

# Council

Meeting No 4

Monday 15 May 2023

Notice No 4/1652

Notice Date 11 May 2023

*minutes*

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## **Present**

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

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

At the commencement of business at 5.02pm, those present were:

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

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

## **Acknowledgement of Country and Opening Prayer**

The Lord Mayor opened the meeting with an acknowledgement of country and a prayer.

Note – the Lord Mayor then invited new Councillor Adam Worling, to address Council. Councillor Worling's comments were acknowledged by round of applause.

## **Webcasting Statement**

The Chair (the Lord Mayor), advised that in accordance with the City of Sydney Code of Meeting Practice, Council meetings are audio visually recorded and webcast live on the City of Sydney website. The Chair (the Lord Mayor) asked that courtesy and respect be observed throughout the meeting and advised those in attendance to refrain from making defamatory statements.

## **Order of Business**

Council agreed that the order of business be altered such that Items 11.10 and 11.13 be brought forward and dealt with before Item 4.

Councillor Davis left the meeting of Council at 7.25pm, prior to discussion of Item 7.3, and returned at 7.27pm, after the vote on Item 7.3. Councillor Davis was not present at, or in sight of, the meeting of Council during discussion or voting on Item 7.3.

Councillor Chan left the meeting of Council at 7.59pm, prior to discussion of Item 8.4 - Part 1, and returned at 8.05pm, after the vote on Item 8.4 - Part 1. Councillor Chan was not present at, or in sight of, the meeting of Council during discussion or voting on Item 8.4 Part 1 (the item being dealt with in seriatum).

**Item 1      Confirmation of Minutes**

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

That the Minutes of the meeting of Council of Monday, 3 April 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## **Item 2 Statement of Ethical Obligations and Disclosures of Interest**

### **Statement of Ethical Obligations**

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

### **Disclosures of Interest**

Councillor HY William Chan made the following disclosures:

- a pecuniary interest in Item 8.4 on the agenda, in that he is an employee of Sydney University as an academic at the School of Architecture.

Councillor Chan stated that he would not be voting on this matter.

- a less than significant, non-pecuniary interest in Item 8.6 on the agenda, in that he previously worked on Transport for NSW's Sydney Metro West urban design and master planning, including for Hunter Street station.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because his involvement was for the Metro stations only and he was not involved in the over station developments relevant to this item.

Councillor (Waskam) Emelda Davis disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she has known:

- Wyanga Aboriginal Aged Care Program Inc through her personal involvement when they provided her mother's aged care;
- Tribal Warrior Aboriginal Corporation as Auspice for First Nations response through her personal involvement with community, cultural and social activities;
- Mudgin-Gal Aboriginal Corporation through her personal involvement with Australian South Sea Islander – Port Jackson (ASSIJP) advocacy work; and
- Jacqui North and Seini SistaNative who both worked on the (Sarah Anne Malone) Slave by Sea and Land, the surviving and thriving Descendants project through her previous career in the film and television industry.

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

Councillor Shauna Jarrett made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.10 on the agenda, in that she resides on Castlereagh Street.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this has already been declared.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that her husband, the Hon. Greg Pearce, is a Director of Venues NSW.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this has already been declared.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.3 on the agenda, in that she is the President of the Australian Local Government Association (ALGA), which the City has an association with, via their membership of Local Government NSW.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require any further action in the circumstances because ALGA is the national peak body for all councils, and acts in accordance with the interests of all councils.

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she knows a number of the members of the organisations who have applied both successfully and unsuccessfully, including Auntie Norma Ingram, who ran as a Labor candidate in the previous local government elections, who is associated with Wyanga Aged Care, and Shane Phillips, community member, who is associated with Tribal Warrior.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because none of these people or organisations have spoken with her about their grants, and recommendations have been made to council by City staff independently from councillors.

- a less than significant, non-pecuniary interest in Item 11.4 on the agenda, in that she jointly owns a property outside the City of Sydney that is, from time to time, used for short-term rental accommodation.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further actions in the circumstances because the Notice of Motion only related to the City conditions of short-term leasing.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of Council.

**Item 3 Minutes by the Lord Mayor****Item 3.1 Vale Yunupingu AM****Minute by the Lord Mayor**

To Council:

On the morning of our last Council meeting on 3 April 2023, we learned that Dr Yunupingu AM had passed away.

Yunupingu, as he was universally known, was a leader, activist, linguist, artist and musician. A member of the Gumatj clan of the Yolngu people, he was born at Melville Bay, near Yirrkala in northeast Arnhem Land, Northern Territory on 30 June 1948.

He had his first taste of politics at the Yirrkala mission school where he took on the role of “prime minister in the ‘school parliament’”. Yunupingu then spent two years as a teenager at Brisbane Bible College where he discovered a skill for translation, which he later put to good use.

At 16, he helped draft the Yirrkala bark petitions that asserted that the Yolngu people owned land over which the Federal Government had granted mining rights to a private company, Nabalco. In response, an Australian Government Parliamentary Select Committee recommended that the Yirrkala people should be compensated for loss of their traditional occupancy. The Northern Territory Government ignored the recommendation and unilaterally revoked part of the Yirrkala Aboriginal reserve in order to enable Nabalco to develop the mine.

In 1968, the decision was challenged in the Northern Territory Supreme Court in what became known as the "Gove land rights case". Judge Blackburn had to determine whether Aboriginal customary ownership was an enforceable proprietary right under Australian law. Yunupingu and another Bible college trainee, Wulanybama Wunungmurra, translated the Yolngu testimonies of customary law into English. Although the legal challenge was unsuccessful, Yunupingu contributed significantly to the judge's grasp of Yolngu customs. This gave Yunupingu and the Yolngu clans unprecedented credibility and led to bipartisan moves to establish Aboriginal land rights through legislation.

In 1975, Yunupingu joined the Northern Land Council which in 1976 became a representative body with statutory authority under law.

Yunupingu became Chair in 1977, a position he held until 1980 and then again from 1983 until 2004. Yunupingu led negotiations with mining and government bodies with the aim of ensuring that mining was conducted on the traditional owners' terms, including respect for the land and specific sacred sites and a fair distribution of the economic benefits. Yunupingu insisted: "We will continue to fight for the right to make our own decisions about our own land".

In 1978, he was named Australian of the Year for his Aboriginal land rights work. He saw the award as a breakthrough for Aboriginal people: "We are at last being recognised as the indigenous people of this country who must share in its future." In 1985, he was made a Member of the Order of Australia.



Yunupingu's commitment to Aboriginal self-determination continued in 1988 when he and Wenten Rubuntja presented the "Barunga Statement" - a 1.2 square metre painting which set out Aboriginal political objectives. The then Prime Minister, Bob Hawke, responded by committing his Government to a treaty between Aboriginal and other Australians by 1990, a commitment he failed to honour.

Yunupingu sometimes joined his younger brother Mungurrawuy in the band Yothu Yindi playing bilma (clapsticks) and guitar. In 1990, the group established the Yothu Yindi Foundation to promote Yolngu cultural development.

The Foundation held its first Garma Festival in 1999, with the name taken from the Yolngu word meaning "two-way learning process" and has become Australia's largest Indigenous cultural gathering, attracting over 2,500 attendees each year.

In his 2019 Garma speech, two years after the Uluru Statement of the Heart, Yunupingu called for significant constitutional reform, saying "Constitution is a right close to Aboriginal people's hearts, and mine."

Later that year, the then Minister for Indigenous Australians, Ken Wyatt announced a co-design process for an "Indigenous voice to government" and established a Senior Advisory Group with Yunupingu as a member. Yunupingu also advised the Government on the referendum as part of the Referendum Working Group.

While Yunupingu never lived to see the First Peoples recognised in Australia's Constitution, his long-term dream of a bilingual school for children was realised in his home community of Gunyangara.

Yunupingu approached his own life and place in the world with clarity. He once said:

"My inner life is that of the Yolngu song cycles, the ceremonies, the knowledge, the law and the land. This is yothu yindi. Balance. Wholeness. Completeness".

## **Recommendation**

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to mark the life of Dr Yunupingu AM and his outstanding contribution to the advancement of Australia's First Peoples, Aboriginal culture, heritage, land rights and economic development and the cause of reconciliation;
- (B) Council express its condolences to Dr Yunupingu's family; and
- (C) the Lord Mayor be requested to convey Council's sincere condolences to Dr Yunupingu's family.

## **COUNCILLOR CLOVER MOORE**

Lord Mayor

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

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

Carried unanimously.

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

S051491

## **Item 3.2 Insect Farming Trial for Food Waste**

### **Minute by the Lord Mayor**

To Council:

Councils are at the end of the line when it comes to waste. We don't cause the problem: we don't make plastic packaging or products that need replacing every few years, but we are responsible for cleaning up the mess.

In NSW, 4.1 million tonnes of waste is generated each year, with around 55 per cent going to landfill. Disposing of this waste costs residents more than \$1 billion annually.

The City of Sydney local government area alone produces 5,500 tonnes of waste every day which contributes to about eight per cent of the City's total greenhouse gas emissions.

While recycling our waste is important, the market for recycled products hasn't kept up with demand. We collaborated on the Southern Sydney Regional Organisation of Councils (SSROC) Paving the Way program and together created a market for one-third of our domestic glass collections. Let's use this as a model to continue to work together.

We need innovative solutions to reduce waste, as well as to reuse and recycle more, and to recover energy from what is left over.

#### **Food Waste Collection**

Food scraps make up one-third of household waste. From July 2019 to October 2021, the City ran a food scraps collection trial for 20,000 selected households, and we have continued to deliver this service to existing participants. In the trial period alone, we saved 738 cubic metres of landfill space and 1,284 tonnes of greenhouse gas emissions. At the same time, we produced 64,500 kilowatt hours of energy through anaerobic digestion, 7.9 tonnes of fertiliser and 239 tonnes of compost.

Staff have evaluated the trial results and analysed the different ways that a food organics service could be delivered to all residents. Key factors that need to be determined include whether the City provides a food organics only or a combined food and garden organics service and then how this waste is processed.

One of the benefits of keeping food organics as a separate waste stream is that we can deliver superior environmental benefits and there is greater flexibility to adopt emerging processing technology options as they become available.

#### **Insect Farming Trial**

Insect farming is a relatively new food waste processing technique which uses insects to process food waste. We expect this processing technique to deliver superior environmental benefits as it should result in net positive carbon emissions by producing sustainable animal feed and fertiliser. In addition, the processing infrastructure required for insect farming is modular, scalable, and cost effective compared to other food organic processing technology, making the cost per tonne very competitive.

As it is an emerging technology, insect farming has not yet been used by the City to process food organics. To date, the City has used anaerobic digestion and composting to process food scraps from the residential food scraps trial. However, there are increasing opportunities to use insect farming to process food organics. For instance, a local insect farming processor, uses black soldier fly larvae to consume food scraps and converts them into a sustainable protein and fertiliser at a commercial scale which can be used for animal feed and a soil conditioner.

It is recommended that the City investigate how insect farming can be trialled to process the residential food organics that are currently being collected through the food scraps recycling service. Results of this trial can be used to inform how the City will deliver a food organics service to all of our residents.

## **Recommendation**

It is resolved that:

(A) Council note:

- (i) the City of Sydney produces 5,500 tonnes of waste every day, which is around eight per cent of the City's total greenhouse gas emissions;
- (ii) food scraps make up one-third of household waste;
- (iii) the City's food scraps collection trial with 20,000 households allowed us to save more than 738 cubic metres of landfill space and 1,284 tonnes of greenhouse gas emissions, while also producing 64,500 kilowatt hours of energy, 7.9 tonnes of fertiliser and 239 tonnes of compost; and
- (iv) insect farming is a relatively new food waste processing technique that delivers superior environmental benefits; and

(D) the Chief Executive Officer be requested to investigate how the City can trial the use of insect farming technologies to process the City's food organics from the residential food scraps recycling service and brief Council on the result via a CEO Update.

## **COUNCILLOR CLOVER MOORE**

Lord Mayor

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

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

Variation. At the request of Councillor Scott, and by consent, the Minute was varied, such that it read as follows –

It is resolved that:

(A) Council note:

- (i) the City of Sydney produces 5,500 tonnes of waste every day, which is around eight per cent of the City's total greenhouse gas emissions;
- (ii) food scraps make up one-third of household waste;
- (iii) the City's food scraps collection trial with 20,000 households allowed us to save more than 738 cubic metres of landfill space and 1,284 tonnes of greenhouse gas emissions, while also producing 64,500 kilowatt hours of energy, 7.9 tonnes of fertiliser and 239 tonnes of compost;
- (iv) insect farming is a relatively new food waste processing technique that delivers superior environmental benefits;
- (v) in March 2022, Council requested that the Chief Executive Officer present an options paper to Council and decide on the delivery of FOGO within this term; and
- (vi) the City of Sydney's 'Leave Nothing to Waste' Strategy and Action Plan 2017-2030 identified improving recycling outcomes and promoting innovation to avoid waste as priority areas; and

(B) the Chief Executive Officer be requested to investigate how the City can trial the use of insect farming technologies to process the City's food organics from the residential food scraps recycling service and brief Council on the result via a CEO Update.

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

S051491

### **Item 3.3 Damaging Increase in Emergency Services Levy Costs**

#### **Minute by the Lord Mayor**

To Council:

I am calling on Council to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils, and withdrawal of the annual subsidy, without warning, for the 2023/24 financial year.

#### **Background**

The Emergency Services Levy is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6 per cent by the NSW Government.

In the 2019/20 financial year, legislative changes increased councils' contribution to the Emergency Services Levy. In recognition that this change significantly impacted the financial sustainability of many councils, the NSW Government has been providing "one-off" subsidies to offset these growing levies each year, which helped minimise the financial impacts to councils.

The City received a subsidy of \$1.07M for the 2022/23 financial year, which was 19.3 per cent of the City's total contribution of \$5,561,515 to the Emergency Services Levy for that year.

#### **Financial impacts**

The NSW Government's recent decision to both substantially increase the Emergency Services Levy and withdraw subsidies for councils is an unexpected cost hit that will eat into any Independent Pricing and Regulatory Tribunal (IPART)-approved rate rise. Increases in rates will now have to be diverted to the significantly higher Emergency Services Levy payments this year.

Councils are already under massive financial pressure from the combined impact of the pandemic, extreme weather events, high inflation, and wage increases.

The levy increase for the state's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year.

This represents a 53.1 per cent increase, completely dwarfing the Independent Pricing and Regulatory Tribunal (IPART) baseline rate peg of 3.7 per cent for 2023/24.

For the City, the new levy represents an increase of \$2,115,595, which is 32 per cent of the City's total contribution (\$6,602,257) for 2023/24. This amounts to 17.5 per cent of the City's expected increase in rate income for 2023/24.

If the NSW Government's decision is not reversed, over time this unfair increase will ultimately impact council's financial position and our capacity to provide the services and infrastructure that our community requires.

