

# Council

Meeting No 10

Monday 11 December 2023

Notice No 10/1658

Notice Date 7 December 2023

*minutes*

## Index to Minutes

| ITEM   | PAGE NO   |
|--|-----------|
| <b>1. Confirmation of Minutes .....</b>  | <b>5</b>  |
| <b>2. Statement of Ethical Obligations and Disclosures of Interest .....</b>                                     | <b>6</b>  |
| <b>3. Minutes by the Lord Mayor .....</b>  | <b>8</b>  |
| 3.1 Diversity and Inclusion Leadership Award for Excellence 2023 and Inclusive<br>Employers List 2023-2024 ..... | 8         |
| <b>4. Memoranda by the Chief Executive Officer .....</b>   | <b>10</b> |
| 4.1 Appointment of Independent Member - Audit, Risk and Compliance Committee .....                               | 10        |
| 4.2 Appointment of Members - Inclusion (Disability) Advisory Panel.....  | 12        |
| <b>5. Matters for Tabling .....</b>  | <b>14</b> |
| <b>6. Report of the Corporate, Finance, Properties and Tenders Committee .....</b>                               | <b>15</b> |
| 6.1 Confirmation of Minutes.....   | 15        |
| 6.2 Statement of Ethical Obligations and Disclosures of Interest.....  | 16        |
| 6.3 Investments Held as at 30 November 2023 .....  | 16        |
| 6.4 Adoption - Corporate Sponsorship Policy .....  | 16        |
| 6.5 Quote - Q-2023-1075 - Management and Acquisition of Contingent Labour.....                                   | 17        |
| 6.6 Contract Variation - Pyrmont Community Centre Upgrade Contracts .....  | 18        |
| 6.7 Exemption from Tender and Contract Variation - Corporate Risk<br>Management System.....                      | 19        |
| <b>7. Report of the Environment Committee .....</b>  | <b>20</b> |
| 7.1 Confirmation of Minutes.....   | 20        |
| 7.2 Statement of Ethical Obligations and Disclosures of Interest.....  | 21        |
| 7.3 Project Scope - Gunyama Park Stage 2 and George Julius Avenue North .....                                    | 21        |
| <b>8. Report of the Resilient Communities and Economy Committee.....</b>   | <b>22</b> |
| 8.1 Confirmation of Minutes.....   | 23        |
| 8.2 Statement of Ethical Obligations and Disclosures of Interest.....  | 23        |
| 8.3 Grants and Sponsorship - Food Support Grants.....  | 24        |
| 8.4 Post Exhibition - Resilience Strategy 2023-2028 .....  | 24        |
| 8.5 Memorandum of Understanding - ANZAC Day 2024-2025 .....  | 25        |

|            |   |           |
|------------|---|-----------|
| <b>9.</b>  | <b>Report of the Transport, Heritage and Planning Committee .....</b>   | <b>26</b> |
| 9.1        | Confirmation of Minutes.....  | 27        |
| 9.2        | Statement of Ethical Obligations and Disclosures of Interest.....   | 28        |
| 9.3        | Post Exhibition - Haymarket and Chinatown Revitalisation Strategy.....  | 29        |
| 9.4        | Post Exhibition - Haymarket and Chinatown Public Domain Plan .....  | 30        |
| 9.5        | Public Exhibition - Planning Framework - Ultimo Pyrmont – Sydney Local<br>Environmental Plan 2012, Ultimo Pyrmont Local Infrastructure Contributions Plan,<br>Sydney Development Control Plan 2012 Amendment and Central Sydney<br>Development Contributions Plan Amendment ..... | 31        |
| 9.6        | Public Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local<br>Environmental Plan 2012 and Sydney Development Control Plan 2012<br>Amendment.....  | 32        |
| 9.7        | Public Exhibition - Planning Proposal - Sydney Local Environmental Plan and<br>Development Control Plan - Policy and Housekeeping Amendments<br>(LEP/DCP Update).....   | 33        |
| 9.8        | Fire Safety Reports.....  | 35        |
| 9.9        | Approved Variations to Development Standards Reported to the Department of<br>Planning and Environment.....   | 36        |
| <b>10.</b> | <b>Questions on Notice.....</b>   | <b>37</b> |
| <b>11.</b> | <b>Supplementary Answers to Previous Questions .....</b>  | <b>40</b> |
| <b>12.</b> | <b>Notices of Motion .....</b>  | <b>41</b> |
| 12.1       | Reopening the Darlington Activity Centre for Use by the Community .....   | 41        |
| 12.2       | Let's Get on With Town Hall Square.....   | 44        |
| 12.3       | Numbers of Vacant Public Housing Homes in the City of Sydney.....   | 48        |
| 12.4       | Supporting the Community Vision for Public Housing at 82 Wentworth Park Road,<br>Glebe .....  | 49        |
| 12.5       | Sydney Town Hall and Other Council Buildings Not to be Used for Policing or<br>Surveillance of Democratic Protests .....  | 53        |
| 12.6       | Elected Council to Review and Approve City of Sydney Policy and Planning<br>Submissions.....  | 55        |
| 12.7       | Support for a Ceasefire .....   | 56        |
| 12.8       | Tightening Australia Post Only Parking Restrictions .....   | 58        |
| 12.9       | Vale Dr GK Harinath OAM.....  | 59        |
| 12.10      | Increased City Action on Recycling .....  | 61        |
| 12.11      | City's Inclusion (Disability) Advisory Panel on City of Sydney Implementing Royal<br>Commission Recommendations .....   | 64        |

## **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 5.01pm, those present were:

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

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director City Planning, Development and Transport, Director Legal and Governance, Director City Life, Director Strategic Development and Engagement, Director People Performance and Technology 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 opening 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 Item 12.9 be brought forward and considered before Item 4.1 for the convenience of the public watching the livestream of the remote meeting.

Councillor Scott left the meeting of Council at 6.18pm, prior to discussion on Item 9.7 and returned at 6.25pm, following the vote on Item 9.7. Councillor Scott was not present at the meeting of Council, which was held remotely, during discussion or voting on Item 9.7.

**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, 20 November 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

The Lord Mayor (Councillor Clover Moore) made the following disclosures:

- a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that she owns property within one of the heritage conservation areas being considered in this item.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per clause 4.1 of the Code of Conduct.

- a less than significant, non-pecuniary interest in Item 9.7 on the agenda, in that she owns property within the Local Government Area that is the subject of this planning proposal.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

Councillor (Waskam) Emelda Davis made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that the Uniting Church in Australia Property Trust (NSW) as auspice for the Wayside Chapel Foundation: Wayside Community Café Response and Resilient Program is recommended for funding.

Councillor Davis considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because as a tenant of Uniting Care Social Housing on Bowman Street, Pyrmont, she declares that she is a resident and not actively involved in any arm of the Uniting Church not-for-profit, profit or charitable organisation.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that First Nations Response Limited “Caring for Community our way, the Blak way” is recommended for funding, and Food Ladders Seeds of Change is not recommended for funding. She has, in her capacity for the City of Sydney, attended and represented the Lord Mayor at the opening or launch presentations of the organisation.

Councillor Davis considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she has not been involved in the City of Sydney Food Grants and Sponsorship assessment or approval process for any organisation, or acted on behalf of an individual’s application.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that her home, which is jointly owned with her bank and husband, is in a heritage conservation area.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because, as the plan states, the item applies to all of the City, and her property is not impacted by any boundary changes. She applies her judgement to the decisions as a councillor for the City of Sydney.

- a less than significant, non-pecuniary interest in Item 9.7 on the agenda, in that she is the Chair and a Director of CareSuper, an industry superannuation fund run only to benefit members. She is also a member of this fund, on the same terms as all members, and notes that all other working Australians are members of superannuation funds. CareSuper's Annual Report states that they have an investment in Charter Hall, who sent a speaker to make representations to the Committee on this item.

Councillor Scott stated that she would not be voting on this matter, due to an abundance of caution.

Councillor Adam Worling made the following disclosures:

- a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that he owns property within one of the heritage conservation areas being considered in this item.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

- a less than significant, non-pecuniary interest in Item 9.7 on the agenda, in that he owns property within the Local Government Area that is subject to this planning proposal.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

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 Diversity and Inclusion Leadership Award for Excellence 2023 and Inclusive Employers List 2023-2024**

**Minute by the Lord Mayor**

To Council:

The City of Sydney was recently included in the Diversity Council Australia's list of "Inclusive Australian Employers for 2023-2024". This recognition followed analysis of the City's performance as an employer across various diversity demographics, and the workplace inclusion and exclusion experiences of our employees.

