

Council

Meeting No 8

Monday 23 October 2023

Notice No 8/1656

Notice Date 19 October 2023

minutes

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Present

The Right Hon The Lord Mayor – Councillor Clover Moore AO (Chair)

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

At the commencement of business at 5.20pm, those present were:

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

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

Remote Meeting

The Chair (the Lord Mayor) advised that the meeting of Council was being held via audio visual links, with Councillors (and relevant staff) attending the meeting remotely.

Acknowledgement of Country and Opening Prayer

The Lord Mayor opened the meeting with an Acknowledgement of Country and a prayer.

Webcasting Statement

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

Order of Business

Council agreed that the order of business be altered such that Items 10.6 and 10.9 be brought forward and addressed prior to Item 4, for the convenience of the public watching the livestream of the remote meeting.

Councillor Scott left the meeting of Council at 6.43pm, prior to discussion of Item 6.9, and returned at 6.44pm, following the vote on Item 6.9. Councillor Scott was not present at the meeting of Council, which was held remotely, during discussion or voting on Item 6.9.

Item 1 Confirmation of Minutes

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

That the Minutes of the meeting of Council of Monday, 18 September 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2 Statement of Ethical Obligations and Disclosures of Interest

Statement of Ethical Obligations

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

Disclosures of Interest

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 6.9 on the agenda, in that he is personally a member of the following associations: Local Government NSW, Committee for Sydney, Planning Institute of Australia, Materials and Embodied Carbon Leaders' Alliance (MECLA), and Green Building Council of Australia. He also sits on the executive board for Climate Emergency Australia.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he does not receive financial gain from his memberships or leadership roles with the above associations.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 3.1 on the agenda, in that she is the President of the Australia Local Government Association (ALGA), which is a member of the Joint Council on Closing the Gap.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the City's interests align with Closing the Gap.

- a less than significant, non-pecuniary interest in Items 6.3, 6.4, 6.5 and 6.6 on the agenda, in that she is the Chair of CareSuper and Deputy President of the Australian Council of Superannuation Investors (ACSI). City staff may be members of CareSuper, an industry superannuation fund, and ACSI undertakes environmental, social and governance (ESG) advice for their members. While the City is not a member, the ESG work is notable.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because these roles do not pertain directly to these items on the agenda, and she applies her judgement to the decisions as a Councillor for the City of Sydney.

- a pecuniary interest in Item 6.9 on the agenda, in that she is a Director of ALGA and Local Government NSW (LGNSW) is a member of ALGA.

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

- a less than significant, non-pecuniary interest in Item 6.9 on the agenda, in that she is the City's representative on Southern Sydney Region of Councils (SSROC). ALGA collaborates with International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability, Local Government Information Unit (LGIU), Institute of Public Works Engineering Australasia Limited (IPWEA), and a range of other organisations. Business NSW nominated to CareSuper, which Councillor Scott chairs. Her former employer, Senator John Faulkner, established the Bondi to Manly Walk.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because these roles do not pertain directly to these items on the agenda, and she applies her judgement to the decisions as a Councillor for the City of Sydney.

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that her child attends a public school in the area of study.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she is a Councillor for the whole of the city, and applies judgement accordingly.

- a less than significant, non-pecuniary interest is Item 10.3 on the agenda, in that she is the President of ALGA, which LGNSW is a member of.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the City's membership contributes to LGNSW's policy development, and interests align as a result.

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

Item 3 Minutes by the Lord Mayor

Item 3.1 Response to the Voice Referendum

Minute by the Lord Mayor

To Council:

On Saturday 14 October 2023, a majority of Australians voted against a proposal to recognise our Aboriginal and Torres Strait Islander peoples in our nation's Constitution and enshrine that recognition as an Aboriginal and Torres Strait Islander Voice.

This modest request, from our First Peoples, for a body that would advise on matters relating to them, had been developed over many years, culminating in 2017 with the gracious invitation of the Uluru Statement from the Heart.

It is devastating and tragic that Australia said No.

I'm bitterly disappointed that this opportunity was undermined by a mean, ungenerous and negative political campaign. Ugly, Trumpian tactics and harmful misinformation played to people's fears and gave rise to racism. The need to do more to improve the lives of Aboriginal and Torres Strait islander people was ignored and denied.

One of the most heinous lies was the suggestion that Aboriginal and Torres Strait Islander people did not want The Voice. Yet remote communities with large Aboriginal or Torres Strait Islander populations in the Northern Territory, Queensland and Western Australia voted resoundingly "yes".

In the Federal Electorate of Sydney, which has comparable boundaries as the City of Sydney, the vote for "yes" was over 70 per cent.

To all those who voted 'Yes' – I say that this result is not the end of the journey.

On 23 August 2004, Council unanimously committed to "developing appropriate policies, principles and practices to achieve social justice for Aboriginal and Torres Strait Islander peoples and just Reconciliation for Australians, based on the recognition of Indigenous rights".

Council has honoured this commitment many times over, including:

- in 2005, when we adopted Principles of Cooperation with the Local Metropolitan Aboriginal Land Council;
- in 2008, when we established an Aboriginal and Torres Strait Islander Advisory Panel (our Voice to the City);
- in 2008, when we endorsed The Eora Journey as a key project of the City's Sustainable Sydney 2030 plan, then in 2012 when we adopted the Eora Journey: Recognition in the Public Domain Implementation Plan and in 2016, when we adopted the Eora Journey Economic Development Plan;

- In 2011 we formally recognized that the establishment of a convict outpost on the shores of Sydney Harbour in 1788” had far reaching and devastating impacts on the Eora Nation, including the occupation and appropriation of their lands” and that “despite the destructive impact of this invasion, Aboriginal culture endured”;
- In 2015, we began updating City park signs to include an acknowledgement of Country using Gadigal language;
- In 2015 we adopted our first Reconciliation Action Plan (Innovate) and in 2020 our second Stretch plan was adopted;
- In 2018, we purchased 119 Redfern Street, to be opened an Aboriginal and Torres Strait Islander community and cultural hub; and
- In 2022 we established the Aboriginal and Torres Strait Islander Collaboration Fund valued at \$500,000 per year.

Also in 2022 Council requested the Chief Executive Officer to undertake several actions arising from my Lord Mayoral Minute, “Progressing the Uluru Statement from the Heart”.

Now is the time to demonstrate continued solidarity with Aboriginal and Torres Strait Islander Elders, leaders and communities by continuing to engage with them as our work continues. As Reconciliation Australia said in its [statement on referendum night](#):

“Listening to the voices of First Nations peoples and providing opportunities for all Australians to learn from the vast knowledge and experiences which First Nations people possess, will ensure the best outcomes for this nation.”

Heeding this advice and the discussions already occurring in our own Aboriginal and Torres Strait Islander Advisory Panel, I am proposing that we ask our Panel, the Local Metropolitan Aboriginal Land Council, Elders and the Aboriginal and Torres Strait Islander community how we can increase our capacity to ensure we continue to listen to the voices of First Nations peoples and provide opportunities for all Australians to learn the knowledge and experiences of first nations people. This may include ensuring that future City of Sydney Councils retain this important local Voice by asking the NSW Parliament to entrench the local Voice in the City of Sydney Act.

There is also a need to address the harmful impact of the No campaign and Referendum result on many Aboriginal and Torres Strait Islander people. I propose asking the Chief Executive Officer to consult with our Aboriginal and Torres Strait Islander Panel, The Local Metropolitan Aboriginal Land Council, Aboriginal Community Organisations and Elders to determine if there is anything we can do to support the community during this difficult time.

The City has already responded to the sadness felt by Indigenous Australians who supported the Voice referendum by agreeing to their request to fly the City’s Aboriginal flags at half-mast over the past week. This was, for them, a “week of silence” in which they wished to grieve the Referendum’s outcome and reflect on its meaning and significance.

While the vote on 14 October means there will be no constitutional recognition or enshrined Aboriginal and Torres Strait Islander Voice, we must all continue to seek justice for First Nations people.

The Voice campaign brought Indigenous disadvantage to the fore, and all levels of Government must now find new ways to address this disadvantage and close the gap.

The new State Labor Government committed to consultation with First Nations communities for a Treaty process for NSW. It must be guided by our Aboriginal and Torres Island communities on this process and ensure local governments are included in this important conversation.

On the night of the referendum, Reconciliation Australia described the result as a stumble on our reconciliation journey. It continued:

“Clearly the imperatives for Indigenous Australians have not changed and the issues written about so eloquently in the Uluru Statement remain to be addressed. We are determined to continue the journey of reconciliation and remain confident that away from the noise and clamour of the recent campaign, millions of Australians will ensure that the status quo does not remain.

“The powerful movement built over the past few months is not going away.”

