

21 August 2023

At 5.00 pm

Council

Agenda

1. **Confirmation of Minutes**
2. **Statement of Ethical Obligations and Disclosures of Interest**
3. **Minutes by the Lord Mayor**
 - 3.1 Vale Mary-Louise McLaws AO
 - 3.2 Strengthening Renters Rights and Limiting Rent Increases
 - 3.3 Sydney Metro West Extension to Zetland
4. **Memoranda by the Chief Executive Officer**
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
 - 6.1 Confirmation of Minutes
 - 6.2 Statement of Ethical Obligations and Disclosures of Interest
 - 6.3 2022/23 Quarter 4 Review – Delivery Program 2022-2026
 - 6.4 Investments Held as at 30 June 2023
 - 6.5 Investments Held as at 31 July 2023
 - 6.6 Proposed Sale of Surplus City Owned Land – Part 17 Zetland Avenue, Zetland
 - 6.7 T-2022-810 - Venue Management Catering Services
 - 6.8 Tender - T-2023-917 - Oxford Street West and Liverpool Street Cycleway Construction
 - 6.9 Tender - T-2023-953 - Pyrotechnical Services for Sydney New Year's Eve
 - 6.10 Exemption from Tender - SSROC T2022-03 - Provision of Linemarking Services

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7. Report of the Cultural and Creative Committee

- 7.1 Confirmation of Minutes
- 7.2 Statement of Ethical Obligations and Disclosures of Interest
- 7.3 Grants and Sponsorship – Accommodation Grants Program - 4A Centre for Contemporary Asian Art

8. Report of the Resilient Communities Committee

- 8.1 Confirmation of Minutes
- 8.2 Statement of Ethical Obligations and Disclosures of Interest
- 8.3 Grants and Sponsorship - Food Support Grants
- 8.4 Grants and Sponsorship - Ad Hoc Grant - Grant of Licence to Australians for Indigenous Constitutional Recognition Ltd

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

- 9.1 Confirmation of Minutes
- 9.2 Statement of Ethical Obligations and Disclosures of Interest
- 9.3 Project Scope - O'Dea Avenue Cycling Connection
- 9.4 Project Scope - Ultimo to Surry Hills Cycleway
- 9.5 Project Scope - Wellington Street Bike Network Link
- 9.6 Public Exhibition - Haymarket and Chinatown Revitalisation Strategy
- 9.7 Public Exhibition - Haymarket Public Domain Plan
- 9.8 Public Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - Sydney Local Environmental Plan 2012 Amendment

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- 9.9 Post Exhibition - Planning Proposal - Retail Review and Retail Parking - Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 Amendment
- 9.10 Post Exhibition - Planning Proposal - 923-935 Bourke Street Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment
- 9.11 Local Planning Panel - Appointment of Members
- 9.12 Fire Safety Reports
- 10. Questions on Notice**
- 11. Supplementary Answers to Previous Questions**
- 12. Notices of Motion**
 - 12.1 Local Council Outreach Services for Seasonal Workers
 - 12.2 Sheroes of Our Nation
 - 12.3 Electrification of Homes
 - 12.4 Vale Uncle Terry Denzil
 - 12.5 Vale David Burnie
 - 12.6 Vale Betty Hounslow AM
 - 12.7 Stop Trolley Dumping
 - 12.8 Motion to Local Government NSW Annual Conference - Ending Fossil Fuel Sponsorship in Local Communities
 - 12.9 Motion to Local Government NSW Annual Conference - Encouraging Local Government Super Funds to Support Ethical Investments
 - 12.10 Motion to Local Government NSW Annual Conference - Affordable Housing in Perpetuity
 - 12.11 Ending New Gas Connections in the City of Sydney

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- 12.12 Reinstating Removed or Damaged Women's Artworks
- 12.13 Public and Affordable Housing Gains in International Cities
- 12.14 Community Recognition Statement - Marlon Sevehon -
Woolloomooloo Boxing Team
- 12.15 Motion to Local Government NSW Annual Conference- Support for
Drag Story Time Events in Local Government
- 12.16 Motion to Local Government NSW Annual Conference - Support for
Gender Affirmation Leave for Council Workers
- 12.17 Motion to Local Government NSW Annual Conference - Support for
Early Childhood Education in the Local Government Sector
- 12.18 Motion to Local Government NSW Annual Conference - Ban on
Local Government NSW using Race Clubs for Conference Venues
- 12.19 Condemning the Oxford Street Stabbing

Item 1

Confirmation of Minutes

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

Meeting of 26 June 2023

Item 2

Statement of Ethical Obligations

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

Disclosures of Interest

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

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

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

Item 3.1**Vale Mary-Louise McLaws AO****File No: S051491****Minute by the Lord Mayor**

To Council:

I wish to inform Council of the passing of Emeritus Professor Mary-Louise McLaws AO, internationally recognised epidemiologist and public health specialist, on 12 August 2023.

Australians came to know Professor McLaws through her many media appearances during the Covid-19 pandemic, calmly and gracefully explaining it and the actions we needed to take to limit its impacts. The Chief Executive Officer and I had the benefit of her advice to guide the City of Sydney's response, including difficult decisions around the New Year's Eve fireworks.

Born in Tasmania on 17 March 1953, she was the second child of Jewish parents Barry and Louise Viney. Mary-Louise and her older brother, Barrie, spent their early years with their mother in Bondi, before moving to the Central Coast where she attended Gosford High School. She took the surname of her stepfather, Bruce McLaws.

She graduated with a Bachelor of Science degree from the University of Sydney, following it with a Diploma in Tropical Public Health in 1984 and a Master's degree in Public Health in 1987.

In 1986, she met the late Professor David Cooper AC, who invited her to join the HIV and AIDS research laboratory he was establishing at the University of NSW. She commenced a PhD, researching condom use behaviour in homosexually active men at risk of AIDS, supervised by Professor Cooper. It was an important contribution to HIV prevention, assisted by the close personal and professional relationships she established with community AIDS organisations.

Completing her thesis in 1992, she joined the University of NSW's academic staff as an assistant professor in epidemiology, later becoming Professor, Epidemiology, Healthcare Infection and Infectious Diseases Control in the University's school of public health and community medicine.

Over the next 30 years, Professor McLaws made a significant academic contribution, writing more than 180 research papers, while teaching, mentoring students and supervising and supporting their research.

Her research in epidemiology, infection control and patient safety extended her work beyond the University. As a long-time member of NSW Health's Clinical Excellence Commission, she collaborated in implementing state-wide infection prevention programs in hospital settings including intensive care units and hospital emergency departments.

As director of Sydney South West Area Health Service's Public Health Unit, she made significant contributions to eliminating HIV, hepatitis B and hepatitis C and containing the spread of the swine flu.

Professor McLaws also made a significant international contribution to public health. In 2002, she became an adviser for World Health Organisation (WHO), working on the ground in Hong Kong and Malaysia and Beijing to help control Severe Acute Respiratory Syndrome (SARS) and develop their surveillance systems. In Beijing she collaborated on research to understand why healthcare workers acquired SARS in response to the outbreak of the disease. Her other international work included infection control research in Cambodia, China, Bangladesh, Mali, Indonesia, Iran, Viet Nam, Taiwan and Turkey.

In February 2020, she joined other experts at Geneva's WHO headquarters to make sense of an emerging international public health emergency. The cause, a new disease named Covid-19 in the same month, would dominate her life for the next two years.

As a member of the WHO Covid-19 expert advisory panel, she would attend online meetings which continued some hours after midnight Sydney time because of international time differences while continuing her University of NSW day job. She told a journalist she was “constantly jetlagged” but was always happy to sacrifice sleep to be informed by cutting-edge, ever-changing scientific research.

This, together with her own research, enabled her to advocate for evidenced-based public policy to respond to Covid. In the early days of the pandemic, she called for Australia to close its borders and urged people not to attend the ultimately cancelled 2020 Melbourne Grand Prix. She was among the first experts to talk about the need for face masks and dedicated quarantine facilities, rather than keeping overseas arrivals in poorly ventilated hotels.

Much of her time was dedicated to educating the public about Covid, by making herself available to journalists at all hours and through numerous media appearances.

Susannah Elliott, CEO of the Australian Science Media Centre, said Professor McLaws “was always calm, measured and available.”

“She had a skill for connecting with people through her boundless empathy and genuine willingness to help – she was a truly brilliant science communicator. She was also incredibly modest, asking for feedback on her interviews and open to suggestions on how she could improve.”

The Federal Health Minister, Mark Butler, said that “to see her on TV outline in a very calm but authoritative and articulate way, the best way we could protect ourselves was a source of great reassurance to the Australian people.”

In early 2022, Professor McLaws was diagnosed with a brain tumour and took leave from the University of NSW and WHO to begin cancer treatment, while encouraging people to donate to brain cancer research.

In June 2022, she was appointed an Officer of the Order of Australia “for distinguished service to medical research, particularly to epidemiology and infection prevention, to tertiary education, and to health administration” and was one of 92 Australians recognised in a special Covid-19 honour roll.

Professor McLaws is survived by Richard Flook, her husband of 35 years, and her children Zia and Zachary.

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Professor Mary-Louise McLaws AO and her outstanding contribution to public health and epidemiological research in Australia and internationally;
- (B) Council express its condolences to Professor McLaws' husband, Richard Flook, and her children Zia and Zachary; and
- (C) the Lord Mayor convey Council's sincere condolences to Professor McLaws' family.

COUNCILLOR CLOVER MOORE

Lord Mayor

Item 3.2

Strengthening Renters Rights and Limiting Rent Increases

File No: S051491

Minute by the Lord Mayor

To Council:

We are in the midst of a housing crisis, which is making renting in Sydney increasingly unaffordable. The problem is particularly acute in the City of Sydney, where more than half of people living in the City are renters.

Over the last financial year, median rents for units in our local area went up by a staggering 25 per cent, that is an increase of \$182 per week, bringing the median rent for a unit in the City of Sydney from \$728 per week to \$910 per week. Haymarket and Zetland saw the highest annual increase in rent across suburbs nationally, with rent increasing by 30 per cent in the past year.

These substantial increases are one of the largest contributors to rising inflation and the current cost-of-living crisis, and are having devastating impacts on people and the efficient functioning of our city. Essential workers like paramedics, teachers and social workers have been priced out of living in the city. Young people and students, including from overseas, that are working in retail and hospitality can no longer live close to the city centre and are at increasing risk of homelessness.

Urgent action needed by State and Federal Governments

Housing is primarily the responsibility of the NSW Government. However, the City uses every lever available to increase the supply of means-tested and permanent affordable rental housing for lower income households in the Local Government Area.

To June 2022, the City has contributed to 2,759 Affordable Housing dwellings, either built or in the pipeline. This includes:

- 1,376 dwellings from \$378 million in levies (from sites in Pyrmont, Ultimo, Green Square and the Southern Employment Lands);
- 228 dwellings from \$24 million in subsidised City-owned land sales (on sites in Zetland, Redfern, Alexandria and Surry Hills);
- 483 dwellings from \$10 million in City grants to not-for-profit housing providers from our Affordable and Diverse Housing Fund (for projects in Darlinghurst, Chippendale, and Surry Hills); and
- 672 dwellings through Voluntary Planning Agreements (projects in Glebe and Rosebery), our planning controls (Redfern and Waterloo) and by other means.

The City's levy scheme, which has been increased to all of the Local Government Area since July 2021, is expected to deliver a further 1,950 affordable dwellings.

On 22 June 2023, the NSW Parliament passed the Residential Tenancies Amendment (Rental Fairness) Bill 2023, which includes implementing a portable rental bond scheme. I welcome the NSW Government's commitment to strengthening renters' rights and rebalancing the rental market. I also welcome the appointment of Trina Jones as the NSW Rental Commissioner, who will be a voice for renters and will design and implement initiatives to deliver on the NSW Government's rental reforms agenda.

The NSW Government recently concluded consultation on further proposed changes to the Residential Tenancies Act 2010. The City of Sydney's submission supports balanced and sensible recommendations that the NSW Government should implement. They include:

- ending 'no grounds' evictions on all leases including at the end of fixed term leases;
- increasing the notice period to terminate a fixed term lease from 30 days to 90 days, so it aligns with the notice period for rolling leases;
- addressing loopholes so that rent increases are limited to once every 12 months, including when a fixed term lease changes to a rolling lease;
- making it easier for renters to have pets, by limiting the reasons a landlord can say no;
- introducing minimum rental efficiency standards for all rental properties in NSW;
- implementing a portable bond scheme, to allow a renter to transfer their bond to a new tenancy, before the bond from the old tenancy has been repaid; and
- other improvements such as protection of renters' data and privacy, making information about median rents publicly available, and letting renters know about embedded networks.

The NSW Government must work collaboratively with important stakeholders such as the Tenants Union of NSW and others to ensure the rental market supports long term renters, provides increased certainty, and slows down rental increases.

On 22 June 2023, the Australian Government established an inquiry into the worsening rental crisis in Australia with consultation currently underway. Last week, National Cabinet agreed on some national principles of renter's rights. Every state and territory will work towards ending no grounds evictions, limiting rent increases to once a year and developing minimum rental standards. This is a good starting point but doesn't go far enough to stop excessive rents.

It is critical that all levels of government hear from people about their experiences of the rental situation in Australia and seriously look at what can be done to rein in excessive rent increases.

Excessive rent increases

Excessive rent increases are already unlawful in NSW, but there is little guidance on what is 'excessive'. The burden is on the tenant to prove the increase is excessive in the NSW Civil and Administrative Appeals Tribunal. This approach has not worked because of the sheer effort renters need to assert their rights. Tenants cannot easily find or access timely information on median rents. Additionally, few renters have the time, energy and tenacity needed to lodge an appeal in the tribunal and wait for the outcome of that process.

In the ACT, excessive rent rises are defined as greater than 110 per cent of the consumer price index (CPI) for rent. Owners or agents can still request more, but the onus is on them to argue the case that it is not excessive in the tribunal. A clearer definition of what is considered 'excessive' rent increases must be included in any new legislative changes by the NSW Government.

Limits on excessive rent increases must only be introduced alongside sensible reforms to short term rental accommodation rules.

While short-term letting helps facilitate local tourism and can help people earn extra cash, we need tighter State regulation to stop homes being wholly converted into short-term rental properties and contributing to a lack of supply for long-term housing. The concern is not hosted properties where someone might rent out their spare room occasionally or properties that are leased out while the resident has gone on holiday. A balanced approach that distinguishes occasional short-term letting from commercial tourist and visitor accommodation is required.

The current framework for regulating short-term rental accommodation includes an exempt development pathway allowing hosted and non-hosted short-term rentals for up to 180 days per year. Any bookings of 21 consecutive days or more are exempt from the 180-day cap. Given the acute rental affordability crisis in the inner city, the City of Sydney has consistently advocated for this to be lowered to a maximum of 90 days per year.

In May 2023, Council resolved that the Chief Executive Officer 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. We will send the results and recommendations of that study to the NSW Government when it is complete.