The City was also awarded the "Diversity and Inclusion Leadership Award for Excellence 2023", by Urban Development Institute of Australia and MYBOS management systems. Nominees for this award were required to demonstrate that diversity and inclusion is embedded in their organisation and show its impact.

This recognition follows considerable work over many years to create a more diverse and inclusive workplace.

We were the first local government organisation to monitor and publicly report on gender pay equity. For seven years in a row, we have defied Australian trends with a pay gap in favour of women. Our 2023 gender pay gap was 5.3 per cent in favour of women. The main reason for this is the leadership profile of our organisation. In 2023, 55 per cent of our Executive team were female and 53 per cent of our senior managers were female.

Other work has focused on removing barriers from recruitment processes and partnering with disability recruitment agencies and better measuring cultural diversity in the workplace and increasing cultural awareness and the cultural competency of our staff and managers, including by introducing diversity and inclusion training for all new employees.

This year, the City introduced Care and Culture Leave that allows employees to participate in culturally important or religious days, ceremonies or activities and is helping ensure our workplaces are culturally inclusive. We are starting to implement our Aboriginal and Torres Strait Islander Workforce Strategy, which recognises the critical role that meaningful employment plays in the lives of individuals and communities.

This work has led to the increases in the percentage of City employees who identify as part of all diversity groups, including Aboriginal and Torres Strait Islander people, people with disability, people from culturally and linguistically diverse backgrounds and people with diverse sexualities and genders.

The City has established an internal Anti-Racism Working Group. The Working Group is using the Diversity Council of Australia's Racism at Work framework as a guide for organisational action. Engagement with the Multicultural Advisory Panel, the Aboriginal and Torres Strait Islander Advisory Panel and the Inclusion (Disability) Advisory Panel will commence in early 2024.



It is important that we maintain our focus on this work. The shameful result of the Voice referendum and the impact of global conflicts within our community this year have shown how important it is to promote harmony and diversity in every way we can – across both our organisation and community.

### **Recommendation**

It is resolved that Council:

- (A) note the City was awarded the Urban Development Institute of Australia's Diversity and Inclusion Leadership Award for Excellence 2023 and was recently included in the Diversity Council Australia's list of Inclusive Australian Employers for 2023-2024; and
- (B) congratulate the Chief Executive Officer and Executive and City staff for their ongoing commitment and hard work to create a diverse, inclusive and culturally safe workplace.

### **COUNCILLOR CLOVER MOORE AO**

Lord Mayor

Moved by the Lord Mayor –

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

Carried unanimously.

S051491

Note – the Lord Mayor and Councillors congratulated the Chief Executive Officer, Executive and City staff by round of applause.

### **Procedural Motion**

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

That the order of business be altered such that Item 12.9 be brought forward and considered before Item 4.1, for the convenience of the public watching the livestream of the remote meeting.

Carried unanimously.

**Item 4 Memoranda by the Chief Executive Officer****Item 4.1 Appointment of Independent Member - Audit, Risk and Compliance Committee****Memorandum by the Chief Executive Officer**

To Council:

**Background**

Council's Audit Risk and Compliance Committee (the Committee) plays an important role in the City's governance framework. It provides Council with independent oversight and monitoring of the City's audit, compliance, and risk processes and its other internal control activities.

The Committee complies with the Director General's Guidelines for the purposes of section 23A of the Local Government Act 1993 and reports to Council through the Corporate, Finance, Properties and Tenders Committee.

The Committee operates under the Audit, Risk and Compliance Committee Charter, which provides for appointments for independent external members for a four-year period, in line with the draft Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW (December 2022).

The term of one independent member expired on 30 November 2023. The City would like to acknowledge the contributions of the departing Committee member, Ken Barker, for his input to the work of the Committee since 2014.

**Recruitment process for new independent committee member**

On 26 June 2023, Council endorsed updated position descriptions which reflect the requirements of the Draft Guidelines to enable the conduct of an expression of interest process to identify appropriate candidates for new independent members. Authority was delegated to the Chair of the Audit, Risk and Compliance Committee in conjunction with the Chief Executive Officer to conduct the expression of interest and recruitment process.

The call for expressions of interest was advertised in mainstream media outlets, the City's website, and through the Institute of Internal Auditors. Applications were open from 25 September 2023 to 8 October 2023. A total of 17 expressions were received.

On 23 October 2023, Council appointed 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. It is noted that the selection panel consisted of the Chair of the Audit, Risk and Compliance Committee, a Councillor representative (Councillor Robert Kok) and the Chief Financial Officer.

It is recommended that Council appoint Stephen Horne to the Audit, Risk and Compliance Committee for a period of four years, commencing 1 January 2024. The selection panel confirms that the recommended appointee is eligible in accordance with the requirements of s 216E of the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023, and that the recommended appointee is independent of council in accordance with s 216F (including not having had any business dealings with the council).

### **Recent legislation**

It is noted that the Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 was made on 1 December 2023 and will commence on 1 July 2024. The new requirements in these regulations will require further resolutions of Council in relation to a new Audit, Risk and Compliance Committee Terms of Reference and Internal Audit Charter. A report addressing these matters will be brought to Council early in 2024.

### **Recommendation**

It is resolved that:

- (A) Council appoint Stephen Horne to the Audit, Risk and Compliance Committee for a four-year term commencing 1 January 2024, as recommended by the selection panel following the recruitment process endorsed by Council; and
- (B) Council note that the remainder of the eligible applicants form an eligibility list which may be called on to recommend future appointments to the Audit, Risk and Compliance Committee for Council consideration.

### **MONICA BARONE**

Chief Executive Officer

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

It is resolved that:

- (A) Council appoint Stephen Horne to the Audit, Risk and Compliance Committee for a four-year term commencing 1 January 2024, as recommended by the selection panel following the recruitment process endorsed by Council; and
- (B) Council note that the remainder of the eligible applicants form an eligibility list which may be called on to recommend future appointments to the Audit, Risk and Compliance Committee for Council consideration.

Carried unanimously.

X099104

**Item 4.2 Appointment of Members - Inclusion (Disability) Advisory Panel****Memorandum by the Chief Executive Officer**

To Council:

**Background**

The Inclusion (Disability) Advisory Panel was established in November 2012 to provide expert advice to the City regarding inclusion and access for people with disability.

The aim of the Inclusion (Disability) Advisory Panel is to provide strategic, expert and impartial advice on how we develop, implement, monitor and review our policies, strategies and plans to advance the inclusion of people with disability.

The current Panel is comprised of 12 members, four members that have served a six-year term (2017-2023) and eight members that have served a two year term (2021-2023).

Under the current Terms of Reference, revised and endorsed by Council in 2021, Panel members cannot serve longer than a six-year term. Therefore, four Panel members: Nidhi Shekaran, Max Burt, Tara Elliffe and Sabrina Houssami, will stand down in December 2023.

In 2024, the Panel will be comprised of eight reappointed members and four new members selected through a recruitment process to replace the outgoing members. These new panel members are now to be ratified by Council.

**Reappointment and recruitment of Panel members**

In accordance with the Panel Terms of Reference, the terms of four Panel members will end in December 2023. The recruitment of new Panel members and reappointment of existing Panel members ensures the continuity of feedback on ongoing projects, while bringing new perspectives on key issues impacting people with disability.

To replace the outgoing panel members, recruitment from shortlisted applicants from the 2021 panel recruitment was undertaken in October 2023. Applicants were interviewed by a suitably qualified panel of City staff and the Panel Chair against the Panel selection criteria. Recommended new Panel members are as follows:

- George Saliba;
- Sharon Xabregas;
- Annemaree Watharow; and
- Dwayne Fernandes.

New panellists are recommended based on the skills and experience brought by each person, and the value their expertise adds to the Panel. Appointments are recommended to ensure that, as far as possible, the overall membership of the Panel reflects the diversity of lived experience in the disability community.

All four recommended applicants live, work or study in the City of Sydney local government area. Each has experience of living with or caring for a person with disability and/or demonstrate knowledge, skills or experience in providing independent and strategic advice on disability access and inclusion issues. All are prepared to join the Panel.

The recommended panel for 2024 comprises 12 people, all with diverse lived experience of disability and/or mental health conditions. The recommended Panel includes people from various age groups, including a young person, people of diverse cultural and linguistic backgrounds, an Aboriginal person and people of diverse genders and sexualities.