Recommendation

It is resolved that:

- (A) Council note 5.5 million Australians voted to recognise an Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia by enshrining an Aboriginal and Torres Strait Islander Voice in our nation’s Constitution, including 70% voting Yes in the City of Sydney;
- (B) Council thank Australians, including the strong majority of City of Sydney residents, who said “yes” to the referendum question;
- (C) Council commend the many volunteers across Australia, and specifically those within the City of Sydney, who worked tirelessly for a “yes” vote;
- (D) Council note that, consistent with the [Statement from Reconciliation Australia](#) attached to this Minute, the referendum loss should be seen as a stepping stone on the path to progress, justice and equality;
- (E) Council note the [Statement from Indigenous Australians who](#) supported the Voice referendum attached to this Minute;
- (F) Council note the harmful impact of the Referendum campaign and result on many Aboriginal and Torres Strait Islander people, request that the Chief Executive Officer consult with the Aboriginal and Torres Strait Islander Panel, the Local Metropolitan Aboriginal Land Council, Aboriginal Community Organisations and Elders about ways to support the mental health of those affected;
- (G) the Chief Executive Officer be requested to engage with our Aboriginal and Torres Strait Islander Advisory Panel, the Local Metropolitan Aboriginal Land Council, Elders, Aboriginal and Torres Strait Islander community organisations and the Aboriginal and Torres Strait Islander community on how best Council can listen to and be guided by Aboriginal and Torres Strait Islander people on matters relating to them, including, but not be limited to requesting the NSW Parliament to entrench the Aboriginal and Torres Strait Islander Advisory Panel in the City of Sydney Act; and
- (H) the Lord Mayor be requested to write to the NSW Premier requesting that when he consults with First Nations communities on a Treaty process for NSW that he will ensure it involves local government.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

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

- (G) the Chief Executive Officer be requested to engage with our Aboriginal and Torres Strait Islander Advisory Panel, the Metropolitan Local Aboriginal Land Council, Elders, Aboriginal and Torres Strait Islander community organisations and the Aboriginal and Torres Strait Islander community, the Local Government Aboriginal Network (LGAN), the Torres Strait Regional Council, and (Sydney Based) Kara Titui Aboriginal and Torres Strait Islander Cooperation on how best Council can listen to and be guided by Aboriginal and Torres Strait Islander people on matters relating to them, including, but not be limited to requesting the NSW Parliament to entrench the Aboriginal and Torres Strait Islander Advisory Panel in the City of Sydney Act 1988;

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

That the Minute be amended such that clause (A) read as follows –

- (A) Council note:
- (i) 5.5 million Australians voted to recognise an Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia by enshrining an Aboriginal and Torres Strait Islander Voice in our nation's Constitution, including 70 per cent voting yes in the City of Sydney;
 - (ii) Councillor Scott's Notices of Motion to create a City Closing the Gap Plan, on 28 June 2021 and 21 March 2023, are yet to be fully implemented; and
 - (iii) that Australian Local Government Association (ALGA) is a member of a Joint Council on Closing the Gap, and the local governments are required to report via ALGA annually on their efforts and outcomes on closing the gap as a result of this agreement.

The amendment was lost on the following show of hands -

Ayes (3) Councillors Jarrett, Scott and Weldon

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

Amendment lost.

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

S051491

Item 3.2 Retention of Boarding Houses

Minute by the Lord Mayor

To Council:

In the City of Sydney Local Government Area there are 311 registered boarding houses with a combined total of 6352 rooms. While rents may be relatively cheaper than typical housing because they have smaller rooms, possibly lower amenity standards and shared facilities, many older boarding houses are not technically defined as Affordable Housing and are considered market rental accommodation.

Traditional, older stock boarding houses that are not owned and/or managed by Community Housing Providers (CHPs), are now defined as 'co-living' and not counted as Affordable Housing because there is no way to establish or enforce rental rates or tenant eligibility.

Following significant advocacy from the City of Sydney and other councils, changes were made to the boarding housing provisions in the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). Changes included that any new boarding house project must be managed by a CHP in perpetuity and rented to eligible households at affordable rents. So we can now be confident that new boarding houses are genuinely 'Affordable'.

However, in the City of Sydney, market conditions have made it financially appealing for owners to redevelop or convert their properties into newer market housing to increase rental or land sale value. Boarding house conversions often also occur because the cost of bringing old stock up to contemporary safety standards can be high.

Planning assessment of boarding house development applications

City staff are required to assess any Development Application (DA) to convert boarding houses to other uses against the Housing SEPP provisions and must take the *Affordable Rental Housing SEPP Guidelines for Retention of Existing Affordable Rental Housing 2009* (the Guidelines) into account. These Guidelines are outdated; they do not prevent the loss of housing and do not consider the current housing affordability crisis. They are in desperate need of review.

Currently, the Guidelines set out various criteria that planners must consider when assessing DAs such as the impact of supply of affordable housing in the area, suitable arrangements for residents being displaced, building safety and the viability of maintaining its use as a boarding house. While this criterion must all be considered, the Guidelines prioritise the viability of maintaining the boarding use, identifying it as "a crucial part of the assessment", and asserting it is "unfair and counterproductive to seek the continued operation of a boarding house where that operation could not provide a reasonable return on investment".

The Guidelines include a formula to calculate viability that considers rental income, expenses, depreciation and upgrading costs. The two variables that have the biggest impact on viability are the rental income versus the property value. In the City of Sydney where property values are high, proving a boarding house is viable according to this formula is unlikely.

If an applicant can prove that it is not viable to maintain and operate the property as a boarding house, Councils have little grounds to refuse those applications, even if the application fails on the other criteria, and is unlikely to be overturned on appeal by the Land and Environment Court.

Where an application fails the viability test under the Guidelines and is approved resulting in a loss of housing, the applicant is required to pay a contribution towards Affordable Housing to “mitigate” the loss. This contribution is paid to the Department of Communities and Justice and then distributed to CHPs, however it’s unclear how much has been collected to date and how and where the contributions have been spent.

Since 2000, the City has received 29 DAs to convert boarding houses to other residential uses, with three DAs lodged this year alone. Only one was refused because it failed to prove the boarding house was not viable.

The City is also experiencing the loss of other low-income rental housing through the redevelopment of older residential flat buildings into newer residential buildings with fewer homes, particularly in the eastern part of our city.

Earlier this year, Council resolved to review the impact of boarding house conversions in the City of Sydney and provide recommendations on how we can retain boarding houses rather than sites being redeveloped. The City has now completed this review. Council also resolved to investigate what objectives and planning controls it could include in the Sydney Local Environmental Plan 2012 to protect against a reduction in housing when sites are redeveloped. This review is underway.

Action taken

Sydney welcomed many visitors during the Bicentenary events in 1988 and we first saw boarding houses being converted to backpacker accommodation to accommodate them. As the former Member for Bligh, I was concerned this trend would continue or worsen in the lead up to the Sydney Olympics in 2000. At that time, boarding house owners were disincentivised from building, owning and operating boarding houses as their residential rating subjected them to particular council rates and land tax costs. Even at this time, boarding houses were already at risk of neglect and redevelopment.

I introduced the Local Government (Boarding and Lodging Houses) Amendment Bill 1994 which redefined boarding houses as ‘residential’ instead of ‘business’ which cut boarding house owners’ council rates. I also introduced the Land Tax Legislation (Amendment) Bill 1992 which would extend boarding house land tax exemptions to low-income rental properties. I withdrew the land tax bill as these changes were incorporated into the then NSW Government’s own legislation. Thirty years later, we still need to do more to increase the amount of Affordable Housing in our area.

In 2020, the former NSW Government released a report on the statutory review of the Boarding Houses Act 2012 (‘the Act’). However, since then no changes to the Act or regulations have progressed. The City has many boarding houses in our local area, and we should review any proposed changes to the Act before they are made.

While housing is primarily the responsibility of the NSW Government, the City is using every lever available to us to deliver and support more Social and Affordable Housing across our local area. This includes through levies, subsidised City-owned land sales, through Voluntary Planning Agreements, and City grants to not-for-profit housing providers from our Affordable and Diverse Housing Fund.

The City’s Affordable and Diverse Housing Fund has funded or committed to funding 483 ‘diverse’ dwellings across our Local Government Area including housing for older women at risk of homelessness, housing for Indigenous students and housing for young people leaving out-of-home care. While not typically ‘registered boarding houses’, this accommodation is all non-private which generally functions like a boarding house i.e., rooms for people on low incomes with shared facilities.

While the City continues to play its part in delivering Affordable Housing, the NSW Government must review and update as necessary, the Housing SEPP and the Guidelines. The review should consider how all forms of low-income housing, including boarding houses, can be retained, and upgraded as necessary and how new boarding houses can be incentivised.

Recommendation

It is resolved that:

- (A) Council note the City has reviewed boarding house redevelopments and conversions in the City of Sydney and outlined options to retain them;
- (B) Council note the City is investigating what objectives and planning controls it could include in the Sydney Local Environmental Plan 2012 to protect against a reduction in housing when sites are redeveloped;
- (C) the Chief Executive Officer be requested to brief the Housing for All Working Group about the findings and recommendations of the boarding house review at its next meeting; and
- (D) the Lord Mayor be requested to write to the Premier, the Minister for Planning and Public Spaces, the Minister for Housing and the Minister for Better Regulation and Fair Trading asking the NSW Government to:
 - (i) implement the recommendations of the report on the statutory review of the *Boarding Houses Act 2012* and consult with Local Government before any legislative changes are finalised;
 - (ii) immediately review the *Affordable Rental Housing SEPP Guidelines for Retention of Existing Affordable Rental Housing October 2009*, including the viability provisions, in consultation with Local Government to allow for a more balanced assessment of DAs resulting in a loss of boarding house stock;
 - (iii) review the circumstances in which contributions are to be paid when development results in a loss of affordable accommodation so the loss is appropriately mitigated and contributions allocated in the area the housing is lost, in consultation with Local Government;
 - (iv) provide funding for boarding house owners to bring stock up to contemporary standards, noting that any such funding should only be provided where owners do not increase rents beyond affordable rates; and
 - (v) include requirements for financial compensation of displaced residents where a DA has been approved for a change of use from a boarding house.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

S051491

Item 3.3 Standing with our Communities and the Cause for Peace**Minute by the Lord Mayor**

To Council:

Like much of Sydney, the City has watched in horror at the recent events unfolding in Israel and the Gaza strip.

We condemn war, terrorism and violence in any form.

We stand with the innocent victims of this long-running conflict, in both Israeli and Palestinian communities, who are suffering and have suffered over so many years.

On 23 October 2023, the New York Times reported that 1,400 people were killed in Southern Israel on 7 October 2023 and over 4,000 Palestinians have died since then.

I hope that leaders can find a path to peace where the cycle of violence in this region is ended and neither Israelis or Palestinians have to live in fear and at risk of harm or death.

Sydney is a multicultural and harmonious community, home to both Muslim and Jewish people – both of whom are hurting.

We stand with both these communities during this difficult time.

Now more than ever it is vital we reflect our values of diversity, solidarity and inclusivity. There is no place for violence, discrimination or expressions of hate in our city.