The timing of the announcements by the NSW Government is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year, and after councils have prepared their draft budgets for consultation with their communities.

Reporting suggests that the increase in costs this year reflects a 73 per cent increase in the State Emergency Service budget and an 18.5 per cent funding increase to Fire and Rescue NSW.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent, and sustainable funding model.

With the support of Local Government NSW, I recommend that Council call on the NSW Government to take immediate action to:

- (i) restore the Emergency Services Levy subsidy;
- (ii) decouple the Emergency Services Levy from the rate peg to enable councils to recover the full cost; and
- (iii) develop a fairer, more transparent, and financially sustainable method of funding critically important emergency services.

I also recommend that the Chief Executive Officer make representations to the Independent Pricing and Regulatory Tribunal (IPART) advising of the financial sustainability impacts of the Emergency Services Levy, and that I write to the President of Local Government NSW requesting their ongoing support for councils on this matter.

## **Recommendation**

It is resolved that:

- (A) the Lord Mayor be requested to write to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local Members:
  - (i) expressing Council's strong opposition to the NSW Government's decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24, and for scrapping the Emergency Services Levy subsidy for councils;
  - (ii) noting that as a consequence of the unannounced 73 per cent increase in the State Emergency Service budget and an 18 per cent increase in the Fire and Rescue NSW budget, Council's 3.7 per cent rate increase to provide essential community services and infrastructure has been significantly eroded;
  - (iii) advising that the NSW Government's decision may impact Council's ability to deliver important local services and necessary infrastructure in the long term; and
  - (iv) calling on the NSW Government to take immediate action to:
    - (a) restore the Emergency Services Levy subsidy in 2023/24;
    - (b) urgently introduce legislation to decouple the Emergency Services Levy from the rate peg to enable councils to recover the full cost (in future years); and
    - (c) develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government;

- (B) the Chief Executive Officer be requested to write to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress; and
- (C) the Lord Mayor be requested to write to the President of Local Government NSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

## **COUNCILLOR CLOVER MOORE**

Lord Mayor

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

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

Variation. At the request of Councillor Scott, and by consent, the Minute was varied such that (A) read as follows -

It is resolved that:

- (A) the Lord Mayor be requested to write to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local Members:
  - (i) expressing Council's strong opposition to the former NSW Government's decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24, and for scrapping the Emergency Services Levy subsidy for councils;
  - (ii) noting that as a consequence of the unannounced 73 per cent increase in the State Emergency Service budget and an 18 per cent increase in the Fire and Rescue NSW budget, Council's 3.7 per cent rate increase to provide essential community services and infrastructure has been significantly eroded;
  - (iii) advising that the former NSW Government's decision may impact Council's ability to deliver important local services and necessary infrastructure in the long term; and
  - (iv) calling on the NSW Government to take immediate action to:
    - (a) restore the Emergency Services Levy subsidy in 2023/24;
    - (b) urgently introduce legislation to decouple the Emergency Services Levy from the rate peg to enable councils to recover the full cost (in future years); and
    - (c) develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.

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

S051491



**Procedural Motion**

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

That the Order of Business be altered such that Items 11.10 and 11.13 be brought forward and dealt with before Item 4 for the convenience of the public present.

Carried unanimously.

**Item 4 Memoranda by the Chief Executive Officer****Item 4.1 City of Sydney Campaign to Support the Voice to Parliament****Memorandum by the Chief Executive Officer**

To Council:

Council resolved to support a “Yes” vote in the Voice to Parliament referendum through a program of information, awareness, communications, events and community support.

This memorandum provides Council with an overview of the City’s proposed campaign activities to support the Voice to Parliament and notes funding has been allocated for key elements of the campaign that will be undertaken to implement the Council resolutions as set out below. This includes value in kind sponsorship for three significant events in landmark venues (through value in-kind sponsorship for venue hire).

**Background**

The Federal Government intends to hold a constitutional referendum for the establishment of a Voice to Parliament. To commence a referendum, a Bill is required that sets out the question to be determined to pass both the House of Representatives and the Senate, or to pass twice through one of those houses three months apart. Therefore, the final timing and details of the referendum will not be known until this occurs.

Once a Bill has been passed, writs can be issued, and a referendum will be held. It is most likely that this referendum will take place later this year.

Activities in the six-month period prior to the writ being issued are required to comply with the Referendum (Machinery Provisions) Act 1984, particularly around the authorisation and publication of material intended or calculated to affect the result of a referendum.

The City will ensure the campaign to support the Voice will comply with legislative requirements, including any required authorisation of referendum material and reporting in relation to expenditure on the campaign.

The City was a major sponsor of the Sydney Peace Prize which recognised the Uluru Statement from the Heart. The City provided free tickets to Aboriginal and Torres Strait Islander community leaders and representatives to attend.

This campaign implements Action 4.9 of the City’s Stretch Reconciliation Action Plan, which commits the City to consult the Aboriginal and Torres Strait Islander community about the Uluru Statement from the Heart to identify appropriate ways to support their aspirations.

This campaign also responds to the following Resolutions of Council:

**22 June 2022 – Item 3.1 – 2022 Federal Election**

- (a) develop a resource kit for communities seeking to hold public forums to inform communities about the proposed referendum, and consider allowing City venues to be used for this purpose at reduced or no cost;

**22 August 2022 - Item 3.2 – Progressing the Uluru Statement from the Heart**

- (b) investigate options for the City to conduct a campaign in support of the “yes” vote in the proposed constitutional referendum;
- (c) investigate opportunities to use our library system, communications, talks programs and other means to advance the truth-telling aspirations of the Uluru Statement of the Heart and Reconciliation Australia;

**20 February 2023 – Item 13.11 - Progressing the City's Campaign to Support the Voice to Parliament Referendum**

- (d) investigate working with and providing support, including financial support and access to City venues, to recognised community organisations who actively support and campaign for a “Yes” vote;
- (e) where appropriate, share information, resources and materials about the Uluru Statement of the Heart and Voice to Parliament;
- (f) note that the Chief Executive Office is developing a plan setting out action the City may take in support of a “Yes” vote for consideration by Council;
- (g) bring the plan referred to Item 13.11 (A) (iv) above to Council as soon as possible for consideration;
- (h) investigate the following for possible inclusion in the plan: working with and providing support, including financial support and access to City venues, for recognised community organisations who actively support and campaign for a “Yes” vote;
- (i) investigate the following for possible inclusion in the plan: where appropriate, sharing information, resources and materials about the Uluru Statement of the Heart and Voice to Parliament;

Free access to community venues for small-scale events by eligible community groups is provided under the Council resolution that:

**12 December 2022 – Item 11.4 - Extension of Free Hire of Community Spaces for Local Community Groups**

- (a) Council included in the 2022/23 budget that venue hire be waived, and public liability insurance coverage be provided for free, for local community groups;
- (b) the Council decision provided free use of community halls, meeting rooms and other community spaces for not-for-profit groups, where a group resides in or provides services largely to communities in the City of Sydney. That is: incorporated associations and unincorporated associations whose membership base and purpose is within the City of Sydney Local Government Area. Government agencies, political parties, and groups who do not reflect the Inclusion and Equity principles in the City of Sydney’s Community Strategic Plan and other City of Sydney plans such as our Stretch Reconciliation Action Plan and Inclusion (Disability) Action Plan are not included.

The 2022/2023 Quarter 3 Review – Delivery Program 2022-2026 report currently before Council seeks Council approval for value-in-kind sponsorships to up to three not-for-profit community organisations, unincorporated community groups or individuals auspiced by a not-for-profit organisation to host free public events of over 500 attendees to support the “yes” campaign. These value-in-kind sponsorships of up to \$30,000 plus GST per event will contribute towards the venue hire, equipment hire and staffing fees only associated with using an appropriate City venue, which may include Sydney Town Hall, Lower Town Hall or Paddington Town Hall (pending availability).

The City will prioritise care and compassion for the local Aboriginal and Torres Strait Islander community, being mindful of potential negative ramifications for community members. The City will actively discourage any discrimination or racism and will uphold the principles of self-determination. Respectful dialogue will be encouraged in all activities related to the referendum.

### **Financial Implications**

The campaign will be funded by Strategic Development and Engagement and City Life budgets across savings in the 2022/23 operational budget and included in the draft 2023/24 budget currently before Council.

### **Relevant Legislation**

- (a) Commonwealth of Australia Constitution Act.
- (b) Commonwealth Electoral Act 1918.
- (c) (Cth) Referendum (Machinery Provisions) Act 1984 as amended by the (Cth) Referendum (Machinery Provisions) Amendment Act 2023.
- (d) Local Government Act 1993 s 356 relating to the provision of financial assistance.

### **Critical Dates / Time Frames**

The date of the referendum, details and official materials will be provided by the Federal Government once all relevant Bills have been passed.

### **Recommendation**

It is resolved that Council:

- (A) endorse the City’s communications and engagement activities to support the ‘yes’ campaign for the Voice to Parliament, including street banners, utilising library resources and community centres, providing information to the community through workshops and normal communications channels and a CityTalk event;
- (B) note the cost of the communications and engagement campaign will be approximately \$260,000, with additional costs of up to \$90,000 to support up to three not-for-profit community events in venues, \$160,000 in revenue foregone for street banners and \$20,000 for community centre venues. The total value of revenue foregone for referendum-related use will be reported to Council alongside other community use as a supplementary report to the Operational Plan;
- (C) note that information about the referendum will be provided to City staff, and that support will be provided to enable a safe, respectful and non-discriminatory work environment during this time;
- (D) note that the 2022/2023 Quarter 3 Review – Delivery Program 2022-2026 report before Council seeks endorsement for provision of value in kind sponsorship for up to three public events related to the referendum as set out in that report;

- (E) note the free venue hire of community spaces and free public liability insurance coverage, as endorsed by Council on 12 December 2022, to enable local community groups to host small-scale events and activities at City of Sydney facilities that provide opportunities for the community to discuss the referendum and Uluru Statement of the Heart - Truth, Treaty and Voice. The total value of revenue foregone for referendum-related use will be reported to Council alongside other community use as a supplementary report to the Operational Plan;
- (F) endorse the Lord Mayor to authorise any material that requires authorisation, subject to any applicable legal obligations;
- (G) note that in implementing this campaign, the City will prioritise care and compassion for the local Aboriginal and Torres Strait Islander community, being mindful of potential negative ramifications for community members. The City will actively discourage any discrimination or racism and will uphold the principles of self-determination. Respectful dialogue will be encouraged in all activities related to the referendum; and
- (H) note that the City may be required to report and declare any financial assistance provided in accordance with the applicable legislation from time to time.

## **MONICA BARONE**

Chief Executive Officer

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

It is resolved that Council:

- (A) endorse the City's communications and engagement activities to support the 'yes' campaign for the Voice to Parliament, including street banners, utilising library resources and community centres, providing information to the community through workshops and normal communications channels and a CityTalk event;
- (B) note the cost of the communications and engagement campaign will be approximately \$260,000, with additional costs of up to \$90,000 to support up to three not-for-profit community events in venues, \$160,000 in revenue foregone for street banners and \$20,000 for community centre venues. The total value of revenue foregone for referendum-related use will be reported to Council alongside other community use as a supplementary report to the Operational Plan;
- (C) note that information about the referendum will be provided to City staff, and that support will be provided to enable a safe, respectful and non-discriminatory work environment during this time;
- (D) note that the 2022/2023 Quarter 3 Review – Delivery Program 2022-2026 report before Council seeks endorsement for provision of value in kind sponsorship for up to three public events related to the referendum as set out in that report;
- (E) note the free venue hire of community spaces and free public liability insurance coverage, as endorsed by Council on 12 December 2022, to enable local community groups to host small-scale events and activities at City of Sydney facilities that provide opportunities for the community to discuss the referendum and Uluru Statement of the Heart - Truth, Treaty and Voice. The total value of revenue foregone for referendum-related use will be reported to Council alongside other community use as a supplementary report to the Operational Plan;
- (F) endorse the Lord Mayor to authorise any material that requires authorisation, subject to any applicable legal obligations;

- (G) note that in implementing this campaign, the City will prioritise care and compassion for the local Aboriginal and Torres Strait Islander community, being mindful of potential negative ramifications for community members. The City will actively discourage any discrimination or racism and will uphold the principles of self-determination. Respectful dialogue will be encouraged in all activities related to the referendum; and
- (H) note that the City may be required to report and declare any financial assistance provided in accordance with the applicable legislation from time to time.

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

That the motion be amended to read as follows –

It is resolved that Council:

- (A) endorse the City's communications and engagement activities to provide information about the Voice Referendum on a fair and unbiased basis, including street banners, utilising library resources and community centres, providing unbiased information to the community through workshops and normal communications channels and a CityTalk event in accordance with section 8A(1)(h) of the Local Government Act 1993 and the General Exclusions and Ineligibility provisions under the City of Sydney's Grants and Sponsorships Policy;
- (B) note the cost of the communications and engagement campaign will be approximately \$260,000, with additional costs of up to \$90,000 to support up to three not-for-profit community events in venues, \$160,000 in revenue foregone for street banners and \$20,000 for community centre venues. The total value of revenue foregone for referendum-related use will be reported to Council alongside other community use as a supplementary report to the Operational Plan;
- (C) note that information about the referendum will be provided to City staff, and that support will be provided to enable a safe, respectful and non-discriminatory work environment during this time;
- (D) note that the 2022/2023 Quarter 3 Review – Delivery Program 2022-2026 report before Council seeks endorsement for provision of value in kind sponsorship for up to three public events related to the referendum as set out in that report;
- (E) note the free venue hire of community spaces and free public liability insurance coverage, as endorsed by Council on 12 December 2022, to enable local community groups to host small-scale events and activities at City of Sydney facilities that provide opportunities for the community to discuss the referendum and Uluru Statement of the Heart - Truth, Treaty and Voice. The total value of revenue foregone for referendum related use will be reported to Council alongside other community use as a supplementary report to the Operational Plan;
- (F) approval is delegated to Council, with endorsement given to the Lord Mayor to authorise any material that requires authorisation, subject to any applicable legal obligations;
- (G) note that in implementing this campaign, the City will prioritise care and compassion for the local Aboriginal and Torres Strait Islander community, being mindful of potential negative ramifications for community members. The City will actively discourage any discrimination or racism and will uphold the principles of self-determination. Respectful dialogue will be encouraged in all activities related to the referendum; and
- (H) note that the City may be required to report and declare any financial assistance provided in accordance with the applicable legislation from time to time.

The amendment was lost on the following show of hands –

Ayes (1) Councillor Jarrett

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

Amendment lost.

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

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

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

Noes (1) Councillor Jarrett.

Motion carried.

X094852.004

#### **Point of Order**

During discussion of Item 4.1, Councillor Jarrett raised a point of order, stating that Councillor Scott's comments included an unfavourable personal remark.

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

## **Item 5      Matters for Tabling**

### **5.1 Disclosures of Interest**

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

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

Carried unanimously.