In accordance with the requirements of the Terms of Reference, all members are appointed in an individual capacity and more than 50 per cent of the members are people with a direct experience of disability, either personally or developed through a caring and support role.

### **Recommendation**

It is resolved that Council:

- (A) ratify the reappointment of eight existing Inclusion (Disability) Advisory Panel members being: Stephen Adei (Chair), Charles Hung, Giancarlo de Vera, Matthew Hall, Max Burt, Mim Smith, Nanushka TamTam and Paul Nunnari for a further one-year term, until December 2024; with an option to extend for an additional three years; and
- (B) ratify the appointment of four new Inclusion (Disability) Advisory Panel members being: George Saliba, Sharon Xabregas, Annemaree Watharow and Dwayne Fernandes for an initial three-year term, with an option to extend for an additional three years.

### **MONICA BARONE**

Chief Executive Officer

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

It is resolved that Council:

- (A) ratify the reappointment of eight existing Inclusion (Disability) Advisory Panel members being: Stephen Adei (Chair), Charles Hung, Giancarlo de Vera, Matthew Hall, Max Burt, Mim Smith, Nanushka TamTam and Paul Nunnari for a further one-year term, until December 2024; with an option to extend for an additional three years; and
- (B) ratify the appointment of four new Inclusion (Disability) Advisory Panel members being: George Saliba, Sharon Xabregas, Annemaree Watharow and Dwayne Fernandes for an initial three-year term, with an option to extend for an additional three years.

Carried unanimously.

X094707

## **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 2.02pm 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 Chan and Davis 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.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.59pm.

**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 4 December 2023 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.3, 6.4, 6.6 and 6.7 being adopted in globo, and Item 6.5 being dealt with as shown immediately following that item.

Carried unanimously.

**Item 6.1****Confirmation of Minutes**

Moved by Councillor Kok, seconded by Councillor Ellsmore –

That the Minutes of the Corporate, Finance, Properties and Tenders Committee of Monday 6 November 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## **Item 6.2**

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

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

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

## **Item 6.3**

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

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

Carried unanimously.

X020701

## **Item 6.4**

### **Adoption - Corporate Sponsorship Policy**

It is resolved that:

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

Carried unanimously.

X023684.002



## Item 6.5

### Quote - Q-2023-1075 - Management and Acquisition of Contingent Labour

Moved by Councillor Kok, seconded by Councillor Worling -

It is resolved that:

- (A) Council accept the quote of Bidder A for the Management and Acquisition of Contingent Labour for a period of three years, with the option of an extension of two years if appropriate;
- (B) Council note that the total contract sum and contingency for the Management and Acquisition of Contingent Labour is outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the quote referred to in (A);
- (D) authority be delegated to the Chief Executive Officer to exercise the option referred to in (A), if appropriate; and
- (E) Council approve the additional recommendations included in Confidential Attachment A to the subject report for the reasons set out in that attachment.

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

It is resolved that:

- (A) Council note the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 passed the Senate on 7 December 2023;
- (B) the Bill amends the Fair Work Act 2009 in relation to contingent labour and regulated labour hire arrangement orders, specifically also including casual employment, enabling multiple franchisees to access the single-enterprise stream, transitioning from multi-enterprise agreements, model terms, workplace delegates' rights, discrimination against employees subjected to family and domestic violence, sham contracting, exemptions to waive entry requirements for suspected underpayment and increasing maximum penalties for underpayments, compliance notices, the definition of employment, minimum standards and increased dispute resolution for employee-like workers performing digital platform work and regulated road transport industry contractors;
- (C) the Bill introduces a criminal offence for wage theft and an offence of industrial manslaughter, and amends the offences and penalties framework;
- (D) given the new legislative framework in place, and the possible personal penalties for the Lord Mayor and Councillors for non-compliance, Council requests the City's Audit and Risk Compliance Committee to consider an audit into industrial compliance with the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 and report back to Council; and
- (E) Council defer consideration of this item until this matter is undertaken.

The amendment was lost on the following show of hands –

Ayes (4) Councillors Ellsmore, Jarrett, Scott and Weldon

Noes (6) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Kok and Worling.

Amendment lost.

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

Ayes (6) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Kok and Worling

Noes (4) Councillors Ellsmore, Jarrett, Scott and Weldon.

Substantive motion carried.

X098701.12

## **Item 6.6**

### **Contract Variation - Pymont Community Centre Upgrade Contracts**

It is resolved that:

- (A) Council approve additional contract contingency for the construction contract with Belmadar Pty Ltd for construction of the Pymont Community Centre Upgrade works, as outlined in Confidential Attachment A to the subject report;
- (B) Council approve additional contract contingency for the head design consultant contract with Welsh and Major Architects Pty Ltd for additional design and construction stage services for the Pymont Community Centre Upgrade works, as described in Confidential Attachment A to the subject report;
- (C) Council approve the additional funds sought for the Pymont Community Centre Upgrade works as detailed in Confidential Attachment A to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to negotiate and enter into any documentation required to give effect to these resolutions.

Carried unanimously.

X038743

**Item 6.7****Exemption from Tender and Contract Variation - Corporate Risk Management System**

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for the implementation and consulting services for enhancements to the Governance, Risk and Compliance system;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
  - (i) C A Technology Pty Ltd is already engaged to provide the services associated with the Governance, Risk and Compliance system; and
  - (ii) a tender would not result in a competitive tender response because the additional registers can only be provided within the existing system by C A Technology Pty Limited;
- (C) Council approve a variation of the contract with C A Technology Pty Ltd to provide for an increase to the overall contract price and scope to implement enhancements to the City's Governance, Risk and Compliance system as outlined in Confidential Attachment A to the subject report;
- (D) Council approve the revised total contract value and the contingency (inclusive of the additional scope) as detailed in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer any contract variations required to give effect to this approval.

Carried unanimously.

X095108

**Item 7 Report of the Environment Committee**

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Adam Worling

(Deputy Chair)

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

At the commencement of business at 3.01pm 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 Chan and Davis were attending the meeting of the Environment Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

The meeting of the Environment Committee concluded at 3.15pm.

**Report of the Environment Committee**

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

That the report of the Environment Committee of its meeting of 4 December 2023 be received, with Items 7.1 and 7.2 being noted and 7.3 being dealt with as shown immediately following that item.

Carried unanimously.

**Item 7.1**

**Confirmation of Minutes**

Moved by Councillor Worling, seconded by Councillor Kok –

That the Minutes of the meeting of the Environment Committee of Monday 6 November 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## Item 7.2

### Statement of Ethical Obligations and Disclosures of Interest

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

The Environment Committee recommended the following:

## Item 7.3

### Project Scope - Gunyama Park Stage 2 and George Julius Avenue North

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

It is resolved that Council:

- (A) approve the revised design for the Gunyama Park Stage 2 and George Julius Avenue North project as shown in Attachment B to the subject report; and
- (B) approve the additional funds sought for the Gunyama Park Stage 2 and George Julius Avenue North project as detailed in Confidential Attachment D to the subject report.

The motion was carried on the following show of hands:

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

Noes (1) Councillor Weldon.

Carried.

X087776.002

**Item 8 Report of the Resilient Communities and Economy Committee**

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor (Waskam) Emelda Davis

(Deputy Chair)

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

At the commencement of business at 3.16pm 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 Chan and Davis were attending the meeting of the Resilient Communities and Economy Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

**Adjournment**

At 3.44pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting of the Resilient Communities and Economy Committee be adjourned for approximately 15 minutes.

Carried unanimously.

At the resumption of the meeting of the Resilient Communities and Economy Committee at 4.03pm, those present were –

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

The meeting of the Resilient Communities and Economy Committee concluded at 4.06pm.

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

Moved by Councillor Davis, seconded by Councillor Chan –

That the report of the Resilient Communities and Economy Committee of its meeting of 4 December 2023 be received, with Items 8.1 and 8.2 being noted, the recommendations set out below for Items 8.4 and 8.5 being adopted in globo, and Item 8.3 being dealt with as shown immediately following that item.

Carried unanimously.

## **Item 8.1**

### **Confirmation of Minutes**

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

That the Minutes of the meeting of the Resilient Community and Economy Committee of Monday 6 November 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## **Item 8.2**

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

Councillor (Waskam) Emelda Davis made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that the Uniting Church in Australia Property Trust (NSW) as auspice for the Wayside Chapel Foundation: Wayside Community Café Response and Resilient Program is recommended for funding.