Antisemitism and Islamophobia have no place in our city.

In recent days, Australia's Director-General of Security, Mike Burgess said "There is a direct correlation between language that inflames tension and out of that tension does grow a small number of people who think violence is the answer". I share Mr Burgess' concern, we have already seen a measurable rise in Antisemitic and Islamophobic incidents in our communities. Synagogues and Mosques in Sydney are on heightened alert.

Consistent with the objective of maintaining social harmony, the City should not display any partisan symbols associated with the current conflict.

Peace is at the heart of Islam, Judaism and Christianity. As we watch this tragedy unfold from afar, peace must be the bedrock of our actions and statements.

We must stand for peace.

Recommendation

It is resolved that:

- (A) Council endorse the subject Minute; and
- (B) The Lord Mayor be requested to write to leaders in Sydney's Israeli and Palestinian communities with a copy of this Lord Mayoral Minute.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Moved by the Chair (the Lord Mayor) –

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

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

That the Minute be amended such that clause (B) read as follows –

- (B) the Lord Mayor be requested to write to leaders in Sydney's Israeli and Palestinian communities denouncing all forms of terrorism, including the attack by Hamas on Israel on 7 October 2023 and attach a copy of this Lord Mayoral Minute.

The amendment was lost on the following show of hands –

Ayes (2) Councillors Gannon and Jarrett

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

Amendment lost.

The substantive Minute was carried unanimously.

S051491

Procedural Motion

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

That the Order of Business be altered such that Items 10.6 and 10.9 be brought forward and addressed before Item 4, for the convenience of the public watching the livestream of the remote meeting.

Carried unanimously.

Item 4 Memoranda by the Chief Executive Officer

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

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

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

Carried unanimously.

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

The Lord Mayor Councillor Clover Moore AO

(Chair)

Deputy Lord Mayor Councillor Robert Kok

(Deputy Chair)

Councillors HY William Chan, (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Linda Scott, Yvonne Weldon AM and Adam Worling.

At the commencement of business at 2.03pm those present were -

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

Hybrid Meeting Arrangements

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

Councillor Weldon arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.28pm during discussion and before the vote on Item 6.7.

Adjournment

At 3.31pm, it was moved by Councillor Kok, seconded by the Chair (the Lord Mayor) –

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

Carried unanimously.

At the resumption of the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.46pm, all Councillors were present.

Councillor Scott left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.46pm, prior to discussion on Item 6.9, and returned at 3.47pm, after the vote on Item 6.9. Councillor Scott was not present at, or in sight of, the meeting during discussion or voting on Item 6.9.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 3.53pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of Monday 16 October 2023 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.6 to 6.8 and 6.10 to 6.12 inclusive being adopted in globo, and Items 6.3, 6.4, 6.5 and 6.9 being dealt with as shown immediately following those items.

Carried unanimously.

Item 6.1

Confirmation of Minutes

Moved by Councillor Kok, seconded by Councillor Worling –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 11 September 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 6.2 Statement of Ethical Obligations and Disclosures of Interest

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 6.9 on the agenda, in that he is personally a member of the following associations: Local Government NSW, Committee for Sydney, Planning Institute of Australia, Material and Embodied Carbon Leaders' Alliance (MECLA) and Green Building Council of Australia. He also sits on the executive board for Climate Emergency Australia.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he does not receive financial gain from his memberships or leadership roles with the above associations.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Items 6.3, 6.4, 6.5 and 6.6 on the agenda, in that she is the Chair of CareSuper and Deputy President of the Australian Council of Superannuation Investors (ACSI). City staff may be members of CareSuper, an industry superannuation fund, and ACSI undertakes environmental, social and governance (ESG) advice for their members. Whilst the City is not a member, the ESG work is notable.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as these roles do not pertain directly to these items on the agenda, and she applies her judgement to the decisions as a Councillor for the City of Sydney.

- a pecuniary interest in Item 6.9 on the agenda, in that she is a Director of Australian Local Government Association (ALGA) and Local Government NSW is a member of ALGA. She is also the City's representative on Southern Sydney Region of Councils (SSROC). ALGA collaborates with International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability, Local Government Information Unit (LGIU), Institute of Public Works Engineering Australasia Limited (IPWEA), and a range of other organisations.

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

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

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

Item 6.3

Presentation of the 2022/23 Financial Statements and Audit Reports to Council

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

It is resolved that Council:

- (A) receive the Financial Statements for City of Sydney for the year ended 30 June 2023, as shown at Attachment A to the subject report;
- (B) authorise the Lord Mayor – Councillor Clover Moore, the Deputy Lord Mayor – Councillor Robert Kok (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the General Purpose Financial Statements;
- (C) authorise the Lord Mayor – Councillor Clover Moore, the Deputy Lord Mayor – Councillor Robert Kok (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the Special Purpose Financial Statements;
- (D) receive the auditor's reports on the 2022/23 Annual Financial Statements as shown at Attachment B to the subject report; and
- (E) authorise that notice be given, through Sydney Your Say, of public presentation of the audited 2022/23 Financial Statements for the City of Sydney at the Council meeting on 20 November 2023.

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

That the motion be amended by the addition of clause (F) as follows:

- (F) note the City uploaded the NSW Audit Office Audit Closing Report documents to the Committee agenda retrospectively, and resolve to correct the record to note it arrived after the Committees were concluded.

Amendment carried unanimously.

The amended motion was carried unanimously.

X084202

Speakers

Margaret Crawford (NSW Auditor-General) and Caroline Karakatsanis (Director Financial Audit) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

Item 6.4**Audit Risk and Compliance Committee Annual Report to Council 2022/23**

Note – the recommendation of the Transport, Heritage and Planning Committee was not adopted. The following alternative recommendation was adopted (as contained in the Information Relevant To Memorandum dated 20 October 2023 from the Director Legal and Governance, circulated prior to the meeting).

Moved by Councillor Kok, seconded by Councillor Chan –

It is resolved that the Council:

- (A) note the Audit Risk and Compliance Committee's 2022/23 Annual Report, as shown as Attachment A to the subject report;
- (B) appoint Councillor Robert Kok to participate in the interview process and preparation of recommendations to Council for the appointment of new external members to the Audit, Risk and Compliance Committee; and
- (C) note that the interview panel will consist of the Chair of the Audit, Risk and Compliance Committee, a Councillor representative and the Chief Financial Officer.

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

It is resolved that the Council:

- (A) note the Audit Risk and Compliance Committee's 2022/23 Annual Report, as shown as Attachment A to the subject report;
- (B) appoint Councillors Robert Kok and Shauna Jarrett to participate in the interview process and preparation of recommendations to Council for the appointment of new external members to the Audit, Risk and Compliance Committee; and
- (C) note that the interview panel will consist of the Chair of the Audit, Risk and Compliance Committee, two Councillor representatives and the Chief Financial Officer.

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

Ayes (5) Councillors Ellsmore, Gannon, Jarrett, Scott and Weldon

Noes (5) The Chair (the Lord Mayor), Councillors Chan, Davis, Kok and Worling

Pursuant to the provisions of clause 10.3 of the Code of Meeting Practice, the amendment was declared lost.

Amendment lost.

The substantive motion was carried unanimously.

S083523

Speaker

Carolyn Walsh (Chair of the Audit, Risk and Compliance Committee) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.4.

Item 6.5

Review of the Investment Policy and Strategy

Moved by Councillor Kok, seconded by Councillor Worling –

It is resolved that Council adopt the revised Investment Policy and Investment Strategy for the management and investment of Council's funds, as shown in Attachments A and B to the subject report.

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

It is resolved that Council:

- (A) note the advice contained in the Information Relevant To Item 6.5 – Review of the Investment Policy and Strategy memorandum;
- (B) note the most recent Ministerial Investment Order which states that councils may only invest money (on the basis that all investments to be denominated in Australian Dollars) in the following forms of investment:
 - (i) public funds or securities issued or guaranteed by the Commonwealth, State or Territory;
 - (ii) debentures or securities issued by a council;
 - (iii) interest bearing deposits, or debentures or bonds, issued by an authorised deposit taking institution, as defined in the Commonwealth Banking Act 1959);
 - (iv) any bill of exchange with a maturity date of not more than 200 days which confers a right of recourse against an Australian Prudential Regulation Authority (APRA) authorised deposit taking institution; or
 - (v) a deposit with the NSW Treasury Corporation or investments in an Hour-Glass investment facility of the NSW Treasury Corporation.

The Order requires all councils to adopt an investment policy that is consistent with this Order and any guidelines issued by the NSW Government;

- (C) note that, in light of the City's Long Term Financial Plan containing income producing assets from property investments, that the Chief Executive Officer be requested to refer the City's draft Investment Policy and Investment Strategy to the Office of Local Government for advice prior to presenting to Council.

The amendment was lost on the following show of hands:

Ayes (3) Councillors Jarrett, Scott and Weldon

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

Amendment lost.

Amendment. Moved by Councillor Ellsmore, seconded by the Chair (the Lord Mayor):

It is resolved that:

- (A) Council adopt the revised Investment Policy and Investment Strategy for the management and investment of Council's funds, as shown in Attachments A and B to the subject report;
- (B) the Chief Executive Officer be requested to develop a policy for Council's non-financial investments, to frame appropriate parameters for investment in commercial properties and other forms of investment, that align to the City's strategic and other operational policies;
- (C) the policy should consider opportunities for Council to use its investments to maximises benefits to the community and address the needs of the City of Sydney Local Government Area; and
- (D) the policy be brought to Council and then placed on public exhibition, to enable community feedback before being considered for final adoption.

Amendment carried unanimously.

The amended motion was carried unanimously.

X020701

Item 6.6

Investments Held as at 30 September 2023

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

Carried unanimously.

