and staff;
- (v) the Hotel has already carried out renovations of an estimated \$60,000 in recent years, responding with great patience to the Council's comments;
- (vi) they are currently carrying out yet more renovations;
- (vii) the City's attempts to resolve the noise issue through a voluntary process over the last six month had been unsuccessful so the City recently advised the Hotel more formal action may be taken. The Hotel responded with a commitment to engage an acoustic specialist, remove or relocate a speaker, lay carpet and underlay and instal acoustic panels;
- (viii) the Eveleigh Hotel report that the latest restrictions, however, threaten the survival of the Hotel;
- (ix) the latest restrictions issued by council mean that:
  - (a) outdoor seating is reduced again, to a maximum of six people on two tables until 8pm;
  - (b) the outdoor seating area is reduced from 7.8m<sup>2</sup> to 6m<sup>2</sup> in response to gathering of patrons on the footpath outside the pub having adverse impacts on the neighbouring properties and for pedestrians moving past the site;
  - (c) side windows and doors must be closed to prevent noise leakage;
  - (d) costly renovations must again take place to reduce noise leakage; and

- (e) the applicant's footway submission sought to renew their existing approval including trading to 8.00 pm. The City approved the hours applied for and there was no reduction in trading hours;
- (x) the Hotel operators have been assured by City staff that live music can continue;
- (xi) these restrictions have cultivated an environment of anxiousness for the hotel, which has, in one case, led to an actual stress-related physical illness for which an ambulance had to be called during a shift;
- (xii) the Eveleigh Hotel have foremost called for the retraction of the latest restrictions and a reconsideration of past ones;
- (xiii) the Eveleigh Hotel would like to offer:
  - (a) modest live music events, such as jazz music on a Saturday afternoon; and
  - (b) a restrained provision of outdoor seating, for nine persons on three tables until 9pm;
- (xiv) the Eveleigh Hotel has started a petition for the restrictions to be removed, which has gained 2,076 signatures within six days of its publishing;
- (xv) the reasons that the Eveleigh Hotel find the imposed restrictions to be unreasonable are as outlined:
  - (a) the live music presented is distinctly family-friendly, both in noise-levels and in character. The live jazz events which take place on Saturday afternoons finish at a modest 7pm;
  - (b) the window closing restrictions reduce air flow to unsafe levels within the pub and, as a result, the atmosphere will be too hot for comfort during the summer, and, in addition, the oxygen levels will be reduced which is particularly dangerous in light of the ongoing Covid-19 pandemic. Encouraging air-flow through open windows and doors was an intrinsic element of the hotel's architectural design 150 years ago; and
  - (c) according to a noise assessment carried out by an independent audio specialist in 2019, Acoustic Logic Consultancy, noise levels were judged not to exceed the limits upheld by the council;
- (xvi) the sentiment expressed in the imposition of these restrictions is counter-intuitive to the NSW Government's claims to support hotels in moving away from gambling by promoting live music;
- (xvii) since July last year, the City has approved nearly 320 outdoor dining applications. Only one application has been refused;
- (xviii) the City will continue to work with business operators to maximise the activation of footpaths and streets whilst balancing the needs of other users and surrounding neighbours;
- (xix) in October of 2012, the City established a taskforce on Live music and Performance;

- (xx) on 18 November 2013, the City of Sydney Council endorsed the Taskforce's proposed action plan, Live Music Matters: Planning for Live Music and Performance in Sydney for public exhibition;
- (xxi) Live Music Matters identified 57 short, medium and long-term remedial actions the City of Sydney might take to support live music and live performance;
- (xxii) there was a status report commissioned by the taskforce in 2017 and the last one published was in 2018, revealing:
  - (a) a 61 per cent decline over a nine year period in Live Music or performance listings, from 540 in 2004 to 213 in 2013;
  - (b) in 2012, the City of Sydney's call centre received 2,829 noise-related enquiries or complaints. Of these, 105 (less than four per cent) were in connection with premises that programmed live music; and
  - (c) in December 2018, 58 per cent of the action plan has been implemented with an additional 28 per cent of actions in progress and 14 per cent yet to start or being re-scoped; and
- (xxiii) in 2016, APRA AMCOS released a report on live music revenue, revealing:
  - (a) a 40 per cent drop in live performance revenue at venues within the Sydney CBD lockout area; and
  - (b) of venues with a Live Artist Performance Licence, there was a 15 per cent overall decrease in value of venue expenditure on live artist performers, that being 17 per cent for hotels bars and nightclubs; and
- (B) the Chief Executive Officer be requested to:
  - (i) investigate all options to ensure live music can continue at the Eveleigh Hotel; and
  - (ii) ensure any unbudgeted recommendations from the Taskforce and the City's Live Music and Performance Action Plan are funded in the City's forthcoming budget.