Councillor Davis considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because as a tenant of Uniting Care Social Housing on Bowman Street, Pyrmont, she declares that she is a resident and not actively involved in any arm of the Uniting Church not-for-profit, profit or charitable organisation.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that First Nations Response Limited is recommended for funding, and she has, in her capacity for the City of Sydney, attended opening or launch presentations of the organisation.

Councillor Davis considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she has not been involved in the City of Sydney Food Grants and Sponsorship assessment or approval process for any organisation, or acted on behalf of an individual's application.

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

The Resilient Communities and Economy Committee recommended the following:

### **Item 8.3**

#### **Grants and Sponsorship - Food Support Grants**

Moved by Councillor Davis, seconded by Councillor Ellsmore -

It is resolved that:

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

Carried unanimously.

S117676

### **Item 8.4**

#### **Post Exhibition - Resilience Strategy 2023-2028**

It is resolved that:

- (A) Council note the submission and feedback received through the public exhibition period as reported in the Engagement Report shown at Attachment B to the subject report;
- (B) Council adopt the Resilience Strategy 2023-2028, as shown at Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Resilience Strategy 2023-2028 in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Carried unanimously.

X087996.001



## Item 8.5

### Memorandum of Understanding - ANZAC Day 2024-2025

It is resolved that:

- (A) Council agrees to withdraw from the current Memorandum of Understanding between the City, the State of New South Wales, The Returned and Services League of Australia (NSW Branch) and the Dawn Services Trust Inc;
- (B) Council approve the changes to the Memorandum of Understanding at the request of The Returned and Services League of Australia (NSW Branch) with support of NSW Government, noting the following alterations:
  - (i) acknowledgement of The Returned and Services League of Australia (NSW Branch) as the event owner and host of the Dawn Service, and update to the roles and responsibilities of The Returned and Services League of Australia (NSW Branch);
  - (ii) update the Memorandum of Understanding to reflect Mr Giles Hurst as the new Chief Executive Officer of The Returned and Services League of Australia (NSW Branch), and signatory;
  - (iii) update to the primary coordinating agencies and removal of the Dawn Services Trust Inc. (the Trust) as a signatory from the Memorandum of Understanding;
  - (iv) update references to the Department of Premier and Cabinet to NSW Premier's Department; and
  - (v) transfer of the annual funding of \$10,000 (excluding GST) to assist in the implementation and delivery of the event from the Trust to the Returned and Services League of Australia (NSW Branch);
- (C) authority be delegated to the Chief Executive Officer to enter into and finalise an amended Memorandum of Understanding with The Returned and Services League of Australia (NSW Branch), and the Premier's Department on behalf of State of New South Wales as outlined in this report and Confidential Attachment B to the subject report;
- (D) Council approve for the 2024 and 2025 ANZAC Day events:
  - (i) annual funding of one third of actual costs up to a maximum of \$70,000 (excluding GST) to the State of New South Wales for Hostile Vehicle Mitigation measures;
  - (ii) annual funding of \$10,000 (excluding GST) to The Returned and Services League of Australia (NSW Branch) contributing to the event; and
  - (iii) annual value-in-kind support for 150 veteran's themed banners for up to two weeks per year (pending availability); and
- (E) Council note that the final Memorandum of Understanding will be provided to Council via the CEO Update.

Carried unanimously.

X084995

**Item 9 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 4.07pm those present were -

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

**Hybrid Meeting Arrangements**

The Chair (the Lord Mayor) advised that Councillors Chan and Davis 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.

**Apologies**

Councillor Jarrett extended her apologies for her inability to attend the meeting of the Transport, Heritage and Planning Committee.

Moved by Councillor Chan, seconded by Councillor Gannon –

That the apology of Councillor Jarrett be accepted and leave of absence from the meeting of the Transport, Heritage and Planning Committee be granted.

Carried unanimously.

Councillor Weldon left the meeting of the Transport, Heritage and Planning Committee at 4.28pm during discussion and before the vote on Item 9.3, and did not return.

**Extension of Time**

At 4.33pm, during discussion on Item 9.3, pursuant to the provisions of clause 9.29 of the Code of Meeting Practice, it was –

Moved by Councillor Kok, seconded by Councillor Gannon –

That Ms Daphne Lowe-Kelley be granted an extension of time to speak on this matter.

Carried unanimously.

Councillor Scott left the meeting of the Transport, Heritage and Planning Committee at 6.15pm, prior to discussion on Item 9.7, and returned at 6.40pm, after the vote on Item 9.7. Councillor Scott was not present at, or in sight of, the meeting during discussion or voting on Item 9.7.

The meeting of the Transport, Heritage and Planning Committee concluded at 6.42pm.

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

Moved by Councillor Chan, seconded by Councillor Kok –

That the report of the Transport, Heritage and Planning Committee of its meeting of 4 December 2023 be received, with Items 9.1 and 9.2 being noted, the recommendations set out below for Items 9.3 to 9.6 inclusive, 9.8 and 9.9 being adopted in globo, and Item 9.7 being dealt with as shown immediately following that item.

Carried unanimously.

**Item 9.1****Confirmation of Minutes**

Moved by Councillor Chan, seconded by Councillor Kok –

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of Monday 6 November 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

## Item 9.2

### Statement of Ethical Obligations and Disclosures of Interest

The Lord Mayor (Councillor Clover Moore) made the following disclosures:

- a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that she owns property within one of the heritage conservation areas being considered in this item.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per clause 4.1 of the Code of Conduct.

- a less than significant, non-pecuniary interest in Item 9.7 on the agenda, in that she owns property within the Local Government Area that is the subject of this planning proposal.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that her home, which is jointly owned with her bank and husband, is in a heritage conservation area.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because, as the plan states, the item applies to all of the City, and her property is not impacted by any boundary changes.

- a less than significant, non-pecuniary interest in Item 9.7 on the agenda, in that she is the Chair and a Director of CareSuper, an industry superannuation fund run only to benefit members. She is also a member of this fund, on the same terms as all members, and notes that all other working Australians are members of superannuation funds. CareSuper's Annual Report states that they have an investment in Charter Hall, who sent a speaker to make representations to the Committee on this item.

Councillor Scott stated that she would not be voting on this matter, due to an abundance of caution.

Councillor Adam Worling made the following disclosures:

- a less than significant, non-pecuniary interest in Item 9.6 on the agenda, in that he owns property within one of the heritage conservation areas being considered in this item.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

- a less than significant, non-pecuniary interest in Item 9.7 on the agenda, in that he owns property within the Local Government Area that is subject to this planning proposal.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there is no reasonable likelihood or expectation of appreciable financial gain or loss as a result as per Clause 4.1 of the Code of Conduct.

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.

## **Item 9.3**

### **Post Exhibition - Haymarket and Chinatown Revitalisation Strategy**

Note – the recommendation of the Transport, Heritage and Planning Committee was not adopted. The following alternative recommendation was adopted as part of an in globo motion (as contained in the Information Relevant To Memorandum dated 8 December 2023 from the Director City Planning Development and Transport circulated prior to the meeting).

It is resolved that:

- (A) Council note the findings from the public exhibition of the draft Haymarket and Chinatown Revitalisation Strategy as described in Attachment B to the subject report, and the City's response to the submissions in Attachment C to the subject report;
- (B) Council adopt the revised Haymarket and Chinatown Revitalisation Strategy as shown at Attachment A to the subject Information Relevant To Item 9.3 Memorandum;
- (C) Council note the budget implications as described in this report subject to the deletion of line 28(d) which refers to funding for SXSW Sydney and that items will be incorporated into future budgets for public exhibition and endorsement by Council;
- (D) Council note that if the revised Strategy is endorsed, further reports will be brought back to Council for any new grant programs and for any items to be heritage listed; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to the revised Haymarket and Chinatown Revitalisation Strategy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Carried unanimously.

X098596

### **Speakers**

Aura Kwan Muang, Justin Yat Kwan Chan (Director, Goon Yee Tong), Catherine Chung and Daphne Lowe-Kelley addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.3.