X020701

Item 6.7

Post Exhibition - Naming Proposal - Mount Carmel Place, Waterloo

It is resolved that:

- (A) Council approve the name "Mount Carmel Place"; and
- (B) an application be made to the Geographical Names Board for the naming of the place as approved in (A), in accordance with the Geographical Names Act 1996.

Carried unanimously.

X084997

Item 6.8**Adoption - Public Interest Disclosure Policy**

It is resolved that:

- (A) Council adopt the draft Public Interest Disclosure Policy, as shown at Attachment A to the subject report;
- (B) Council rescind the Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing, as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Public Interest Disclosure Policy in order to update the contact information from time to time in Annexure A, correct any minor drafting errors and to finalise design and accessible formats for publication.

Carried unanimously.

S121629.035

Item 6.9**External Memberships**

Moved by Councillor Kok, seconded by Councillor Chan -

It is resolved that Council:

- (A) receive and note the City's membership of the associations outlined in Attachment A to the subject report; and
- (B) note that final membership amounts change from time to time and any significant changes will be reported back to Council via the CEO Update.

Carried unanimously.

S076031

Item 6.10

Lease Approval - Woolstores Alexandria

It is resolved that:

- (A) Council note the lease proposal information included in Confidential Attachment A to the subject report;
- (C) Council approve the lease in accordance with the essential lease terms and conditions contained within Confidential Attachment B to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease, including in relation to the exercise of the option, in accordance with the essential terms and conditions contained within Confidential Attachment B to the subject report.

Carried unanimously.

X091665.001

Item 6.11

Tender - T-2022-901 - George Street North Pedestrianisation

It is resolved that:

- (A) Council accept the tender offer of Tenderer U for the design and construction of Stage 1 of the George Street North Pedestrianisation project;
- (B) Council note the total contract sum and contingency for Stage 1 of the George Street North Pedestrianisation project as outlined in Confidential Attachment B to the subject report;
- (C) Council note the tendered rates provided in Confidential Attachment C to the subject report;
- (D) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender; and
- (E) Council approve the additional funding for the project, as outlined in Confidential Attachment B to the subject report.

Carried unanimously.

X089947.006

Item 6.12**Exemption from Tender and Contract Variations - IT Licence, Subscription, Maintenance and Support Contracts**

It is resolved that:

- (A) Council approve an exemption from tender for the provision of the maintenance, support, subscription and licencing of the software applications, platforms and hardware appliances upon the expiry of the current agreements, for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report, noting that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory outcome would not be achieved by inviting tenders differ for each application, platform or appliance and include:
 - (i) high costs and/or extensive business disruption associated with a transition to a new provider;
 - (ii) upgrades or changes to service requirements are planned to be implemented within the next five years; and
 - (iii) cost to take the arrangement to market would be disproportionate to the potential value of change;
- (C) Council note that the detailed reasons as to why a satisfactory result will not be achieved by inviting tenders are outlined further in Confidential Attachment A;
- (D) Council enter into the subscription, licencing, maintenance and support agreements with the suppliers upon the expiry of the current agreements for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to finalise, execute and administer (including exercising options, if appropriate) the subscription, licencing, maintenance and support agreements with the relevant suppliers as listed in Confidential Attachment A to the subject report.

Carried unanimously.

S064539

Adjournment

At this stage of the meeting, at 6.43pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 7.01pm.

Item 7 Report of the Transport, Heritage and Planning Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO
(Chair)

Councillor HY William Chan
(Deputy Chair)

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

At the commencement of business at 3.54pm those present were -

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

Hybrid Meeting Arrangements

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

The meeting of the Transport, Heritage and Planning Committee concluded at 4.29pm.

Report of the Transport, Heritage and Planning Committee

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

That the report of the Transport, Heritage and Planning Committee of its meeting of 16 October 2023 be received, with Items 7.1 and 7.2 being noted, the recommendation set out below for Item 7.5 being adopted in globo, and Items 7.3 and 7.4 being dealt with as shown immediately following those items.

Carried unanimously.

Item 7.1

Confirmation of Minutes

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

That the minutes of the meeting of the Transport, Heritage, Environment and Planning Committee of 11 September 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 7.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Scott disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that her child attends a public school in the area of study.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she is a Councillor for the whole of the city and applies her judgement accordingly.

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 and Planning Committee recommended the following:

Item 7.3

Erskineville and Alexandria Traffic and Transport Study

Moved by Councillor Chan, seconded by Councillor Kok -

It is resolved that Council:

- (A) receive and note the community engagement outcomes on the Erskineville and Alexandria Traffic and Transport Study, as summarised in Attachments B, C, D and E to the subject report;
- (B) note that City staff will undertake further investigations, design and community consultation, and liaise with Transport for NSW where applicable, on the following treatments:
 - (i) traffic calming scheme in Maddox Street, taking into consideration feedback from the community engagement, including the preference for chicanes, suggestions for improved pedestrian access at the intersections, and the need to allow for a future planned cycleway link along Maddox Street;
 - (ii) upgrade the intersection of Mitchell Road, Harley Street and Ashmore Street to a signalised intersection;
 - (iii) improvements to either make Harley Street one-way eastbound from Mitchell Road to McEvoy Street; or a half closure to traffic at the intersection of Harley Street and McEvoy Street so that vehicles cannot enter via McEvoy Street but maintaining left out to McEvoy Street;
 - (iv) continuous footpath treatment on Belmont Street at Fountain Street;
 - (v) intersection narrowing and kerb build-outs at Dadley Street intersections with Renwick Street and Lyne Street;
 - (vi) identify excessively wide intersections in the study area and design and implement treatments to address these issues progressively as funding allows;
 - (vii) review positions and visibility of signage and line marking along Mitchell Road between Fountain Street and Anderson Street, including side streets; and

- (viii) widening the footpath on both sides of Copeland Street between Fox Avenue and Clara Street, subject to Transport for NSW approval;
- (C) note that traffic signals at the intersection of Mitchell Road and Maddox Street will be delivered as part of the development of the adjacent Ashmore Precinct development site;
- (D) take no further action with regard to the following traffic management treatments based on the community engagement outcomes:
 - (i) full closure of Maddox Street to traffic at Euston Road or a no left turn from Euston Road into Maddox Street; and
 - (ii) full closure of Harley Street to traffic at either Mitchell Road or McEvoy Street;
- (E) note that traffic counts will be undertaken in Park Street over three months after the completion of the current roadworks to monitor vehicle volumes, types, speeds and movements, and whether any further review is needed;
- (F) note that traffic counts will be undertaken in Mitchell Road once all other treatments as recommended in the subject report are implemented in the Erskineville and Alexandria Traffic and Transport Study, to review the need for traffic calming in Mitchell Road; and
- (G) note that the City will request Transport for NSW to consider reinstating the right turn from Euston Road northbound into Maddox Street (east), including modifying the lanes on Euston Road to remove the left turn lane and create a right turn bay instead, to avoid heavy vehicles using other local roads such as Maddox Street (west) to access their sites.

Carried unanimously.

X083814

Speaker

Christopher Standen addressed the meeting of the Transport, Heritage and Planning Committee on Item 7.3.

Item 7.4

Post Exhibition - Planning Proposal - 90 and 100-104 Brougham Street, Potts Point - Sydney Local Environmental Plan 2012 Amendment

Moved by Councillor Chan, seconded by Councillor Kok -

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Planning Proposal, detailed in the Summary of Submissions at Attachment A to the subject report;
- (B) Council approve the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point at Attachment B to the subject report to be made as a local environmental plan under s.3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - 90 and 100-104 Brougham Street, Potts Point to correct any minor errors prior to finalisation.

Carried unanimously.

X096329.002

Item 7.5

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 E of the subject report;
- (C) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 262-264 Glebe Point Road, Glebe;
- (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 847 South Dowling Street, Waterloo at this time;
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 1-5 Sterling Circuit, Camperdown at this time; and
- (F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 289-295 Sussex Street, Sydney at this time.

Carried unanimously.

S105001.002

Item 8 Questions on Notice**1. City of Sydney Yes Vote Amounts**

By Councillor Jarrett

Question

The City of Sydney committed funding both through grants and in-kind to the Yes23 movement (Australians for Indigenous Constitutional Recognition Ltd) throughout the constitutional referendum that was held on 14 October 2023.

1. What was the final amount that was pledged to the Yes23 movement for grants?
2. What was the final in-kind donation amount that was pledged to Yes23?
3. If there are any remaining funds pledged to the Yes23 movement, what will happen to those funds?

X086666

Answer by the Chief Executive Officer

The City of Sydney is required to submit a financial disclosure to the Australian Electoral Commission for its campaign in support of the yes vote. This report is currently being prepared and will be provided to Councillors via the CEO Update when finalised. This report will enable us to answer all the questions above.

2. Partnership with Lego

By Councillor Scott

Question

Channel 7 recently reported the City of Sydney “teamed up” with Lego.

1. Who made the decision to partner with this company? What payments were made, in-kind or other? What promotion was offered, and the value of this?
2. Did this arrangement go through a tender process?
3. How does the City manage the governance of corporate arrangements with for-profit entities for partnerships? What other partnerships does the City hold with for-profit companies that involve promotion only?

X086668

Answer by the Chief Executive Officer

1. An application was received from Lego under the Council approved Retail Activation Program for Pitt Street Mall to celebrate their World Play Day. It was assessed by a panel of City staff according to the established criteria and guidelines for this program. The venue hire fee equivalent to \$24,750 was waived for the duration of the event. Lego paid an application fee of \$260 and the costs for use of power. Lego listed their event in the City's What's On event platform in accordance with the standard guidelines. There is no equivalent promotional value for this listing. The City was not involved in the instigation or production of the Channel 7 story.
2. Council resolved to endorse the Retail Activation Program for Pitt Street Mall (ROC 6.6 – 18 November 2019) which provides for the waiving of venue hire fees for eligible activations via an application process. This program is open to all event promoters/retailers to encourage and support new retail activities to drive pedestrian footfall to Pitt Street Mall and activate the city centre retail precinct. In delivery of the City's adopted Retail Action Plan, any event is required to provide entertainment and drive increased dwell time in the mall, and contribute to the liveliness and creativity of the city.
3. Corporate arrangements with for-profit entities are governed under this activation program, the City of Sydney's corporate sponsorship policy and the grants and sponsorship policy. There is one other application active under the Pitt Street Mall program.