X086655

## Item 11.11

### Notices of Motion

#### Waste Management Reporting and Response

By Councillor Weldon

It is resolved that:

(A) Council note:

- (i) the alarming number of reports of missed waste collections in the City of Sydney in recent weeks and over the last 12 plus months;
- (ii) that resident's bins are overflowing and that garbage is accumulating in streets across the Local Government Area;
- (iii) the collection of household goods was suspended for a number of weeks in 2022 and again at the start of 2023;
- (iv) the City of Sydney's waste management services are not meeting the expectation of the local community;
- (v) that although high unemployment and Covid-related staff absenteeism are shared challenges, waste management services in neighbouring Local Government Areas have not been impacted to the same extent as in the City of Sydney;
- (vi) the recent industrial action has only exacerbated long-term systemic issues with waste management services in the City of Sydney;
- (vii) that, as elected representatives, the Lord Mayor and Councillors are responsible for ensuring that waste management services meet the expectations of the local community;
- (viii) that, since the start of this year, Councillors have made repeated requests for additional information and urgent briefings regarding the deterioration of waste management services and the City of Sydney's response;
- (ix) the information provided in briefings and reports to Council's has not sufficiently addressed Councillors' questions and concerns;
- (x) when Councillors requested the City of Sydney's contract with Cleanaway, the Chief Executive Officer directed them to a significantly redacted copy. It was only after further requests that Councillors were provided with the unredacted contract;
- (xi) that the majority of Questions on Notice submitted by Councillors ahead of the February Council meeting have yet not been answered; and

- (B) the Chief Executive Officer be requested to:
- (i) provide a comprehensive report to Council detailing the deterioration of waste management services and the City of Sydney's response, including short- and medium-term measures to mitigate the current challenges and rapidly improve waste management services;
  - (ii) review the collation and reporting of missed waste collections and response times to ensure that the information provided to Council is current and accurate;
  - (iii) provide an ongoing quarterly update to Council regarding the performance of both the City of Sydney's primary waste management contractors and overall waste management services; and
  - (iv) make Cleanaway's ongoing quarterly service reports available to Council (and provide previous reports dating back to the commencement of Cleanaway's current contract in 2018).

X086655

## Item 11.12

### Notices of Motion

#### Diversifying City of Sydney Art Projects

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) it is important that the City affirms its support for equality of gender, First Nations and cultural diversity within the City of Sydney's City public art strategy and Public Art Policy;
- (ii) the City's 2011 'City Art public art strategy', draws on the Sustainable Sydney 2030 plan to commit to eight guiding principles for public art;
- (iii) the City Art program is responsible for commissioning major stand-alone permanent public artworks that are integrated with our capital works projects and temporary public art programs;
- (iv) since 2005 the City's public art program has focused on inclusion, working with artists and curators of different genders and cultural backgrounds, including four female curators;
- (v) the City's art program also includes managing and caring for a collection of over 250 permanent works and operating a conservation program. As well as, looking after plaques and memorials, issues associated with murals and graffiti, and the assessment of public art proposals in private developments during the development application process;
- (vi) among the collection is over sixty works created by women artists, over twenty works on women as the subject matter, and many other artworks that shine a light on the many diverse cultures in our city;
- (vii) recently commissioned works that celebrate the efforts, practices and histories of women are:
  - (a) bara by Judy Watson (2022) brings to light the importance of First Nations women's relationship to Warrane – Sydney Harbour;
  - (b) Patchwork of Light by Lara Schnitger (2019) celebrates feminist activism and the advancement of women in civic life in Australia; and
  - (c) the Second World War Servicewomen Memorial by Dennis Adams (1990) is dedicated to the wartime servicewomen of NSW Women;

- (viii) of the 43 permanent public artworks the City has commissioned or acquired, since the appointment of the Public Art Advisory Panel in 2007, 35 are by women, which is approximately 80 per cent. These commissions contribute to rebalancing a collection that dates back to 1818;
  - (ix) the projects and programs of the City Art program are guided by the City's Public Art Advisory Panel;
  - (x) the City has established the 'Eora Journey: Recognition in the public domain' that commits to creating works of national significance by Aboriginal and Torres Strait Islander artists and designers to celebrate the First Peoples of Australia in our global city;
  - (xi) four public works have been commissioned under the Eora Journey, including 'Conversations along Sydney's Harbour' most recently. The project commemorates Patyegarang's gift of the Aboriginal language to William Dawes, requested by Metropolitan Local Aboriginal Land Council;
  - (xii) the City public art strategy explicates that opportunities exist to work with other major art institutions to share expertise, resources and program ideas for funding City Art projects; and
  - (xiii) there are six statues of women in the City of Sydney. This includes two of Queen Victoria, while the statues of cricketer Belinda Clark and athletes Betty Cuthbert and Marlene Mathews are placed within the Sydney Cricket Ground precinct;
- (B) the Chief Executive Officer be requested to:
- (i) collaborate with the research being undertaken by A Monument of One's Own;
  - (ii) work with the Public Art Advisory Panel to identify new opportunities within City of Sydney projects, programs and capital works to support increased equality of gender, First Nations and cultural diversity within the public realm, including the installation of statues and art held in storage with reference to the Public Art Policy and City Art Public Art Strategy; and
  - (iii) work with the panel, stakeholders, and the community to enable the delivery of at least three new statues depicting women; and
- (C) the Public Art Advisory Panel be requested to consider the following when providing advice to Council on the development, presentation, and promotion of public art activities and when assessing applications from individuals and groups wishing to formally recognise significant local people:
- (i) identifying new opportunities to commemorate significant women from Sydney's history; and
  - (ii) prioritising artistic responses that include the figurative depiction of women when considering the installation of statues and memorials commemorating significant women from Sydney's history.