With over 58,000 people in NSW on the Social Housing waiting list, we desperately need investment in new Social and Affordable Housing and homelessness services that are already stretched to the limit. The \$10 billion Housing Australia Future Fund will create around 30,000 Affordable homes. It is not the panacea - but it is a significant step in the right direction. It is essential this Bill is passed without further delay.

Legislating for improved renters' rights and limiting rent increases will result in greater transparency between landlords and tenants, which is strongly supported by the City of Sydney.

Recommendation

It is resolved that:

- (A) Council note:
- (i) that over the 2022/23 financial year, median rents for units in the City of Sydney Local Government Area went up by a staggering 25 per cent, that is an increase of \$182 per week, bringing the median rent for a unit in the City of Sydney from \$728 per week to \$910 per week;
 - (ii) that Haymarket and Zetland in the City of Sydney area saw the highest annual increase in rent across suburbs nationally, with rent increasing by 30 per cent in the past financial year;
 - (iii) that on 22 June 2023, the NSW Parliament passed the Residential Tenancies Amendment (Rental Fairness) Bill 2023 providing some increased protections for renters;
 - (iv) that on the 22 June 2023, the Australian Government established an inquiry into the worsening rental crisis in Australia with public consultation currently underway; and
 - (v) the City of Sydney's submission to the NSW Government's consultation paper that proposes further changes to the Residential Tenancies Act 2010, as shown at Attachment A to the subject minute;
- (B) Council call on the NSW Government to limit rent increases to a maximum of 110 per cent of the CPI for rent, alongside sensible reforms to short term rental accommodation rules such as a reduced cap of 90 days per year for short term rental accommodation to reduce the number of homes taken off the long-term rental market;
- (C) the Chief Executive Officer be requested to:
- (i) provide a copy of this Lord Mayoral Minute to the NSW Department of Fair Trading, as an addendum to the City of Sydney's submission on 'Improving NSW rental laws consultation paper'; and
 - (ii) make a submission to the Australian Government's inquiry into the worsening rental crisis in Australia by the Community Affairs References Committee before the 1 September 2023 deadline that is consistent with the City of Sydney's submission and this Lord Mayoral Minute to the NSW Government's proposed rental reforms and circulate a copy via the CEO Update; and

- (D) the Lord Mayor be requested to write to:
- (i) the NSW Rental Commissioner, Trina Jones congratulating her on her appointment and urging her to work with the NSW Government and other relevant stakeholders such as the Tenants Union of NSW to implement stronger protections for renters as soon as possible;
 - (ii) the Minister for Housing and Homelessness, the Minister for Planning and Public Spaces, the Minister for Environment, Minister for Better Regulation and Fair Trading and local state members with a copy of this Lord Mayoral Minute and encouraging them to work collaboratively with the NSW Rental Commissioner, the City of Sydney, and other relevant stakeholders to implement cohesive reforms that deliver stronger protections for renters as soon as possible; and
 - (iii) the leaders of non-government parties in the Australian Government urging them to support the Housing Australia Future Fund Bill 2023, which will fund desperately needed new social and affordable housing projects across the country.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Attachments

Attachment A. City of Sydney Submission - Improving NSW Rental Laws

Attachment A

**City of Sydney Submission – Improving
NSW Rental Laws**

11 August 2023

Our Ref: 2023/451318
File No: X034528

Improving NSW rental laws consultation paper
NSW Fair Trading
NSW Department of Customer Service
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Dear Sir/Madam

Support to improve NSW rental laws

The City of Sydney (the City) strongly supports the NSW Government's review to improve NSW rental laws. We also welcome the appointment of a new Rental Commissioner to lead and implement key commitments to make renting in NSW more affordable, fairer, and secure.

With the rental market in NSW and in particular Sydney the toughest it has been in decades, the City recognises the importance of the proposed changes to address renting challenges faced by many in our community. The proposed improvements by the NSW Government are essential to ensure more equitable, affordable, and secure outcomes are delivered for both renters and landlords.

However, careful consideration is required to ensure that all renters have the agency, tools and support required to benefit from the proposed changes. Further research and engagement with key peak bodies such as the Tenants' Union of NSW, Shelter NSW, Homelessness NSW, YFoundations, Domestic Violence NSW, and the Community Housing Industry Association NSW is crucial to continue to unpack and identify how the rental law changes can best support everyone. Aboriginal and Torres Strait Islander people, younger and older people, people on low incomes, international students, new immigrants, creative workers, and people in social, affordable, and boarding housing are priority communities to specifically consider and engage with as part of this review.

Rental stress and the City of Sydney's strategic context

The City of Sydney has the highest number of households that rent (51 per cent) when compared to all other local government areas in NSW¹. Median rents for a unit in the City of Sydney increased by over 25% over the last financial year (2022-2023), that is an increase of \$182 per week, bringing the median rent in the City of Sydney from \$728 per week to \$910 per week². In addition, the recently published *Brutal Reality – The Human*

¹ <https://profile.id.com.au/sydney/tenure>

² <https://homelessnessnsw.org.au/data/housing-and-homelessness-dashboard/>

*Cost of Australia's Housing Crisis Report*³ noted that four in five (82 per cent) renters surveyed across Australia are in rental stress.

The City seeks to promote and support an inclusive and equitable society, in line with our Community Strategic Plan – *Sustainable Sydney 2030 to 2050 Continuing the Vision* and our *City for All – Social Sustainability Policy and Action Plan 2018-2028*. The City is committed to supporting renters by advocating and collaborating to deliver improved housing choices and conditions, including long term rental tenancy options.

The City's *Housing for All: City of Sydney Local Housing Strategy 2020* aims to support housing diversity and choice in the local area, including advocating for and supporting renters. This Strategy aligns strongly with the proposed recommendations by the NSW Government on the need for rental reform to address renter uncertainty. In particular, the Strategy states the need to consider permitting longer leases, reform of 'no-grounds' evictions, limiting rental increases and review, and better renter-owner mediation processes.

The City takes direct action to increase the supply of affordable rental housing available for lower income households. We have set a target of 7.5 per cent of all private dwelling stock to be affordable rental housing. We have collected \$377.8 million in levies, provided \$24.2 million in discount land and almost \$10 million in grants resulting in over 1,400 built affordable rental dwellings and an additional 1,300 affordable rental dwellings in the pipeline.

In addition, the City's *draft Resilience Strategy 2023-2028* identifies renters as a priority community who may require additional support during times of stress or emergency. This Strategy aims to advocate for safe, healthy, appropriate, climate-proofed crises, social, affordable, and rental housing. As part of the consultation for this Strategy, people who rent within our community also told us that they would like options to adapt their homes to deal with the impacts of climate change.

City of Sydney feedback on key recommendations

The City provides the following feedback to the NSW Government recommendations on improving rental laws in NSW.

Recommendation 1: Removing 'no-grounds' terminations.

The City supports the NSW Government's commitment to ending 'no grounds' terminations, including increasing notice to 90 days for fixed term leases.

Renters need homes that are stable and secure and deserve a valid reason for ending a tenancy. The requirement for a landlord to give a reason should apply to both periodic leases as well as fixed term leases. The most appropriate model should be informed with further guidance from the Tenants' Union of NSW as part of this consultation process.

The City also supports the need for landlords to provide evidence to a renter when a landlord ends a tenancy for a particular reason. The City would encourage the NSW Government to consider implementing similar types of evidence required in Queensland and Victoria such as a contract with a tradesperson demonstrating that the dwelling will be undergoing repairs or renovation or ensuring that the property is not rented out for six months after the tenancy has ended.

³ <https://everybodyshome.com.au/resources/brutal-reality/>

Recommendation 2: A new model for renters to keep pets.

The City supports the NSW Government's proposal to change tenancy laws to make it easier for renters to keep pets.

The City has a history of advocacy for changes to laws that have restricted pets through 'blanket bans' in strata and pets in rental properties. The City recognises the significant benefits of pets for individuals, households and communities, including companionship, well-being, physical and mental health. People experiencing domestic and family violence are at greater risk of both harm and housing instability when owning pets. A recent report from Domestic Violence NSW indicates individuals may remain in unsafe and precarious living situations to keep their pets in the instance of domestic violence⁴.

The City supports responsible pet ownership and the highest concern for animal welfare through our Companion Animals Policy. Domestic Violence NSW cites pets being killed or injured during incidents of domestic and family violence⁵. In addition, pet relinquishment (surrendering) has been shown to spike at times of housing crisis. By making it easier for people to have pets in rental homes, animal welfare outcomes could be improved, and the demand on animal welfare services offering domestic violence support programs, including the City's Pets in Needs Program, could be reduced.

The proposal for a standard pet form will provide a consistent way for renters to notify a landlord that they wish to keep a pet. Although, a 21-day period seems reasonable for an existing renter, the agent or landlord should confirm they have received the application, to avoid any possible confusion about a default approval if no objection is received within 21 days.

Further clarity and consideration are required for renters who already have pets and how they seek approval from a future landlord before they sign a lease. The proposal suggests that renters will only get a pet once they have the landlord's permission. We recommend the pet form is used only once someone is a preferred applicant, to ensure it does not become a tool for discriminating against pet owners. We also suggest a quicker response time for this scenario, for example, 5 business days, which is in keeping with the timeframes associated with rental tenancy application processes. Limiting the amount of personal information provided during the application process will promote a fairer process - more likely to make it easier for people to have pets, and less likely to result in discrimination for pet owners.

The City also supports clearly listing specific reasons to refuse a pet within the *Residential Tenancies Act 2010* or Regulation. This will provide clarity and minimise disputes between the landlord and renter. The City recommends the NSW Government consider the benefits and challenges of approaches to refuse renters to have a pet in other jurisdictions, including Victoria, the ACT and the Northern Territory. The reasons currently included in Appendix A would require further consultation with key peak bodies and the community. It will be important to ensure this process, including the Tribunal, makes it easier for people to keep pets (and doesn't have unintended outcomes through subjective measures and broad interpretation of reasons).

The City is concerned that the current proposal allows landlords to set excessive conditions on the keeping of pets, such as where they are kept and allows landlords to deny a tenant having a pet if they think the damage caused would be too expensive. The current approach leaves too much discretion with landlords to reject applications on the basis of subjective assessments of potential costs of potential damage caused by pets.

⁴ Stone et al (2021)

⁵ Animals and people experiencing domestic and family violence, Domestic Violence NSW, 2021

The City recommends that the NSW Government implement an approach similar to that in Victoria⁶. In Victoria renters have legal duties and responsibilities including taking care to avoid damaging the property, keeping the property reasonably clean and not causing a nuisance or interfering with the reasonable peace, comfort or privacy of neighbours.

If the renter does not meet their duties, the landlord can give them a Notice of Breach of these duties, which tells the renter to fix the breach or pay for any damage, and states that the renter must not breach the same duty again. This applies to damage caused by a pet.

If the renter does not comply with this notice, the landlord can make an application to the tribunal who will make a decision about the damage caused by a pet, taking into account fair wear and tear the age and condition of the damaged item(s).

The City recommends that any exclusions for pets made by a Tribunal should be included in advertisements for the property to ensure potential applicants are aware of these conditions prior to applying. In addition, the NSW Government will need to consider how renters can provide information that demonstrates how their pet complies with the guidelines.

The NSW Government may wish to undertake comprehensive training and information sessions for relevant stakeholders (such as landlords and agents) about how to implement any new processes and provide necessary resources to support the transition to any new arrangements.

Recommendation 3: Making it easier to transfer rental bonds from one property to another.

The City supports the NSW Government's proposed portable rental bond scheme to allow a renter to transfer their bond from an old property to a new property, before the bond from the old property has been repaid.

The transfer of rental bonds will provide a fairer and more accessible system that will reduce financial strain and cost of living pressures on renters when moving between properties. This is particularly important for renters on low incomes where additional costs cannot be easily absorbed for a period.

The City supports the proposed design of the new portable bond scheme and a consistent approach to implementation. This includes ensuring the scheme is compulsory for all renters. A compulsory scheme should be designed to be inclusive and accessible for everyone and not allow landlords to “pick and choose” renters based on those who use the scheme.

If required, we would encourage the NSW Government to consider a two-to-four-week timeframe for renters to top up a new bond to ensure this additional money could align with an individual's work salary payment or government support payment. In terms of consequences, if a renter does not top up the second bond, the City would encourage the NSW Government to engage directly with the Tenants' Union of NSW to understand the impacts this may have on renters.

⁶ <https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/pets>

Recommendation 4: Information to help renters know when a rent increase is excessive.

The City supports providing timely and accurate information to renters so they can make informed decisions and be able to exercise their rights, particularly when faced with a rent rise that is excessive.

The City notes that the *Residential Tenancies Act 2010* currently outlaws excessive rent rises, however there is little guidance for renters on what is excessive. The onus to demonstrate if a rent rise is excessive is often on the renter. This current situation is encouraging and supporting extreme rent rises. In the ACT, excessive rent rises are defined as more than 110 per cent of the consumer price index for rent in Canberra. A landlord or agent can request more; however, the onus is on them to argue the case that it is not excessive in the Tribunal⁷. This is something that could be considered in NSW. However, further research is required to better understand whether rental caps would be appropriate in NSW, for example the withdrawal of rental stock from the rental market.

In addition, providing timely and accurate information to renters is important because one of the ways a renter can dispute a rent increase is by applying to the Tribunal for a hearing if they consider an increase to be excessive. Ensuring that renters have easily available data that is Government sourced and managed is important for transparency and fairness. A centralised and consistent data source that is publicly available may also positively impact the number of disputes that end up at the Tribunal.

The City also supports the proposed initiative to require landlords or their agents to report rent increases to the NSW Government using an online system (e.g. Rental Bonds Online). This would be a good starting point to allow renters to access data in rent increases and to provide Government with longitudinal rental increase data to inform required policy and system changes.

Recommendation 5: Other changes to make rental laws better.

The City also supports a number of additional changes to make rental laws better in NSW.

Telling renters about the use of embedded networks – the City supports the proposed update to the *Residential Tenancies Act 2010* to require landlords or agents to tell renters about all embedded networks that a rental property may use, including within the advertisement for the rental property and giving out a standard information sheet to enquirers.

Increased information for renters moving into strata schemes – the City supports the need for renters to be specifically told about moving restrictions and rules before they sign an agreement. This will assist renters to safely move in and ensure that renters are aware of any specific by-laws a building may have and be able to move in accordingly.

Clarifying the limits on rent increases – the City supports changing the law to prohibit rent being increased twice in 12 months if a renter has changed their agreement type from a periodic to a fixed term agreement. This change needs to occur alongside ending no ground evictions. These two changes combined could contribute to slowing down extreme increases in rent, as increases will be once every 12 months, and renters can't be evicted if the landlord plans to continue renting the property. As a result, this will provide renters more certainty and security for a 12-month period.

⁷ <https://www.acat.act.gov.au/case-types/rental-disputes/rent-increases>

Privacy, use of renters' personal information and references – the City supports the proposed new model to protect renters' personal information to reduce the risk of personal information being misused. As noted by the NSW Government, priority groups, such as people with children, older people, Aboriginal and Torres Strait Islander people, or people from certain cultural backgrounds may find it harder than others to be approved for a rental property.