3. Investment Policy

By Councillor Scott

Question

The City annually reviews our Investment Policy.

1. What income earning investments does the City hold?
2. Across all investments, what is the City's target asset allocation? How is this determined? What is the City's actual asset allocation? How is this monitored, and reported on to Council?
3. Across all investments, what is the City's liquidity ratio target? How is this determined? What is the City's actual liquidity? How is this monitored, and reported on to Council?
4. What benchmarks are used for returns, broken down by asset class. Please detail all asset classes including those not covered by the Investment Policy.
5. What benchmarks are used for liquidity, broken down by asset class. Please detail all asset classes including those not covered by the Investment Policy.
6. What doesn't the City's Investment Policy cover all investment assets?

X086668

Answer by the Chief Executive Officer

1. The City holds financial investments and commercial property investments.
2. Councils do not plan for nor report in terms of target asset allocation in the same manner as fund managers and superannuation funds. Those organisations attract and accumulate capital, invest and grow their portfolios, and structure these portfolios with a diversified array of low and high growth assets to appeal to a range of investors with a range of risk appetites.

The City's strategic and operational plans are developed within the Integrated Planning and Reporting Framework, to identify and support the community's objectives as expressed in the Community Strategic Plan Delivering Sustainable Sydney 2030-2050 (CSP), the Delivery Program and the annual Operational Plan. These plans are supported by the City's Resourcing Plan including the Long Term Financial Plan, Asset Management Plan, the People Strategy, the Information and Technology Strategy and the Community Engagement Strategy.

The Long Term Financial Plan is a 10 year plan that identifies current and future financial capacity to act on aspirations of the Community Strategic Plan. It incorporates projections of future cashflows, including financial investment and commercial property returns, which in turn informs the City's cash and investment planning. The Asset Management Plan (AMP) guides infrastructure asset planning, including detailed physical asset conditions and status to ensure appropriate levels of maintenance and asset renewal for these properties.

The suite of Integrated Planning and Reporting documents are developed, reviewed and approved by Council annually, including the budgets and forward estimates that underpin each of the plans. Council is presented with reports on progress against the annual budget each quarter and progress against the services, programs and projects within the Operational Plan every six months.

Financial investment plans for the City are set out in the Cash and Investment Policy, Strategy, budget and forward estimates. As defined in the policy, cash and investments are financial products comprised of term deposits and bonds held with government (including NSW T-Corp and other government treasury bodies) and Authorised Deposit-taking Institutions (ADIs). Investment assets have maturities at the time of placement of 30 days or more.

The performance of this portfolio is reported monthly to Council. The mix between the types and duration of financial investment is determined by the City's short, medium and long term cash flow requirements and prevailing market conditions.

3. The City's liquidity ratio targets are based on our cash and financial investments, and the liquidity parameters for these financial investments are included within the Cash and Investment Policy. Cash requirements and portfolio liquidity are monitored daily and reported to Council as part of the monthly Investment Report. The Annual Financial Statements include a number of ratios that also assist with liquidity assessment. An example is the cash expense cover ratio which indicates the number of months a council can continue paying for its immediate expenses without additional cash inflow, for which the City exceeds the industry benchmark.

Information on the liquidity of infrastructure assets is not gathered or reported as these assets are, by their nature, illiquid. The Report on Infrastructure Assets that is attached to the Annual Financial Statements is intended to assess at a high level, the condition and costs to maintain service standards of infrastructure assets. It includes ratios which show the rate at which these assets are being renewed relative to the required level of renewal identified in Council's Asset Management Plan and what proportion any infrastructure backlog is against the total value of a Council's infrastructure.

4. As noted in the Investment Strategy, the City uses the following benchmarks to measure financial investment performance, in relation to both current month and 12-month rolling returns, against its return/income objectives:

- Bloomberg AusBond Bank Bill Index
- 30 day Bank Bill Rate as published by the Reserve Bank of Australia

As noted above, the Annual Financial Statements include a number of ratios that also assist with liquidity assessment. These are externally audited and reported to Council annually.

Property assets are a subcategory within infrastructure assets, as set out in the AMP. Properties are further categorised into community and commercial property assets. In turn commercial property assets are split between strategic holdings and investment properties. Strategic property holding deliver operating income but are not held for the primary purpose of generating income but rather to advance the strategic intent of the Council. Strategic properties include those held to enable the future Town Hall Square project. They are not valued on a market basis but rather on a cost basis.

Investment properties are held for the primary purpose of generating income, they also have the potential to deliver capital growth, and annually are valued at on a market basis. Income generated by these properties can then be applied against their value to determine a yield. This income is identified in the Annual Financial Statements along with the latest independent market valuation of these properties..

5. Refer to the response to part 3 above.
6. The Investment Policy sets out the requirements for the management of the City of Sydney's ("the City's") cash and investment portfolio. It is a policy developed to guide the management of financial investments, in accordance with the requirements of the Local Government Act 1993. The term investment, in the context of the policy, is outlined in the definition section of the policy and its use is in line with the Office of Local Government Investment Policy Guidelines and Ministerial Investment Orders. Note that the Local Government Act 1993 states that 'Money may be invested only in a form of investment notified by order of the Minister published in the Gazette'.

4. Vacancy Rates

By Councillor Scott

Question

Charter Hall Direct CEO Steven Bennett, who oversees more than \$10 billion of Australian real estate, recently noted that the vacancy rate for industrial land currently stands at 0.6 per cent, the lowest in the developed world.

1. What is the vacancy rate on the City's investment property portfolio? How is this managed? Please detail the costs to the City annually for management of this portfolio? What are the KPIs for the management fees to be paid?
2. What vacancy rate does the City's Long-term financial plan and 2023/24 budget assume?
3. How are returns monitored?
4. What steps have been taken by the City to improve the leasing rate of our commercial properties? Please detail broken down via property.

5. Which properties are currently vacant? For how long has each been vacant, broken down by property.

X086668

Answer by the Chief Executive Officer

1. The industrial land vacancy rate is not comparable to the investment property vacancy rate due to its location and primary use. The City's investment property portfolio primarily consists of B-grade office buildings with some retail, located in the CBD or close by. The appropriate comparative vacancy figure is the Property Council Australia (PCA) Sydney's CBD Commercial Property Vacancy Rate (B-Grade), with the latest average vacancy figure at 12.4 per cent as of July 2023. The City's current investment property portfolio average vacancy is 9.4 per cent, which is below the PCA comparative average.

The annual income and expenditure on the City's property portfolio is provided to Council each year as part of the Operational Plan and Budget. The details of all leases over \$500,000 per year, including returns and market valuations, are provided to Council for approval before each lease is entered into. Leases are often for an initial term of five years or more, with options well beyond that. The City also provides summary details of all leases entered into, under \$500,000 every three months as part of the Quarterly Report.

The management fees applicable were provided to Council in a detailed report on a contract variation with the City's property management agent on 19 September 2022. The fees are in line with industry standards.

2. The City reviews incomes and expenditure on the property portfolio each year as part of the budget review. Incomes are based on current leases, current vacancies, leases about to end, and estimated new leases given the current market conditions, market valuations and market incentives.

The 2023/24 budget is developed on a lease by lease basis rather than a 'global' vacancy percentage parameter. This information is then projected across the future years of the Long Term Financial Plan with allowance made for the impact of planned property acquisitions and disposals.

3. Income and expenditure on the City's property portfolio are reviewed on a monthly basis. A brief summary is provided to Council each quarter as part of the Quarterly Report income statement. Individual leases are managed on a daily basis and debt monitored on a monthly basis.
4. The City actively markets any vacant properties and regularly conducts inspections for potential tenants. The City has also actively undertaken investment initiatives to improve its commercial properties, e.g. the completed Pittway Arcade refurbishment and current asset and upgrade works at 343 George Street. Upgrade works are included in the Capital Works program submitted to Council for approval as part of the Operational Plan and Budget.
5. The City's land register is available on the City of Sydney website (see link below). The report which lists all City properties, leases and now includes vacancies is updated every six months. <https://www.cityofsydney.nsw.gov.au/council-governance-administration/open-access-information>

5. Bakery Park, Waterloo

By Councillor Scott

Question

1. Please detail the works the City is undertaking, and how community consultation will be undertaken?
2. Please detail when the works will be completed.

X086668

Answer by the Chief Executive Officer

1. The City has completed soil classification, service locations and survey and is currently undertaking an arboriculture assessment to inform designs. Designers have been engaged and are in the process of exploring options to improve access, plantings, lighting, seating and informal nature play. The site is not considered suitable for a formal playground due to the limited space available and potential impacts on existing trees. The draft concept will be reported to Council via a CEO Update in line with the 19 September 2022 Resolution of Council. Subsequent to the CEO Update, residents in the vicinity will be engaged to provide feedback on the preliminary designs. Consultation will be via letterbox drop, Sydney your Say and signage in the park.
2. Pending outcomes of design and consultation, works are currently planned to be completed in July 2024.

6. Closing the Gap

By Councillor Scott

Question

Building on the City's motion to support Closing the gap, and noting the City is a signatory to Closing the Gap via the Australian Local Government Association (ALGA), please detail the progress made by the City, broken down by Closing the Gap target.

X086668

Answer by the Chief Executive Officer

A progress report on the Closing the Gap priority areas and targets is currently being prepared. The timing of this report is determined by availability of relevant data. We expect to be able provide a progress report in the first half of 2024.