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

The Lord Mayor Councillor Clover Moore

(Chair)

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

At the commencement of business at 2.05pm those present were -

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

**Adjournment**

At 3.37pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting of the Corporate, Finance, Properties and Tenders Committee be adjourned for approximately 15 minutes.

Carried unanimously.

At the resumption of the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.55pm, all Councillors were present.

**Order of Business**

Following Item 6.5, at 4.01pm, the Chair (the Lord Mayor) moved a procedural motion (seconded by Councillor Chan), to alter the Order of Business, such that Item 8.3 of the Transport, Heritage, Environment and Planning Committee be brought forward and dealt with before Item 6.6 of the Corporate, Finance, Properties and Tenders Committee, for the convenience of members of the public present. The procedural motion was carried unanimously.

Councillor Weldon left the meeting of the Corporate, Finance, Properties and Tenders Committee at 4.36pm during discussion and before the vote on Item 8.3, which had been brought forward. Councillor Weldon returned at 6.17pm at the conclusion of the Corporate, Finance, Properties and Tenders Committee. Councillor Weldon was not present at the meeting during voting on Items 8.3 (Transport, Heritage, Environment and Planning Committee), and 6.6 to 6.13.

Item 8.3 of the Transport, Heritage, Environment and Planning Committee (which had been brought forward) concluded at 5:33pm.

**Adjournment**

After the vote on Item 8.3 (Transport, Heritage, Environment and Planning Committee), at 5.33pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting of the Corporate, Finance, Properties and Tenders Committee be adjourned for approximately 10 minutes.

Carried unanimously.

At the resumption of the meeting of the Corporate, Finance, Properties and Tenders Committee at 5.44pm, all Councillors were present.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 6.17pm.

### **Report of the Corporate, Finance, Properties and Tenders Committee**

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 8 May 2023 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.4, Items 6.6 to 6.10 inclusive and Items 6.12 to 6.13 inclusive being adopted in globo, and Items 6.3, 6.5 and 6.11 being dealt with as shown immediately following those items.

Carried unanimously.

### **Item 6.1**

#### **Confirmation of Minutes**

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

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 27 March 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

### **Item 6.2**

#### **Statement of Ethical Obligations and Disclosures of Interest**

Councillor Shauna Jarrett disclosed a less than significant, non-pecuniary interest in Item 6.10 on the agenda, in that she resides on Castlereagh Street.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this disclosure has already been declared.

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that she is the President of the Australian Local Government Association (ALGA), which the City has an association with, via their membership of Local Government NSW.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because ALGA is the national peak body for all councils, and acts in accordance with the interests of all councils.

No other Councillors disclosed any pecuniary or non-pecuniary interest in any matters on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

### Item 6.3

#### Public Exhibition - Integrated Planning and Reporting Program and Budget 2023/24

Note – the recommendation of the Corporate, Finance, Properties and Tenders Committee was not adopted. The following alternative recommendation was adopted (as contained in the Information Relevant To Memorandum dated 12 May 2023 from the Chief Financial Officer, circulated prior to the meeting).

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

It is resolved that:

- (A) Council endorse the suite of Integrated Planning and Reporting documents for public exhibition for a period of 28 days, including:
  - (i) the draft Operational Plan 2023/24 as shown at Attachment A to the subject report; and
  - (ii) the draft Resourcing Strategy 2023 as shown at Attachment B to the subject report;
- (B) Council endorse the draft Operating and Capital Budget, and future years' forward estimates, as reflected in the Operational Plan 2023/2024 and draft Resourcing Strategy 2023 including:
  - (i) Operating income of \$674.2M, operating expenditure before depreciation of \$559.2M for an Operating Result of \$115.0M, and a Net Surplus of \$96.0M after allowing for interest, depreciation and capital contributions;
  - (ii) Capital Works expenditure of \$203.4M and a capital works contingency of \$8.0M;
  - (iii) Plant and Assets net expenditure of \$14.0M;
  - (iv) Capital Works (Technology and Digital Services) of \$19.7M; and
  - (v) Net Property Acquisitions of \$189.5M;
- (C) Council endorse Domestic Waste Management Charges, Stormwater Charges and User Fees and Charges discussed within the subject report and included within the draft Operational Plan 2023/24;
- (D) Council endorse the establishment of an Affordable and Diverse Housing Coordinator to be funded in 2023/24 by the transfer of up to \$200,000 from the 2023/24 General Contingency Fund; and
- (E) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the Integrated Planning and Reporting documents.

Variation. At the request of Councillor Scott, and by consent, the motion was varied to include a clause (F) as follows:

(F) Council note:

- (i) Sustainable Sydney 2030-2050 Continuing the Vision adopts the targets set by the local housing strategy for at least 156,000 private dwellings and 17,500 non-private dwellings by 2036 with 7.5 per cent to be social housing and 7.5 per cent affordable housing;
- (ii) up to 30 June 2022, the City's levy has enabled the collection of \$377.8 million under the various affordable housing programs operating across parts of the council area;
- (iii) in 2022/23 about \$11 million has been collected under the Affordable Housing Levy;
- (iv) of the \$10.3 million set aside for the Affordable and Diverse Housing Fund, \$95,000 remains unallocated; and
- (v) approximately \$4.1 million is committed from the fund but is not yet paid;

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

That the motion be amended such that a clause (G) be added as follows:

- (G) Council request the Chief Executive Officer to ensure that at least a further \$10 million be brought forward to the Affordable and Diverse Housing Fund to support further developments and progress the Sustainable Sydney 2030-50 targets for 2023/24, noting annual rolling allocations of at least \$4 million into the future to build on this Fund are also projected.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Amendment lost.

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

X094861

### **Adjournment**

At this stage of the meeting at 6.27pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 6.48pm.

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

#### **Item 6.4**

#### **2022/23 Quarter 3 Review - Delivery Program 2022-2026**

It is resolved that:

- (A) Council note the financial performance of Council for the third quarter, ending 31 March 2023, including a Quarter 3 Net Operating Result for the year of \$131.7M and the full year forecast of \$135.7M, as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) Council note the Quarter 3 Capital Works expenditure of \$100.7M and a revised full year forecast of \$168.6M, and approve the proposed adjustments to the adopted budget, including bringing forward \$6.7M of funds into the 2022/23 capital budget and \$1.8M from the capital works contingency as detailed in Attachment B to the subject report;
- (C) Council note the Technology and Digital Services Capital Works of \$14.6M, net of disposals, and a full year forecast of \$20.3M, including transferring \$0.2M from the capital works contingency as detailed in Attachment B to the subject report;
- (D) Council note the Quarter 3 Plant and Equipment expenditure of \$4.9M, net of disposals, a revised full year forecast of \$12.8M;
- (E) Council note the Quarter 3 net Property Acquisitions of \$94.1M, and the full year forecast net Property Acquisitions of \$116.1M;
- (F) Council note the supplementary reports, including major legal issues, quick response, street banner and venue hire support grants and sponsorships programs, fee-waived and discounted community facilities hire, international travel, property and land use matters approved under delegation and contracts over \$50,000 in quarter 3, as detailed in Attachment C to the subject report;
- (G) Council approve the provision of value-in-kind sponsorships for up to three free public events of approximately 500 to 1000 attendees to support the 'yes' campaign. Applications to be received from appropriate groups (not-for-profit community organisations, unincorporated community groups and individuals auspiced by a not-for-profit organisation) and assessed in accordance with the City's Grants and Sponsorship Policy and Guidelines, ethics framework and the Reconciliation Action Plan, with approval delegated to the Chief Executive Officer;
- (H) Council note that the public events as outlined above will include value-in-kind sponsorships of up to \$30,000 (plus GST) per event towards the venue hire, equipment hire and staffing fees only associated with using an appropriate City venue, which may include Sydney Town Hall, Lower Town Hall or Paddington Town Hall;
- (I) Council note that the City may be required to report and declare any financial assistance provided as "referendum expenditure" in accordance with the applicable legislation from time to time;

- (J) Council approve a sponsorship to the Ukrainian Women's Association of Australia Inc for an amount of up to \$15,000 (excluding GST) for venue hire and associated costs to use an appropriate City of Sydney venue for a Vyshyvanka Day event, with funds to be sourced from the 2022/23 General Contingency Fund; and
- (K) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a venue hire agreement with the Ukrainian Women's Association of Australia Inc in relation to (J) above.

Carried unanimously.

X084366

## **Item 6.5**

### **Continuing the Transformation of Central Sydney - Upgrading Sydney Square**

Note - The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 15 May 2023.

At the meeting of Council, it was moved by the Chair (the Lord Mayor), seconded by Councillor Chan –

It is resolved that:

- (A) Council endorse the continued transformation of Central Sydney and the staged development and delivery of Sydney Square within the Town Hall Public Domain Precinct, with Sydney Square and the surrounding public areas including Druitt Street and Bathurst Streets as the next phase in the overall transformation program;
- (B) Council develop a concept design for the upgrade and redevelopment of Sydney Square working with St Andrew's House Corporation, St Andrew's Cathedral School, the Anglican Church Property Trust Diocese of Sydney (St Andrew's Cathedral) and the community;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer variations of the current Town Hall Arcade lease to St Andrew's House Corporation (expiring on 1 February 2030 with registration number AR943044) as may be required to support alignment of the redevelopment of Sydney Square planned for 2027;
- (D) Council note the Chief Executive Officer will negotiate a heads of agreement with St Andrew's House Corporation for a new long-term lease over the City owned portion of Town Hall Arcade which will be the subject of a future report to Council;
- (E) Council note the Chief Executive Officer will negotiate a comprehensive management agreement to support the ongoing operation of a revitalised Sydney Square with St Andrew's House Corporation and St Andrew's Cathedral which will be the subject of a future report to Council;
- (F) Council note the delivery of the future Town Hall Square is to be commenced no earlier than 2035;
- (G) Council note that the period available for commercial and retail leases in the buildings at 540 and 546 George Street, the Coronation Hotel, Park House, Pittway Arcade, 307 Pitt Street and the future property acquisition to complete the area required for the future Town Hall Square, be extended to coincide with the earliest date that these sites are to be required for construction to commence of a future Town Hall Square;

- (H) Council note that all leases extending beyond 1 July 2035 will contain a specific 'demolition clause' that enables the City to take early possession of the premises with an agreed notice period of 12 months;
- (I) Council note that increased rental revenue, due to the extension of the available commercial lease terms for properties associated with the future Town Hall Square, will be allocated to a specific reserve towards the construction costs of a future Town Hall Square; and
- (J) Council note regular updates and briefings will be provided to Council.

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

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

It is resolved that:

- (A) in light of the election of a new NSW Labor Government, Council defer any substantive decision about new leases or lease renewals relating to Town Hall Square for three months;
- (B) the Lord Mayor be requested to seek a meeting with the NSW Minister for Transport to understand the NSW Government's timeframe for any Town Hall Station works;
- (C) the Chief Executive Officer be requested to work to explore opportunities to apply jointly with the NSW Government for the newly established Federal funds, such as but no limited to:
  - (i) the Thriving Suburbs Program which has \$200 million in funding from 2024/25 to provide grants that address shortfalls in priority community infrastructure in urban and suburban communities; and
  - (ii) the Urban Precincts and Partnerships program which has \$150 million in funding to support transformative investment in urban Australia based on the principles of unifying urban places, growing economies, and serving communities, as well as fund both the development of precincts through facilitating planning, design and consultation, leading to business cases for investment-ready proposals, as well as a stream to support delivery of larger scale precinct projects;
- (D) Council endorse the continued transformation of Central Sydney and the staged development and delivery of Sydney Square within the Town Hall Public Domain Precinct, with Sydney Square and the surrounding public areas including Druitt Street and Bathurst Streets as the next phase in the overall transformation program;
- (E) Council develop a concept design for the upgrade and redevelopment of Sydney Square working with St Andrew's House Corporation, St Andrew's Cathedral School, the Anglican Church Property Trust Diocese of Sydney (St Andrew's Cathedral) and the community;
- (F) authority be delegated to the Chief Executive Officer to negotiate, execute and administer variations of the current Town Hall Arcade lease to St Andrew's House Corporation (expiring on 1 February 2030 with registration number AR943044) as may be required to support alignment of the redevelopment of Sydney Square planned for 2027;
- (G) Council note the Chief Executive Officer will negotiate a heads of agreement with St Andrew's House Corporation for a new long-term lease over the City owned portion of Town Hall Arcade which will be the subject of a future report to Council;
- (H) Council note the Chief Executive Officer will negotiate a comprehensive management agreement to support the ongoing operation of a revitalised Sydney Square with St Andrew's House Corporation and St Andrew's Cathedral which will be the subject of a future report to Council;

- (I) the Chief Executive Officer be requested to develop a funding model for Town Hall Square, with scenarios for rental revenue to be allocated to a specific reserve towards the construction costs of a future Town Hall Square; and
- (J) Council note regular updates and briefings will be provided to Council in the interim.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Amendment lost.

The substantive motion was carried unanimously.

X096110

### **Speakers**

John Lau (St Andrews House/Anglican Church Property Trust) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.5.

### **Item 6.6**

#### **Investments Held as at 31 March 2023**

It is resolved that the Investment Report as at 31 March 2023 be received and noted.

Carried unanimously.

X020701

### **Item 6.7**

#### **Investments Held as at 30 April 2023**

It is resolved that the Investment Report as at 30 April 2023 be received and noted.

Carried unanimously.

X020701



**Item 6.8****Post Exhibition - Naming Policy**

It is resolved that:

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

Carried unanimously.

X091474

**Item 6.9****Lease Approval - Part Suite 1 Whole Suite 2 Ground Floor Wilcox Mofflin Building 46-52 Mountain Street, Ultimo**

It is resolved that:

- (A) Council approve a lease to Harbourside Institute of Australia Pty Ltd for Part Suite 1 and Whole of Suite 2, Ground Floor, Wilcox Mofflin Building, 46-52 Mountain Street, Ultimo, in accordance with the essential lease terms and conditions contained with Confidential Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease, including in relation to the exercise of option, in accordance with the essential terms and conditions contained with Confidential Attachment A to the subject report.

Carried unanimously.

S099550

### **Item 6.10**

#### **Tender - T-2020-287 - Construction of Castlereagh Street Cycleway and Public Domain Upgrade**

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for the construction of the Castlereagh Street Cycleway and Public Domain Upgrade for the price and contingency outlined in Confidential Attachment A to the subject report;
- (B) Council note that the total contract sum and contingency for the construction of the Castlereagh Street Cycleway and Public Domain Upgrade is outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender; and
- (D) Council approve the additional funds as outlined in Confidential Attachment A to the subject report.

Carried unanimously.

X026107.003

### **Item 6.11**

#### **Tender - T-2022-703 - Construction of the Crescent Synthetic Field and Associated Works**

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

It is resolved that:

- (A) Council accept the tender offer of Tenderer C for the construction of the Crescent Synthetic Field and Associated Works for the price and contingency outlined in Confidential Attachment A to the subject report;
- (B) Council note that the total contract sum and contingency for the construction of the Crescent Synthetic Field and Associated Works is outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender; and
- (D) Council approve the additional funds as outlined in Confidential Attachment A to the subject report.