Reducing and clarifying the information that applicants can be asked to submit could also result in reduced discrimination for rental applicants. This may include a prescribed tenancy application form outlining the reasonably required information a renter needs to submit as well as the types of information that is not allowed to be collected by a landlord or agent. This could also be considered in relation to the use of the pet form in the application process and how this information may be used. In addition, further investigation on ways to support renters who may find it difficult to submit references as part of a rental application is required. This may include young people, international students, migrants, or people fleeing domestic violence where it may be their first rental application.

The City also supports changes to allow renter's the right to view and correct their personal information, including requiring the *Residential Tenancies Act 2010* to respond to applicants' requests to access their personal information within 30 days and take reasonable steps to correct any errors in the applicant's information that the applicant makes the agent or landlord aware of within 30 days.

Minimum energy performance standards for rental properties – the City supports and will continue to advocate for NSW and Federal governments to enact minimum energy performance standards for existing rental properties, alongside a nationally consistent rating tool for home energy performance with mandatory disclosure at the point of sale or lease (including for apartments). The City advocates for the NSW and Federal governments to develop tailored incentives for landlords to upgrade their properties to rectify this issue while stimulating the local economy, as well as reforms that protect renters' rights. All people should be able to live in comfortable housing that protects them from heatwaves and other extreme weather events that are becoming more intense and more frequent because of climate change. This is especially important if people are required to spend more time at home. Many private market and social housing renters live in homes with low levels of energy efficiency and thermal comfort, which can lead to higher utility bills. They have limited capacity to alter the performance of their dwellings, unlike people who own their homes.

All people should be able to live in comfortable housing that protects them from heatwaves and other extreme weather events that are becoming more intense and more frequent because of climate change. This is especially important if people are required to spend more time at home. The impacts of climate change disproportionately effect people already experiencing vulnerability such as those on low incomes or who are older, and these impacts are compounded with other climate-specific vulnerabilities such as being a renter. The City also advocates for the NSW and Federal governments to ensure that renters are supported to and are able to adapt to the changing climate, especially against hotter days for longer periods of time. Governments and cities globally are tackling these impacts through policy. New York City, Washington DC, and Toronto both already have minimum internal temperature requirements on rental accommodation and are now working towards a maximum temperature requirement. Landlords in New York City must also provide a method of internal cooling such as air conditioning, ceiling fans or the ability to open windows and proof is required through landlord registration and retrofit/building development applications. Policies such as this are a good first step

in protecting renters from the impacts of climate change allowing for more embedded change such as energy efficiency measures.

We thank the NSW Government for your consideration of these important issues for renters. The proposed changes are essential to foster a more balanced and fair rental market. In addition, we note that the Tenants' Union of NSW has undertaken significant advocacy for legislative reform to rental laws in NSW and urge the NSW Government to consider their recommendations and feedback as part of this process.

If you wish to speak to a Council officer about this submission, please contact Ben Dowler, Strategy Advisor – Social on 02 9246 7882 or email bdowler@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "P. M. Barone". The letters are cursive and slightly slanted to the right.

Monica Barone
Chief Executive Officer

Item 3.3

Sydney Metro West Extension to Zetland

File No: S051491

Minute by the Lord Mayor

To Council:

At 278 hectares, Green Square is Australia's largest urban renewal project with a redevelopment cost of \$22 billion at its completion. By 2036, it will have approximately 63,000 residents and up to 22,000 workers – a density of around 22,600 people per square kilometre or 226 per hectare, among the highest densities in Australia for a renewal area of this size. Around 33,000 residents – more than half of the total population - has already moved in.

However, when the City took control in 2006, the Town Centre was virtually moribund. The industrial land was heavily contaminated and significantly affected by flooding.

Along with master planning, we have been delivering on a \$1.8 billion local infrastructure plan for services and facilities – roads and footpaths, new parks and playgrounds, public art and childcare, as well as funding more than half of the \$140 million, 2.5-kilometre stormwater trunk drain, which was the responsibility of the NSW Government. The City has already funded \$700 million to ensure local community infrastructure is in place as residents move in.

However, despite increasing the population density at Green Square being the policy of successive NSW Governments since 1995 and reaping billions in stamp duty windfall gains, they have been slow to meet their state infrastructure responsibilities.

Investment in mass transit at a major growth centre at Zetland is long overdue. This would help reduce congestion, manage current capacity problems and encourage more public transport use in the future.

The former NSW Government explored extending the Sydney Metro West to Zetland by 2031, as part of initial plans for Stage 1 Metro West. However, as project costs soared, a connection to Zetland was dropped. It was later envisaged as an eastern extension under the NSW Government's South East Transport Strategy 2022 by 2041, but it cannot wait until then.

I made it clear to the previous government that Sydney Metro West, continued out to Zetland, is essential and must be delivered as soon as possible. I have, again, raised the urgency of mass transit solutions to Green Square such as the Metro in recent letters to, and meetings with, the new NSW Premier, Treasurer, Minister for Transport and Minister for Planning and Public Spaces.

I welcome the NSW Government's Independent Review Interim Report into the Sydney Metro project, which recommends consideration of a further eastern extension to Sydney Metro West.

The City's long-term strategic plan, Sustainable Sydney 2030- 2050: Continuing the Vision, responds to the NSW Government's South East Sydney Transport Strategy 2020 and envisages future stations around the University of NSW, Prince of Wales Hospital and Sydney Children's hospital to better connect current and future innovation, knowledge and employment centres, helping to foster innovation precincts and space for the jobs of the future.

Such an extension would also take more cars off the road and help to transform key major city gateways such as Oxford Street, Botany Road, and Broadway, currently acting as traffic sewers, into green, pedestrian and cycling friendly avenues – making them welcoming entries to the city centre.

For years, the City has worked with developers to preserve Zetland Avenue as a transport corridor. That would not only accommodate a Green Square light rail connection to central Sydney, but also presents an excellent opportunity for a metro stop. Zetland Avenue is appropriately sized to fit a metro station, on an axis with a useful alignment eastwards to Randwick and beyond.

Infrastructure like the Sydney Harbour Bridge or Opera House was expensive at the time of construction, and people had their doubts. But leaders must look beyond what is hard in the moment and build what is needed for future communities.

New metro stations such as Zetland are an overdue, necessary correction so I was pleased to read recent media reports that the NSW Government is now seriously considering a metro stop at Zetland.

The City of Sydney is prepared to work with the NSW Government to identify appropriate land and a construction area including consideration of leases, stratum land sales and public domain upgrades to reduce the cost of a delivering a metro station at Zetland for the NSW Government to be delivered as part of the Sydney Metro West scope as soon as possible.

Recommendation

It is resolved that:

(A) Council note:

- (i) by 2036, Green Square will have approximately 63,000 residents and up to 22,000 workers - a density of around 22,600 people per square kilometre or 226 per hectare, among the highest densities in Australia for an area of this size;
- (ii) the City of Sydney is meeting its public infrastructure obligations with a \$1.8 billion local infrastructure plan for services and facilities, with \$700 million already funded to ensure community infrastructure is in place as residents move in;
- (iii) the former NSW Government explored extending Sydney Metro West to Zetland by 2031, as part of plans for Stage 1 Metro West, but it was dropped;
- (iv) the NSW Government's South East Transport Strategy 2020 envisages a metro stop at Zetland by 2041, but it cannot wait until then;
- (v) an eastern extension to Sydney Metro West including a stop at Zetland (Green Square) is one of the future transformative projects outlined in Sustainable Sydney 2030- 2050: Continuing the Vision; and

- (vi) that the Lord Mayor raised the urgency of mass transit solutions to Green Square including metro in recent letters to and meetings with the new NSW Premier, Treasurer, Minister for Transport and Minister for Planning and Public Spaces;
- (B) the Chief Executive Officer be requested to investigate options for appropriate land and a construction area, including consideration of leases, stratum land sales and public domain upgrades, to reduce the cost of a delivering a metro station at Zetland for the NSW Government to be delivered under Stage 1 of Sydney Metro West, and report back to Council on the outcome of those investigations and next steps via the CEO Update; and
- (C) the Lord Mayor be requested to write again to the NSW Premier, Treasurer, and Minister for Transport with a copy of this Lord Mayoral Minute and calling on the NSW Government to work with the City of Sydney to address the significant transport infrastructure deficit at Green Square by extending Sydney Metro West eastwards to Zetland as part of the Sydney Metro West scope as soon as possible.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Item 4

Memoranda by the Chief Executive Officer

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

Item 5

Matters for Tabling

5.1 Disclosures of Interest

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

Recommendation

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

5.2 Petitions

(a) Thomson Street and Forbes Street Darlinghurst 2010 Residents Petition – “No” to Council’s Proposed Parking Change

Councillor Scott gives notice that, at the meeting of Council on Monday, 21 August 2023, she will table and speak to a petition (with 55 signatures) with the following terms:

Current – eastern side of Thomson St “1P 8am – 12 midnight Permit Holders Excepted Area 17.”

Proposed Changes to Parking in Thomson St (North of Liverpool St) - eastern side of Thomson St “No Parking 6am – 6pm Thu and Public Holidays & 1P 8am – 12 Midnight Mon-Wed, Fri-Sun 6pm-12 Midnight Thurs Permit Holders Excepted Area 17.”

Petition Summary

As residents of Thomson Street and Forbes Street, we strongly oppose this poorly considered and impractical proposal to change the parking in Thomson St (North) in order to accommodate Cleanaway’s standard 2.5 metre wide garbage truck and we appeal to City of Sydney Council (CoS) to withdraw this proposed change.

City of Sydney Inaccuracies

In preparing this petition we have discovered a number of inaccuracies and inconsistencies that have been used by the CoS to support their argument for removing parking spaces in Thomson Street (North) to accommodate Cleanaway. Inaccuracies such as:

- CoS informed residents that Cleanaway’s smaller garbage trucks would not be suitable for accessing Thomson Street. On a resident contacting Cleanaway to ask for the dimensions of their garbage trucks we were advised that Cleanaway has only one standard garbage truck and this is approximately 9.25 metres long and 2.6 metres wide (including mirrors). Cleanaway confirmed that they don’t operate smaller garbage trucks as they are not commercially viable. If this is the case, why were smaller Cleanaway trucks being used (July 2023) to collect garbage from the narrow streets of Surry Hills, see Appendix G.

- CoS advised the residents of Thomson Street (North) that Cleanaway's 9.25 metre long x 2.5 metre wide standard garbage truck travels the length of Thomson Street (South) #42 - #80 to collect waste. On asking the residents of Thomson Street (South), Cleanaway's 2.5 metre wide garbage trucks do not access this street as it is too narrow for the trucks to traverse.
- CoS states Galara Street, Rosebery (See Appendix B) has "similar restrictions applied to good effect". Galara Street, Rosebery is a new apartment development, very different to Thomson Street (North). Galara Street should not be used by CoS as a comparison or benchmark for "similar restrictions".
- CoS stated that they have to provide a safe working environment for not only its employees but also its contractors. This statement by CoS is contradictory given the wording in the tendering process - Cleanaway is responsible for their employees, not CoS.
- CoS mentions that "the maximum distance for movement of bins is 10 metres". What CoS did not state was that the 10 metres is taken from The City of Sydney's Guidelines for Waste Management in New Developments (the Guidelines), only. This Guideline does not apply to a 100 metre long strip of 20 heritage terrace houses built in the mid to late 19th century!
- CoS, in another statement, contradicted their "10 metre" guideline stating "no more than 20 metres" for the running of garbage.
- CoS mentions that "the maximum distance for movement of bins is 10 metres" as per the New Development Guidelines. What CoS did not qualify was that the maximum manual handling distance between the storage and the collection point is: "10 metres for bins including 120L, 240L, 660L and 1,100L Mobile Garbage Bins (MGBs)". Bins in Thomson Street are small, varying from 50L, 80L to 120L, maximum.
- CoS's "proposed parking changes" letter implies that "missed waste collection services" were due to access problems associated with Thomson Street. When contacted, CoS Officers stated that the actual reason was that Cleanaway was short of trucks and / or drivers, not because of street access problems. (See The Sun Herald of 23rd July 2023, Page 14 article titled "Anger grows over rubbish dispute").

Tendering Process

- The tendering process (Reference Point 12.) is obligated to identify and address garbage collection in the narrower streets of its LGA. Smaller garbage trucks or the use of runners have historically been and continue to be accepted work practices.

Precedent

- Thomson Street parking has been the same for decades. Given CoS proposed parking change it appears that CoS is looking after the interest of Cleanaway over the interests of residents in Darlinghurst and the wider community.

- Thomson and Forbes Street houses and streetscape were built in the 19th century and are not classified as a “new development” as defined in the CoS’s Guidelines for Waste Management in New Developments, August 2018. Galara Street Rosebery, referenced by the Council as a precedent for this type of parking restriction, is not comparable to Thomson Street, where only one of the 20 houses has access to any off street parking. Galara Street’s apartments have access to on-site parking and waste is collected in a very different way.

Resident Impact

- It is not reasonable or feasible for families with young children to leave their home before 6am on a weekday morning to try and move their car to a neighbouring street, especially as there may not be any suitable vacant parking space available.
- Apart from residents needing to access their homes, Thomson and Forbes Streets are located in a “go-to” destination that attracts many people from outside this area to enable access to cultural / commercial / educational / benevolent / café / restaurant enterprises. This places additional demands on parking in what is already a challenging area for local residents to park.
- To propose a “No Parking 6am – 6pm Thursday” on the eastern side of Thomson Street (North) will exacerbate an already existing and ever-increasing challenge for residents needing to park near their homes in Darlinghurst.

This is Cleanaway and the CoS’s problem to solve. The residents should not become the collateral damage for poor decision making and lack of due diligence by CoS. The residents of Thomson Street and Forbes Street say “NO” to CoS’s proposed parking change!

Recommendation

It is resolved that the Petition be received and noted.

S044250

Item 6

Report of the Corporate, Finance, Properties and Tenders Committee - 14 August 2023

Item 6.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 19 June 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 6.2

Statement of Ethical Obligations and Disclosures of Interest

The Lord Mayor (Councillor Clover Moore AO) disclosed a less than significant, non-pecuniary interest in Item 6.6 on the agenda, in that she is currently in the process of acquiring an apartment in a separate Deicorp-owned development within Green Square.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no connection between the Council's sale of this land to Deicorp, which was identified over a decade ago in Council's Development Control Plan and Masterplans for the precinct, and her private purchase of this separate property. She has not discussed or had any contact with Deicorp in relation to this matter.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.3 on the agenda, in that her husband is the CEO of the Pharmacy Guild. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there will be no decisions relating to pharmacies required on this Item.
- a less than significant, non-pecuniary interest in Item 6.10 on the agenda, in that she is a Council-nominated member of Southern Sydney Regional Organisation of Councils (SSROC). Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because no tender matters have been discussed prior to the briefings.