The Transport, Heritage and Planning Committee recommended the following:

#### **Item 9.4**

#### **Post Exhibition - Haymarket and Chinatown Public Domain Plan**

It is resolved that:

- (A) Council adopt the Haymarket and Chinatown Public Domain Plan with amendments, as shown at Attachment A to the subject report, as a guiding document to inform capital works planning, negotiations with government and developers, planning proposals and development applications;
- (B) Council note the public domain projects outlined in the current long term financial plan, including Dixon Street, Sussex Street, Belmore Park, Harbour Street, Quay Street, Goulburn Street and Creative Lighting, and that in the review of the long-term financial plan, consider the inclusion of Campbell Street and Ultimo Road;
- (C) Council rescind the Chinatown Public Domain Plan 2010 and 2015 and Chinatown Public Art Plan 2010 and 2015, which are replaced by the Haymarket and Chinatown Public Domain Plan;
- (D) Council note that the next review of the ten year long term financial plan will need to consider the revised priorities from the community feedback and the affordability of delivering all identified projects in the Haymarket and Chinatown Public Domain Plan within that period; and
- (E) authority be delegated to the Chief Executive Officer to make amendments to the Haymarket and Chinatown Public Domain Plan in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Carried unanimously.

X004285

#### **Speakers**

Aura Kwan Muang, Justin Yat Kwan Chan (Director, Goon Yee Tong), Catherine Chung and Daphne Lowe-Kelley addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.4.

## Item 9.5

### **Public Exhibition - Planning Framework - Ultimo Pymont – Sydney Local Environmental Plan 2012, Ultimo Pymont Local Infrastructure Contributions Plan, Sydney Development Control Plan 2012 Amendment and Central Sydney Development Contributions Plan Amendment**

Note - The Transport, Heritage and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 December 2023.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Chan, seconded by Councillor Kok, as part of an in globo motion -

It is resolved that:

- (A) Council approve Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination, subject to the NSW Government recommitment to the timely delivery and opening of a new metro station in Pymont as part of the Sydney Metro West project;
- (B) Council approve Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Ultimo Pymont;
- (D) Council approve draft Sydney Development Control Plan – Ultimo Pymont, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with the planning proposal;
- (E) Council approve the draft Ultimo Pymont Local Infrastructure Contributions Plan 2023, shown at Attachment C to the subject report for public authority consultation and public exhibition together with the Planning Proposal;
- (F) Council approve the draft amendments to the Central Sydney Development Contributions Plan 2020 show in Attachment D to the subject report for public authority consultation and public exhibition for a period of at least 28 days;
- (G) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Ultimo Pymont, draft Development Control Plan – Ultimo Pymont and to update the urban design study to ensure maximum clarity for the purposes of public consultation, correct any drafting errors or to ensure consistency with the Gateway Determination;
- (H) authority be delegated to the Chief Executive Officer to make minor amendments to the draft Ultimo Pymont Local Infrastructure Contributions Plan 2023 and the proposed amendments to the Central Sydney Development Contributions Plan 2020 before their exhibition, including to correct any drafting errors; and

- (I) Council note that commencement of Planning Proposal – Ultimo Pymont, shown at Attachment A to the subject report and draft Sydney Development Control Plan – Ultimo Pymont, shown at Attachment B to the subject report, will be deferred until the NSW Government commits to the timely delivery and opening of a new metro station in Pymont as part of the Sydney Metro West project.

Carried unanimously.

X101016

### **Speakers**

Zena Vaassen, Alex Fois (Chair, Strata Committee at 122 Saunders Street), Ken Loudon (Pymont Action Inc.), Nick Coulombis (Founder, Toohey Hiller), Elizabeth Elenius (Pymont Action Inc.), Nick Juradowitch (Director, Ingham Planning) and Robert Boakes (Pymont Action Inc.), addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.5.

### **Item 9.6**

#### **Public Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

Note - The Transport, Heritage and Planning Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 December 2023.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Chan, seconded by Councillor Kok, as part of an in globo motion -

It is resolved that:

- (A) Council approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159



## Item 9.7

### **Public Exhibition - Planning Proposal - Sydney Local Environmental Plan and Development Control Plan - Policy and Housekeeping Amendments (LEP/DCP Update)**

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 8 December 2023 from the Director City Planning Development and Transport, circulated prior to the meeting).

Moved by Councillor Chan, seconded by Councillor Kok -

It is resolved that:

- (A) Council approve Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, shown at Attachments A, A1 and A2 to the subject report for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;
- (B) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;
- (C) Council approve Planning Proposal - Sydney Local Environmental Plans – Dwelling Retention shown at Attachment B to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;
- (D) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – Sydney Local Environmental Plan 2012 - Dwelling Retention;
- (E) Council approve draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 at Attachments C, C1 and C2 to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 subject to the following insertion:

Indoor air quality in new residential development

Objectives

- (a) Reduce indoor air pollutants associated with the onsite combustion of gas to improve air quality.

Provisions

- (1) Gas cooktops, gas ovens or gas internal space heating systems are not permitted in new residential development; instead, electric systems should be installed;

- (F) Council approve updates to City of Sydney Competitive Design Policy, Guidelines for Waste Management in New Developments, and Landscape Code shown at Attachments D, E and F to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 and draft development control plan;
- (G) Council rescind the Green Roofs and Wall Policy as shown at Attachment G to the subject report;
- (H) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Policy and Housekeeping Amendments 2023 shown at Attachments A, A1 and A2 to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (I) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Dwelling Retention shown at Attachment B to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (J) authority be delegated to the Chief Executive Officer to make any minor amendments to the draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 and other development guidelines, codes and policies shown at Attachments C - F to the subject report, prior to public exhibition to correct any drafting errors or ensure consistency with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.

Carried unanimously.

X039444

**Speakers**

Mark Stante (Charter Hall), Ashleigh Ryan (Urbis), Angela Buckley (Mirvac) and Andrew Harvey (Urbis) addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.7.

## Item 9.8

### 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 M of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 151-241 Goulburn Street, Surry Hills at this time;
- (D) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 11 Ward Avenue, Potts Point;
- (E) note the contents of Attachment D and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 68 Sir John Young Crescent, Woolloomooloo;
- (F) note the contents of Attachment E and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 34 Wentworth Street, Glebe;
- (G) note the contents of Attachment F and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 47 Cooper Street, Surry Hills;
- (H) note the contents of Attachment G and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 790 George Street, Haymarket;
- (I) note the contents of Attachment H and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 177-219 Mitchell Road, Erskineville;
- (J) note the contents of Attachment I and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 3-19 Missenden Road, Camperdown;
- (K) note the contents of Attachment J and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 333 Bulwara Road, Ultimo at this time;
- (L) note the contents of Attachment K and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 460-482 Jones Street, Ultimo at this time;
- (M) note the contents of Attachment L and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 827-837 George Street, Haymarket at this time; and
- (N) note the contents of Attachment M and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 23-25 Pymont Bridge Road, Camperdown at this time.

Carried unanimously.

S105001.002

**Item 9.9**

**Approved Variations to Development Standards Reported to the Department of Planning and Environment**

It is resolved that the subject report be received and noted.

Carried unanimously.

S040864

## Item 10 Questions on Notice

### 1. Getiela Park Update

By Councillor Jarrett

At the 26 June 2023 Council meeting, Councillor Jarrett moved a Notice of Motion asking Council to investigate the current operation of Getiela Park Synthetic Sportsfield. This Motion was amended and carried unanimously, calling on the Chief Executive Officer to 'investigate residents' concerns about noise, lighting, fence height, hours of use, after-hours access, and lack of toilets at Getiela, and report back to Council via the CEO Update on actions taken'.

#### Question

1. In the 29 September 2023 CEO Update, Councillors were advised that the City had agreed to raise the height of the fence on Park Road along the boundary of Getiela Sportsfield to 2.1 metres. Has this occurred?
2. If so, when was this implemented? And if not, when is the City expecting these works to be complete?
3. On numerous occasions residents have requested that the City conduct an acoustic report of the Sportsfield during peak operating hours, has the City conducted an acoustic report or an investigation of a similar nature?
4. If not, why not?

X086666

#### Answer by the Chief Executive Officer

The NSW Department of Education School Asset Management Unit are coordinating the work to raise the height of the Getiela sportsfield fence and have advised it will be completed before the commencement of term one 2024 (28 January 2024).

The City does not undertake acoustic testing of its parks and recreation facilities and has no plans to undertake acoustic testing at Getiela sportsfield. The City's after hours call service shows that one to two calls per month were received in the last six months regarding after hours noise at Getiela. The City's security service visits the site three times per night to close and monitor the facility.

Summer usage has decreased by approximately 50 per cent with around 15 hours of bookings per week, compared to 32 hours per week in winter. An Expression of Interest for use in 2024 is currently underway.