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

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

It is resolved that Council delay decisions in relation to projects where synthetic turf is proposed until the NSW Government report by the NSW Chief Scientist into synthetic turf is released later this year, enabling Council to make a decision with full view of the potential environmental health impacts of synthetic turf, including cost-benefit analysis compared to natural grass.

The amendment was lost on the following show of hands –

Ayes (2) Councillors Ellsmore and Jarrett

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

Amendment lost.

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

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

Noes (2) Councillors Ellsmore and Jarrett.

Substantive motion carried.

X038992.006

## **Item 6.12**

### **Tender – Reject and Negotiate - T-2022-837 – Public Art Collection Maintenance and Inspection Services**

It is resolved that:

- (A) Council decline to accept the tender offers received for Public Art Collection Basic Maintenance and Inspection Services for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (E) Council be informed of the successful vendor via the CEO Update;
- (F) Council approve a contract variation for Public Art Collection Basic Maintenance and Inspection Services to extend the term of the existing contract for up to six months from 1 June 2023 to 30 November 2023 to ensure service continuity during the negotiation process;
- (G) Council note the financial implications as further detailed in Confidential Attachment A to the subject report; and
- (H) authority be delegated to the Chief Executive Officer to negotiate, execute, administer the variation to the contract and enter into any necessary documentation with the current supplier to give effect to the resolutions above.

Carried unanimously.

S045562

**Item 6.13****Exemption from Tender - Resilience Data Platform**

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for the Resilience Data Platform for up to seven years following a Request for Information process demonstrating that:
  - (i) no comparable off-the-shelf licencing product exists; and
  - (ii) development of a comparable service would introduce significant additional cost and increased risk to the City;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
  - (i) the Data Analysis and Reporting CCAP City tool that underpins the Resilience Data Platform services remains a unique service offering in the market;
  - (ii) the cost to invite tenders and to develop a potential alternative proprietary solution would require a significant additional investment from the City and its partner metropolitan councils using the tool, particularly with respect to staff time and resourcing across all parties; and
  - (iii) the current services provided are fit for purpose and represent value for money to the City;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract(s) relating to the Resilience Data Platform on terms acceptable to the City, for a period of up to seven years (a term of three years with the two options for extension of two years each, if appropriate) and for the total contract sum detailed in Confidential Attachment A to the subject report; and
- (D) Council note that the total contract sum and contingency for the project is outlined in Confidential Attachment A to the subject report.

Carried unanimously.

X088937

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

### **PRESENT**

The Lord Mayor Councillor Clover Moore

(Chair)

Councillor (Waskam) Emelda Davis

(Deputy Chair)

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

At the commencement of business at 6.18pm those present were -

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

Councillor Davis left the meeting of the Resilient Communities Committee at 6.20pm, prior to discussion and the vote on Item 7.3, and returned at 6.22pm, after the vote on Item 7.3. Councillor Davis was not present at, or in sight of, the meeting during discussion or voting on Item 7.3.

The meeting of the Resilient Communities Committee concluded at 6.22pm.

### **Report of the Resilient Communities Committee**

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

That the report of the Resilient Communities Committee of its meeting of 8 May 2023 be received, with Items 7.1 and 7.2 being noted, and Item 7.3 being dealt with as shown immediately following that item.

Carried unanimously.

## **Item 7.1**

### **Confirmation of Minutes**

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

That the Minutes of the meeting of the Resilient Communities 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

Councillor (Waskam) Emelda Davis disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she has known:

- Wyanga Aboriginal Aged Care Program Inc through her personal involvement when they provided her mother's aged care.
- Tribal Warrior Aboriginal Corporation as Auspice for First Nations response through her personal involvement with community, cultural and social activities.
- Mudgin-Gal Aboriginal Corporation through her personal involvement with Australian South Sea Islander – Port Jackson (ASSIPJ) advocacy work.
- Jacqui North and Seini SistaNative who both worked on the (Sarah Anne Malone) Slave by Sea and Land, the surviving and thriving Descendants project through her previous career in the film and television industry.

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

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she knows a number of the members of the organisations who have applied, both successfully and unsuccessfully, including Auntie Norma Ingram, who ran as a Labor candidate in the previous local government elections, who is associated with Wyanga Aged Care, and Shane Phillips, community member, who is associated with Tribal Warrior.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because none of these people or organisations have spoken with her about their grants, and recommendations have been made to council by City staff independently from Councillors.

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

The Resilient Communities Committee recommended the following:

### **Item 7.3**

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

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

It is resolved that:

- (A) Council approve the cash and value in kind recommendations for the Aboriginal and Torres Strait Islander Collaboration Fund program as shown at Attachment A to the subject report, noting that cash and value in kind recommendations for 2023/24 are subject to approval of the 2023/24 budget;
- (B) Council note the applicants who were not recommended in obtaining a cash grant for the Aboriginal and Torres Strait Islander Collaboration Fund program as shown at Attachment B to the subject report;
- (C) Council note that all grant amounts are exclusive of GST;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (E) authority be delegated to the Chief Executive Officer to correct minor changes to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Carried unanimously.

S117676



**Item 8 Report of the Transport, Heritage, Environment and Planning Committee****PRESENT**

The Lord Mayor Councillor Clover Moore  
(Chair)

Councillor HY William Chan  
(Deputy Chair)

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

At the commencement of business at 6.23pm those present were -

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

Councillor Chan left the meeting of the Transport, Heritage, Environment and Planning Committee at 6.25pm, prior to discussion and the vote on Item 8.4, and returned at 6.53pm, after the vote on Item 8.4. Councillor Chan was not present at, or in sight of, the meeting during voting on Item 8.4.

The meeting of the Transport, Heritage, Environment and Planning Committee concluded at 7.10pm.

**Report of the Transport, Heritage, Environment and Planning Committee**

Moved by Councillor Chan, seconded by Councillor Kok –

That the report of the Transport, Heritage, Environment and Planning Committee of its meeting of 8 May 2023 be received, with Items 8.1 and 8.2 being noted, the recommendations set out below for Items 8.5 to 8.7 inclusive being adopted in globo, and Items 8.3 and 8.4 being dealt with as shown immediately following those items.

Carried unanimously.

**Item 8.1****Confirmation of Minutes**

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

That the Minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of Monday 27 March 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## Item 8.2

### Statement of Ethical Obligations and Disclosures of Interest

Councillor HY William Chan made the following disclosures:

- a pecuniary interest in Item 8.4 on the agenda, in that he is an employee of University of Sydney. Councillor Chan stated that he would not be voting on this matter.
- a less than significant, non-pecuniary in Item 8.6 on the agenda, in that he previously worked on Transport for NSW's Sydney Metro West urban design and master planning, including for Hunter Street station.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because his involvement was for the Metro stations only, and he was not involved in the over station developments relevant to this item.

Councillor Shauna Jarrett disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that her husband, the Hon. Greg Pearce, is a Director of Venues NSW.

Councillor Jarrett considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this has already been declared.

No other 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 8.3

### Review of Environmental Factors - Pop-Up Cycleways - Moore Park Road and Fitzroy Street - Time Extension

Note - the Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 15 May 2023.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Chan, seconded by Councillor Kok –

It is resolved that Council:

- (A) note that on 17 May 2021, Council endorsed a Review of Environmental Factors and approved the operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways until May 2023;
- (B) note the Review of Environmental Factors for the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways, as shown in Attachment B to the subject report;
- (C) approve the continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleway for a period of three years until 31 May 2026 or until the permanent Oxford Street Cycleway between Taylor Square and Centennial Park (constructed by the NSW Government) is operational, whichever comes first; and

- (D) approve the Chief Executive Officer signing the determination associated with the exhibited Review of Environmental Factors for continued operation and use of the Moore Park Road and Fitzroy Street pop-up cycleways for the following reasons:
- (i) the City is the self-assessment authority for the projects and holds the authority to assess and grant approval to activities under Part 5 of the Environmental Planning and Assessment Act 1979;
  - (ii) the proposed projects identified in the Review of Environmental Factors is an "activity" under Division 17 (Road infrastructure facilities) within State Environmental Planning Policy (Transport and Infrastructure) 2021. The activity constitutes in part "exempt development" and in part activities that are "development that is permissible without consent" and therefore Part 5 of the Environmental Planning and Assessment Act 1979 applies;
  - (iii) the Review of Environmental Factors has been carried out for the proposed activity to address the environmental impacts of the temporary retention of the pop-up cycleway in accordance with Clause 171 of the Environmental Planning and Assessment Regulation 2021; and
  - (iv) subject to compliance with the mitigation measures outlined in the Review of Environmental Factors, the proposed activity will not result in a significant impact on the environment and may be approved under Part 5 of the Environmental Planning and Assessment Act 1979.

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

It is resolved that:

- (A) all legal advice provided to Council on its powers to deal with this resolution and the resolution adopted by Council in May 2021 should be tabled;
- (B) Council should engage a Senior Counsel to provide advice as soon as possible on:
  - (i) whether Council exceeded its powers extending the operation of the cycleway in May 2021; and
  - (ii) whether Council has the legal authority to extend the operation of the cycleway by the current resolution before Council;
- (C) Council should as soon as possible commission an independent safety auditor to provide an independent road safety audit on the Moore Park Road Cycleway; and
- (D) the Chief Executive Officer provide a briefing to Councillors on the full details of this serious matter including what steps have been taken to remedy any breaches of the Government Information (Public Access) Act 2009.

The amendment was lost on the following show of hands:

Ayes (2) Councillors Jarrett and Weldon

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

Amendment lost.

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

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

Noes (3)      Councillors Gannon, Jarrett and Weldon.

Substantive motion carried.

Motion carried.

X020922.035

### **Extension of Time**

During discussion on this matter, pursuant to the provisions of clause 9.29 of the Code of Meeting Practice, it was –

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

That Councillor Chan be granted an extension of time of two minutes to speak on this matter.

Carried on the following show of hands -

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

Noes (2)      Councillors Jarrett\* and Weldon\*

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

### **Point of Order**

During discussion of Item 8.3, Councillor Chan raised a point of order, stating that Councillor Weldon had brought the Council into disrepute.

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

### **Speakers**

Adrian Boss (Cycling Without Age), Eric Winton, Francis O'Neill (Bicycle NSW), Tony Paykel, John Young, Theo Onisforou, Mark Duff, Brenton Moore, Andrew Moss (BIKEast) and Victor Zeigler addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.3.

**Item 8.4****Public Exhibition - Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge, 90 and 100-104 Brougham Street, Potts Point, and 85-93 Commonwealth Street, Surry Hills - Sydney Local Environmental Plan 2012 Amendment**

Note – the Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 15 May 2023.

**Procedural Motion**

Moved by Councillor Chan, seconded by Councillor Kok –

That Item 8.4 be considered in seriatum, Part 1 comprising clause (A) and Part 2 comprising clauses (B) to (E).

Carried unanimously.

**Part 1**

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

It is resolved that:

- (A) Council approve the Planning Proposal - 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge as shown at Attachment A to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

The motion was carried on the following show of hands:

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

Noes (2) Councillors Ellsmore and Weldon.

Motion carried.

**Procedural Motion**

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

That Item 8.4 be considered in seriatum, Part 1 comprising clause (A), Part 2 comprising clause (B) and Part 3 comprising clauses (C) to (E).

Carried unanimously.

## Part 2

Moved by Councillor Chan, seconded by Councillor Kok –

It is resolved that:

- (B) Council approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point as shown at Attachment B to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;

Carried unanimously.

## Part 3

Moved by Councillor Chan, seconded by Councillor Kok –

It is resolved that:

- (C) Council approve the Planning Proposal - 85-93 Commonwealth Street, Surry Hills, as shown at Attachment C to the subject report:
  - (i) for submission to the Department of Planning and Environment with a request for Gateway Determination; and
  - (ii) for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (D) Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposals: 2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge; 90 and 100-104 Brougham Street, Potts Point; and 85-93 Commonwealth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X082392

## Speakers

Christian Watts (Sydney University), Stephane Kerr (Sydney University), and Phil George (PG Capital) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.4.

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

### **Item 8.5**

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

It is resolved that:

- (A) Council note the issues raised in the Summary of Submissions as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal - Stables Theatre, 10 and 12 Nimrod Street, Darlinghurst (as amended) at Attachment B to the subject report to be made as a local environmental plan under s3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - Stables Theatre, 10 and 12 Nimrod Street, Darlinghurst (as amended) to correct any minor errors prior to finalisation.

Carried unanimously.

X083757

#### **Speakers**

Julieanne Campbell (Griffin Theatre) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.5.

## **Item 8.6**

### **Post Exhibition - Planning Proposal - Sydney Metro West Hunter Street Station Sites, Sydney - Sydney Local Environmental Plan 2012 Amendment**

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney, draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney and the draft Planning Agreements for the east and west sites as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney, shown at Attachment B to the subject report, to be sent to the Department of Planning and Environment to be made as a local environmental plan;
- (C) Council approve the draft Design Guidelines - Sydney Metro West Hunter Street Station sites, as amended, shown at Attachment C to the subject report, noting the design guidelines will be endorsed by the Planning Secretary and 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 - Sydney Metro West Hunter Street Station sites, Sydney and draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney to correct any minor errors, omissions or inconsistencies prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreements for the east and west sites, 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.

Carried unanimously.

X089148

#### **Speakers**

John Preston (CBDAM) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 8.6.



## Item 8.7

### 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 J 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 420-426 Pitt Street, Haymarket 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 22 Talbot Place, Woolloomooloo at this time;
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 65 Tumbalong Boulevard, Haymarket at this time;
- (F) note the contents of Attachment E and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 57-67 Liverpool Street, Sydney;
- (G) note the contents of Attachment F and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 17-19 Goulburn Street, Haymarket;
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 117-123 Pitt Street, Sydney at this time;
- (I) note the contents of Attachment H and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 8-14 Wharf Crescent, Pyrmont;
- (J) note the contents of Attachment I and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 232-236A Elizabeth Street, Surry Hills; and
- (K) note the contents of Attachment J and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 238 Elizabeth Street, Surry Hills.

Carried unanimously.

S105001.002

## **Item 9      Questions on Notice**

### **1.      Clover Moore Independent Team Tent at Alexandria Sunday Funday**

By Councillor Jarrett

#### **Question**

The Alexandria Sunday Funday was held on 30 April 2023 at Alexandria Park Community School. At this event, there was a Clover Moore Independent Team tent set up in conjunction with the City of Sydney tent.

1.      Who provided the funding for the Clover Moore Independent Team tent?
2.      What was the City of Sydney's involvement in the running of the Clover Moore Independent team tent?