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

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

Item 6.3

2022/23 Quarter 4 Review – Delivery Program 2022-2026

It is resolved that Council:

- (A) note the interim financial performance of Council for the 2022/23 financial year ending 30 June 2023, including the Net Surplus of \$179.5M as outlined within the report and summarised at Attachment A to the subject report;
- (B) note the full year Capital Works expenditure of \$144.6M for 2022/23, approve the proposed revote of \$21.7M and adjustments to future years forward estimates, to increase the adopted 2023/24 budget to \$237.6 including \$8.0M of contingency to progress the planned capital works, as detailed in the Attachment B to the subject report;
- (C) note the Technology and Digital Services capital expenditure of \$18.6M for 2022/23, and approve the proposed revote of \$2.5M and other adjustments totalling (\$1.2M), to increase the adopted 2023/24 TDS capital budget to \$21.0M as shown in Attachment B in the subject report;
- (D) note the full year Plant and Equipment expenditure of \$8.4M for 2022/23 (net of disposals), and approve the proposed revote of \$3.2M, to increase the adopted 2023/24 net budget to \$17.2M as show in Attachment B in the subject report;
- (E) note the full year net Property Acquisitions of \$92.5M;
- (F) note the operational performance indicators and quarter and full year achievements against the Delivery Program 2022-2026 objectives, as detailed in Attachment C to the subject report; and
- (G) note the supplementary report which details major legal issues, the quick response, street banner and venue hire support grants and sponsorship 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 4, as detailed in Attachment D to the subject report.

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

X084366

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

Item 6.4

Investments Held as at 30 June 2023

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

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

X020701

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

Item 6.5

Investments Held as at 31 July 2023

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

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

X020701

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

Item 6.6

Proposed Sale of Surplus City Owned Land – Part 17 Zetland Avenue, Zetland

It is resolved that:

- (A) Council endorse the sale of proposed Lot 112 in a proposal plan of subdivision of 17 Zetland Avenue West, Zetland being Lot 11 in Deposited Plan 121716 to Deicorp Projects (Joynton Avenue) Pty Ltd at the price agreed to by both parties and supported by independent valuation as detailed in Confidential Attachment C to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise all negotiations with Deicorp Projects (Joynton Avenue) Pty Ltd and enter into a Contract for Sale and any other documentation required to complete the sale.

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

X086239

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

Item 6.7

Tender - T-2022-810 - Venue Management Catering Services

It is resolved that:

- (A) Council accept the tender offer of Tenderer B for the provision of catering services to the City's landmark venues for the price and contingency outlined in Confidential Attachment A to the subject report for a period of two years, with the option of an extension of three years if the City deems that the supplier's performance is meeting expectations;
- (B) Council note that the total contract sum and contingency for the provision of catering services to the City's landmark venues is outlined in Confidential Attachment A to the subject report, and
- (C) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender.

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

X093477.003

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

Item 6.8

Tender - T-2023-917 - Oxford Street West and Liverpool Street Cycleway Construction

It is resolved that:

- (A) Council accept the tender of Tenderer D for the construction of a separated bi-directional cycleway along the northern kerb side lane of Liverpool Street and Oxford Street between Elizabeth Street and Flinders Street, Darlinghurst for the price and contingency outlined in Confidential Attachment B to the subject report;
- (B) Council note that the total contract sum and contingency for the construction of the Oxford Street West and Liverpool Street cycleway is outlined in Confidential Attachment B 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 B to the subject report.

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

X037203

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

Item 6.9

Tender - T-2023-953 - Pyrotechnical Services for Sydney New Year's Eve

It is resolved that:

- (A) Council accept the tender offer of Tenderer A for Pyrotechnic Services for 2024 and 2025 Sydney New Year's Eve (with two additional options to extend to cover the 2026 and 2027 events, and further 2028 and 2029 events);
- (B) Council note that the total contract sum and contingency for Pyrotechnic Services for 2024 and 2025 Sydney New Year's Eve (with two additional options to extend to cover the 2026 and 2027 events, and further 2028 and 2029 events) 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) authority be delegated to the Chief Executive Officer to exercise the options referred to in Clause (A), if appropriate.

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

X092284.002

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

Item 6.10

Exemption from Tender - SSROC T2022-03 - Provision of Linemarking Services

It is resolved that:

- (A) Council approve an exemption from tender for the Provision of Linemarking Services as Southern Sydney Regional Organisation of Councils (SSROC) has an arrangement with a suitable panel of suppliers resulting from a competitive tender process;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) SSROC conducted a tender process in 2022 which resulted in a suitable panel of competitive suppliers being available to the City, providing a value for money outcome; and
 - (ii) there is unlikely to be any material benefit or cost saving to repeating the tender process;
- (C) Council note that the total contract sum is detailed in Confidential Attachment A to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the Provision of Linemarking Services, for a period of up to six years, and for the total contract sum detailed in Confidential Attachment A to the subject report.

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

X095581

Item 7

Report of the Cultural and Creative Committee - 14 August 2023

Item 7.1

Confirmation of Minutes

Moved by Councillor Gannon, seconded by Councillor Scott –

That the Minutes of the meeting of the Cultural and Creative Committee on Monday 19 June 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 7.2**Statement of Ethical Obligations and Disclosures of Interest**

Councillor Sylvie Ellsmore disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she participated in a site visit with other Councillors to the 4A Centre of Contemporary Asian Art, at the invitation of the Centre, earlier in 2023. As part of the informal discussion at the event, Councillor Ellsmore spoke to one of the Directors and staff members about their aspirations for expanded support from the City of Sydney.

Councillor Ellsmore considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she has not had further discussion with anyone connected with the Centre since that time, or discussed this proposed accommodation grant.

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

The Cultural and Creative Committee recommends the following:

Item 7.3

Grants and Sponsorship – Accommodation Grants Program - 4A Centre for Contemporary Asian Art

It is resolved that:

- (A) Council approve the provision of an Accommodation Grant to Asian Australian Artists Association Incorporated for Shop 2, Ground Floor, The Corporation Building, 181-187 Hay Street, Haymarket to lease the property for a five-year period from 1 September 2023 to 31 August 2028, with the option to renew, on the following rental subsidy:

	Market Rental Value	Rental Subsidy	Rental Subsidy Value	Rent Payable
Year 1 2023-24	\$64,600	100%	\$64,600	\$0
Year 2 2024-25	\$66,538	97%	\$64,542	\$1,996
Year 3 2025-26	\$68,534	97%	\$66,478	\$2,056
Year 4 2026-27	\$70,590	97%	\$68,472	\$2,118
Year 5 2027-28	\$72,708	97%	\$70,527	\$2,181

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the lease agreement with the Asian Australian Artists Association Incorporated for Shop 2, Ground Floor, The Corporation Building, 181-187 Hay Street, Haymarket; and
- (C) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipients will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

(Note – at the meeting of the Cultural and Creative Committee, this recommendation was moved by Councillor Gannon, seconded by Councillor Ellsmore, and carried unanimously.)

X086353.004

Item 8

Report of the Resilient Communities Committee - 14 August 2023

Item 8.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Resilient Communities Committee of Monday 19 June 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2**Statement of Ethical Obligations and Disclosures of Interest**

Councillor Sylvie Ellsmore disclosed a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that she has consulted with a number of potential beneficiaries for this new grant program, that is, organisations who provide food relief in the City of Sydney, and may choose to apply for the new grant program, if it is established.

Councillor Ellsmore considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the consultation was focused on identifying the needs of the community, to inform her decisions as a local Councillor. She has no personal connection with any of the organisations she spoke to.

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

The Resilient Communities Committee recommends the following:

Item 8.3

Grants and Sponsorship - Food Support Grants

It is resolved that:

- (A) Council note the 26 June 2023 Resolution of Council put forward via a Lord Mayoral Minute, requesting the Chief Executive Officer investigate options for financial support for food relief organisations and, where relevant, other community-based initiatives that provide access to low-cost food including cooperatives and mutual aid groups, which are operating in the City of Sydney and report back to Council;
- (B) Council approve the Food Support Grant Guidelines as shown at Attachment A to the subject report;
- (C) Council approve up to \$1.7 million for the provision of the 2023/24 Food Support grants, with \$1.0 million to be sourced from the General Contingency Fund and up to a further \$0.7 million from the CEO Contingency;
- (D) Council approve the Food Support grants to be incorporated into the City's Grants and Sponsorship Program for 2024/25 and 2025/26, along with the associated budget for the grants and the costs associated with staffing and administration;
- (E) Council note that following completion of the grant application and assessment process, all grant recommendations for the Food Support grants will be brought back to Council for approval; and
- (F) authority be delegated to the Chief Executive Officer to make minor changes to the Guidelines or to correct minor errors to the matters set out in this report and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

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

S117676

Speakers

Ronni Kahn AO (OzHarvest), Coral Lever (First Nations Response), Nellie Pollard-Wharton (First Nations Response) and Rosanna Barbero (Addison Road Community Organisation) addressed the meeting of the Resilient Communities Committee on Item 8.3.

The Resilient Communities Committee recommends the following:

Item 8.4

Grants and Sponsorship - Ad Hoc Grant - Grant of Licence to Australians for Indigenous Constitutional Recognition Ltd

It is resolved that:

- (A) Council approve an ad-hoc grant to Australians for Indigenous Constitutional Recognition Limited to licence Suite 17.02B, Level 17, Town Hall House, 456 Kent Street, Sydney from 8 August 2023 to 7 November 2023 in accordance with section 356 of the Local Government Act 1993 on the following rental subsidy which incorporates all outgoings and utilities:

Licence Term	Market Rental Value (approximate)	Grant Subsidy (Rounded)	Grant Amount	Rent to be paid
8 August 2023 – 7 November 2023	\$25,781.25	100%	\$25,781.25	\$0

- (B) Council note that the Chief Executive Officer has yet to enter into a three-month licence agreement for Suite 17.02B, Level 17, Town Hall House, 456 Kent Street, Sydney with Australians for Indigenous Constitutional Recognition Limited (YES23);
- (C) Council approve an ad-hoc grant to Australians for Indigenous Constitutional Recognition Limited to licence Suite 19.02, Town Hall House, 456 Kent Street, Sydney from 22 August 2023 to 7 November 2023 in accordance with section 356 of the Local Government Act 1993 on the following rental subsidy which incorporates all outgoings and utilities:

Licence Term	Market Rental Value (approximate)	Grant Subsidy (Rounded)	Grant Amount	Rent to be paid
22 August 2023 – 7 November 2023	\$39,429.60	100%	\$39,429.60	\$0

- (D) Council note that the City will be required to report and declare this financial assistance provided in accordance with the applicable legislation from time to time;
- (E) Council note that the funding for this grant will be sourced from the amount approved by Council on 15 May 2023 to support the Voice to Parliament;
- (F) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

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

The recommendation 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*

Carried.

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

S098790

Item 9

Report of the Transport, Heritage, Environment and Planning Committee - 14 August 2023

Item 9.1

Confirmation of Minutes

Moved by Councillor Chan, seconded by Councillor Kok –

That the Minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of 19 June 2023, as circulated to Councillors, be confirmed.

Carried on the following show of hands:

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

Noes (1) Councillor Weldon

Carried.

Item 9.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Robert Kok disclosed a significant non-pecuniary interest in Item 11 on the agenda, in that he has had a recent close professional relationship with Jess Miller and this Item recommends she be appointed to the Local Planning Panel as a community representative. Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Kok stated that he would not be voting on this item.

Councillor Davis disclosed a significant non-pecuniary interest in Item 11 on the agenda, in that Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Davis stated that given this professional relationship with Jess Miller she would not be voting on this item.

Councillor Worling made the following disclosures:

- a significant non-pecuniary interest in Item 11 on the agenda, in that Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

Councillor Worling stated that given this professional relationship with Jess Miller he would not be voting on this item.

- a less than significant, non-pecuniary interest in Item 11 on the agenda, in that he sits on the Sydney Football Stadium Consultative Community with Julie Armour, who is recommended for appointment to the Local Planning Panel as a community representative. Councillor Worling stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because outside of this voluntary committee he does not have a professional relationship with Julie and has not spoken to her about her appointment on the Local Planning Panel.
- a less than significant, non-pecuniary interest in Item 11 on the agenda, in that since being elected a Councillor in May 2023, he has met with Peter Tzannes, who is recommended for appointment to the Local Planning Panel as a community representative, to discuss community matters because of his position on the Centennial Park Residents' Association. Councillor Worling stated that he considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not spoken to Mr Tzannes about the appointment on the Local Planning Panel.

The Chair (the Lord Mayor) made the following disclosures:

- a pecuniary interest in Item 10 on the agenda, in that her husband owns shares in Woolworths Group, which is the landowner for the site in this planning proposal.

The Chair (the Lord Mayor) stated that she would not be voting on this matter.

- a significant non-pecuniary interest in Item 11 on the agenda, in that she has had a recent close professional relationship with Jess Miller and this item recommends she be appointed to the Local Planning Panel as a community representative. Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

The Chair (the Lord Mayor) stated that she would not be voting on this Item.

Councillor Chan disclosed a significant non-pecuniary interest in Item 11 on the agenda, in that he has had a recent close professional relationship with Jess Miller and this Item recommends she be appointed to the Local Planning Panel as a community representative. Jess Miller was a Councillor elected in 2016 as a member of the Clover Moore Independent Team and was a Clover Moore Independent Team candidate at the 2021 Council election.

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

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee.

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

Item 9.3

Project Scope - O'Dea Avenue Cycling Connection

It is resolved that Council:

- (A) approve the concept design for O'Dea Avenue cycleway as shown in Attachment B to the subject report for detailed documentation and construction tender;
- (B) endorse undertaking additional investigations with Transport for NSW on retaining the right turn at Joynton Avenue, in response to community feedback;
- (C) note the estimated project costs as detailed in Confidential Attachment D to the subject report; and
- (D) note that the City will be applying for construction phase funding from the NSW Government.

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

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

Noes (1) Councillor Weldon*

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

X090338.003

Speaker

David Mateparae addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 9.3.

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

Item 9.4

Project Scope - Ultimo to Surry Hills Cycleway

It is resolved that Council:

- (A) approve the concept design for the Ultimo to Surry Hills Cycleway as shown in Attachment B to the subject report for detailed documentation and construction tender;
- (B) note the estimated project costs as detailed in Confidential Attachment D to the subject report; and
- (C) note that the City will be applying for construction phase funding from the NSW Government.

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

X034650.002

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

Item 9.5

Project Scope - Wellington Street Bike Network Link

It is resolved that Council:

- (A) approve the concept design for the Wellington Street cycleway between George Street and Cope Street as shown in Attachment B to the subject report, for progression to detailed design and construction;
- (B) note the estimated project costs as detailed in Confidential Attachment D to the subject report; and
- (C) note that the City will be applying for construction phase funding from the NSW Government.