## **2. City of Sydney Legal Fees**

By Councillor Jarrett

### **Question**

1. How many in-house lawyers does the City of Sydney employ?
2. What is the total remuneration cost of the City's in-house legal team?
3. How much did the City of Sydney spend on external legal advice in the 2022/23 financial year?
4. What is the rationale for the City of Sydney to request external legal advice in lieu of the City's internal advice?

X086666

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

1. As at 6 December 2023, there are 20 positions for practising lawyers in the Legal Services unit including Principal Lawyers, Senior Solicitors, Solicitors and a Paralegal. Not all positions are full time and there may be vacancies from time to time.
2. In the 2022/23 financial year total staff expenses in the Legal Services unit, including superannuation and employee on-costs, were \$3,854,733. This includes expenses for support staff.
3. \$1,944,600. \$547,600 in legal expenses were recovered in 2022/23.
4. Staff acting under delegation determine the best approach to provision of legal advice in the circumstances of each request. Factors that are relevant in determining whether to obtain external legal advice or representation in proceedings include availability of internal solicitors, whether a specialised area of law is involved and the urgency of the requirement for advice.

## **3. Christmas Lights in the City of Sydney**

By Councillor Jarrett

### **Question**

1. Has the City of Sydney conducted or considered investigating both the positive and negative impacts decorating our tree canopy with Christmas lights would have on the economy and the environment?
2. If so, what were the outcomes of this investigation? Please include the report. If not, why hasn't the City conducted a report?
3. What is there a policy rationale behind why the City of Sydney does not decorate its tree canopy with Christmas lights during the festive season?

X086666

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

The City's arborists and ecologist has reviewed the impacts of decorative lighting being installed in our street and park trees. The Tree Management and Donation Policy, adopted in June 2024, outlines that lights and other decorations are not supported to be installed in our trees. This has been a long-standing policy position with decorative tree lighting also not supported in the Sydney Lights Code. This is due to a combination of factors, including the negative impact:

- to the trees, as lighting in trees needs to take into account that they are living structures and can be damaged by fixing wiring, switches, conduits, transformers and the like.
- attaching lights directly to tree canopies (e.g., bud lights) causes significant ongoing maintenance and tree health issues. The trees are also often damaged during the installation/removal of lights, and from a lack of maintenance to the lights, so as the branches grow the damage increases over time.
- on tree pruning and removal operations, with staff having to arrange removal of the lights first.
- to wildlife, with light interference impacting our native animals including birds, bats and possums.

The best opportunities for lighting trees are from the ground (up lighting) however this needs to be done very carefully and supervised by a qualified arborist to avoid root damage. Other options include attaching lights to nearby structures (such as buildings), which can direct light onto or into a tree canopy. Further, the use of lighting on buildings (like Woolworths) and the light poles along George Street, which are designed as the feature lighting including with pole top decorative lights, provide better opportunities for festive lighting during the Christmas season.

## **4. Number of Mail Only Parking Spaces in the City of Sydney**

By Councillor Gannon

### **Question**

1. How many Mail Only or Australia Post only parking spaces are in the City of Sydney?
2. Have any discussions taken place between Australia Post and the City of Sydney in relation to these parking arrangements?

X086665

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

1. Based on its most recent parking inventories, the City estimates that out of the almost 45,000 on-street parking spaces in the City of Sydney, approximately 100 parking spaces support Australia Post activities in the City of Sydney. These include full time or part time Mail Zones, and No Parking spaces with an exception for Australia Post vehicles. NSW Road Rules allow other drivers to pick up and drop off in some of these.
2. Discussions with Australia Post generally relate to specific spaces, such as those near public domain and cycleway projects. The City works with Australia Post to identify the best space to support mail pick up and drop off.

## **Item 11      Supplementary Answers to Previous Questions**

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

### **Adjournment**

At this stage of the meeting, at 6.25pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

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



## Item 12 Notices of Motion

### Item 12.1 Reopening the Darlington Activity Centre for Use by the Community

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

It is resolved that:

(A) Council note:

- (i) the Darlington Activity Centre, also variously known as the “Harry Burland Activity Centre”, the “Harry Burland Welfare Centre” and the “South Sydney Activity Centre”, is a Council-owned building at 132-134 Shepherd Street, Darlington;
- (ii) the site is bordered by Boundary Street, Ivy Street and Rose Lane, Darlington. It is surrounded by the University of Sydney, private terrace housing, a warehouse conversion, student housing, and public housing;
- (iii) the centre includes a large hall, several meeting or activity rooms, toilets, a commercial-size kitchen, outside seating, several separate small garden areas, and a number of large trees which are used by native wildlife;
- (iv) the centre was first built in 1960 by the former South Sydney Council. For most of its life it provided services for older people. In more recent years, the centre hosted council-run arts programs including pottery classes;
- (v) the Darlington Activity Centre has been closed since the Covid pandemic (2020 or so);
- (vi) Council staff have advised that at present there is no plan to re-open or activate the centre;
- (vii) local residents currently use the gardens and seating around the centre to meet, read, walk their pets, or for other forms of passive recreation; and
- (viii) while the centre has been locked and unused for several years, the building is in generally good condition, including the main hall. It is cleaned regularly by contracted cleaning staff, and some maintenance works are being undertaken;

(B) Council further note:

- (i) in September 2023, local residents who live near the centre began making inquiries about why the centre is closed. They were concerned about a lack of low cost or free spaces to hold art activities, and a lack of free, accessible spaces to meet and connect with neighbours;
- (ii) they launched a survey asking other local residents if they wanted to see the centre re-opened, and what sorts of activities they would like to see in the space. The survey was letterboxed in the streets around the centre and shared on local resident Facebook groups. English and Chinese language versions were provided to the Abercrombie Student Accommodation, Scape student accommodation opposite the centre, and the USyd Student Association;

- (iii) the survey is ongoing, and as of 1 December 2023, there were 90 survey responses, with respondents ranging in age from under 18 to 80 years;
- (iv) popular types of activities identified by residents responding to the survey were: art programs and workshops (46 responses); community choirs, creative performances and exhibition spaces (29 responses); yoga, Pilates, meditation or gentle exercise programs (47 responses); community groups including mothers groups, book clubs or a men's shed (31 responses); children and family programs (25 responses); community gardening (22 responses) and senior programs (17 responses);
- (v) a common theme across the survey responses was a desire to bring the local neighbourhood together. Consistent with other feedback received by Council about social isolation and loneliness in the city - students, parents with young or primary school aged children, and older people were three groups who identified a need for activities tailored for them;
- (vi) the survey shows that there is overwhelming support for the centre to be reactivated as a flexible community space which could host low impact activities for free and/or low cost, run by the community themselves, or with the support of Council;
- (vii) a public meeting of residents was held on Sunday, 26 November 2023, to report back the results of the survey so far, and get advice about next steps. Attendees at the meeting reaffirmed:
  - (a) that there is a lack of flexible spaces to hire by artists or performers, for rehearsal, exhibition or performance spaces, or to hold classes to help others create, for low or no cost;
  - (b) there is strong support for neighbourhood sharing and sustainable initiatives such as a men's shed, collective tool library and/or community pantry;
  - (c) the gardens are important green spaces to protect, but need some more love and attention through native plantings. There is also plenty of room to include a community garden; and
  - (d) there is concern about why a Council space has remained closed for so long, and the lack of plans for the space to be reactivated;
- (viii) comments made on the survey or at the public meeting included:
  - (a) "the Harry Burland Centre was so successful for many years. Provided meals and company for so many people. Sadly the older generation has now dwindled ... perhaps it could be used again for (children's and adult's) programs...";
  - (b) "whatever happens with the centre, it should remain a publicly owned and operated space, not developed for commercial or residential purposes";
  - (c) "this area houses ringtail, pigmy and brushtail possums so ... (keep the trees) ... (host) activities (for students) ... lots of students studying away from home are lonely ... Upkeep on the ground and replace seats so people passing by just sit and enjoy. I come here regularly with my animals but many people think they are not allowed especially international students"; and
  - (d) "the performance we do is quite experimental, we don't get large audiences. There are no spaces nearby where we can hire for free. Even charging a few hundred dollars is too much;"

(C) Council:

- (i) note the results of the survey by local residents, in support of the Darlington Activity Centre being reopened; and
- (ii) commit to reactivate the Darlington Activity Centre for use by local residents; and

(D) the Chief Executive Officer be requested to:

- (i) provide advice to Council as to how the Darlington Activity Centre could be reopened as soon as possible as an unstaffed, community space for hire by local residents;
- (ii) organise an open day or tour of the Darlington Activity Centre for local residents, in early in 2024;
- (iii) make Council staff available for residents to learn about what Council programs, grants and supports are available for community-led activities, including for community gardens; and
- (iv) arrange for the furniture which has recently removed from the centre - and was being used by residents - to be replaced, and for repair of the other, damaged seating to be undertaken as a priority.