Item 9 Supplementary Answers to Previous Questions

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

Item 10 Notices of Motion

Item 10.1 Transitioning to Heat Pumps in City Aquatic Centres

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council note:
- (i) the City's pools are currently powered by gas;
 - (ii) the City's sustainability strategy involves purchasing "renewable gas" for all its needs by 2025;
 - (iii) when burned, "renewable" natural gas releases nitrous oxide, a pollutant that creates smog and lowers air quality;
 - (iv) "renewable gas" - a highly processed gas that still contains at least 90 per cent methane – is a greenhouse gas that significantly damages the climate more than carbon dioxide; and
 - (v) the Commonwealth Government have established the \$100M Community Energy Upgrades Fund, which council pools are eligible for; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate options to retrofit all City-owned pools and aquatic centres with heat pumps within the next two years;
 - (ii) report back to Council via the CEO Update with targets for the transition;
 - (iii) provide a report that compares the sustainability, cost and ease of transition between the use of renewable gas and heat pumps in aquatic centres;
 - (iv) report back to Council via the CEO Update with the report and its outcomes; and
 - (v) amend the City's policy defining renewable energy so that it does not include gas or "renewable gas".

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

It is resolved that:

(A) Council note:

- (i) the City's pools are currently heated by gas, and the City has started work to electrify our aquatic centres this financial year;
- (ii) the City's Environmental Strategy 2021-2025 includes plans to phase out natural gas from City operations, by developing a plan to electrify gas-using assets and in the interim involves purchasing "renewable gas" for all its needs by 2025;
- (iii) renewable gas can be generated from composted food or the nutrients in wastewater, through an anaerobic digestion facility. Gas is then injected back into the gas grid to supply home and business gas needs, as natural gas does, but with a much lower carbon footprint;
- (iv) renewable gas is no substitute for wide-scale electrification and renewables uptake, decarbonising industry and transport systems, or simply making our energy use more efficient. These are all things the City is doing as well;
- (v) when burned, both "renewable" and natural gas releases nitrous oxide, a pollutant that creates smog and lowers air quality;
- (vi) "renewable gas" - a highly processed gas that still contains at least 90 per cent methane – is a greenhouse gas that is capable of significantly damaging the climate more than carbon dioxide if left in the atmosphere; but when the methane is captured and burned as renewable gas instead of natural gas we reduce net fossil fuel gas emissions. Renewable gas is the least worst option while we work to electrify our aquatic centres;
- (vii) GreenPower's new Renewable Gas Certification Pilot was recently launched, enabling commercial and industrial gas users to match their gas consumption with renewable gas that is added to gas networks on their behalf. The City hopes to be a part of this pilot; and
- (viii) the Commonwealth Government have established the \$100M Community Energy Upgrades Fund, which council pools are eligible for; and

(B) the Chief Executive Officer be requested to:

- (i) investigate options to retrofit all City-owned pools and aquatic centres with heat pumps as soon as practicable and while minimising impacts on the operations of the City's aquatic centres;
- (ii) report back to Council via the CEO Update with timeframes for the transition;
- (iii) provide a report that compares the sustainability, cost and ease of transition between the use of renewable gas and heat pumps in aquatic centres; and
- (iv) report back to Council via the CEO Update with the report and its outcomes.

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

Item 10.2 Updating Our Public Rainbow Flag Artworks to Progress Pride Flags

Moved by Councillor Worling, seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) the City of Sydney is home to a large and diverse lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQA+) community;
- (ii) the City of Sydney's 2018 Community Wellbeing Survey indicated that 21.3 per cent identified as LGBTIQA+, the highest population of LGBTIQA+ people in Australia;
- (iii) the Oxford Street LGBTIQA+ social and cultural place strategy, adopted by Council in October 2022, is the overarching strategy that currently guides the City's work in the precinct to support the LGBTIQA+ community. One of its five priority areas is to increase visibility and reflect the identity of the LGBTIQA+ community across the Oxford Street Precinct;
- (iv) the City of Sydney currently has two permanent, public pride flag artworks: one rainbow crossing at the corner of Bourke and Campbell Streets, at Taylor Square south, and one 90-metre rainbow path crossing Equality Green at Prince Alfred Park. Both artworks serve to promote the City's ethos as a City for All, and are a proud celebration of the city's LGBTIQA+ communities;
- (v) San Francisco artist Gilbert Baker designed the first rainbow flag for the 1978 San Francisco Freedom Day Parade. It is widely recognised as the symbol of lesbian, gay, bisexual and transgender (LGBT) communities;
- (vi) rainbow crossings, meanwhile, were first installed in West Hollywood in 2012 to promote Gay Pride Month. There have been multiple rainbow crossings instigated around the world since - everywhere from San Francisco to Adelaide, Tel Aviv to London;
- (vii) the City's current rainbow crossings feature Baker's six-coloured Rainbow design (red, orange, yellow, green, blue and violet);
- (viii) in September 2021, a Lord Mayoral Minute proposed that the City use the Progress Pride Flag to visually celebrate the gay, lesbian, transgender, bisexual, queer, intersex and sexually and gender diverse communities. The Progress Pride Flag includes a chevron (a V shaped element) comprising black and brown for Indigenous people and people of colour, and white, pink and blue, to represent trans, nonbinary and gender diverse people;
- (ix) Sydney Gay and Lesbian Mardi Gras adopted the Progress Pride Flag instead of the Rainbow Flag during the Mardi Gras Festival 2021, and the City of Sydney resolved to do the same going forward. The Progress Flag was designed by non-binary artist and graphic designer Daniel Quasar in 2018;
- (x) the City of Sydney is committed to the ongoing visibility, diversity and inclusion of LGBTIQA+ communities. Action 7.3 of the Oxford Street LGBTIQA+ social and cultural place strategy committed us to: Refresh the Rainbow Crossing at Taylor Square. This action was completed for Sydney World Pride;
- (xi) Action 7.11 of the strategy commits the City to: Explore opportunities for additional rainbow crossings throughout the Precinct; and

- (xii) the City understands that visibility and inclusion are key to a vibrant and safe City, and is committed to elevating and celebrating all LGBTIQ+ residents and visitors; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate updating the City's existing public pride flag artworks (Bourke Street and Prince Alfred Park) to Progress Pride Flag designs, to better represent the diversity of the LGBTIQ+ community;
 - (ii) investigate additional locations and opportunities for new pride crossings in the City of Sydney, utilising the Progress Pride Flag design; and
 - (iii) report back via the CEO Update on potential locations, a timeline and budget for this schedule of work.

Carried unanimously.

X099886

Item 10.3 Motion to Local Government NSW Annual Conference – Creating a Network of LGBTIQA+ Councillors and Their Allies

Moved by Councillor Worling, seconded by Councillor Davis –

It is resolved that Council:

(A) note:

- (i) a complex set of factors affecting the experiences of the LGBTIQA+ community, including an increased risk of depression and anxiety, discrimination, increased unemployment, and mental health barriers;
- (ii) according to Beyond Blue Australia, work is a key setting to improve and support mental health and wellbeing. It can contribute to a person's sense of purpose, income and social connection (which extends to life outside the workplace);
- (iii) furthermore, connectedness with peers and affiliation with a broader LGBTIQA+ community has been identified as beneficial to those trying to cope with minority stressors;
- (iv) persons in public life who openly identify as being LGBTIQA+ provide inspiration and support for LGBTIQA+ people;
- (v) there is a long history of people identifying as LGBTIQA+ being elected to their local councils, including the City of Sydney, and to State and Federal Parliaments;
- (vi) despite this, there is currently no public platform, network or coalition in Australia for elected members who openly identify at LGBTIQA+ at a local, state or federal level. This presents an obstacle for younger queer people to see themselves in elected positions; and
- (vii) visibility is power. With greater visibility, more young LGBTIQA+ people may be encouraged to seek election to their local council and/or State and Federal Parliaments; and

(B) endorse the following motion, which has been submitted for consideration at the upcoming 2023 Local Government NSW Annual Conference:

Topic: Creating a Network of LGBTIQA+ Councillors and Their Allies

That as a first step towards increasing visibility and extending its benefits, Local Government NSW establish a network of LGBTIQA+ identifying and allied Councillors.

Carried unanimously.

X099886

Item 10.4 Revival of Noel Sydney by the City of Sydney

Moved by Councillor Jarrett, seconded by Councillor Gannon –

It is resolved that:

(A) Council note:

- (i) as a consequence of the 2023 NSW budget cuts, the Noel Sydney Christmas Festival hosted by Destination NSW has been scrapped by the NSW Labor Government for 2023;
- (ii) the Noel Sydney Christmas Festival was an annual free Christmas festival through Macquarie Street and the Royal Botanical Gardens that attracted more than 100,000 visitors to Sydney in 2023;
- (iii) that Noel Sydney was nominated as a finalist for the Eventex Awards for Events and Experience Marketing; and
- (iv) that the City of Sydney did not partake in sponsoring the event in 2022; and

(B) the Chief Executive Officer be requested to investigate whether discretionary funding and resources are available to fund the Noel Sydney Christmas Festival for 2023 and report back to Council as to the costings and logistics of running a Noel Sydney event through the City of Sydney.

Carried unanimously.

X086657

Item 10.5 Stand with Israel**Procedural Motion**

At this stage of the meeting, it was moved by Councillor Jarrett, seconded by Councillor Gannon –
That Item 10.5 be withdrawn as the matter had been dealt with at Item 3.3.

Carried unanimously.

Item 10.6 Vale John Fowler

Moved by Councillor Scott, seconded by Councillor Weldon –

It is resolved that:

(A) Council note:

- (i) John Fowler, the former mayor of the City of South Sydney from 2000 to 2002, passed away on 29 September 2023, aged 69;
- (ii) elected as an independent Councillor to the South Sydney Council in 1989, John Fowler had a long history of serving his community;
- (iii) he was the first openly gay Mayor in Sydney;
- (iv) his openness took bravery at a time when there was considerably less acceptance of our diverse LGBTQIA+ communities;
- (v) during his Mayorship the Sydney Park AIDS Memorial Groves, a grove of Australian Native trees in Sydney Park, was unveiled; and
- (vi) he provided an example of courage and conviction to many others in the LGBTQIA+ community;

(B) all present at the meeting take one minute of silence to honour the memory and contribution of John Fowler; and

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

Carried unanimously.