X086666

#### **Answer by the Chief Executive Officer**

The City of Sydney did not have any involvement in, nor provide any funding to, a Clover Moore Independent Team tent at the Alexandria Sunday Funday held on 30 April 2023 at Alexandria Park Community School.

### **2.      City Owned Property Vacancies**

By Councillor Scott

#### **Question**

In response to a Question on Notice on 29 March 2021, the City advised that the City reports on properties owned, rent collected and value in kind support provided each year in the annual report.

However, there is not an accessible list of City-owned properties publicly available.

The City holds data on the property vacancy rates of City-owned properties from 2009 to present with the average vacancy rate circa 3 per cent annually.

1.      List the number of City-owned properties in the last five years that were:
  - (a)    vacant for less than a month?
  - (b)    vacant between a month and six months?
  - (c)    vacant for six months to a year?
  - (d)    vacant for longer than a year?

2. Of these, where were the properties located that were vacant for over a year? Please list their:
  - (a) address; and
  - (b) zoning.
3. Has the City of Sydney sold the property on the corner of Fig and Wattle Street, Pyrmont?
4. How many separate spaces for rent does the City own?
5. Of those properties, how many are being used and for what purpose?

X086668

**Answer by the Chief Executive Officer**

1. The City holds data on the property vacancy rates of city owned properties from 2018 to present.

The City's current commercial vacancy rate is 7.13 per cent. which compares favourably to the Property Council average market vacancy rate for B grade property of 12.6 per cent.

The vacancy rate has varied over the last five-year period with additional pressure on occupancy from the Covid pandemic.

2. All vacant space has a leasing agent appointed and a specific leasing strategy.

Vacant investment properties are not activated by community tenants so the leasing activity is not delayed or obstructed.

All vacant community space is taken to the market through an expression of interest.

3. Yes. Contracts exchanged and yet to settle.

4. The City owns 55 commercial buildings with 266 tenants. Some tenants have multiple floors and other tenants have part floors.

The City owns 190 Community buildings of which the leased spaces are 75 Accommodation Grants Program tenancies and seven Live/ Work spaces.

5. The commercial tenants whilst mainly office based users cover a multitude of commercial, industrial and retail uses.

The community tenancies support the Accommodation Grants Program primarily. The uses within the program are varied, however by way of example there are childcare centres, emergency services, community support groups, legal support groups along with various artistic and cultural bodies.

In addition to this there are several residential spaces that cater for the City's Creative Live Work Space Program.

### 3. City Properties Sold Under Market Value

By Councillor Scott

#### Question

1. Since 2004, what property has the City given to the NSW Government for less than market value? For each property, detail the property's:
  - (a) address;
  - (b) market value;
  - (c) price sold;
  - (d) proposed use;
  - (e) date sold; and
  - (f) how long it was vacant for before selling.
  
2. Since 2004, what other properties has the City sold for less than market value? For these properties, include their:
  - (a) address;
  - (b) market value;
  - (c) price sold;
  - (d) buyer;
  - (e) proposed use; and
  - (f) how long it was vacant for before selling.

X086668

#### Answer by the Chief Executive Officer

1. Since 2004 there have been no properties transferred or sold at below market value to the NSW Government.

Since 2004 no interest in property has been gifted to NSW Government.

2. The following properties were endorsed by Council to be divested at below market value for affordable rental housing in perpetuity.

All transaction are subject to the City's covenant registered on title that requires the land to be used as affordable rental housing in perpetuity. Should a purchaser/owner wish to sell the property at some future point the City will negotiate a market value to release the covenant.

### Transaction 1

In June 2012, the City sold a portion of the former South Sydney Hospital site at 97-105 Portman Avenue within the Green Square Town Centre to City West Housing for \$6,500,000 following an Expression of Interest against a market value of \$7,600,000.

The existing properties were dilapidated and unable to be leased prior to sale.

75 affordable dwellings were delivered.

### Transaction 2

In September 2015 the City sold 110 Ross Street, Harold Park to City West Housing for \$10.3 million against a market value of \$12,100,000.

The cleared land was vacant for 6 months prior to sale.

104 affordable dwellings were delivered.

### Transaction 3

In April 2018 the City's surplus depot at 9-11 Gibbons Street and 5-7 Marian Street, Redfern was sold to St George Community Housing for \$15,200,000 against a market value of \$25,500,000.

The property was licenced to a local artist up until the construction commencement.

122 affordable and 40 social dwellings were delivered.

### Transactions 4 and 5

The City sold part of 338-330 Botany Road and 20 O'Riordan Street being land surplus to the City's infrastructure needs, Green Square to Ashmore Connector (GSAC).

The total market value land of the surplus land was assessed at \$31,000,000.

The residue land north of the Green Square to Ashmore Connector, 330 Botany Rd, Alexandria was sold in July 2021 to City West Housing for \$18,000,000 following a discount of \$2,261,437 from an apportioned market value of \$20,261,437.

275 affordable dwellings are in the pipeline for delivery.

The residue land south of the Green Square to Ashmore Connector, 338 Botany Road, Alexandria contracted in August 2018 to St George Community Housing for \$8,080,000 against an apportioned market value of \$10,738,562.

Following demolition of the dilapidated improvements the cleared vacant land was licenced intermittently by the City and most recently occupied by the City as a staging area for the Green Square to Ashmore Connector construction.

106 affordable dwellings are in the pipeline for delivery.

#### **4. Gambling Signage Outside Pubs**

By Councillor Scott

##### **Question**

In a letter to resident Steve Pate, the City acknowledged that the 'VIP Lounge' signs (denoting a pokies room) outside the Oxford Hotel, the Courthouse Hotel and the Colombian Hotel were "unlikely" to have been approved by Council. Additionally stating that the City is "further investigating the signs' compliance in accordance with our development controls and will take action as required."

1. Did the City approve the signs at the three specified hotels?
2. What actions will the City be taking in response to the inspections of the three hotels?
3. What has the review of gambling signage uncovered?
4. How many gambling signs were there in the City of Sydney?
  - (a) How many were compliant?
  - (b) How many were not compliant?
5. What actions has the City taken against the non-compliant locations?
6. What actions will the City take in response to the review of the gambling signage, including prevention of future signage?

X086668

##### **Answer by the Chief Executive Officer**

1. The City did not provide approval for 'VIP lounge' content of the signs at the three hotels.
2. City staff are investigating the 'VIP lounge' content of the signs, as well as compliance status and impact of all signs at the hotels. Once the investigation is complete, City staff will determine an appropriate course of action.
3. Assessing the compliance status of signs associated with hotels is complex due to the number of signs and historical nature of the signage. For example, many of the sign structures have been in place prior to the City's planning records.
4. The City is investigating the VIP lounge signs in response to complaints. The City does not have records of gambling signs.
5. In relation to the three hotels, City staff will determine an appropriate course of action upon completion of the investigation in accordance with the City's Compliance Policy.
6. The City will continue to investigate complaints in accordance with the City's Compliance Policy.

## 5. International Student Leadership and Ambassador (ISLA) Program 2023/24

By Councillor Scott

### Question

The International Student Leadership and Ambassador (ISLA) program is a City of Sydney program that aims to increase the positive experience of all international students through training international student ambassadors to actively participate in city life and build Sydney's reputation as a preferred destination to study. The program offers free training, work integrated learning and volunteering opportunities to enhance international student leadership skills and experience, which become transferable to their future careers. Participants also have an opportunity to make new friends, build a local support network and develop a sense of belonging while getting involved in local events and activities.

It is an award-winning program – it received the NSW Government International Student Community Engagement Award – Business/Government category in 2014 and NSW Youth Work Award in 2018.

1. How long has this program been running?
2. How many students have graduated from the program?
3. What has the program achieved?
4. What is the annual cost of running the program?
5. Has the program been cancelled?
6. If so:
  - (a) Why was it cancelled?
  - (b) Who was consulted in the process?
  - (c) Will there be a similar program created to continue to support international students?

X086668

### Answer by the Chief Executive Officer

1. The International Student Leadership and Ambassador (ISLA) program has been running since 2013.
2. Over 270 students have participated in the program as ambassadors since its inception.
3. The City and Ambassadors work in partnership with Study NSW, local education providers and other stakeholders, to deliver events for community including training and networking events. During the Covid-19 pandemic, the Ambassadors played an important role in supporting the wellbeing and connections of international students. In the recovery phase they were instrumental in linking the broader international student communities to support services.

4. Funding for this program is included within the Social City operational budget as reported to Council. The current financial year amount is approximately \$40,000.
5. The program has not been cancelled.
6. The program continues to support international students, with the next cohort intake planned for early 2024.

## **6. Redfern Community Centre Staffing**

By Councillor Scott

### **Question**

1. How many staff members have worked work at Redfern Community Centre, broken down by year?
2. What is the average number of staff employed at Redfern Community Centre, broken down by year, for the last five years?
3. How long have the current staff members worked there?
4. What are the City's plans for resourcing the Community Centre in the future?

X086668

### **Answer by the Chief Executive Officer**

1. Redfern Community Centre has a total of six full-time equivalent positions (FTE). This is an increase of 0.5 FTE since 2018.
2. The centre has had six staff members at any one time since 2018.
3. Community centre staff members can be asked to work across all community centres as required. Redfern Community Centre staff have worked at the centre between two to 20 years.
4. The City is advertising for a Centre Manager Identified for an Aboriginal or Torres Strait Islander person in the coming weeks. This will not impact current centre FTE.



## 7. Waste Collection Complaints

By Councillor Scott

### Question

On 14 April 2023 Councillors received correspondence from the Transport Workers Union with an update on the industrial action. Within this correspondence, the Transport Workers Union also detailed important information about the failings of Cleanaway and the conditions that led to the strike.

However, on 9 March 2023, the Chief Executive Officer advised Councillors and staff that there was no further industrial action anticipated.

1. Broken down by year since 2004 to date, detail staffing levels for in house Waste Collection Services.
2. Broken down by year since 2004 to date, detail staffing levels for Cleanaway City of Sydney Waste Collection Services.
3. Broken down by year since 2004, detail the number of complaints received for the following reasons:
  - (a) illegally dumped rubbish;
  - (b) overdue domestic waste collection service; and
  - (c) overdue street cleaning services.
4. Broken down by year, for the last five years, detail the average response time to:
  - (a) illegally dumped rubbish;
  - (b) overdue domestic waste collection service; and
  - (c) overdue street cleaning services.
5. When will the briefing on the waste contract review be?
6. What are the different sized trucks currently operated by Cleanaway? Are they able to service Thompson Street and Shorter Lane in Darlinghurst?
7. Has the Lord Mayor met with the Transport Workers Union?
8. Is there further industrial action currently anticipated?
9. Has the City or the Lord Mayor agreed to a public meeting to address the industrial action and the related waste collection issues happening in the city?
10. What communication services is the City using to the inform residents about the waste collection service and its interruptions?
11. How many depots did the city own before November 2019, where were they located?
12. How many of these depots has the City sold since? If so, how much for?
13. For the City to insource waste again, what are the depot requirements and what is the estimated budget required?

14. Has the City of Sydney investigated the following Cleanaway issues occurring as outlined in the TWU letter to council? If so, what information was found and what action was taken?
- (a) water pollution events;
  - (b) environment breaches;
  - (c) license condition breaches which posed a high risk of damage to the environment;
  - (d) no pay increase for over a year;
  - (e) worker's right to vote to take protected industrial action;
  - (f) engaging with individual workers instead of their nominated bargaining representative;
  - (g) failure to follow directions/orders of the Fair Work Commission relating to the conduct of a protected action ballot at City of Sydney and Cleanaway's Erskine Park Commercial site, which resulted in a delay in the ability for some workers to take protected industrial action.
15. Has the City of Sydney investigated the following outstanding matters that are preventing the industrial dispute being resolved? If so, what information has been found and what action has been taken?
- (a) Base wage rates for waste workers under the City of Sydney Contract are 13- 14 per cent lower than the same workers performing identical work for other Councils throughout metropolitan Sydney.
  - (b) Variance in ordinary hour and rostering arrangements across Australia, with arrangements that are drastically below Award conditions and could result in unsafe working conditions, such as:
    - 1. eliminating the 8-hour working day by introducing the requirement for workers to work 9.5-hour ordinary days, reducing overtime penalties awarded for over 8 hours of work;
    - 2. the ability to "average 38-hour ordinary hour weeks" over extended periods (3 - 12-month periods), meaning worker's hours could be sporadic, insecure and unsafe, with the ultimate goal to manipulate workers' rosters to reduce Cleanaway's requirement to pay overtime; and
    - 3. forcing workers to work weekends regularly without existing overtime penalties applying.
  - (c) Cleanaway have refused to increase Award based allowances in line with minimum increases ordered by the Fair Work Commission over the life of the agreement, resulting in allowance being paid less than the Modern Award.
  - (d) Cleanaway refuse to allow workers access to fair and reasonable representation by the TWU by:
    - 4. limiting workers' access to the Fair Work Commission to resolve industrial disputes; and
    - 5. refusing to allow the TWU the opportunity to train and advise workers of their industrial rights during an induction process.

**Answer by the Chief Executive Officer**

1. From 2004 to 2020 the City employed 28 staff in the garbage services team. This team serviced the south of the City, collecting red bins and kerbside bookings. They also collected three days per week in the seven-day collection areas in Kings Cross.

In 2020, the Cleanaway contract was varied to provide collection services to the south of the City.

There are currently four to six City employees working on food scraps collection, depending on the day of the week.

2. The contract requires Cleanaway to ensure adequate staffing levels to service the contract.
3. This response covers questions 3 and 4 – it is not possible to provide reports dating back to 2004 due to the volume and structure of that data.

(a)

\*\*\*NOTE - Reports of illegal dumps were separated into four separate categories in late 2019. This resulted in what was previously one request potentially being recorded as up to four separate requests. This means the total number of requests received appears to have increased, but the requests have actually just been recorded differently and more accurately since 2019. The increase does not reflect service delivery issues or a mass increase in dumping.

\*\*\*NOTE - Soft Landing has never held a formal systems integration with the City, meaning a delay in closing customer requests.

<b>Year/Provider</b>	<b>Count of Request Number</b>	<b>Average of Days to close</b>
<b>2018</b>		
City Cleansing	15247	1.3
<b>2019</b>		
City Cleansing	10559	1.2
Cleanaway	7741	2.2
Soft Landing	1287	7.3
<b>2020</b>		
City Cleansing	2707	2.5
Cleanaway	19331	1.9
Soft Landing	3821	8.5
<b>2021</b>		
City Cleansing	1858	1.8
Cleanaway	19211	2.2
Soft Landing	4091	5.2
<b>2022</b>		

Year/Provider	Count of Request Number	Average of Days to close
City Cleansing	2227	2.7
Cleanaway	17087	4.9
Soft Landing	3737	8.8
<b>2023</b>		
City Cleansing	849	3.1
Cleanaway	4132	4.6
Soft Landing	1080	5.9

(b)

\*\*\*NOTE – The below is ALL missed services for ALL streams.