Variation. At the request of Councillor Scott, and by consent, the motion was varied by the addition of words to clause (D)(i), such that it read as follows –

- (i) provide advice to Council as to how the Darlington Activity Centre could be reopened as soon as possible, both as a staffed or unstaffed community space for hire by local residents;

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

X086659

## Item 12.2 Let's Get on With Town Hall Square

Moved by Councillor Scott, seconded by Councillor Jarrett -

It is resolved that:

(A) Council note:

- (i) Town Hall Square was first proposed in the 1980s, by then Lord Mayor Doug Sutherland;
- (ii) in 2007, Jan Gehl's landmark 'Public Spaces, Public Life' study recommended the creation of a new Town Hall Square (part 2, page 76) which was subsequently included in the Sustainable Sydney 2030 and 2050 plans;
- (iii) in 2019, the Lord Mayor said the new Town Hall Square would happen '*over the next ten years*';
- (iv) on 6 December 2019, the Australian Financial Review noted that the Lord Mayor has previously said that the purchase of all of the properties would be by negotiation where possible but otherwise they would be by compulsory acquisition;
- (v) on 18 May 2020, the Lord Mayor and her team voted to give Woolworths a ten-year lease, risking the timeframe for a new Town Hall Square within ten years;
- (vi) on 2 November 2021, the Lord Mayor stated in City News, that "We'll prioritise plans for a new Town Hall Square opposite Sydney Town Hall, on a site now occupied by the Woolworths building. A new square is at the heart of Sydney's future civic centre, imagined as a contemporary space for public life and civic activity";
- (vii) on 10 May 2023, the Sydney Morning Herald editorialised, "We're so jaded about big public projects in Sydney that it can be hard to get excited about them; witness the Cahill Expressway high line or [the City's own failed "Cloud Arch" art installation](#). We believe them when we see them. But we should be excited about this project and do everything possible to make it happen quickly. Sydney needs and deserves it";
- (viii) on 15 May 2023, the Lord Mayor and her team voted to extend the commercial and retail leases of the buildings required for the construction of a new Town Hall Square until 2035, creating further hurdles for the realisation of this much needed civic space at the heart of Sydney;
- (ix) on his recent visit, internationally acclaimed architect and urbanist and recipient of the keys to the City of Sydney, Jan Gehl, continued to advocate for the establishment of new civic spaces in the City of Sydney, including Town Hall Square opposite the Town Hall;
- (x) Paddock Landscape Architects described Town Hall Square as "... Sydney's living room, a place for people to gather, pause, participate, or protest"; and
- (xi) the creation of Town Hall Square is now likely to be commenced more than 50 years after it was first proposed; and

- (B) the Chief Executive Officer be requested to provide Council with a costed public domain plan for Town Hall Square, with a commencement date, for consideration by May 2024.

Foreshadowed motion. The Lord Mayor foreshadowed that, should the motion moved by Councillor Scott be lost, she would move an alternative motion.

A show of hands on the motion resulted in the 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 motion was declared lost.

Motion lost.

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

It is resolved that:

- (A) Council note the following timeline of decisions and City of Sydney action to create more space for people in Central Sydney, including plans for a future Town Hall Square:

1982 - Doug Sutherland led Council resolved to acquire properties on George Street to deliver 'an extension of Sydney Square'.

1984 - Doug Sutherland led Council resolved to extend the acquisition area to deliver a 'future Park Street Square'.

1989 - Jeremy Bingham led Council resolved to extend the acquisition area to deliver a 'Town Hall Civic Precinct'.

George Street became progressively congested over the next 15 years.

2004 – Clover Moore was elected as Lord Mayor with Independent Team with a commitment to light rail.

2005 - a light rail plan was developed by Transport Planner, Garry Glazebrook.

2007 - Jan Gehl's Public Space Public Life report recommended a George Street pedestrian boulevard from Circular Quay to Central and three city squares at Circular Quay, Town Hall and Railway Square.

2008 – this proposal was included in Sustainable Sydney 2030.

2008 – the State Labor government proposed a 'Metro Link' to connect the CBD with the inner and outer city suburbs. It included a stop at Pitt Street adjacent to a future Town Hall Civic Precinct. The Council considered accelerating the proposal for the Civic Precinct, but the State Government abandoned the metro project.

2011 – the Coalition Government was elected, Gladys Berejiklian became Transport Minister, and the Lord Mayor lobbied for light rail on George Street in accordance with Jahn Gehl's recommendation and Sustainable Sydney 2030.

2012 – the NSW Government announced a \$1.6 billion light rail line in George Street from Bathurst Street to Hunter Street. The City contributed \$220 million for public domain works. This contribution increased significantly to a total of over \$300 million when later the project extended to Circular Quay and Central Station.

When complete, the fully pedestrianised George Street will have reclaimed over 20,000 square metres of pedestrianised space with over 6,000 square metres more in design and planning (i.e. Bond, Margaret, Bridge, Alfred and Dalley streets). This is compared with the future Town Hall Square which will be 5,600 square metres.

the Council has planted 100 extra trees and provided wide, granite-paved footpaths, modern street furniture and lighting.

Importantly, there are people everywhere – on our seats, having conversations, on their devices, or just people watching passers-by; and

The George Street Pedestrian Boulevard has attracted \$8 billion worth of investment including businesses like Paspaley, Cartier, Louis Vuitton, Burberry as well as Ernst and Young and Salesforce.

October 2021 – Council unanimously resolved to approve the Town Hall Public Domain Plan for Sydney Square (between Town Hall and St Andrew's Cathedral) and Town Hall Square and Park / Druiitt Streets – it noted that the project priorities required further advocacy, consultation, feasibility assessment and design development in collaboration with Transport NSW to inform future capital works budgets to be adopted by Council.

June 2022 – Council adopted Sustainable Sydney 2030-2050: Continuing the Vision with three linked squares at Circular Quay, Sydney Town Hall and Central.

May 2023 – Council unanimously resolved to deliver Town Hall Square after 2035, and to extend commercial leases until then and immediately develop a concept design for Sydney Square between Town Hall and St Andrew's Cathedral. At that time, the City resolved to spend approximately \$35 million delivering Sydney Square upgrading 6,500 square metres of public space.

Jan Gehl's recent visit in November was to participate in a workshop with other stakeholders to provide input into the planning for Sydney Square, between Town Hall and St Andrews' Cathedral.

A future Town Hall Square opposite Town Hall is currently estimated to cost up to \$300 million (including property acquisition, rental revenue foregone during delivery, and construction) and will require State and/or Federal Government funding.

**(B) Council also note:**

The City is not the only level of Government involved in City planning, and decisions by the State Government - in this case the George Street Light Rail - substantially changed City priorities.

Council re-evaluates projects in terms of maximising benefits to the City and city communities. The light rail in George Street was recommended by Jahn Gehl as a city planning consultant as the best solution for the main spine of the Central Business District.

The pedestrianisation of George Street and adjacent streets is providing more than four times the people space (26,000 square metres) of the proposed Town Hall Square (5,600 Square metres) and is serving not just one area, but the length of the City, benefiting people and businesses.

Council also must be financially responsible, and the high costs of George Street pedestrianisation, including extended and associated works, has meant that other projects such as the Square opposite Town Hall have had to be put on hold and vital sources of revenue, such as commercial leases, have had to be renewed.

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

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

Noes (3) Councillors Ellsmore, Scott and Weldon.

Carried.

X086655

### **Item 12.3 Numbers of Vacant Public Housing Homes in the City of Sydney**

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

It is resolved that Council note that:

- (A) Council resolved on 18 September 2023 for the Lord Mayor to write to the NSW Minister for Housing and Homelessness:
  - (i) expressing concern about reports that public housing is being kept untenanted for extended periods;
  - (ii) requesting information in relation to the number of vacant public housing dwellings in the City of Sydney Local Government Area; and
  - (iii) seeking urgent advice as to what action is being taken by the NSW Government to ensure public housing is not being left vacant, including when a potential renovation or redevelopment will take place at some future period; and
- (B) according to Answers to Supplementary Questions from NSW Parliament Budget Estimates 2023 Hearings – Housing:
  - (i) as of 1 November 2023, there were 267 public housing properties vacant (i.e. untenanted) in the City of Sydney Local Government Area;
  - (ii) of these, 114 properties were one-bedroom properties, 120 were two-bedroom, 27 were three-bedroom, and 6 had four or more bedrooms;
  - (iii) in total, the vacant properties included a total of 459 bedrooms; and
  - (iv) sixteen (16) of the 17 properties at 82 Wentworth Rd, Glebe were vacant.