X086655

Note – Following Items 10.6 and 10.9, which were brought forward and considered after Item 3, all those present at the meeting, held remotely, observed a minute's silence as a mark of respect to John Fowler.

Item 10.7 Truth-Telling in the Public Domain

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

It is resolved that:

(A) Council note:

- (i) although a majority of Australians voted against constitutional recognition through a Voice to Parliament, the City of Sydney community voted, overwhelmingly, in support of the proposal;
- (ii) the opportunity to promote reconciliation and tackle disadvantage and systemic racism at the local level through initiatives that advance the core principles of the Uluru Statement from the Heart;
- (iii) the City's ongoing work and commitments embodied in our Reconciliation Action Plan, Closing the Gap framework and Aboriginal and Torres Strait Islander Workforce Strategy;
- (iv) the City's commitment to recognise and acknowledge the history, heritage and living culture of First Nations people in the public domain through the Eora Journey;
- (v) Aboriginal and Torres Strait Islander communities have long called for truth-telling;
- (vi) the First Peoples Dialogue Forum, held as part of the City's consultations for Sustainable Sydney 2030-2050, identified truth telling initiatives as a "first priority aspiration". Participants suggested this should include "decolonising the city by debunking the myths of Australia and telling the truth". The 2030-2050 Citizens Jury made a similar recommendation;
- (vii) that by reassessing established narratives, mistruths, and one-dimensional accounts of past events, all Australians gain a richer understanding of our shared history and story;
- (viii) in June 2011, Council amended the Aboriginal and Torres Strait Islander Statement in our Corporate Plan to acknowledge that colonisation "had far reaching and devastating impacts on the Eora Nation, including the occupation and appropriation of their traditional lands";
- (ix) the Lord Mayor's August 2022 Minute to advance truth-telling through public education and the City's communications, in new and imaginative approaches in the public domain, by reviewing the City's symbols and emblems and by promoting an honest conversation about Australia Day; and
- (x) there are more than two dozen statues around the city centre commemorating colonial figures such as Captain Cook, Governors Phillip and Macquarie and Queen Victoria; and that many of the associated inscriptions and plaques feature inaccurate, misleading and offensive accounts of the feats of those commemorated; and

(B) the Chief Executive Officer be requested to:

- (i) report to both Council and the Aboriginal and Torres Strait Islander Advisory Panel on the progress of actions included in the Lord Mayor's August 2022 Minute - Progressing the Uluru Statement from the Heart; and
- (ii) undertake a review of public statues in the City of Sydney and – in consultation with local and state historical and cultural institutions, the City's Aboriginal and Torres Strait Islander and Public Art Advisory Panels and the Metropolitan Local Aboriginal Land Council introduce alternate plaques, signage or other additions to ensure that the representation of these figures is accurate and incorporates contemporary and First Nations perspectives.

Carried unanimously.

X086653

Item 10.8 Promoting Local Aboriginal and Torres Strait Islander Voices

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

It is resolved that:

(A) Council note:

- (i) although a majority of Australians voted against constitutional recognition through a Voice to Parliament, the City of Sydney community voted, overwhelmingly, in support of the proposal;
- (ii) the opportunity to promote reconciliation and tackle disadvantage and systemic racism at the local level through initiatives that advance the core principles of the Uluru Statement from the Heart;
- (iii) the City's ongoing work and commitments embodied in our Reconciliation Action Plan, Closing the Gap framework and Aboriginal and Torres Strait Islander Workforce Strategy;
- (iv) since 2008, the City has received advice from our Aboriginal and Torres Strait Islander Advisory Panel on matters of importance to Aboriginal and Torres Strait Islanders. The Panel's membership consists of local Aboriginal and Torres Strait Islander community members who hold strong community ties and a wealth of knowledge, skills and insights;
- (v) the Panel has contributed to the Eora Journey (including the City's public art projects and the Eora Journey Economic Development Plan), the ongoing growth of NAIDOC and on important issues such as housing and the Waterloo estate redevelopment;
- (vi) the support provided to the Panel from the Chief Executive Officer, Director Strategic Development and Engagement, and the City's Indigenous Leadership Team; and
- (vii) under the current Terms of References, the Panel has the capacity to establish time-limited working parties to address specific issues and projects; and

(B) the Chief Executive Officer be requested to, in consultation with Panel members, make recommendations to strengthen the capacity of the Aboriginal and Torres Strait Islander Advisory Panel to establish their own priorities and make proactive submissions to the City to advance their purpose (as set out in the Terms of Reference).

Carried unanimously.

X086653

Item 10.9 Vale John Fowler

Moved by Councillor Weldon, seconded by Councillor Worling –

It is resolved that:

(A) Council note:

- (i) the recent passing of John William Fowler;
- (ii) John lived a rich life marked by compassion, resilience, and a commitment to community. He served as a Councillor and Mayor of South Sydney Council prior to the forced merge with the City of Sydney in 2004 and he was a treasured member of the local community;
- (iii) born in 1954, John spent his early years in Wallacia where his family ran the post office and telephone exchange. After finishing high school, he completed an arts degree and a teaching qualification. Drawing on a love of literature and learning, John taught at Punchbowl Boys High and at Intensive English Centres in Marrickville and Surry Hills;
- (iv) John was elected as an independent Councillor for South Sydney Council in 1989. In this role, John was a passionate advocate for transparency and community representation. He was an outspoken critic of partisan local government and in 2000, with the support of a group of independents, he became the first and only non-Labor Mayor in the Council's history;
- (v) John was also the state's first openly gay Mayor and he played a pivotal role in history by leading the first Australian Council to formally recognise gay and lesbian relationships. John's personal advocacy and open support fostered an environment of acceptance and inclusion and his unwavering commitment to equality made a lasting impact on the lives of many within the queer community; and
- (vi) fond memories from friends and family speak of his unique character. His impact was felt not only in the political sphere but also in personal relationships marked by loyalty and enduring friendship. John is survived by his elder brother Ross and he was a much-loved uncle to John, Gordon, and Alison and their children;

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

(C) all persons attending this meeting of Council observe one minute's silence to commemorate the life of John William Fowler.

Carried unanimously.

X086653

Note – Following Items 10.6 and 10.9, which were brought forward and considered after Item 3, all those present at the meeting, held remotely, observed a minute's silence as a mark of respect to John Fowler.

Item 10.10 Safety Issues Bridge Road Temporary Cycleway, Glebe

Moved by Councillor Weldon, seconded by Councillor Jarrett –

It is resolved that:

(A) Council note:

- (i) our public duty to ensure that any cycleway (including any pop-up cycleway) is safe before and after it is opened, encouraging cyclists to use it in the reasonable expectation that all safety issues have been fully assessed;
- (ii) data available on the NSW Centre for Road Safety confirms in the five-year period 2018-2022 the City of Sydney had by far the highest number of cyclist casualties from crashes of any Local Government Area;
- (iii) from 2018 to 2022 there were 398 cyclist casualties from crashes in the City of Sydney;
- (iv) this data excludes cyclist collisions where the cyclist was injured but not hospitalised and police were not called to the incident;
- (v) in September 2020, a temporary pop-up cycleway, which is still in place, was installed for six months by Transport for NSW (TfNSW) on Bridge Road, Glebe, between Lyons Road and Taylor Street to ease overcrowding on public transport during Covid-19;
- (vi) the temporary cycleway on Bridge Road was installed by Transport for NSW with the support and urging of the Lord Mayor and City staff;
- (vii) the legal authority for the cycleway to be in place for six months was a Ministerial Order made under Section 10.17 of the Environmental Planning and Assessment Act, 1979, signed by then Planning Minister Rob Stokes on 29 May 2020. It was extended for a further six months in 2020 and a further 12 months in 2021;
- (viii) on 28 March 2022, a few days prior to the planning permission expiring, then Minister for Transport Rob Stokes announced the temporary cycleway on Bridge Road would be made permanent, based on the findings of a Review of Environmental Factors (REF) undertaken from October 2020 until early 2022;
- (ix) the REF for the permanent cycleway on Bridge Road has never been exhibited publicly by Transport for NSW;
- (x) a REF was conducted and publicly exhibited for each of the temporary cycleways installed by City of Sydney under the Ministerial Order made under Section 10.17 of the Environmental Planning and Assessment Act, 1979, before they were made permanent;
- (xi) correspondence between City staff and Transport for NSW in 2022/23, which has been released to the Glebe Society under GIPA, indicates:
 - (a) City staff have repeatedly warned Transport for NSW that the temporary cycleway on Bridge Road is dangerous; and
 - (b) City staff have serious road safety concerns regarding the design proposed by Transport for NSW for a permanent cycleway on Bridge Road;