\*\*\*NOTE - Soft Landing has never held a formal systems integration with the City, meaning a delay in closing customer requests.

Year/Provider	Count of Request Number	Average of Days to close
<b>2018</b>		
City Cleansing	1852	3.7
Cleanaway	1	3.0
URM	12940	2.6
Waste - Soft Landing	829	17.8
<b>2019</b>		
City Cleansing	4613	1.6
Cleanaway	9860	5.5
URM	6433	5.6
Waste - Soft Landing	943	7.5
<b>2020</b>		
City Cleansing	1054	5.0
Cleanaway	15157	4.9
Waste - Soft Landing	966	8.8
<b>2021</b>		
City Cleansing	46	1.8
Cleanaway	17955	4.4
Waste - Soft Landing	1212	4.3
<b>2022</b>		
City Cleansing	38	1.3
Cleanaway	23684	4.6

Year/Provider	Count of Request Number	Average of Days to close
Waste - Soft Landing	1551	6.7
<b>2023</b>		
City Cleansing	12	1.1
Cleanaway	12564	2.8
Waste - Soft Landing	441	7.4

\*\*\*NOTE - Street cleansing is not always scheduled in the same way that other services are, streets and service types/frequency change. These requests are reactionary to customer reports of unclean streets:

(c)

	No. of complaints	Average of Days to close
2018	3147	2.6
2019	3890	2.0
2020	2928	2.3
2021	2572	3.1
2022	2924	3.0
2023	1195	3.4

4. See response to 3 above.
5. A briefing to Councillors on the Cleanaway contract was held on 27 February 2023. On 14 April 2023, City staff provided a briefing to the City's Audit Risk and Compliance Committee (ARCC) on the management of waste contracts
6. Large Rigid, Medium Rigid and Small Rigid trucks. Yes
7. No.
8. The City is not aware of any future industrial action.
9. No.
10. The City used the following communication services to advise the community of waste collection interruptions (refer 20 February City of Sydney Waste Management and Operating Environment - Attachment C - Summary of City of Sydney Communications with Local Community regarding Cleanaway Industrial Action):
  - Regular updates of a City of Sydney news article which is included in City of Sydney News digest
  - Alert in City of Sydney news digest
  - Web alerts on related corporate webpages and online forms including Missed services, illegal dumping, book a pick-up, find my bin collection day, bins left on the street, Waster services and services.

- A short global web alert on all pages on the website
- Banner on website homepage
- Posts on City of Sydney social media channels
- Customer service on-hold message.
- Emails to building managers.
- Letterbox drops.
- Responding to media and social media enquiries.

11. Over the years, the City has consolidated its depot operations and invested in modern facilities to meet future needs.

The Alexandra Canal Depot was completed in 2018 and the City consolidated various operations at the depot. The City invested \$55.5M in the Alexandria Canal Depot, which included land, development and consolidation costs.

The City is now starting work to upgrade and consolidate operations at the Bay Street Depot. \$42.5M has been included in the City's Long Term Financial Plan to undertake this work.

At November 2019 the City had five operational depots at the following locations:

- (a) Alexandra Canal Depot - 67C Bourke Road, ALEXANDRIA, NSW, 2015
- (b) Bay Street Depot, Ultimo - 10-16 Bay Street ULTIMO NSW 2007
- (c) Bourke Street Depot - 75 Bourke Street WOOLLOOMOOLOO NSW 2011
- (d) Parks Maintenance Depot - 38 Barwon Park Road ALEXANDRIA NSW 2015
- (e) Former Gerard Street Depot - 14 Gerard Street ALEXANDIA NSW

In addition the City owned two small buildings which provide facilities for depot staff in the field these are located at:

- (f) Arthur McElhone Reserve - 1A Billyard Avenue ELIZABETH BAY NSW 2010
- (g) Cumberland Street - 9 Cumberland Street THE ROCKS NSW 2000

At November 2019 the following depot sites were decommissioned and became surplus to City operations:

<b>Location</b>	<b>Date De-commissioned</b>	<b>Reason De-commissioned</b>
Former Fig and Wattle Depot 14-26 Wattle Street , PYRMONT NSW 2009	20+ Years Ago	Operations consolidated at the Bay Street Depot
Former Redfern (Marion Street) Depot 11 Gibbons Street REDFERN NSW 2016	2018	Operations consolidated at the Alexandra Canal Depot
Former Epsom Road Depot 94-104 Epsom Road ZETLAND NSW 2016	2018	Operations consolidated at the Alexandra Canal Depot

12. The City has not sold any of its operational depot sites since November 2019 – all operational sites listed above remain in operation. The following de-commissioned depot sites have been sold:

<b>Location</b>	<b>Date Sold</b>
Former Fig and Wattle Depot 14-26 Wattle Street , PYRMONT NSW 2009	Contracted
Former Redfern (Marion Street) Depot 11 Gibbons Street REDFERN NSW 2016	2020 to St George Community Housing for 122 affordable and 40 social dwellings.
Former Epsom Road Depot 94-104 Epsom Road ZETLAND NSW 2016	2021

13. The City has run a combined internal and outsourced cleansing and waste service for more than 20 years. This enables us to provide a range of services, respond to the community's needs, and adapt when short-term issues arise. The City cannot provide estimated depot requirements and estimated budget without developing a business case.
14. No.
15. No.

## 7. 'Yes' Campaign for a Voice to Parliament Campaign Plan

By Councillor Scott

### Questions

1. When is the plan to progress the 'Yes' vote for the Voice campaign due to Council?
2. Will the plan involve allowing organisations holding events supporting the 'yes' vote to use Sydney Town Hall for free?
  - (a) What will be the conditions to hold a free or subsidised event?
  - (b) Will the Lord Mayor or a Councillor be required to be invited to speak as a condition?
3. How and when will the City update Councillors on the progress of their investigations and plans for supporting the Voice campaign?
4. Will the plan involve making informative resources on the 'yes' vote available on the following City of Sydney communication platforms?
  - (a) website;
  - (b) banner poles;
  - (c) electronic billboards;
  - (d) newsletter;
  - (e) print communications;
  - (f) city email communications;
  - (g) community centres;
  - (h) social media.

X086668



**Answer by the Chief Executive Officer**

1. Refer to 15 May 2023 CEO Memo - City of Sydney Campaign to Support the Voice to Parliament.
2. Yes, pending Council approval of three value in kind sponsorships at the 15 May 2023. Refer to 15 May 2023 CEO Memo - City of Sydney Campaign to Support the Voice to Parliament.
  - (a) The sponsorships will be issued in accordance with the City's Grants and Sponsorship Policy and events will be held in accordance with the City's standard term and conditions for venue hire.
  - (b) Invitations will not be a condition of the sponsorships.
3. A CEO Update will be provided once the specific elements of the campaign are determined.
4. Yes. Refer to 15 May 2023 CEO Memo - City of Sydney Campaign to Support the Voice to Parliament.

**Item 10      Supplementary Answers to Previous Questions**

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

## **Item 11 Notices of Motion**

### **Item 11.1 Protecting Explorer Street Public Housing**

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) Explorer Street currently includes 46 town house formation social housing residences;
  - (ii) the Explorer Street area is mixed between social housing and public open space maintained by the City of Sydney but partly owned by the Land and Housing Corporation;
  - (iii) the former Liberal NSW Government began exploring the rezoning and redevelopment of the Explorer Street social housing estate;
  - (iv) the area proposed for rezoning includes social housing dwellings on Explorer Street and Aurora Place, but not nearby properties in Rowley Street managed by Bridge Housing;
  - (v) feedback provided by the community in 2020 will inform the rezoning proposal;
  - (vi) the community will also have the opportunity to provide further input on the future of the precinct before rezoning can occur;
  - (vii) onsite engagement was limited during the 2020 consultation due to Covid-19 restrictions, hence limiting the quality and quantity of residential feedback;
  - (viii) the current proposed target sent to residents is to develop the site to 420 dwellings, with 30 per cent of those being social housing;
  - (ix) the Land and Housing Corporation (LAHC) is continuing under the advice and vision of the previous Liberal NSW Government that sought to sell off social housing; and
  - (x) the current Labor NSW Government has committed to not sell off any more social housing residences;
- (B) Council support the preservation of the Explorer Street Public housing site as wholly public and affordable housing; and
- (C) the Lord Mayor be requested to write to Minister Rose Jackson to confirm the City's view on the Explorer Street Public Housing site.

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

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

(A) Council note:

- (i) Explorer Street currently includes 46 town house formation social housing residences;
- (ii) the Explorer Street area is mixed between social housing and public open space owned by the Land and Housing Corporation, some of which is maintained by the City of Sydney;
- (iii) the former Liberal NSW Government began exploring the rezoning and redevelopment of the Explorer Street social housing estate;
- (iv) the area proposed for rezoning includes social housing dwellings on Explorer Street and Aurora Place, but not nearby properties in Rowley Street managed by Bridge Housing;
- (v) feedback provided by the community in 2020 will inform the rezoning proposal;
- (vi) the community will also have the opportunity to provide further input on the future of the precinct before rezoning can occur;
- (vii) onsite engagement was limited during the 2020 consultation due to Covid-19 restrictions, hence limiting the quality and quantity of residential feedback;
- (viii) the current proposed target sent to residents is to develop the site to 420 dwellings, with 30 per cent of those being social housing;
- (ix) the Land and Housing Corporation (LAHC) is continuing under the advice and vision of the previous Liberal NSW Government that sought to sell off social housing;
- (x) the current Labor NSW Government has committed to not sell off any more social housing residences; and
- (xi) in March 2023, following a Lord Mayoral Minute, the Lord Mayor wrote to the former Leader of the Opposition and now NSW Premier, Chris Minns, about the City of Sydney's 2023 NSW State Election Priorities including a request to reinstate planning powers to the City for the Explorer Street site and for all other social and affordable housing sites in our Local Government Area into the future;

(B) Council also note in NSW Parliament on Thursday 11 May 2023, the NSW Premier Chris Minns said in response to questions, that the redevelopment of Australia's largest public housing estate, Waterloo, will go ahead with a minimum of 34 per cent social and affordable housing, and "the Government is exploring opportunities to increase the proportion of social, affordable and key worker rental accommodation";

(C) Council acknowledge the stress and anxiety that many public housing tenants feel about their future, given the uncertainty of the NSW Government's plans and the lack of clarity over the status of redevelopment projects, including Explorer Street and the Waterloo South estate;

(D) Council support the preservation of the Explorer Street Public housing site as wholly public and affordable housing;

- (E) noting that the zoning of the Waterloo South Estate would allow for 100 per cent public housing on the site, Council reaffirm that the Waterloo Estate should prioritise delivering maximum public, social and affordable housing on the site; and
- (F) the Lord Mayor be requested to write to the NSW Premier and Minister Rose Jackson:
  - (i) to confirm the City's view on the Explorer Street Public Housing site; and
  - (ii) to confirm the City's view on Waterloo Estate.

Carried unanimously.

X086655

### **Adjournment**

At this stage of the meeting, at 8.14pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 10 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 8.27pm.

## Item 11.2 Lighting in Joynton Park

Moved by Councillor Jarrett, seconded by Councillor Gannon –

It is resolved that:

(A) Council note:

- (i) as a response to community requests, the City of Sydney launched a six-month lighting trial in Joynton Park in April 2022 whereby they installed five solar powered light towers to extend the usable hours of the park during winter and to make it safe and enjoyable for everyone;
- (ii) the lights in the trial were turned on from 5:00pm to 10:00pm every night in line with the policies for other parks within the City;
- (iii) within the 20 February 2023 Council papers by means of a Question on Notice (QON), Councillor Jarrett enquired into the City's lack of definitive action regarding the permanent installation of lighting at Joynton Park, particularly in regard to the upcoming winter of 2023, with the following questions:

*Is an update available regarding the park lighting trial outcome following the removal of this lighting?*

*Has any additional community consultation occurred or will additional community consultation occur regarding the potential installation of permanent lighting?*

- (iv) the City's response to the aforementioned questions was that:

*the feedback and impacts (increased wear, turf damage during winter when it is dormant, increased maintenance, closure time) of the lighting trial at Joynton Park are currently being assessed and a report back to Councillors will occur through the CEO Update by mid-year. This will include details of further community consultation.'*

- (v) as indicated by the City's response, there will be no lighting in place in Joynton Park for winter 2023 as the trial lights have been removed and the impacts of the trial will not be reported back to Council until the mid-year, during the middle of winter;
- (vi) community feedback has indicated that there has been no community consultation undertaken by the City with residents of the area since the end of the lighting trial in October 2022; and
- (vii) constituents have expressed deep concern regarding the safety and usability of Joynton Park during winter 2023 if there is no lighting installed, as winter is the darkest time of the year and therefore, there is an increased risk to residents accessing Joynton Park; and

- (B) the Chief Executive Officer be requested to:
- (i) re-install the temporary lighting in Joynton Park that was used in the April 2022 lighting trial before 1 June 2023, regardless of whether the feedback and impacts of the previous lighting trial has been reported back to Council, in order to ensure that the park will have accessible lighting prior to the beginning of winter;
  - (ii) consult with the Zetland community to ensure the concerns of the residents are understood and reflected in the report of the lighting trial from 2022 and in the re-installation of the lighting for winter 2023;
  - (iii) expedite the report of the previous lighting trial to report back to Council in a timely manner; and
  - (iv) engage the Zetland community to discuss installation of similar temporary lights at Tote Park and Nuffield Park to aid community safety and utility of these spaces during the dark winter months.

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

It is resolved that:

- (A) Council note:
- (i) as a response to community requests, the City of Sydney launched a six-month lighting trial in Joynton Park in April 2022 whereby they installed five solar powered light towers to extend the usable hours of the park during winter and to make it safe and enjoyable for everyone;
  - (ii) the lights in the trial were turned on from 5:00pm to 10:00pm every night in line with the policies for other parks within the City;
  - (iii) within the 20 February 2023 Council papers by means of a Question on Notice (QON), Councillor Jarrett enquired into the City's lack of definitive action regarding the permanent installation of lighting at Joynton Park, particularly in regard to the upcoming winter of 2023, with the following questions:
    - Is an update available regarding the park lighting trial outcome following the removal of this lighting?*
    - Has any additional community consultation occurred or will additional community consultation occur regarding the potential installation of permanent lighting?*
  - (iv) the City's response to the aforementioned questions was that:
    - the feedback and impacts (increased wear, turf damage during winter when it is dormant, increased maintenance, closure time) of the lighting trial at Joynton Park are currently being assessed and a report back to Councillors will occur through the CEO Update by mid-year. This will include details of further community consultation.'*
  - (v) as indicated by the City's response, there will be no lighting in place in Joynton Park for winter 2023 as the trial lights have been removed and the impacts of the trial will not be reported back to Council until the mid-year, during the middle of winter;

- (vi) community feedback has indicated that there has been no community consultation undertaken by the City with residents of the area since the end of the lighting trial in October 2022; and
  - (vii) constituents have expressed deep concern regarding the safety and usability of Joynton Park during winter 2023 if there is no lighting installed, as winter is the darkest time of the year and therefore, there is an increased risk to residents accessing Joynton Park; and
- (B) the Chief Executive Officer be requested to:
- (i) undertake further consultation with the Zetland community on the need for, and type of, lighting required in Joynton Park during winter;
  - (ii) expedite the report of the previous lighting trial to report back to Council in a timely manner; and
  - (iii) engage the Zetland community to discuss the installation of lights at Tote Park and Nuffield Park to aid community safety and utility of these spaces during the dark winter months, if required.