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

X034652

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

Item 9.6

Public Exhibition - Haymarket and Chinatown Revitalisation Strategy

It is resolved that:

- (A) Council note the 9 March 2020 Resolution of Council - Supporting Haymarket and Other Businesses put forward via a Lord Mayoral Minute requesting that the Chief Executive Officer further investigate street attractions and activations, including changes to signage, streetscape and traffic movements in Haymarket to reinvigorate the area and increase foot traffic and the 21 November 2022 Resolution of Council endorsing the Project Definition and Scope for the Dixon Street Improvements;
- (B) Council note the findings of the Haymarket Visioning Engagement Outcomes Report as shown at Attachment B to the subject report, Community Vision for Haymarket as shown at Attachment C to the subject report, Haymarket and Chinatown Economic and Land Use Study as shown at Attachment D to the subject report, and Chinatown Thematic History as shown at Attachment E to the subject report;
- (C) Council approve the public exhibition of the draft Haymarket and Chinatown Revitalisation Strategy as shown at Attachment A to the subject report, for a minimum period of 28 days;
- (D) Council note that the Haymarket and Chinatown Revitalisation Strategy including any recommended changes will be brought back to Council for adoption following the exhibition period;
- (E) Council note that further reports will be brought back to Council following heritage assessment of any further items for heritage listing;
- (F) Council note that following the exhibition period if it is confirmed that the Dixon Street frontage upgrade program and the Haymarket activation grants are endorsed by Council, additional budget of an estimated \$900,000 over three years to co-fund the Dixon Street frontage upgrade program and an estimated \$600,000 over three years for additional Haymarket activation grants will be required. In this eventuality a further report will be brought back to Council for consideration and public exhibition of the new programs as required;
- (G) Council note following the exhibition period, if it is confirmed that significant implementation activities are endorsed by Council, funding will be required for an additional Full Time Equivalent (FTE) position for a Haymarket Coordinator and this will be required to be incorporated into future budgets for public exhibition and endorsement by Council; and
- (H) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Haymarket and Chinatown Revitalisation Strategy for clarity or correction of drafting errors prior to public exhibition.

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

X098596

Speakers

Kevin Cheng (Soul of Chinatown), Brad Chan (Banna Property Group), Vincent Lim (Haymarket Chamber of Commerce), the Hon Henry Tsang and King Fong addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Items 6, 7 and 8.

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

Item 9.7

Public Exhibition - Haymarket Public Domain Plan

It is resolved that:

- (A) Council approve for public exhibition the draft Haymarket Public Domain Plan, as shown at Attachment B to the subject report, for a minimum period of 28 days;
- (B) Council note that the Haymarket Public Domain Plan including any recommended changes and a project implementation plan, will be reported to Council for adoption following the exhibition period;
- (C) Council note that further stakeholder engagement and feasibility assessments will be required to develop a more refined scope for individual projects and guide the City's long term planning and capital works programming; and
- (D) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Haymarket Public Domain Plan for clarity or correction of drafting errors prior to public exhibition.

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

X004285.004

Speakers

Kevin Cheng (Soul of Chinatown), Brad Chan (Banna Property Group), Vincent Lim (Haymarket Chamber of Commerce), the Hon Henry Tsang and King Fong addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Items 6, 7 and 8.

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

Item 9.8

Public Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council approve the Planning Proposal - Heritage Item - Chinatown - Ceremonial Gates, Haymarket as shown at Attachment A to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination;
- (B) Council approve the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket, as shown at Attachment A for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the planning proposal; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates to correct any drafting errors or to ensure consistency with the Gateway Determination.

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

X098658

Speakers

Kevin Cheng (Soul of Chinatown), Brad Chan (Banna Property Group), Vincent Lim (Haymarket Chamber of Commerce), The Hon Henry Tsang and King Fong addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Items 6, 7 and 8.

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

Item 9.9

Post Exhibition - Planning Proposal - Retail Review and Retail Parking - Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council note the requirements of the Gateway Determination issued by the Department of Planning and Environment to amend the contents of Planning Proposal: Retail Review and Retail Parking, prior to public exhibition, as shown at Attachment C to the subject report;
- (B) Council note the matters raised in response to the public exhibition of Planning Proposal: Retail Review and Retail Parking and draft Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment, as described in this report and shown at Attachments D to the subject report;
- (C) Council approve the Planning Proposal: Retail Review and Retail Parking, following consideration of submissions as shown at Attachment A to the subject report, to be sent to the Department of Planning and Environment to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) Council approve Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment, following consideration of submissions, as shown at Attachment B to the subject report, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to Planning Proposal: Retail Review and Retail Parking and Sydney Development Control Plan 2012: Retail Review of Southern Sydney Amendment to correct any minor errors, or omissions or ensure consistency with legal drafting prior to finalisation.

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

X084812

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

Item 9.10

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

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal: 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo as shown in Attachment A to the subject report;
- (B) Council note the draft Planning Agreement as shown at Attachment D to the subject report is currently on public exhibition;
- (C) subject to the execution of the draft Planning Agreement as shown at Attachment D to the subject report, Council approve Planning Proposal: 923-935 Bourke Street, Waterloo, shown at Attachment B to the subject report, as amended following public exhibition, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) Council approve Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo, shown at Attachment C to the subject report, as amended following public exhibition, noting the development control plan will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021;
- (E) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal: 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo to correct any minor errors prior to finalisation; and
- (F) Council note that the planning agreement will be executed by the Chief Executive Officer under existing delegations.

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

X083066

Speakers

Ronald Smith and Daniel Howard (Ethos Urban) addressed the meeting of the Transport, Heritage, Environment and Planning Committee on Item 10.

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

Item 9.11

Local Planning Panel - Appointment of Members

The Transport, Heritage, Environment and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 21 August 2023.

Officer's Recommendation

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

It is resolved that Council:

- (A) endorse the reappointment of four existing expert members beyond 29 February 2024 to the City of Sydney Local Planning Panel, being Megan Jones, Brendan Randles, Marcus Trimble and Annelise Tuor, for a further period of three years;
- (B) endorse the reappointment of four existing expert members beyond 29 February 2024 to the City of Sydney Local Planning Panel, being Paul Berkemeier, Tony Caro, Helena Miller and Penny Murray until 8 April 2025;
- (C) endorse the appointment of six additional expert members from the Minister for Planning's pool of experts to the City of Sydney Local Planning Panel, being Melonie Bayl-Smith, John Bilton, Michael Harrison, Vanessa Holtham, Jocelyn Jackson and Stephen Pearse, for a period of three years from the date of appointment;
- (D) endorse the appointment of four additional community representatives to the City of Sydney Local Planning Panel, being Julie Armour; Jayden Bregu; Jess Miller and Peter Tzannes, for a period of three years from the date of appointment; and
- (E) endorse the use of the appointed expert members and community representatives for the independent role on Council's Review of Determinations Panel, subject to their acceptance of the invitation.

Officer's Report

The officer's report on this matter can be found at Item 11 on the agenda of the meeting of the Transport, Heritage, Environment and Planning Committee on 14 August 2023.

X095150

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

Item 9.12

Fire Safety Reports

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 252-258 Sussex Street, Sydney 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 243-247 Cleveland Street, Redfern at this time; and
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 464-480 Kent Street, Sydney at this time.

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

S105001.002

Item 10

Questions on Notice

1. Gadigal Avenue Bus Seating

By Councillor Jarrett

In the 18 April 2023 CEO Update, Council was informed that the City of Sydney would be installing seating in four locations along Gadigal Avenue which were expected to be completed by end of May 2023. On 5 June 2023, Councillor Jarrett enquired about whether in fact, the installation of the seats had been completed. The Director City Services responded on 6 June 2023, confirming that the seats had not yet been installed but a work order had been raised and installation was on QMS's schedule, weather permitting.

Question

1. It has now been almost three months since the installation of the seating along Gadigal Avenue was expected to be completed, has the installation now been completed?
2. If not, why did the City of Sydney commit to having the seating installed by the end of May 2023 when it couldn't deliver in this time frame?
3. If not, considering Sydney has experienced a very dry and sunny winter and therefore weather has not been an issue, why has the installation not been completed?
4. Are there any other infrastructure projects that are currently delayed or behind schedule?

X086666

2. Getiela Synthetic Sportsfield – Meeting with Alexandria Park Community School Principal

By Councillor Jarrett

On 31 July 2023, Councillor Jarrett received an email from the CEO stating 'after the Council meeting on 26 June 2023, City staff met with the Department of Education on 27 June 2023 and asked them write to the City requesting us to review the Project Deed (signed by DoE and the City) requirements for the fence. The acting Principal and representatives from the School Assets team advised they would be providing the letter to the City. To date we have not received anything in writing from them regarding the fence. Staff are meeting with the Principal next Monday 7 August 2023 and will raise the issue with her'.

Question

1. Did the meeting scheduled for Monday 7 August 2023 take place?
2. If so, what was discussed at the meeting?

3. If so, what was the outcome and/or action items of the meeting?

X086666

3. Cycleways Expenditure Breakdown

By Councillor Jarrett

In 2007, the City of Sydney introduced its Cycle Strategy and Action Plan 2007-2017, and in 2009, constructed its first separated cycleway. Today, in August 2023, the City of Sydney is asking Council to approve millions of dollars for the construction of several more cycleways.

Question

1. What has been the City's total expenditure on the cycleway network for each year inclusive of:
 - (a) 2022;
 - (b) 2021;
 - (c) 2020;
 - (d) 2019;
 - (e) 2018;
 - (f) 2017;
 - (g) 2016;
 - (h) 2015;
 - (i) 2014;
 - (j) 2013;
 - (k) 2012;
 - (l) 2011;
 - (m) 2010; and
 - (n) 2009?

2. In comparison, what has been the City's total expenditure on affordable housing contributions both materially and in-kind in each year inclusive of:
 - (a) 2022;
 - (b) 2021;
 - (c) 2020;

- (d) 2019;
 - (e) 2018;
 - (f) 2017;
 - (g) 2016;
 - (h) 2015;
 - (i) 2014;
 - (j) 2013;
 - (k) 2012;
 - (l) 2011;
 - (m) 2010; and
 - (n) 2009?
3. How many affordable housing dwellings did the City need to build in order to reach their affordable housing targets in each year inclusive of:
- (a) 2022;
 - (b) 2021;
 - (c) 2020;
 - (d) 2019;
 - (e) 2018;
 - (f) 2017;
 - (g) 2016; and
 - (h) 2015?
4. How many affordable housing dwellings did the City actually build in each year inclusive of:
- (a) 2022;
 - (b) 2021;
 - (c) 2020;
 - (d) 2019;
 - (e) 2018;
 - (f) 2017;

(g) 2016; and

(h) 2015?

X086666

4. Fourth Quarter Operational Plan Report 2022/23

By Councillor Jarrett

In the Corporate, Finance, Properties and Tenders Committee Item 3.3: Fourth Quarter Operational Plan Report 2022/23, the City indicates that 'progress against the Non-residential Register Methodology and Plan for the local government election in 2024 remains on track. Legislative change to non-residential entitlement within the City has been foreshadowed by the Minister for Local Government; scenario planning to prepare for possible options has been completed.'

Question

1. What options has the City prepared for each possible scenario?
2. Can the options prepared for each possible scenario be distributed to all Councillors via CEO Update?

X086666

5. Tree Shade and Planting Services

By Councillor Scott

Question

1. Broken down by suburb, what percentage is shaded by trees?
2. Broken down by suburb, what percentage is covered by greening?
3. What plans and targets does the City of Sydney currently have regarding green spaces in the city?
4. What plans and targets does the City of Sydney currently have regarding tree shade in the city?
5. What free tree planting services does the City of Sydney provide in public areas?

X086668

6. Cleanaway Truck Size Effects on Parking Conditions

By Councillor Scott

Question

1. What truck sizes does Cleanaway own for use in the City of Sydney? Please describe their lengths, widths, heights and mass.
2. What traffic and parking conditions has the City proposed to change specifically due to waste collection requirements from Cleanaway vehicles? Please detail in what locations, and when.
3. What is the City doing to ensure Cleanaway can service smaller streets such as Thomson Street, Union Street, Shorter Lane, Griffin Street and Maddison Lane, without changes to parking and traffic conditions?

X086668

7. Trolley Dumping Penalties

By Councillor Scott

In November 2022, the new Public Spaces (Unattended Property) Act 2021 came into effect. This legislated a three-hour collection time limit on trolleys, vehicles or other items causing a safety hazard, and a seven-day limit for others. Further, fines for offences range from \$660 to \$13,750 depending on the nature, number and time the items remained.

Question

Broken down by month, how many penalties has City issued since new law came into effect?

X086668

8. Increase in Lost Time Injuries

By Councillor Scott

The recent Quarterly Report demonstrated that lost time injuries more than doubled between 2021/22 and 2022/23.

Question

1. Why did this increase occur?
2. Why does the City not have a target for this issue?
3. Please detail any trends emerging regarding lost time injuries.
4. What steps is the City taking to remedy the increase in lost time injuries?

5. Does the City only monitor City staff, or contractors as well?
 - (a) If so, please provide a breakdown of the results.
 - (b) If not, why not?
6. What has been modified on the risk register as a result?
7. What resourcing changes have been made to address this issue in the annual budget?

X086668

9. Status of State Government Redevelopment Projects in the City of Sydney, as of August 2023

By Councillor Ellsmore

Question

1. What state significant planning proposals on public land are underway, in the City of Sydney Local Government Area?

Please provide the current list of state significant planning proposals, where a NSW Government entity was either applicant, owner, or part-owner.
2. What development applications, modifications or other form of planning proposals is the City of Sydney currently assessing, where the NSW Government is the landowner or proponent?

Please provide details.
3. Of these development applications, proposals or projects, for which is:
 - (a) Land and Housing Corporation the proponent?
 - (b) Transport Asset Holding Entity the proponent?
4. Of the planning proposals, development applications and other proposals above, which are:
 - (a) not yet lodged but in early stages of planning, including consultation pre lodgement?
 - (b) submitted but not yet placed on public exhibition?
 - (c) currently on public exhibition, and what are proposed closed dates?
 - (d) post exhibition but not yet determined?

5. In answers to similar questions tabled at the 26 June 2023 Council meeting, a summary was provided in the form of a table with details of 43 development applications and 23 modification applications, where an NSW Government entity was either applicant, owner, or part-owner.

If not provided in the answers for Questions 1 to 4 above, please provide additional information about those applications, in the form of the street address and whether they are development applications or modification applications.

X086664

10. Recent Discussions about New or Future Possible Public Land Development in the City of Sydney, as of August 2023

By Councillor Ellsmore

Question

Since June 2023, have City staff had discussions with any NSW Government representatives about any new or future development applications or development projects, relating to State-owned or controlled land in the Local Government Area, including any pre-DA requests? If yes, please provide details.

X086664

11. Status of Public Housing Redevelopment Plans in the City of Sydney, as of August 2023

By Councillor Ellsmore

Question

1. Relating to public housing in the City of Sydney, what development applications, including modification applications, or planning proposals, are currently underway, as of August 2023?

Please provide details.

2. Of these sites, what are the street locations and at what stage are the proposals or applications?

Please advise which projects or locations are:

- (a) in pre-DA discussions or pre-consultation,
- (b) submitted but not yet placed on public exhibition,
- (c) on public exhibition,
- (d) post exhibition but not yet determined?

3. Are any of the proposals or applications listed above to be considered at an upcoming Local Planning Panel?

If yes, what is the street address of the relevant application/s or proposal/s, and what is the estimated date that the application/s or proposal/s will be considered?

4. If not included in the answers above, as of August 2023, at what stage are the proposals or applications in relation to:

- (a) Waterloo South,
- (b) 600 Elizabeth St Redfern,
- (c) Explorer Street Eveleigh,
- (d) 82 Wentworth Park Rd Glebe?