- (xii) despite the serious safety concerns expressed by City staff to Transport for NSW regarding the risk of injury for cyclists riding on Bridge Road, Council refuses to advise cyclists and the public of these risks;
 - (xiii) on 25 January 2023, Transport for NSW issued a community update that the construction of the permanent cycleway on Bridge Road would commence in mid-2023 following completion of roadwork on Bridge Road related to electricity supply for the Fish Market redevelopment;
 - (xiv) on 25 February 2023, a senior Transport for NSW official wrote to the City advising 'we have no formal agreement in place and no budget to progress [the construction of the Bridge Road Cycleway]';
 - (xv) it was reported in the Sydney Morning Herald on 5 October 2022, that Mark Fozzard, a leading Barrister specialising in Planning Law, had provided a legal opinion that the cycleway on Bridge Road has been being kept in place without legal authority since 31 May 2022;
 - (xvi) on 22 March 2023, Transport for NSW called a tender to build the cycleway two days prior to the NSW State election. This tender is still under consideration according to the Transport for NSW website;
 - (xvii) three weeks after the tender to build the cycleway was called, on 17 April 2023, a road safety auditor who is part of CCHD PTY LTD conducted an "independent" road safety audit on the project phase of Pre-Construction Detail Design developed by the same company;
 - (xviii) on 29 May 2023 CCHD PTY LTD published 'Design Report Detail Design (Issue for Construction)';
 - (xix) on 10 October 2023, Transport for NSW issued a community update on their website and via email, advising changes to the proposed cycleway design from what was approved by the REF dated March 2022, and a revised construction date of early 2024;
 - (xx) the temporary cycleway on Bridge Road lies derelict and dangerous;
 - (xxi) the Transport for NSW datahub reports cyclist usage of the temporary cycleway is low – approximately 200 trips per day;
 - (xxii) according to NSW Centre for Road Safety data more than 60 documented accidents have occurred on Bridge Road in the period from 2018-2022; and
 - (xxiii) in addition to raising road safety concerns regarding the cycleway, residents and some cyclists criticise the methodology, integrity and conclusions of the community consultation process undertaken by Transport for NSW prior to the decision to make the cycleway permanent in March 2022;
- (B) the Chief Executive Officer be requested to write to the Secretary of Transport for NSW requesting:
- (i) copies of the design stage road safety audit and final design for the proposed permanent cycleway on Bridge Road;
 - (ii) advice as to whether the design stage road safety audit was conducted on the entire design for the cycleway and, if not, which elements of the design were not included in the audit and why they were excluded;
 - (iii) advice on what information the auditor claims was not provided by Transport for NSW and why these items were not provided to the auditor;

- (iv) advice on the reasons why a nighttime road safety audit was not conducted as part of the design stage road safety audit;
 - (v) advice in relation to all design non-conformances safety issues identified in the cycleway design document;
 - (vi) advice on why the current derelict and dangerous cycleway is remaining in place on Bridge Road;
 - (vii) a record of all known cycling accidents on Bridge Road from 1 September 2020 to 23 October 2023 including date, location, nature of injury and whether pedestrians were injured in the accidents;
 - (viii) information regarding litigation in which Transport for NSW are being sued in relation to accidents and or injuries which have occurred since the temporary cycleway was installed on Bridge Road in July 2020; and
 - (ix) in the interest of good governance, the release for public exhibition of the REF conducted in relation to the proposed permanent cycleway on Bridge Road; and
- (C) the Chief Executive Officer be requested to provide Council with:
- (i) a summary of safety issues of critical concern regarding the proposed design of the cycleway on Bridge Road;
 - (ii) City records of all known cycling accidents on Bridge Road from 1 September 2020 to 23 October 2023 including date, location, nature of injury and whether pedestrians were injured in the accidents;
 - (iii) information regarding litigation in which the City is being sued in relation to accidents and or injuries which have occurred since the temporary cycleway was installed on Bridge Road in July 2020; and
 - (iv) responses from Transport for NSW in relation to the matters raised in (B), and, in the interest of transparency and road safety, publish both the design stage road safety audit and final design for the proposed permanent cycleway on Bridge Road without delay on the City's website.

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

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

It is resolved that:

- (A) Council note:
- (i) our public duty to ensure that any cycleway installed by the City of Sydney Council (including any pop-up cycleway) is safe before and after it is opened, encouraging cyclists to use it in the reasonable expectation that all safety issues have been fully assessed;
 - (ii) data available on the NSW Centre for Road Safety confirms in the five-year period 2018-2022 the City of Sydney had by far the highest number of cyclist casualties from crashes of any Local Government Area;
 - (iii) high volumes of vehicle traffic combined with cycling rates much higher than other Local Government Areas in NSW mean that there are relatively high number of crashes involving cyclists in the City of Sydney;

- (iv) from 2018 to 2022 there were 398 cyclist casualties from crashes in the City of Sydney;
- (v) this data excludes cyclist collisions where the cyclist was injured but not hospitalised and police were not called to the incident;
- (vi) in September 2020, a temporary pop-up cycleway, which is still in place, was installed for six months by Transport for NSW (TfNSW) on Bridge Road, Glebe between Lyons Road and Taylor Street to ease overcrowding on public transport during Covid-19;
- (vii) the temporary cycleway on Bridge Road was installed by Transport for NSW;
- (viii) the legal authority for the cycleway to be in place for six months was a Ministerial Order made under Section 10.17 of the Environmental Planning and Assessment Act, 1979, signed by then Minister for Planning and Public Spaces, Rob Stokes on 29 May 2020. It was extended for a further six months in 2020 and a further 12 months in 2021;
- (ix) on 28 March 2022, the Review of Environmental Factors (REF) was finalised enabling the pop up cycleway to remain in place;
- (x) the REF for the permanent cycleway on Bridge Road has never been exhibited publicly by Transport for NSW;
- (xi) a REF was conducted and publicly exhibited for each of the temporary cycleways installed by City of Sydney under the Ministerial Order made under Section 10.17 of the Environmental Planning and Assessment Act 1979, before they were made permanent;
- (xii) correspondence between City staff and Transport for NSW in 2022/23, which has been released to the Glebe Society under GIPA, indicates:
 - (a) City staff have repeatedly warned Transport for NSW that the temporary cycleway on Bridge Road is dangerous; and
 - (b) City staff have serious road safety concerns regarding the design proposed by Transport for NSW for a permanent cycleway on Bridge Road;
- (xiii) on 25 January 2023, Transport for NSW issued a community update that the construction of the permanent cycleway on Bridge Road would commence in mid-2023 following completion of roadwork on Bridge Road related to electricity supply for the Fish Market redevelopment;
- (xiv) on 25 February 2023, a senior Transport for NSW official wrote to the City advising 'we have no formal agreement in place and no budget to progress [the construction of the Bridge Road Cycleway]';
- (xv) it was reported in the Sydney Morning Herald on 5 October 2022, that Mark Fozzard, a leading Barrister specialising in Planning Law, had provided a legal opinion that the cycleway on Bridge Road has been being kept in place without legal authority since 31 May 2022;
- (xvi) on 22 March 2023, Transport for NSW called a tender to build the permanent cycleway which is still under consideration according to the Transport for NSW website;
- (xvii) three weeks after the tender to build the cycleway was called, on 17 April 2023, a road safety auditor who is part of CCHD PTY LTD conducted an "independent" road safety audit on the project phase of Pre-Construction Detail Design developed by the same company, which the City of Sydney has no record of;
- (xviii) on 29 May 2023 CCHD PTY LTD published 'Design Report Detail Design (Issue for Construction)', which the City of Sydney has no record of;

- (xix) on 10 October 2023, Transport for NSW issued a community update on their website and via email, stating upgrades to the cycleway will include replacing the lightweight barrier between the cycleway and traffic lanes with a more durable barrier made of concrete separators, and that the project has a revised construction date of early 2024;
 - (xx) Transport for NSW is committed to upgrading the temporary cycleway on Bridge Road to a permanent cycleway so that it is safer for people walking and bike riding, as well as for other road users;
 - (xxi) the latest Transport for NSW automated counts on the Bridge Road cycleway show an average of 340 trips per day, which is expected to increase once it is integrated into the broader cycleway network and made permanent;
 - (xxii) according to NSW Centre for Road Safety data there were 16 crashes on the Bridge Road pop-up cycleway between Lyons Road and Taylor Street between September 2020 when the pop-up cycleway was installed and December 2022 (latest data). Of those, seven crashes involved people riding with five of those caused by vehicle drivers; and
 - (xiii) in addition to raising road safety concerns regarding the cycleway, residents and some cyclists criticise the methodology, integrity and conclusions of the community consultation process undertaken by Transport for NSW prior to the decision to make the cycleway permanent in March 2022;
- (B) the Chief Executive Officer be requested to write to the Secretary of Transport for NSW requesting:
- (i) copies of the design stage road safety audit and final design for the proposed permanent cycleway on Bridge Road;
 - (ii) advice as to whether the design stage road safety audit was conducted on the entire design for the cycleway and, if not, which elements of the design were not included in the audit and why they were excluded;
 - (iii) advice on what information the auditor claims was not provided by Transport for NSW and why these items were not provided to the auditor;
 - (iv) advice on the reasons why a nighttime road safety audit was not conducted as part of the design stage road safety audit;
 - (v) advice as to how Transport for NSW will address safety issues with the cycleway design identified by the City of Sydney in previous correspondence sent to Transport for NSW;
 - (vi) a record of all known cycling accidents on Bridge Road from 1 September 2020 to 23 October 2023 including date, location, nature of injury and whether pedestrians were injured in the accidents;
 - (vii) information regarding litigation in which Transport for NSW are being sued in relation to accidents and or injuries which have occurred since the temporary cycleway was installed on Bridge Road in July 2020; and
 - (viii) in the interest of good governance, the release for public exhibition of the REF conducted in relation to the proposed permanent cycleway on Bridge Road; and

- (C) the Chief Executive Officer be requested to provide Council with:
- (i) a summary of safety issues of critical concern regarding the proposed design of the cycleway on Bridge Road;
 - (ii) City records of all known cycling accidents on Bridge Road from 1 September 2020 to 23 October 2023 including date, location, nature of injury and whether pedestrians were injured in the accidents;
 - (iii) information regarding litigation in which the City is being sued in relation to accidents and or injuries which have occurred since the temporary cycleway was installed on Bridge Road in July 2020; and
 - (iv) responses from Transport for NSW in relation to the matters raised in (B).

Amendment carried unanimously.

The amended motion was carried unanimously.

X086653

Note – Councillor Weldon tabled the following documents during discussion of Item 10.10: Design Report, Road Safety Audit Report, Corrective Action Response, Correspondence between the City and Transport for NSW 15 February 2023, Letter from the City to Transport for NSW 28 April 2023, and Letter from AECOM 3 May 2023.

At 8.14 pm the meeting concluded.

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