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

X086657



**Item 11.3 Housing For All Strategy and Committee Review****Procedural Motion**

At this stage of the meeting, it was moved by Councillor Jarrett, seconded by Councillor Gannon –  
That Item 11.3 be withdrawn.

Carried unanimously.

**Item 11.4 Short Term Rental Accommodation City of Sydney**

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) there is a shortage of rental accommodation within the City of Sydney. Short term rental accommodation (such as AirBnB) contributes to the shortage of rental housing supply, where it converts properties that would otherwise be available for long term rental into short-stay accommodation;
- (ii) low vacancy rates are contributing to skyrocketing rents. Rents for units across the Local Government Area have increased by 27 per cent in Zetland, 29.5 per cent in Chippendale and 20.0 per cent in Glebe (in the 12 months to March 2023);
- (iii) according to independent platform Inside AirBnb, as of May 2023, there were 5,019 listings of short-term rentals in the City of Sydney Local Government Area - 3,493 of which were entire homes or apartments. The average stays are getting longer – 59 nights for an un-hosted property, up from 39 nights this time last year;
- (iv) The Guardian reports that short term rentals have surged since 2021 – with the City of Sydney being one of the top five Local Government Areas in terms of numbers of rentals;
- (v) local councils have limited powers to regulate short-term rentals. There is an 180-day annual cap for non-hosted accommodation, and accommodation managers are required to register with the Department of Planning and Environment;
- (vi) however, many properties in the City of Sydney Local Government Area are not registered. As of 9 May 2023, only 2,660 properties were listed on the State's (STRA) register - 1,766 of these are non-hosted; and
- (vii) in April 2023, the Independent Planning Commission provided formal planning advice to the NSW Government in support of the ability of Byron Bay Council to impose a 60-day annual cap on short-term rentals, as a measure to address housing availability and affordability;

(B) the Chief Executive Officer be requested to:

- (i) investigate the impact that short term rental accommodation is having on rental affordability and availability in the City of Sydney Local Government Area;
- (ii) consider best practice responses to better regulate short-term letting, where it is exacerbating housing shortages and contributing to unaffordability; and
- (iii) provide advice to the Housing for All Working Group and the Council; and

(C) the Lord Mayor be requested to join with other NSW Mayors by writing to the NSW Minister for Planning Paul Scully, to seek greater authority for councils to regulate local short-term letting.

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

Moved by Councillor Ellsmore, seconded by Council Chan –

It is resolved that:

(A) Council note:

- (i) there is a shortage of rental accommodation within the City of Sydney. Short term rental accommodation (such as AirBnB) contributes to the shortage of rental housing supply, where it converts properties that would otherwise be available for long term rental into short-stay accommodation;
- (ii) low vacancy rates are contributing to skyrocketing rents. Rents for units across the Local Government Area have increased by 27 per cent in Zetland, 29.5 per cent in Chippendale and 20.0 per cent in Glebe (in the 12 months to March 2023);
- (iii) according to independent platform Inside AirBnb, as of May 2023, there were 5,019 listings of short-term rentals in the City of Sydney Local Government Area - 3,493 of which were entire homes or apartments. The average stays are getting longer – 59 nights for an un-hosted property, up from 39 nights this time last year;
- (iv) The Guardian reports that short term rentals have surged since 2021 – with the City of Sydney being one of the top five Local Government Areas in terms of numbers of rentals;
- (v) local councils have limited powers to regulate short-term rentals. There is an 180-day annual cap for non-hosted accommodation, and accommodation managers are required to register with the Department of Planning and Environment;
- (vi) however, many properties in the City of Sydney Local Government Area are not registered. As of 9 May 2023, only 2,660 properties were listed on the State's (STRA) register - 1,766 of these are non-hosted;
- (vii) since 2017, the City has made four submissions in response to the NSW Department of Planning and Environment's proposed changes to Short-Term Rental Accommodation. The City's submissions included a key recommendation that the cap for non-hosted short-term rentals is reduced to a maximum 90 days per year;
- (viii) in April 2021, the Lord Mayor wrote to the NSW Government raising concerns about the impacts of non-hosted short term rental accommodation on housing affordability and hotel and hospitality businesses; and
- (ix) in April 2023, the Independent Planning Commission provided formal planning advice to the NSW Government in support of the ability of Byron Bay Council to impose a 60-day annual cap on non-hosted short-term rentals, as a measure to address housing availability and affordability. However, it also recommended that non-hosted short term rental beyond the 60 day cap should be permissible with development consent;

- (B) the Chief Executive Officer be requested to:
  - (i) investigate commissioning a study to report on the impact that short-term rental accommodation is having on rental affordability and availability and tourist accommodation in the City of Sydney Local Government Area; and
  - (ii) report back to the Housing for All Working Group and Council with the findings and recommendations of the study and what actions the City will take;
- (C) the Lord Mayor be requested to write to the NSW Minister for Planning and Public Spaces, Paul Scully, and the NSW Minister for Housing, Rose Jackson, with the findings and recommendations of the study; and
- (D) Council endorse this motion for the Local Government NSW 2023 Annual Conference.

Carried unanimously.

X086659

**Item 11.5 Budget Support for the City's Housing for All****Procedural Motion**

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

That Item 11.5 be withdrawn.

Carried unanimously.

## **Item 11.6 Strengthening Commitments to Address Systemic and Institutional Racism Across the Workplace**

By Councillor Davis

It is resolved:

(A) Council note:

- (i) the City of Sydney recognises that workplaces that are diverse and inclusive perform better and are more innovative. Inclusive workplaces allow employees of diverse backgrounds to bring their best selves to work every day, enhancing collaboration, engagement and workplace wellbeing, and has been working to increase the diversity of the workforce;
- (ii) at 31 March 2023, 405 City of Sydney employees identified as culturally or linguistically diverse, representing 22.7 per cent of the workforce, and 50 City of Sydney employees identified as Aboriginal and/or Torres Strait Islander, representing 2.8 per cent of the workforce;
- (iii) the City of Sydney has committed to addressing racism in the workplace and the broader community through:
  - (a) “A City for All’ Social Sustainability Policy and Action Plan 2018-2028 that commits the City to “lead by example as an employer committed to social justice and inclusion by implementing workplace diversity and inclusion policies and practices”;
  - (b) the Stretch Reconciliation Action Plan 2020-2023 which commits the City “to positive race relations through anti-discrimination strategies”, including by continuously improving human resource policies and procedures concerned with anti-discrimination in consultation with Aboriginal and Torres Strait Islander staff and the Aboriginal and Torres Strait Islander advisory panel and providing ongoing education opportunities for senior leaders and managers on the effects of racism and discrimination;
  - (c) the Equal Employment Opportunity, Diversity and Inclusion Action Plan 2023-2026 which commits to “addressing factors contributing to psychological safety for diverse employees and actioning mitigation strategies to address any systemic barriers” to inclusion;
  - (d) anti-racism and allyship training workshop and cultural intelligence workshops that explore unconscious bias for the community as part of the Council endorsed ‘Racism. It Stops With Me’ campaign; and
  - (e) installing four ‘Racism Not Welcome’ street signs in high profile locations, with high vehicular and pedestrian traffic;
- (iv) racism is not always conscious, explicit, or readily visible. Sometimes even the most well-intentioned people can perpetuate racist behaviour because they are unaware of the values, structures and systems that create biases in their decision making;
- (v) systemic racism is a result of entrenched practices and beliefs that are deeply embedded in an institutions system, laws, written or unwritten policies that produce, condone, and perpetuate widespread unfair treatment;

- (vi) the Diversity Council of Australia's Racism at Work Report (2022) states that "to address racism, we need first to understand what it is: but this can be challenging for people who do not experience racism and because how racism is expressed and experienced changes over time and from place to place"; and
  - (vii) the Diversity Council of Australia's Racism at Work Report calls for organisations actively adopt a racially conscious "anti-racism" stance that recognises our default world view is white and put lived experience at the centre of how organisations address racism;
- (B) the Chief Executive Officer be requested to investigate ways to strengthen the City of Sydney's commitment to addressing racism, including by:
- (i) working with the Multicultural Advisory Panel, the Aboriginal and Torres Strait Islander Advisory Panel and relevant employee networks:
    - (a) when reviewing City of Sydney workplace strategies, policies and procedures that address racism and/or that are designed to create a more equitable, diverse and inclusive workplace; and
    - (b) developing an over-arching anti-racism framework or charter that addresses structural, interpersonal (everyday bias), intersectionality and institutional racism and discrimination in the workplace and across our city;
  - (ii) making anti-racism training mandatory for City of Sydney employees and providing other ongoing learning and development opportunities with an anti-racism focus;
  - (iii) exploring opportunities to embed anti-racism in future major service contracts with third-party employers, and major contractors; and
  - (iv) report back to Council on outcomes of investigations and progress on addressing racism.

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

Moved by Councillor Davis, seconded by Councillor Kok –

It is resolved:

- (A) Council note:
- (i) the City of Sydney recognises that workplaces that are diverse and inclusive perform better and are more innovative. Inclusive workplaces allow employees of diverse backgrounds to bring their best selves to work every day, enhancing collaboration, engagement and workplace wellbeing, and has been working to increase the diversity of the workforce;
  - (ii) at 31 March 2023, 405 City of Sydney employees identified as culturally or linguistically diverse, representing 22.7 per cent of the workforce, and 50 City of Sydney employees identified as Aboriginal and/or Torres Strait Islander, representing 2.8 per cent of the workforce;

- (iii) the City of Sydney has committed to addressing racism in the workplace and the broader community through:
  - (a) “A City for All’ Social Sustainability Policy and Action Plan 2018-2028 that commits the City to “lead by example as an employer committed to social justice and inclusion by implementing workplace diversity and inclusion policies and practices”;
  - (b) the Stretch Reconciliation Action Plan 2020-2023 which commits the City “to positive race relations through anti-discrimination strategies”, including by continuously improving human resource policies and procedures concerned with anti-discrimination in consultation with Aboriginal and Torres Strait Islander staff and the Aboriginal and Torres Strait Islander advisory panel and providing ongoing education opportunities for senior leaders and managers on the effects of racism and discrimination;
  - (c) the Equal Employment Opportunity, Diversity and Inclusion Action Plan 2023-2026 which commits to “addressing factors contributing to psychological safety for diverse employees and actioning mitigation strategies to address any systemic barriers” to inclusion;
  - (d) anti-racism and allyship training workshop and cultural intelligence workshops that explore unconscious bias for the community as part of the Council endorsed ‘Racism. It Stops With Me’ campaign; and
  - (e) installing four ‘Racism Not Welcome’ street signs in high profile locations, with high vehicular and pedestrian traffic;
- (iv) racism is not always conscious, explicit, or readily visible. Sometimes even the most well-intentioned people can perpetuate racist behaviour because they are unaware of the values, structures and systems that create biases in their decision making;
- (v) systemic racism is a result of entrenched practices and beliefs that are deeply embedded in an institutions system, laws, written or unwritten policies that produce, condone, and perpetuate widespread unfair treatment;
- (vi) the Diversity Council of Australia’s Racism at Work Report (2022) states that “to address racism, we need first to understand what it is: but this can be challenging for people who do not experience racism and because how racism is expressed and experienced changes over time and from place to place”; and
- (vii) the Diversity Council of Australia’s Racism at Work Report calls for organisations actively adopt a racially conscious “anti-racism” stance that recognises our default world view is white and put lived experience at the centre of how organisations address racism;



- (B) the Chief Executive Officer be requested to investigate ways to strengthen the City of Sydney's commitment to addressing racism, including by:
- (i) working with the Multicultural Advisory Panel, the Aboriginal and Torres Strait Islander Advisory Panel and relevant employee networks:
    - (a) when reviewing City of Sydney workplace strategies, policies and procedures that address racism and/or that are designed to create a more equitable, diverse and inclusive workplace; and
    - (b) developing an over-arching anti-racism framework or charter that addresses structural, interpersonal (everyday bias), intersectionality and institutional racism and discrimination in the workplace and across our city;
  - (ii) making anti-racism training mandatory for City of Sydney employees, the Lord Mayor and Councillors, and providing other ongoing learning and development opportunities with an anti-racism focus;
  - (iii) exploring opportunities to embed anti-racism in future major service contracts with third-party employers, and major contractors; and
  - (iv) report back to Council on outcomes of investigations and progress on addressing racism.

Carried unanimously.

X086660

### **Item 11.7 Inner Sydney Youth Voice Publication Project**

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

It is resolved that:

(A) Council note:

- (i) established in 1974, Inner Sydney Voice (ISV, or the Inner Sydney Regional Council for Social Development) is one of the inner-city's longest running local community organisations;
- (ii) with a focus on inclusion, community development and social justice, ISV has a legacy of advocacy and support for community, environmental and planning issues, working to promote the voices of local residents, public housing tenants and low-income communities in the inner-city;
- (iii) ISV is a key partner with the City of Sydney through a range of projects and initiatives including, but not limited to, the City of Sydney and Eastern Sydney Abuse of Older People Collaborative, Community Preparedness Projects and the Youth and Family Interagency. The City of Sydney supports ISV with an accommodation grant for their office based at the rear of the Waterloo library;
- (iv) since 1978, ISV has published the Inner Sydney Voice Magazine, which profiles local community development projects and wider issues impacting inner-city communities. The magazine is available in both print, and as an online community resource at <https://innersydneyvoice.org.au>; and
- (v) ISV has recently launched a 12-month Youth Publication Program. The program will provide local young people aged 16 to 24 with access to training and mentorship from leading journalists and media experts, leadership training and support and platform to publish local stories; and

(B) Council congratulate Inner Sydney Voice for the launch of the Youth Publication Program.

Carried unanimously.

X086659

**Item 11.8 Amendment to the Recommended Use of City of Sydney Facilities for the 'Yes' Campaign**

**Procedural Motion**

At this stage of the meeting, it was moved by Councillor Jarrett, seconded by Councillor Gannon –

That Item 11.8 be withdrawn.

Carried unanimously.