5. Since June 2023, have City staff had discussions with any NSW Government representatives about new, planned or future development applications or development projects, relating to public housing in the Local Government Area, including any pre-DA requests?

If yes, please provide details.

6. Is the City of Sydney aware of any further proposals for the redevelopment of public housing in the Local Government Area, that are not yet lodged but in early stages of planning, including consultation pre lodgement?

This includes expressions of interest for public housing sites which are the rezoning of the former NSW Government's public call for rezoning proposals for public housing sites.

7. Have any public housing sites in Pyrmont been identified for potential planning changes, through the City of Sydney's strategic review of the area?

If yes, please provide details including specific site addresses.

8. Have any public housing sites in other parts of the Local Government Area been identified for potential planning changes, arising from other City of Sydney's strategic planning processes or reviews?

If yes, please provide details.

X086664

12. Potential State-Led Rezoning of Sites within the City of Sydney Local Government Area

By Councillor Ellsmore

Question

1. On 10 August 10 2023, it was reported in the Sydney Morning Herald that more than 3,000 sites have been identified by the NSW Labor Government as public land suitable for redevelopment as housing, and 11 suburbs had been prioritised for state-led rezoning, including suburbs in the City of Sydney Local Government Area.

Is the City of Sydney aware of this report and/or has the City requested a copy of the report from the relevant Minister or Government agency?

2. The City of Sydney has previously written to the NSW Government raising objections to the proposed state-led rezoning, and advocating for local planning powers to remain with Council.

What has the NSW Government most recently advised the City of Sydney in relation to whether the NSW Government intends to extend or reduce State-led rezoning projects in the City of Sydney Local Government Area?

3. Has the City of Sydney been involved in recent discussions with NSW Government or its representatives, about specific suburbs, areas or sites which could be the subject of state-led rezoning?

If yes, please provide details.

4. If yes, what suburbs or sites were discussed, and how do these suburbs or sites differ than those identified for potential future rezoning or growth in the City's current strategic land use plans and other planning instruments?

Please provide details.

X086664

13. Council Investments and Financial Position, as of July 2023

By Councillor Ellsmore

Question

1. What are the main forms of financial investment made by the City of Sydney?
2. What are the main policies or documents that outline how the City of Sydney determines what it should invest in?
3. Noting that the 2022/23 Quarter 4 Review - Delivery Program 2022-2026 reported that the total property acquisitions by the City in the 2022/23 financial year were net \$92.5 million, what is the current estimated value of the City's commercial property investment portfolio?

4. Does the City currently have any investments in residential property? If yes, what are the details, and where is this reported?
5. Does the City currently have any investments in affordable housing? If yes, what are the details, and where is this reported?
6. Separate from the City's commercial property investment portfolio, the monthly investment report to the City's Corporate, Finance, Properties and Tenders Committee reported that the City's cash and investment position as of 31 July 2023 was \$718.24M.

Of the total cash investments held by the City of Sydney as of 31 July 2023, how much in total is considered 'unrestricted'?

7. What are the main activities or projects that the City's 'restricted' cash investments are earmarked to fund?
8. Of the total cash investments held by the City of Sydney as of 31 July 2023, how much in total is considered 'unrestricted'?
9. Of the City's cash investments which are considered 'unrestricted', what amounts have been earmarked for specific activities or projects?

Please provide details including:

- (a) What are these activities or projects for which 'unrestricted' cash investments are earmarked, and how much has been earmarked for each?
 - (b) When or over what timeline will these activities or projects require funding? (that is, when will the funding be needed)?
 - (c) In what report or document is this list of activities or projects for which 'unrestricted' funding is earmarked reported?
10. Do developer contributions account for any of the City's total cash and investments of \$718.24M? If yes, what amount, and are these considered restricted or unrestricted?
 11. Do affordable housing contributions from development account for any of the City's total cash and investments of \$718.24M? If yes, what amount, and are these considered restricted or unrestricted?
 12. Has any of the City's total cash and investments of \$718.24M been earmarked for affordable housing, including grants for affordable housing? If yes, please provide details.
 13. What is the estimated revenue, once costs are accounted for, from the City's commercial property portfolio:
 - (a) For the 2022/23 financial year?
 - (b) For the 2023/24 financial year?
 - (c) Over the four years 2023/24 to 2026/27?

(d) Over the next ten years 2023/24 to 2033/34?

If estimate not made, please note this.

14. What targets has the City of Sydney established to increase the revenue and value of its commercial property portfolio?

15. How much interest revenue from the City of Sydney's cash and investments:

(a) Was originally projected to be made in 2022/23?

(b) Was made for the financial year 2022/23?

(c) Is projected to be made in 2023/24?

(d) Is projected to be made for the four years 2023/24 to 2026/27?

(e) Is projected to be made for the ten years 2023/24 to 2033/34?

If estimate not made, please note this.

16. Does the City fund any of its projects or work through borrowing?

17. Does the City access any financing other than cash reserves to purchase new commercial property?

18. In total, what is the current value of the City's main forms of investment income, including:

(a) total value of commercial property interests,

(b) total value of cash investments, and

(c) any other main forms of investment income?

X086664

14. Commercial Development Approval Processing Time Increase

By Councillor Scott

2022/23 commercial development approvals are half of the 2020/22 levels and 42 per cent of 2021/22 levels.

However, DA processing times have increased by an average of eight days.

This increase is noted as attention required, with a target of decreasing the processing time by eight days (back to the 2020/22 processing time).

Question

1. Is the decline in each year matched by a decline in applications? Please detail applications for 2020/21, 2021/22 and 2022/23.

2. What resourcing has the City allocated to reaching this processing target in the budget?
3. What other measures is the City taking to support our planning work to deliver on our commercial growth targets to create new City jobs and grow liveable City communities?

X086668

15. City of Sydney Council Vehicles

By Councillor Gannon

Question

1. How many motor vehicles does the City of Sydney own?
 - (a) How many of those are fully electric?
 - (b) How many of those are hybrids?
 - (c) How many of those are solely internal combustion engines?
2. What was total cost of acquiring the City's Nissan Leaf fleet? Was consideration given to purchasing more affordable electric vehicles? If so, which vehicles?
3. Does the City consider the potential for future EV conversions with respect to the procurement of its Medium Rigid and Heavy Rigid vehicle fleets?

X086665

16. Parking Fines Issued to City Vehicles

By Councillor Gannon

Question

1. In the past five financial years, how many penalty notices (fines) have been issued to Council owned vehicles?
2. What is the breakdown of the different types of penalty notices?
3. What is the total cost of these fines?
4. How many employees have been fined?
5. Have any employees been issued more than one fine? If more than one, what is the highest number of fines issued to a single employee?
6. Are there any unidentified employees for fines?

7. How many challenges have been made against these fines?
 - (a) How many were successful?
 - (b) How many were unsuccessful?

X086665

17. Transport Workers Union – Industrial Action – Overtime and Workplace Injuries

By Councillor Gannon

Question

1. How many hours of overtime have City staff undertaken because of the Cleanaway / Transport Workers Union industrial action?
2. How many workplace injuries in the City's Cleansing teams have occurred this year? How does this compare to the past three calendar years?
3. Of these injured staff:
 - (a) How many were injured while performing overtime duties?
 - (b) How many were injured during regular shift hours?
4. What has been the total cost to the City with respect to these injuries?
5. How many Cleansing staff have worked overtime this year?
6. What percentage of the City's Cleansing staff have worked overtime this year?
7. What has been the total cost of overtime payment to Cleansing staff this year?

X086665

18. Update on the City of Sydney's Sydney Streets Program

By Councillor Ellsmore

Question

1. What dates and locations are proposed for the 2023/24 Sydney Streets program?
2. Which business, venues, community organisations or other groups are the lead partners that the City is working with, to implement the 2023/24 Sydney Streets program?
3. Which business, venues, community organisations or other groups were lead partners or worked with the City to implement the 2022/23 Sydney Streets program?

4. Which businesses and venues participated in 2022/23 Sydney Streets program?
5. What community organisations, including resident groups, participated in the 2022/23 Sydney Streets program?
6. Can local resident groups or community groups have stalls as part of the 2023/24 Sydney Streets program?
7. What are the requirements or steps for local resident groups or community groups to participate in the Sydney Streets program?

X086664

19. Dog Poisoning in City Parks by City Contractor

By Councillor Scott

In late July 2023, City of Sydney contractors were refilling rat baits in Sydney Park, Alexandria, when a dog ate some rat poison out of their exposed bucket. The dog ended up in the vet but has now recovered. At first, City of Sydney Council denied responsibility, however, they have now admitted responsibility. City staff have been in touch with the dog owner and have spoken to the contractor.

Question

1. What identification do all City contractors wear to identify that they work for the City?
2. What signage are City contractors required to display when completing services such as this?
3. How is the City educating contractors on their obligations and what monitoring of compliance is in place?
4. What steps have been taken to prevent further pet poisonings by the City?
5. What consequences are there for the contractor?
6. Does the City have any obligations to report this to any regulators? If so, to whom and when was the report made?
7. What support has been offered to the resident?

X086668

Item 11

Supplementary Answers to Previous Questions

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

Item 12.1

Notices of Motion

Local Council Outreach Services for Seasonal Workers

By Councillor Davis

It is resolved that Council submit the following motion for consideration at the next Local Government NSW (LGNSW) Annual Conference:

- (A) Local Government of NSW note:
- (i) the Pacific Australia Labour Mobility (PALM) formerly known as Seasonal Workers Program (SWP 2008) and Pacific Labour Scheme – (PLS 2012) allows businesses across Australia (all states and territories, with exception of ACT) to hire unskilled and semi-skilled workers from nine countries in the Pacific and Timor-Leste;
 - (ii) the Pacific Australia Labour Mobility scheme is guided by a memorandum of understanding between countries being a government-to-government program;
 - (iii) it is estimated that there are currently close to 39,000 seasonal worker nationals across Australia (as of June 2023) with 11,000 of those from the Island State of Vanuatu – the largest group from any nation;
 - (iv) seasonal workers are taxpayers aligned with other Australian citizens and an integral part of our food system; they pick and process the fresh fruit and vegetables and meat that is on our supermarket shelves and kitchen tables across the City of Sydney and other council areas across NSW;
 - (v) seasonal workers are often employed by large recruitment firms namely Approved Employers (AEs) who have responsibility for their well-being. Approved Employers rarely have good cultural connections or understanding of local communities where seasonal workers are placed;
 - (vi) farmers receiving the migrants or seasonal workers are challenged daily to provide the necessary services that are required when integrating CALD communities into the Australian workforce;
 - (vii) the Pacific Islands Forum Secretariat, Comprehensive Assessment of Regional and Sub-Regional, Labour Mobility Arrangements in the Pacific from December 2022 showed that seasonal workers face numerous ongoing systematic problems since inception of the program including:
 - (a) unsafe or inappropriate accommodation: seasonal workers are often housed in temporary living conditions that are overcrowded and well below the 'basic' Australian living standards. A lack of cost-effective transport between work and accommodation;

- (b) a lack of access to crucial services including health, dentistry, and mental health services; culturally appropriate pastoral care and council services for Culturally and Linguistically Diverse (CALD) communities;
 - (c) failure to comply with OHS (Occupational Health and Safety) regulations; and
 - (d) lack of assistance with personal finance management, wage theft, superannuation, insurance, banking services and tax returns; and
- (viii) the 2022 review of the Pacific Australia Labour Mobility Scheme and the Employer Guidelines updated in May 2023 require Approved Employers to have worker welfare embedded into their systems and practices to create positive, productive working environments:
- (a) the review itself has not put a halt nor fixed issues and challenges that are systemic such as exploitation of workers, wage theft, poor overcrowded accommodation; and
 - (b) workers are charged exorbitant rates (\$150-190 per bed per week), overcharged for transportation, bullying and exploitation; and
- (B) Local Government NSW is requested to write to the Hon Tony Burke, Minister for Employment and Workplace Relations asking the Commonwealth Government to:
- (i) work with approved employers to provide relevant councils with information about the number of seasonal workers expected and their countries of origin so councils can understand their cultural needs, prepare the community for their arrival, and consider and plan for their needs as part of their Local Emergency Management Plans;
 - (ii) increase the frequency of check-ins by the Australian Government particularly to ensure living conditions meet the requirements outlined in the PALM Scheme Approved Employer Guidelines; and
 - (iii) provide direct funding to councils to establish dedicated local service hubs to provide seasonal workers with targeted programs, including by:
 - (a) connecting seasonal workers with First Nations or traditional owners and other cultural authorities of the area;
 - (b) providing culturally appropriate and non-biased Pastoral care through Australian South Sea Islander (ASSI), Aboriginal, Torres Strait Islander, Pacific and Culturally and Linguistically Diverse and Culturally and Racially Marginalised (CARM) community organisations that demonstrate a deep knowledge of culture and the seasonal worker program and its people;
 - (c) developing pathways and support outreach programs that connect seasonal workers to organisations that centre on the needs of migrants to assist workers to access culturally sensitive assistance to access relevant information, health and mental health; and
 - (d) working closely with law enforcement authorities in respective councils to educate seasonal workers about law and order and council regulations.

Item 12.2

Notices of Motion

Sheroes of Our Nation

By Councillor Davis

It is resolved that:

- (A) Council note the 13 March 2023 Resolution of Council - Diversifying City of Sydney Art Projects and that this notice of motion is a continuum in support of said resolution;
- (B) Council affirm that action on this motion provides opportunities to support and increase equality of gender for Culturally and Linguistically Diverse (CALD) and Culturally and Racially Marginalised (CARM) trailblazers within the public realm, including but not limited to:
 - (i) Dr Faith Bandler née Ida Lessing Faith Mussing AO AC MBE (27 September 1918-13 February 2015), an Australian civil rights activist born to a South Sea Islander Slave Blackbirded to Australia from Ambrym Island, Vanuatu and her mother was of Scottish-Indian heritage, whose achievements are documented at https://en.wikipedia.org/wiki/Faith_Bandler and <https://pib.anu.edu.au/biography/bandler-ida-lessing-faith-15982>. Nelson Mandela, Nobel Peace prize winner and former President of South Africa, presented Faith on behalf of the Sydney Peace Foundation, with a Meritorious Award in Honour and Gratitude for a Life of Courageous Advocacy for Justice and for Indigenous People, for Human Rights, for Love and Reconciliation;
 - (ii) Dr Ernestine Bonita Mabo (nee Neehow) AO (c1943-26 November 2018), a Malanbarra Clan women from Palm Island and a descendant of Australia's Blackbird trade from Tanna Island in Vanuatu who was recognised as an Officer of the Order of Australia on Australia Day 2013 and fondly known as the 'Matriarch' or 'Mother' of native title for the Mabo v Queensland challenge by her husband Eddie Koiki Mabo on the notion of 'Terra Nullius,' that Australia was 'land belonging to no one', in the High Court of Australia, with her achievements documented at <https://jcu.pressbooks.pub/eddiekoikimabotimeline/chapter/the-mother-of-native-title/>; and
 - (iii) Ms Shireen Fern Joy Malamoo, born on 26 March 1936, an Aboriginal/Kanak woman of the Juru Clan and Blackbirded descendant of Tongoa Island in Vanuatu from Plantation Creek historically known as a town camp of the Burdekin, Townsville far north Queensland, a Commissioner of the Aboriginal and Torres Strait Islander Commission (1991-1993) and NSW Parole Board member (1994-2003) whose other achievements are documented at ASSIPJ Board - original - Australian South Sea Islanders - Port Jackson and Malamoo, Shireen - Woman - The Australian Women's Register (womenaustralia.info); and

- (C) the Chief Executive Officer, working with the Public Art Advisory Panel and relevant stakeholders, be requested to investigate a process for commemorating pioneering CALD (Culturally and Linguistically Diverse) and CARM (Culturally and Racially Marginalised) trailblazers in public art with this process to include:
- (i) consultation with trailblazers' families and consideration of their culturally specific community and cultural practices and political relevance; and
 - (ii) taking into account the 11 April 2022 Resolution of Council - City of Sydney Recognition of and Support for Australian South Sea Islanders and the 13 March 2023 Resolution of Council - Diversifying City of Sydney Art Projects.