## Item 11.9 Supporting the Powerhouse

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the Powerhouse Museum is the major branch of the Museum of Applied Arts & Sciences in Sydney, and owned by the NSW Government;
- (ii) the Powerhouse Museum has a diverse collection encompassing all sorts of technology including decorative arts, science, communication, transport, costume, furniture, media, computer technology, space technology and steam engines;
- (iii) the Museum has existed under various names for over 125 years, however, it was opened in 1988 as the Powerhouse;
- (iv) Powerhouse staff and city of Sydney community members have voiced their concerns over the upkeep of the historic building, reporting that it has been extremely neglected, with a downgrade in the number and quality of services and objects;
- (v) the Ultimo Post Office adjoining the Powerhouse Museum was heritage listed in 1999;
- (vi) the Powerhouse Museum former warehouse buildings, including the interiors, were heritage listed in 2020;
- (vii) heritage architect Alan Croker reported that the former NSW Liberal Government buried a Conservation Management Plan on the heritage significance of the Ultimo Powerhouse Museum site;
- (viii) the draft Conservation Management Plan is reported to have found that the entire Ultimo site should have been placed in the state heritage register in the 1980s;
- (ix) the Conservation Management Plan published by the former NSW Liberal Government last May was criticised by the National Trust as “inadequate” and “not comprehensively address[ing] the needs or values of the precinct”;
- (x) the City of Sydney was also critical of the former NSW Liberal Government’s failure to adequately address the heritage value of the site in the City’s response to the Draft Concept Plan (DCP) in 2022;
- (xi) that the State Significant Development exhibited for public comment received 91 individual submissions of which 85 were objections and 15 submissions from community interest groups of which nine were objections; and
- (xii) that despite the many and manifest flaws in the development, the then Planning Minister, Anthony Roberts, signed off on it in February 2023, just before the NSW Government entered the caretaker period;

(B) the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site for heritage significance; and

- (C) the Lord Mayor be requested to write to the new Minister for the Arts, John Graham:
- (i) restating the City of Sydney's concerns;
  - (ii) congratulating him on his public commitment to ending the secrecy and lack of transparency surrounding the Powerhouse Museum Ultimo site plans; and
  - (iii) requesting he take all possible steps to ensure the heritage value of the site is respected and protected.

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

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council note:
- (i) the Powerhouse Museum is the major branch of the Museum of Applied Arts & Sciences in Sydney, and owned by the NSW Government;
  - (ii) the Powerhouse Museum has a diverse collection encompassing all sorts of technology including decorative arts, science, communication, transport, costume, furniture, media, computer technology, space technology and steam engines;
  - (iii) the Museum has existed under various names for over 125 years, however, it was opened in 1988 as the Powerhouse;
  - (iv) Powerhouse staff and city of Sydney community members have voiced their concerns over the upkeep of the historic building, reporting that it has been extremely neglected, with a downgrade in the number and quality of services and objects;
  - (v) the Ultimo Post Office adjoining the Powerhouse Museum was heritage listed in 1999;
  - (vi) the Powerhouse Museum former warehouse buildings, including the interiors, were heritage listed in 2020;
  - (vii) heritage architect Alan Croker reported that the former NSW Liberal Government buried a Conservation Management Plan on the heritage significance of the Ultimo Powerhouse Museum site;
  - (viii) the draft Conservation Management Plan is reported to have found that the entire Ultimo site should have been placed in the state heritage register in the 1980s;
  - (ix) the Conservation Management Plan published by the former NSW Liberal Government last May was criticised by the National Trust as “inadequate” and “not comprehensively address[ing] the needs or values of the precinct”;
  - (x) the City of Sydney was also critical of the former NSW Liberal Government's failure to adequately address the heritage value of the site in the City's response to the Draft Concept Plan (DCP) in 2022;
  - (xi) that the State Significant Development exhibited for public comment received 91 individual submissions of which 85 were objections and 15 submissions from community interest groups of which nine were objections; and

- (xii) that despite the many and manifest flaws in the development, the then Planning Minister, Anthony Roberts, signed off on it in February 2023, just before the NSW Government entered the caretaker period;
- (B) the Chief Executive Officer be requested to investigate the entire Powerhouse Museum site for heritage significance; and
- (C) the Lord Mayor be requested to write to the new Minister for the Arts, John Graham:
  - (i) restating the City of Sydney's concerns;
  - (ii) congratulating him on his public commitment to ending the secrecy and lack of transparency surrounding the Powerhouse Museum Ultimo site plans;
  - (iii) reaffirming that the site should remain in public ownership and control;
  - (iv) requesting he take all possible steps to ensure the heritage value of the site is respected and protected; and
  - (v) requesting that he urgently review the contractual obligations entered into by the former NSW Government for the site, and the project scope.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Jarrett.

Motion carried.

X086655

### Item 11.10 Vale Labor Senator Bruce Childs

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

It is resolved that:

(A) Council note:

- (i) former Senator Bruce Childs was born in Mascot, Sydney, on 23 August 1934 and sadly passed away on 4 May 2023;
- (ii) Bruce was first recognised for his work at a meeting of apprentices, moving a motion against the 1951 ‘horror budget’;
- (iii) this moment was the catalyst for his prominence as an activist, he soon went on to join the Australian Labor Party (ALP), became clerk of the chapel, leading his first strike in 1953 and being elected to the Board of Management representing his Trade Union by 1954;
- (iv) his early political involvement engaged with the political issues of his era, particularly opposing Australia’s involvement in the Vietnam War, and supporting the women’s liberation movement, including a greater appreciation of the role of women within the ALP;
- (v) Bruce was elected to and took his seat in the Australian Senate in 1981;
- (vi) Bruce’s principal contribution to Parliament was made through his highly effective service on many committees;
- (vii) within two years of entering the Senate, Bruce Childs was a co-convener of the left-wing of Labor’s Federal Parliamentary Labor Party and the ALP throughout Australia, retaining that role throughout the period of Hawke and Keating Labor Governments;
- (viii) he was acknowledged as a unifier by his colleagues and by senators from all sides of politics for his “courteous, patient and unpretentious manner, as much as he was for the strength of his beliefs”;
- (ix) as a Senator, Bruce continued to fight for the rights of working people, campaign for peace, support feminism and demand a greater role for women in politics and public life;
- (x) as a Parliamentarian and a leader of the Left, Childs was fascinated with finding ways that ‘grassroots democracy in all its diversity can find a voice in the Parliament’, or with ensuring that leaders heard the voices and concerns of his faction, or by perpetually encouraging young people and especially young women to become active in public life;
- (xi) after leaving the Senate in 1997, Bruce served continuously as president of the Evatt Foundation until 2006; and
- (xii) Bruce’s fairness, commitment and distinct political legacy will be remembered for generations to come;

- (B) the Lord Mayor be requested to write to Bruce Child's family to express the City of Sydney Council's condolences and appreciation for his work and the legacy he has left; and
- (C) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Bruce Childs and his significant contributions to politics and Parliament.

Carried unanimously.

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

X086655



### **Item 11.11 Associate Professor Anthony Schembri AM**

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

It is resolved that:

(A) Council note:

- (i) after nearly 10 years of service as the Chief Executive Officer, Anthony Schembri will be leaving St Vincent's Health Network Sydney;
- (ii) Associate Professor Schembri will be leaving to take up an appointment as the Chief Executive Officer of the Northern Sydney Local Health District;
- (iii) Associate Professor Schembri began his career as a social worker on HIV/AIDS Ward 17 South in the early 1990s, and the words of Sr Margaret Mines "It's because it's hard that we do it" left an indelible mark on Anthony;
- (iv) commencing his appointment at St Vincent's, Associate Professor Schembri set about addressing some of the hardest challenges to tackle unmet needs, including:
  - (a) overseeing the establishment of St Vincent's Correctional Health at Parklea, championing gender equity for women, establishing the inaugural Youth Advisory Board and commencing the first Pride Network and establishing the Inaugural Sexuality and Gender Diversity Strategy;
  - (b) making Aboriginal Health a priority, appointing the first Director of Aboriginal Health, establishing the Dalarinji Committee, co-chairing with local community Elder, the late Aunty Fay Carol and following her passing, expanding learning and employment opportunities via the Aunty Fay Carol Nursing Cadetship program;
  - (c) prioritising Patient Safety and Experience, implementing robust programs under "Zero Harm" to reduce avoidable patient harm and annual Quality and Safety peer events; and
  - (d) developing the St Vincent's Campus, Intensive Care Unit expansion, Emergency Department expansion including the first PANDA Unit in the country, Bone Marrow Transplant Ward, Urban Health Hub and Safe Haven, St Vincent's Sydney Health Innovation Precinct and paving the way for the future establishment of the Cahill Cater and West Street redevelopments;
- (v) Associate Professor Schembri represented the St Vincent's Health Network Sydney across Boards and Committees and supported the work of the St Vincent's Curran Foundation supporting their philanthropy in speaking and hosting events and forums of the Foundation;
- (vi) Associate Professor Schembri has represented the St Vincent's Health Network Sydney on the Boards of the Primary Health Network, the Garvan Institute, the Victor Chang Institute, NCCRED, SPHERE, St Vincent's Curran Foundation and Australian Hospitals and Health Association and held adjunct appointments with ACU, UNSW and UNDA;

- (vii) when the pandemic first hit our shores in early 2020, St Vincent's Hospital found itself in ground zero, and immediately started playing a critical role in testing for, and treating, Covid. Associate Professor Schembri established the first pop-up community testing site in the country, and more recently, Australia's first multidisciplinary long-Covid clinic; and
  - (viii) St Vincent's played an important role during the Delta outbreak too - prioritising vaccinations for our vulnerable communities at both their clinics and via their Vinnies Vax Van (that other health services throughout Australia replicated); and
- (B) the Lord Mayor be requested to write to Associate Professor Schembri AM congratulating and thanking him for his work at St Vincent's Health Network Sydney as the Chief Executive Officer.

Carried unanimously.

X086655

## Item 11.12 Public Register of Ownership of Public Dwellings

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the last time a full registry of city-owned properties was made publicly available was in 2014;
- (ii) City of Sydney buildings fall into the categories of either residential, commercial, industrial or other non-residential;
- (iii) the City maintains a City of Sydney Land Register (Local Government Act 1993 - section 53) which extends to 143 pages – which includes details of: Address, Property Classification and Zoning for each and every property owned;
- (iv) key services and community outreach programs continue to struggle to find spaces to perform their services;
- (v) as at July 2021, there were 1,328 built affordable housing units in the local area, 386 dwellings in the development pipeline and a further 532 that are expected to be built in the future (but not yet in the development pipeline). Noting the dwellings quoted below may be counted under more than one category, there are:
  - (a) 994 dwellings (built, pipeline and expected) that come from the City's affordable housing contribution schemes;
  - (b) 454 dwellings (built, pipeline and expected) that have been assisted by subsidised land sales from the City to community housing providers;
  - (c) 439 dwellings (built, pipeline and expected) that have been assisted by the City's Affordable and Diverse Housing Fund; and
  - (d) a further 359 dwellings (built, pipeline and expected) that have not been assisted by any of the above; and
- (vi) City staff performed an audit and sale of vacant land for community housing providers, the last sale being 2016; and

(B) the Chief Executive Officer be requested to:

- (i) undertake a new audit of vacant City of Sydney properties that may be utilised for the purposes of affordable housing or community use;

- (ii) investigate creating a public register accessible via the City of Sydney website, detailing the City-owned properties including their:
  - (a) address;
  - (b) property classification;
  - (c) zoning; and
  - (d) part or whole vacancy status; and
- (iii) provide updates via the CEO Update on the findings of the audit and plans to make City properties available and publicly registered.

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

Moved by Councillor Scott, seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) the City maintains a City of Sydney Land Register (Local Government Act 1993 - section 53) which extends to 143 pages – which includes details of: Address, Property Classification and Zoning for each and every property owned;
- (ii) key services and community outreach programs continue to struggle to find spaces to perform their services;
- (iii) as at July 2022, there were 1,427 affordable housing units in the local area, 631 dwellings in the development pipeline and a further 701 that are expected to be built in the future (but not yet in the development pipeline). Noting the dwellings quoted below may be counted under more than one category, there are:
  - (a) 1,376 dwellings (built, pipeline and expected) that come from the City's affordable housing contribution schemes;
  - (b) 228 dwellings (built, pipeline and expected) that have been assisted by subsidised land sales from the City to community housing providers;
  - (c) 483 dwellings (built, pipeline and expected) that have been assisted by the City's Affordable and Diverse Housing Fund; and
  - (d) a further 672 dwellings (built, pipeline and expected) that have not been assisted by any of the above; and
- (iv) City staff performed an audit and sale of vacant land for community housing providers, the last sale being 2016; and

(B) the Chief Executive Officer be requested to:

- (i) undertake a new audit of vacant City of Sydney properties that may be utilised for the purposes of affordable housing or community use;

- (ii) investigate creating a public register accessible via the City of Sydney website, detailing the City-owned properties including their:
  - (a) address;
  - (b) property classification;
  - (c) zoning; and
  - (d) part or whole vacancy status; and
- (iii) provide updates via the CEO Update on the findings of the audit and plans to make City properties available and publicly registered.

Carried unanimously.

X086655

### **Item 11.13 Vale Russell Taylor AM**

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

It is resolved that:

(A) Council note:

- (i) the recent passing of Russell (Russ) Taylor AM;
- (ii) Russ was a man of unwavering loyalty, enduring friendship, and deep compassion. A proud Kamilaroi man, he dedicated much of his life to advancing the interests of Aboriginal and Torres Strait people;
- (iii) growing up with his family in working class Miller's Point, Russ learned the values of community, generosity, and looking out for one another. These values stayed with him throughout his life, and he remained connected and dedicated to the Millers Point community;
- (iv) Russ was a man of many accomplishments. He was Chief Executive Officer of the Aboriginal Housing Office and the longest serving principal and executive at Australian Institute of Aboriginal and Torres Strait Islander Studies. Under his leadership, the institute made significant strides in collecting and preserving Indigenous cultural materials;
- (v) he also served on the boards of the Healing Foundation, Beyond Blue, Lowitja Institute, and Nature Conservation Trust, and as a delegate to the National Congress of Australia's First Peoples;
- (vi) Russ was made a Member of the Order of Australia for significant service to the community. He was also named NAIDOC Male Elder of the Year in 2018 and received an Honorary Doctorate from the University of Technology Sydney;
- (vii) but perhaps Russ's greatest accomplishment was the impact he had on the lives of those around him. To his family, Russ was everything - the nucleus of the Taylor family, and a role model of what a man should be to his loved ones. He was a source of strength and support, and unwavering love and encouragement to his wife Judi and their children and grandchildren;
- (viii) friends who spoke at Russ' funeral described him as a man of true integrity, who lived his life with a strong sense of morality and decency. He treated others with kindness and respect, and always stood up for what he believed in; and
- (ix) Russ will be greatly missed but his legacy will live on in the hearts and memories of those who knew him;

(B) the Lord Mayor be requested to write to Russ' family expressing Council's condolences; and

(C) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Russell (Russ) Taylor AM.

Carried unanimously.

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

At 9.25pm the meeting concluded.

Chair of a meeting of the Council of the City  
of Sydney held on Monday 26 June 2023 at which  
meeting the signature herein was subscribed.