X086660

Item 12.3

Notices of Motion

Electrification of Homes

By Councillor Davis:

It is resolved that:

(A) Council note:

- (i) the City's Net Zero Performance controls that will come into effect from 1 October 2023 are a major step towards carbon reduction in relation to new offices, shopping centres, hotels:
 - (a) the planning controls, developed over four years, require new office, hotels and retail developments to reduce energy use through efficiency and renewable energy or be capable of achieving net zero energy prior to commencing use;
 - (b) this work paved the way for a similar state-wide policy. The new standards are ambitious but achievable and provide a clear pathway for developers to improve energy performance and transition to net-zero buildings. They will help the City achieve our target for net zero emissions by 2035 and will contribute to the NSW Government's goal of net zero emissions by 2050; and
 - (c) however, the new standards do not apply to residential development. The current BASIX SEPP, and the upcoming Sustainable Buildings SEPP includes a non-compete clause that prevents councils from introducing planning controls that set higher environmental requirements than the state planning policy such as requiring that only renewable energy be used in new residential developments;
- (ii) that we know industry can do better and there is an urgent need to make sure that future residential developments are not locked into using gas; and
- (iii) the Victorian Government has recently announced that all new homes will be required to be fully electric from 1 January 2024;

(B) Council further note:

- (i) we are in the middle of a housing and cost-of-living crisis and people are struggling to pay their increasing energy bills. From July this year, NSW residential energy customers face gas price increases of as much as 23.7 per cent;
- (ii) all electric homes, that don't use gas, are cheaper to run. Recent modelling from the Climate Council in 2022 shows that homes in Sydney could save \$924 a year on their bills if they switched gas appliances to electric ones;

- (iii) a report released this month by Energy Consumers Australia states that as more households switch to all electric appliances and heating and renewable energy, those that can least afford to get off gas will end up paying more;
 - (iv) gas is also highly toxic to human health. A 2018 study in the Medical Journal of Australia found that gas cooktops are associated with around 12 per cent of childhood asthma in Australia. Stanford University researchers have linked gas stoves and ovens to carcinogenic chemicals like benzene. Long-term exposure to benzene is linked to acute lymphocytic leukaemia, chronic lymphocytic leukaemia, multiple myeloma, childhood leukaemia, and non-Hodgkin lymphoma; and
 - (v) 350 Australia's Electrify Your Council campaign is calling on Councils across the state to change their planning rules to require all-electric, gas-free new homes with some councils already implementing change through their planning controls, such as:
 - (a) Waverley Council is banning indoor gas appliances on health grounds by requiring only electric ovens, cooktops and space heaters are installed in new residential development; and
 - (b) Parramatta Council is requiring all new residential and non-residential developments in its city centre to be all electric, and is currently considering further changes to require all new non-residential buildings to be all-electric;
 - (vi) the Lord Mayor recently wrote to and met with Penny Sharpe, Minister for Climate Change, Energy, Environment and Heritage asking the NSW Government to urgently develop a plan supported by incentives or rebates to transition homes and businesses from gas to renewable energy;
- (C) the Chief Executive Officer be requested to investigate the opportunities and challenges with amending the City of Sydney's planning controls to require all new residential developments, and development not captured by the City's new Net Zero planning controls, to be all electric and report back to Council via the CEO Update, including next steps, as soon as possible; and
- (D) the Lord Mayor be requested to write to Chris Minns, Premier of NSW urging him to develop a plan supported by incentives or rebates to transition homes and businesses from gas to renewable energy.

X086660

Item 12.4

Notices of Motion

Vale Uncle Terry Denzil

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) significant City of Sydney community elder Uncle Terry Denzil was born in 1946 and sadly passed away in 2023;
 - (ii) as a Life Member of the City of Sydney Basketball Association (CSBA), he was discovered by the CSBA at just 12 years old at the local Pitt Street YMCA and when Alexandria Basketball Stadium was open to the public in 1968, Terry played in the Men's competition with the YMCA;
 - (iii) Uncle Terry led his team to multiple State Basketball Championships and was selected to represent NSW at multiple National Basketball Championships;
 - (iv) from early on, Uncle Terry was one of the original advocates for the creation of Alexandria Park Community School (APCS), leading the charge as spokesperson, and petitioning relentlessly to the NSW Government to create APCS;
 - (v) Uncle Terry was a member of the steering committee for the building of the new School, and his unwavering passion and dedication to improving APCS over the last two decades resulted in the newly built basketball gymnasium being named "The Denzil" in honour of Terry's passion for basketball and education within the local area;
 - (vi) Uncle Terry influenced APCS culture through educational and sporting programs, delivering a positive experience for all past, present and future students;
 - (vii) the basketball players of APCS will remember him most fondly for his afternoon coaching sessions, developing their skills on the court and building lifelong values of teamwork and determination to succeed in all areas of life;
 - (viii) the school community will remember his wise words, 'straight-talking' advice and sense of humour; and
 - (ix) Uncle Terry has made an immeasurable impact on the community and students of APCS that will be carried on through his programs and coaching;

- (B) the Lord Mayor be requested to write to Uncle Terry Denzil's family expressing the City's condolences; and
- (C) all present observe a minute silence to commemorate the life of Uncle Terry and his tireless contributions to the community.

X086655

Item 12.5

Notices of Motion

Vale David Burnie

By Councillor Scott

It is resolved that:

- (A) Council note:
- (i) esteemed City of Sydney barrister David Burnie was born on 25 September 1955 and sadly passed away after a long illness on 7 July 2023;
 - (ii) known to be the life of every party, often seen in Hawaiian shirts, caring for his cherished cats, especially to those in Selwyn Street, Paddington, David was a dedicated and active community member in the City of Sydney, alongside his beloved partner Barrie;
 - (iii) David served as the Vice President of the NSW Council for Civil Liberties (CCL) for many years;
 - (iv) David was the driving force behind the Council's push for an Australian Human Rights Act for decades, and his support for the Act was underpinned by a deep, personal belief that the State should provide an explicit statutory basis for respecting, protecting and promoting fundamental human rights;
 - (v) David was an experienced barrister that many frequently turned to for help, and was kind, extremely generous with his time, ready to stand up and help others navigate difficult, often unfair, legal situations through his considerable pro bono work;
 - (vi) David donated countless hours of work over the years to help people with protest cases, particularly World Youth Day, passport refusal, visa reviews and overturning unfair censorship laws;
 - (vii) David was so well regarded that he was invited to act as the independent legal representative to sit in on the first use of ASIO's Detention and Questioning Warrants in anti-terrorism cases; and
 - (viii) David developed the protocols and standard operating procedures to ensure the best possible privacy protections for the first CCTV cameras installed in the City of Sydney, which were then adopted statewide (although later overturned);
- (B) the Lord Mayor be requested to write to David Burnie's family expressing the City's condolences; and
- (C) all present observe a minute silence to commemorate the life of David Burnie and his tireless contributions to our community.

X086655

Item 12.6

Notices of Motion

Vale Betty Hounslow AM

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) on 27 July 2023, Betty Hounslow sadly passed away;
- (ii) Betty had served on the board of Union Aid Abroad since 2018, as the organisation's expert appointee advising on development;
- (iii) she made immense contributions to the Union Aid Abroad organisation through a critical and strategic thinking approach to decision-making, policy discussions and programming challenges;
- (iv) Betty was dedicated to the organisation's values of solidarity, partnership, accountability, movement building, equality and justice;
- (v) during the 1990s, Betty began her career in Australian community development including work in women's refuges, community legal centres, and as the executive director of the Australian Council Of Social Service for seven years;
- (vi) Betty then moved to international development where she held the position of vice president of the Australian Council For International Development (ACFID) board from 2009 to 2012;
- (vii) before her retirement, Betty held the position of deputy director of the Fred Hollows Foundation;
- (viii) Betty was also known as a fierce advocate for the rights of refugees and asylum seekers, including serving on the board of the Asylum Seekers Centre of NSW, and chairing the Board for three years;
- (ix) Betty spent her whole life being an activist for LGBTQI+ rights and is acknowledged as a pioneer for human rights in Australia, as one of the 78'ers who helped organise the Drop the Charges campaigns after Sydney's first Mardi Gras; and
- (x) she was a lifelong trade unionist and social justice advocate. She was awarded the NSW Justice Medal, and had been appointed as a Member of the Order of Australia (AM);

- (B) the Lord Mayor be requested to write to Betty Hounslow's partner Kate and her family expressing the City's condolences; and
- (C) all present observe a minute silence to commemorate Betty's life and dedication to the development of our Australian and international community.

X086655

Item 12.7

Notices of Motion

Stop Trolley Dumping

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) unattended shopping trolleys left in public areas are an eyesore and obstruct the amenity and accessibility of our city;
- (ii) in November 2022, the new Public Spaces (Unattended Property) Bill 2021 was introduced;
- (iii) the new offences associated with the new Public Spaces (Unattended Property) Act 2021 came into effect on 1 May 2023;
- (iv) the Act refers to offences of unattended vehicles, trolleys, and shared devices;
- (v) the Act legislated a three-hour collection time limit on trolleys, vehicles or other items causing a safety hazard, and a seven-day limit for others;
- (vi) under the new legislation, fines for offences range from \$660 per trolley for individuals to \$1320 per trolley for businesses who don't collect the abandoned property;
- (vii) the Act was introduced to help local governments clean up our public spaces, making them safer, more accessible and more enjoyable for our communities;
- (viii) abandoned trolleys cost the NSW Government \$17 million a year in picking up the unattended items;
- (ix) the new Act is designed to save councils time and money by deterring dumping; and
- (x) the City of Sydney community has shown consistent frustration at the number of dumped trollies around the City;

- (B) the Chief Executive Officer be requested to:
- (i) fast track the policy required to enact the enforcement of abandoned trolley penalties;
 - (ii) consult with trolley providers on future planning provisions to minimise trolley use; and
 - (iii) consider undertaking regular compliance blitz activities on abandoned trolleys in order to deter illegal dumping.

X086655

Item 12.8**Notices of Motion****Motion to Local Government NSW Annual Conference - Ending Fossil Fuel Sponsorship in Local Communities**

By Councillor Ellsmore

It is resolved that

- (A) Council note that at its 22 August 2022 meeting, Council resolved to:
- (i) investigate implementing restrictions on advertising for fossil fuels for any Council controlled signage or property, as well as a ban on accepting sponsorships from companies whose main business is the extraction or sale of coal, oil or gas;
 - (ii) work with other councils, Local Government NSW and the Australian Local Government Association to encourage a consistent approach across local government to fossil fuel advertising; and
 - (iii) undertake a review of City policies or strategies that may allow for the promotion of fossil fuels; and
- (B) Council submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Ending fossil fuel sponsorship in local communities

That Local Government NSW requests the federal government aid the energy transition by:

- (a) encouraging low emissions consumption nationally through public information campaigns, Australian Consumer Law, the *Greenhouse and Energy Minimum Standards Act 2012* (Cth) (GEMS Act) or other relevant Commonwealth powers;
- (b) enacting policies or legislation to end or restrict the promotion of coal, petroleum or gas industries in local communities, including banning fossil fuel industries from sponsoring local education, sporting and cultural activities; and
- (c) establishing a fund to enable local councils to provide financial support, or otherwise sponsor, community, education, sporting, and cultural groups, that currently take funding from the coal, petroleum or gas industry.

X086659

Item 12.9**Notices of Motion****Motion to Local Government NSW Annual Conference - Encouraging Local Government Super Funds to Support Ethical Investments**

By Councillor Ellsmore

It is resolved that Council:

- (A) note that superannuation funds across Australia are some of the largest investors in the fossil fuel industry;
- (B) note that Active Super (formerly Local Government Super) and Vision Super manage and invest superannuation for many local councils;
- (C) note that, while Active Super and Vision Super have ethical investment strategies, they continue to invest in some of the fossil companies with the largest environmental impact, including companies with plans to expand coal or gas projects in the future; and
- (D) submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Encouraging Local Government Super Funds to Support Ethical Investments

That Local Government NSW:

- (a) actively encourage local government super funds Active Super and Vision Super to divest from companies engaging in the extraction of fossil fuels, native forest logging, in addition to gambling, weapons manufacturers, and tobacco, and
- (b) actively encourage local government super funds Active Super and Vision Super to refrain from the practice of 'greenwashing', requesting that they not promote their funds as being environmentally friendly or ethical investors if they continue to invest in companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco.

X086659

Item 12.10**Notices of Motion****Motion to Local Government NSW Annual Conference - Affordable Housing in Perpetuity**

By Councillor Ellsmore

It is resolved that Council:

- (A) note that the NSW Government has announced its intention to introduce planning changes that will allow developers to build larger and denser buildings than would otherwise be permitted under planning rules, through a fast-tracked approval process that would by-pass local councils, in return for delivering some affordable housing for a temporary period of 15 years; and
- (B) submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: State Planning Policy Changes Affordable Housing in Perpetuity

That Local Government NSW:

- (a) calls on the NSW Government to develop affordable housing policies that prioritise delivering affordable housing in perpetuity, rather than only for a temporary period of 15 years;
- (b) calls on the NSW Government to develop affordable housing policies that deliver housing that is genuinely affordable. That is, policies which are based on delivering housing that a person can afford (no more than 30% of their income), not based on a discount from market rent only; and
- (c) calls on the NSW Government to work with local councils to develop strategies to protect and expand affordable and public housing cooperatively, which build on, rather than override, local planning rules and housing strategies.

X086659

Item 12.11**Notices of Motion****Ending New Gas Connections in the City of Sydney**

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) gas is a fossil fuel which is highly toxic for human health, especially when used indoors for gas heating or gas cooking;
- (ii) an Australian study published in the Medical Journal of Australia found that gas cooktops are associated with around 12 per cent of childhood asthma in Australia. US researchers from Stanford University have linked gas stoves and ovens to carcinogenic chemicals like benzene. Long-term exposure to benzene is linked to acute lymphocytic leukaemia, chronic lymphocytic leukaemia, multiple myeloma, childhood leukaemia, and non-Hodgkin lymphoma;
- (iii) gas is also expensive. With more than one quarter of households reporting that they are struggling to pay power bills, households face increases of 20 per cent or more in 2023/24, even under caps set by the Australian Energy Regulator;
- (iv) gas is projected to become increasingly expensive compared to electricity as Australia increases the share of electricity provided by renewable energy; and
- (v) research by Energy Consumers Australia and the CSIRO, published in August 2023, found that as more households electrify all their appliances, the households that remain connected to gas are likely to pay much higher bills. The research found that by 2030 the average difference in total energy costs, including transport, between a typical fossil-fuelled home and an all-electric home (without solar and a battery) will be around \$2,250 per year;

(B) Council note that staff are currently reviewing and consolidating the City of Sydney's Development Control Plan/s, with proposed amendments and updates to be reported to Council by the end of 2023, before being placed on public exhibition;

(C) Council note:

- (i) Waverley Council recently implemented new planning rules which require electric stoves, cooktops and heaters to be installed in new residential development;
- (ii) Parramatta Council recently implemented new planning rules that require new developments (both residential and non-residential) in its city centre to be all-electric, and that this council is currently considering further changes to require all new non-residential buildings to be all-electric; and

- (iii) Waverley and Parramatta Councils' new gas bans were based on health and economic considerations, though the significant environmental benefits are also noted;
- (D) Council commit to updating its relevant Development Control Plan/s, and other relevant planning instruments, to incorporate new planning provisions to require that all new residential and non-residential development applications across the City of Sydney Local Government Area be all-electric and gas-free, based on the health, economic and environmental benefits that all-electric buildings produce for future occupants; and
- (E) the Chief Executive Officer be requested to:
 - (i) prepare advice for Council about potential amendments to relevant City of Sydney planning instruments, including the City's Development Control Plan/s, which would require new residential and non-residential development applications to be all-electric and gas-free;
 - (ii) prepare advice for Council about any other potential amendments that would facilitate or speed up the transition of existing resident and non-residential buildings in the City of Sydney to become all-electric and gas-free; and
 - (iii) report back to the Council prior to, or at the same as the City's current review and update of its Development Control Plan/s which is to be placed on public exhibition.

X086659

Item 12.12

Notices of Motion

Reinstating Removed or Damaged Women's Artworks

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) in March 2023, Council voted unanimously to identify new opportunities to commemorate significant women and to support increased equality of gender, First Nations and cultural diversity within the public art realm;
- (ii) Anne Graham's 'Passage' fountain in Martin Place has a non-operational misting mechanism;
- (iii) City staff identified this work as needing to be reviewed and have plans for its reinstatement in the 2024/25 financial year;
- (iv) the following artworks by women have been removed from public display in the City of Sydney:
 - (a) Robyn Backen's 'Archaeology of Bathing' (1999-2019), as a part of the Sydney Sculpture Walk, which reflects the history of bathing from the original Domain Baths for Ladies;
 - (b) Debra Phillip's 'Viva Voce' (1999-2019), as a part of the Sydney Sculpture Walk, acknowledging the historical and contemporary importance of the area as a site of public oratory and celebrating the importance of free speech and public debate; and
 - (c) Lynne Roberts-Goodwin's 'Tankstream' (1999-2019) that marked the course of Sydney's first water supply;
- (v) these three works formed part of the Sydney Sculpture Walk, which consisted of ten public art works commissioned by the City in 1999 and mostly located on the Royal Botanic Gardens;
- (vi) it was an important collection of innovative, site-specific art works which addressed the social, cultural and historic aspects of each location, and all but two of the works were created by women;
- (vii) the City's collection of public art and cultural heritage is carefully managed and maintained, in addition to:
 - (a) regular basic cleaning;
 - (b) specialised maintenance;

- (c) annual structural certification;
 - (d) carrying out repairs and corrective maintenance; and
 - (e) a comprehensive conservation program;
- (viii) since the establishment of the current public art program in 2005, the City has led the way in commissioning art works that reflect the great diversity of voices and stories in our communities;
- (ix) this leadership is evident in the City's permanent collection (where, for example, 80 per cent of works commissioned since 2005 have been created by women), in temporary art commissioned by the City, and in work commissioned by others within the Local Government Area;
- (x) the City ensures all public art commissions are open to all artist and genders, placing emphasis on specific cultural sensitivity and awareness where required;
- (xi) staff conduct regular reviews to ensure works are properly cared for, and also identify works which may require deaccession;
- (xii) Margel Hinder's Bronze Sculpture and Fountain in Denis Winston place, while not owned by the City, is also not operational; and
- (xiii) Hinder's sculpture commemorates the legacy of Denis Winston and celebrates human scale, diversity in housing, landscaped spaces and sculpture as essential to the pleasures of urban living;
- (B) the Chief Executive Officer be requested to:
- (i) undertake an audit of the art around the City of Sydney to ensure it is operational and maintained; and
 - (ii) investigate opportunities to reinstate women's art, and ensure the City applies gender and diversity lenses to future City art projects commissioned.

X086655

Item 12.13**Notices of Motion****Public and Affordable Housing Gains in International Cities**

By Councillor Ellsmore

It is resolved that Council note:

- (A) Sydney has now become a more expensive city to live, in terms of housing costs, than comparable international cities Paris and London;
- (B) in July 2023, Deputy Mayor Sylvie Ellsmore met with the Deputy Mayor for Housing for Paris Council, Councillor Ian Brossat, the Deputy Mayor for Housing and Development for London Council, Councillor Tom Copley, and a range of other Paris and London Council representatives, to discuss public, social and affordable housing strategies;
- (C) Paris Council:
 - (i) implements a range of strategies to protect and increase affordable, social and public housing which include: significant direct investment in new public housing (\$500M Euros per annum); purchasing private housing and converting it to social housing; construction of new public housing on public land including converting car parks; strong requirements that developers build affordable housing on site; and rent caps;
 - (ii) requires private development to deliver a minimum of 25 per cent affordable or social housing on private sites; and
 - (iii) has recently achieved its target of 25 per cent social (including public and community) housing, up from 13 per cent in 2003;
- (D) London Council implements a range of strategies in partnership with local borough councils to increase council-owned public housing, social housing and affordable housing. Strategies include: infilling existing public housing estates; buying back council housing previously privatised; buying private housing from distressed developers and turning it into social housing; and strong affordable housing contributions from development;
- (E) the Mayor of London Sadiq Khan:
 - (i) requires developments determined by the Mayor on private land to include a minimum of 25 per cent affordable, public or social housing, and developments on public land to include a minimum of 50 per cent public, social or affordable housing. Some local borough councils have set higher targets than this;
 - (ii) increased the London-wide target for construction of new City Hall-funded council homes (to be underway) from 10,000 to 20,000 by 2024, after the 10,000 target was met earlier than projected, in 2022; and

- (iii) requires proposals to renovate or develop public housing estates to be subject to a binding ballot of tenants, with tenants retaining a right of return if development is undertaken, and demolition only as a last resort. The policy has led to an increase in co-designed, staged projects for the rejuvenation of council estates, many of which have old and poor quality housing. Since introduction of the policy in 2018 there have been 20 ballots, 19 of which have been passed;
- (F) the City of Sydney has a range of strategies to increase affordable housing including an Local Government Area wide affordable housing levy. The affordable housing levy is generally one per cent of floor space for non-residential development, and three per cent of floor space for residential development. In a selected number of areas (including some sites in the Botany Road corridor) where rezoning results in a residential floor space uplift, a higher affordable housing contribution applies;
- (G) the City of Sydney has targets of 7.5 per cent social (including public housing) and 7.5 per cent affordable housing, by 2030; and
- (H) at its 26 June 2023 meeting, Council requested that the Chief Executive Officer review the City's Affordable Housing contribution rates, including what changes could deliver more Affordable Housing in our area such as rate increases, changes to City policies, planning controls and rezoning proposals; and report back to Council via the CEO Update.

X086659

Item 12.14**Notices of Motion****Marlon Sevehon - Woolloomooloo Boxing Team**

By Councillor Gannon

It is resolved that Council:

- (A) congratulate Marlon 'Big Red' Sevehon for his sterling efforts at the 2024 Paris Olympics Boxing Qualifiers;
- (B) acknowledge that despite losing on points to the top seed in his second bout of the tournament in the 80kg division, Mr Sevehon fought with broken ribs displaying remarkable determination;
- (C) commend Mr Sevehon's dedication and commitment over the years in his pursuit of representing Australia, which has been truly inspiring. He plans to compete in his second NSW State Title in September;
- (D) thank the Woolloomooloo Boxing Team lead coach, Adam Thompson, and the other members of the Team for the support and mentorship they provided Marlon as he pursued this outstanding achievement;
- (E) note the Woolloomooloo Boxing Team regularly train at PCYC City of Sydney-Woolloomooloo, and that over the past few years the club has evolved into one of the leading amateur boxing clubs in the country;
- (F) acknowledge the significant benefits this boxing club bestows upon young people, fostering physical fitness, mental well-being, and a sense of community; and
- (G) encourage 'Big Red', and other competitors from the club, to continue their pursuit of representing Australia on the world stage.

X086658

Item 12.15**Notices of Motion****Motion to Local Government NSW Annual Conference - Support for Drag Story Time Events in Local Government**

By Councillor Ellsmore

It is resolved that Council:

- (A) note that:
- (i) the City of Sydney community is a proudly LGBTIQ+ inclusive community;
 - (ii) as demonstrated in the City of Sydney, pride and visibility should not just be something that LGBTIQ+ residents experience just once per year, and Council facilities such as public libraries, swimming pools, sporting facilities and community centres are ideal venues for local inclusive events; and
 - (iii) there has been a recent rise in homophobia and hate speech targeted at the LGBTIQ+ communities, including organised disruption of 'Drag Story Time' programs; and
- (B) submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Support for Drag Story Time and LGBTIQ+ community activities by local councils

That Local Government NSW:

- (a) encourages and facilitates member councils to organise local events that are inclusive for LGBTIQ+ residents year-round;
- (b) supports councils to facilitate community-driven safety solutions to ensure that drag story time and similar events can take place at council facilities safely for performers and attendees; and
- (c) encourages member councils to ensure that drag performers receive payment in full for events that are cancelled.

X086659

Item 12.16**Notices of Motion****Motion to Local Government NSW Annual Conference - Support for Gender Affirmation Leave for Council Workers**

By Councillor Ellsmore

It is resolved that Council:

- (A) note that:
- (i) workers who are undergoing gender transition through surgeries and other gender affirmation procedures can require six weeks or more recovery time;
 - (ii) very few employees have sufficient leave stored up for these processes - particularly in the wake of Covid-19. A lack of access to leave can effectively force trans, non-binary, and otherwise gender-diverse employees to leave their employment to undergo gender transition procedures; and
 - (iii) gender affirmation leave is not commonly available for workers, including local government; and
- (B) submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Support for Gender Affirmation Leave for Council Workers

That Local Government NSW consult with the union and trans health providers to develop a policy for paid annualised gender affirmation leave for employees of local government.

X086659

Item 12.17**Notices of Motion****Motion to Local Government NSW Annual Conference - Support for Early Childhood Education in the Local Government Sector**

By Councillor Ellsmore

It is resolved that Council:

- (A) note that:
- (i) local government is the largest provider of public early childhood education. Access to public early childhood education is vital to support working families, and the economic independence of families, and particularly women;
 - (ii) the sector is currently undergoing a crisis, with 74 per cent of the workforce planning on leaving within the next three years due to low wages and high workloads, and relatively few students entering the sector to replace them;
 - (iii) unpaid placements currently require students to sacrifice thousands of dollars in pay, in order to enter into a sector they are likely to ultimately leave;
 - (iv) child-care fees are rising substantially and there are large parts of the state, especially in regional NSW, where families cannot access any services for their children; and
 - (v) the costs of addressing this crisis should be borne by state and federal governments, not by councils who face increasing financial pressure, or early childhood educators who are some of the lowest paid essential workers in our communities; and
- (B) submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Support for Early Childhood Education in the Local Government Sector

That Local Government NSW commits to supporting councils to recruit and retain early childhood educators by:

- (a) calling on the NSW Government to:
- (i) increase support for public early childhood education services, including extending the paid placement funding offered to ECT students to Diploma and Certificate III students; and
 - (ii) support councils to expand high-quality early childhood education and care through long daycare, out-of-hours care, pre-school, and occasional care; and

- (b) bargaining with the United Services Union and its members in good faith to achieve an increase to wages for early childhood educators above inflation, as well as leave provisions and hazard pay that reflect the risk of infection associated with work in early childhood education.

X086659

Item 12.18**Notices of Motion****Motion to Local Government NSW Annual Conference - Ban on Local Government NSW using Race Clubs for Conference Venues**

By Councillor Elsmore

It is resolved that Council:

- (A) note that the Local Government NSW Annual Conference will be held from Sunday 12 to Tuesday 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill; and
- (B) submit the following motion for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Local Government NSW Conferences not to be held at Racetracks

That Local Government NSW commit that Local Government NSW events not be held at venues that promote gambling, including race tracks or casinos.

X086659

Item 12.19

Notices of Motion

Condemning the Oxford Street Stabbing

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) on Saturday, 29 July 2023, just after 3am, a 25-year-old man and a 34-year-old man, stepping in to help, were stabbed by a man armed with a machete just outside Noir Sydney Nightclub;
- (ii) NSW Police are still looking for the armed man who fled the scene with seven other men;
- (iii) this crime is still under investigation and NSW Police hold no information to suggest that this was a hate crime targeted at the LGBTIQ+ community;
- (iv) an incident of this nature occurring within the Oxford Street precinct is a serious concern to our residents and the LGBTIQ+ community;
- (v) recently, Oxford Street has seen an increase in anti-LGBTQIA+ sentiment, with queer communities reporting they are facing both verbal and physical abuse;
- (vi) in April 2023 alone, there were three violent attacks on Oxford Street;
- (vii) NSW Police have increased high-visibility patrols in the area in response to the increase in violence;
- (viii) the community is very concerned that what was once known as a safe and inclusive space is now frightening;
- (ix) local LGBTQIA+ safe businesses in the area will be impacted by the decrease in crowds due to immense safety concerns;
- (x) as the Australian Local Government Association President, Councillor Scott has:
 - (a) written to the Australian Federal Police Commissioner; and
 - (b) requested state and territory Local Government Associations write to state and territory Police Commissioners to invite them to meet with the Australian Local Government Association to share intelligence across borders about increasing right wing extremism including hate crimes against councils, council staff and drag queen story time community events;

- (xi) the Lord Mayor has stated that later this year, the City will be co-hosting a State-wide LGBTQIA+ Local Government Safety Summit with ACON and Local Government NSW;
- (B) the Chief Executive Officer be requested to explore increasing support for Wear it Purple Day and any other community safety initiatives following the summit;
- (C) the Lord Mayor be requested to write to:
 - (i) the Minister for Police to condemn the Oxford Street stabbing and request that the City and NSW Government work together to address the violence; and
 - (ii) the Police Commissioner, noting their increased patrols in the area and inquire about additional measures that can be taken to reduce the violence.

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