Carried unanimously.

X086659



#### **Item 12.4 Supporting the Community Vision for Public Housing at 82 Wentworth Park Road, Glebe**

Moved by Councillor Ellsmore, seconded by Councillor Scott –

It is resolved that:

(A) Council note:

- (i) 82 Wentworth Park Road is a small public housing complex in Glebe;
- (ii) the NSW Government (through the Land and Housing Corporation) is proposing to knock down and rebuild the public housing, and has lodged a development application (DA) with the City of Sydney (D/2023/21);
- (iii) the DA proposes to replace the existing 17 public housing terraces and apartments, which are one and three bedrooms (27 bedrooms in total), with studio, one and two bedroom apartments (53 bedrooms in 43 apartments in total). The proposed new development would be similar in height to the existing buildings, but would change the housing mix to studios, one bedroom and two bedroom only, increase accessibility, and replace the private open spaces with two communal open spaces;
- (iv) the application was assessed by City staff and is recommended for approval subject to conditions. As a result of public interest in the DA, including a large number of submissions opposing the redevelopment, the DA will be decided by the Local Planning Panel at its meeting of 13 December 2023; and
- (v) now that the Council is not the consent authority in relation to the application, it is possible for the Council as an elected body to form a position in relation to a development application, and to make a submission to the Local Planning Panel;

(B) Council further note;

- (i) 82 Wentworth Park Road was, until recently, home to a diversity of public housing tenants including families, older people, Aboriginal people and people with a disability;
- (ii) the site is now nearly empty, as tenants have been progressively evicted and relocated. Some tenants had lived at 82 Wentworth Park Rd for more than 20 years. Directly opposite 82 Wentworth Park Rd is a community of rough sleepers, sleeping in Wentworth Park;
- (iii) 82 Wentworth Park Road was built in the 1980s by the former NSW Housing Commission and designed by the head of the Inner City Project Team John Gregory. This NSW Government team was responsible for the refurbishment, restoration and infill of a large number of properties in the 'Glebe Estate';
- (iv) the community, with the support of Glebe Society and Hands Off Glebe, have developed an alternative community vision for the site, which has been presented to the NSW Minister for Housing and the Land and Housing Corporation;
- (v) the alternative vision involves renovating and infilling the site to increase accessibility, while avoiding demolition of the existing brick buildings which are in good condition, and minimising the period the site would be vacant and untenanted;

- (vi) the alternative design:
    - (a) has been developed by architect Hector Abraham, and includes input from other senior architects;
    - (b) includes equitable access for both the existing and proposed new (in-fill) building;
    - (c) would provide greater housing diversity, noting that the wait list for three or more bedroom housing in the area is more than 10 years; and
    - (d) would retain much of the private green space and verandas, and some of the shared open space, noting that these spaces are included in the design of much Glebe public housing from the period, because they are attractive, deliver good residential amenity and encourage connection between neighbours;
  - (vii) the current DA is estimated to cost over \$22 million to deliver 43 studio, one-bedroom and two-bedroom apartments. The community's alternative vision has been costed at \$14 million to deliver 34 apartments with 52 bedrooms; and
  - (viii) a renovation approach would also have a much smaller environmental impact than a knock down and rebuild approach;
- (C) Council:
- (i) note and commend the community's alternative vision for the renovation of 82 Wentworth Park Road, Glebe;
  - (ii) oppose demolition of 82 Wentworth Park Road, Glebe and advocate for alternatives which would prioritise renovation of public housing on the site; and
  - (iii) agree to make representations to the NSW Government and the Local Planning Panel outlining its position;
- (D) Council provide a copy of this Notice of Motion as a submission to the Local Planning Panel regarding D/2023/21 which outlines Council's position and request that the Local Planning Panel consider the following matters:
- (i) that there is a high level of demand for public housing in the inner-city – and in Glebe in particular, which has a large Aboriginal population – for families and people who require carers (i.e. that is, for public housing with two or more bedrooms), and that this housing type is proposed to be removed in the new development;
  - (ii) that the City's preference is for renovation and refurbishment to be considered on this site, as a better approach to create more public housing and reduce the public housing waiting list while reducing costs and the construction timeline;
  - (iii) that a knock down, rebuild approach would not be consistent with the City's sustainability and net zero aims;
  - (iv) that the building is part of the Lyndhurst heritage conservation area, is a good representation of public housing built in Glebe from the period, is highly intact and in good condition, and requiring only modest repairs and maintenance;
  - (v) that there is strong community opposition to the project, with a petition attracting 1,722 signatures, and 400 community members signing letters opposing the redevelopment; and
  - (vi) that the project is not in the public interest; and

- (E) the Lord Mayor be requested to write to the NSW Minister for Housing requesting they consider upgrading and refurbishing buildings over demolition in all future Land and Housing Corporation redevelopments, including at 82 Wentworth Park Road Glebe, as proposed in the community's alternative vision for the site.

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

It is resolved that:

(A) Council note:

- (i) 82 Wentworth Park Road is a small public housing complex in Glebe;
- (ii) the NSW Government (through the Land and Housing Corporation) is proposing to knock down and rebuild the public housing, and has lodged a development application (DA) with the City of Sydney (D/2023/21);
- (iii) the DA proposes to replace the existing 17 public housing terraces and apartments, which are one and three bedrooms (27 bedrooms in total), with studio, one and two bedroom apartments (53 bedrooms in 43 apartments in total). The proposed new development would be similar in height to the existing buildings, but would change the housing mix to studios, one bedroom and two bedroom only, increase accessibility, and replace the private open spaces with two communal open spaces;
- (iv) the application was assessed by City staff and is recommended for approval subject to conditions. As a result of public interest in the DA, including a large number of submissions opposing the redevelopment, the DA will be decided by the Local Planning Panel at its meeting of 13 December 2023; and
- (v) now that the Council is not the consent authority in relation to the application, it is possible for the Council as an elected body to form a position in relation to a development application, and to make a submission to the Local Planning Panel;

(B) Council further note:

- (i) 82 Wentworth Park Road was, until recently, home to a diversity of public housing tenants including families, older people, Aboriginal people and people with a disability;
- (ii) the site is now nearly empty, as tenants have been progressively evicted and relocated. Some tenants had lived at 82 Wentworth Park Rd for more than 20 years. Directly opposite 82 Wentworth Park Rd is a community of rough sleepers, sleeping in Wentworth Park;
- (iii) 82 Wentworth Park Road was built in the 1980s by the former NSW Housing Commission and designed by the head of the Inner City Project Team John Gregory. This NSW Government team was responsible for the refurbishment, restoration and infill of a large number of properties in the 'Glebe Estate';
- (iv) the community, with the support of Glebe Society and Hands Off Glebe, have developed an alternative community vision for the site, which has been presented to the NSW Minister for Housing and the Land and Housing Corporation;
- (v) the alternative vision involves renovating and infilling the site to increase accessibility, while avoiding demolition of the existing brick buildings which are in good condition, and minimising the period the site would be vacant and untenanted;

- (vi) the alternative design:
  - (a) has been developed by architect Hector Abrahams, and includes input from other senior architects;
  - (b) includes equitable access for both the existing and proposed new (in-fill) building;
  - (c) would provide greater housing diversity, noting that the wait list for three or more bedroom housing in the area is more than 10 years; and
  - (d) would retain much of the private green space and verandas, and some of the shared open space, noting that these spaces are included in the design of much Glebe public housing from the period, because they are attractive, deliver good residential amenity and encourage connection between neighbours;
- (vii) the current DA is estimated to cost over \$21 million to deliver 43 studio, one-bedroom and two-bedroom apartments. The community's alternative vision has been costed at \$14 million to deliver 34 apartments with 52 bedrooms; and
- (viii) a renovation approach would also have a much smaller environmental impact than a knock down and rebuild approach;
- (C) Council note and commend the community's alternative vision for the renovation of 82 Wentworth Park Road, Glebe; and
- (D) the Lord Mayor be requested to write to the NSW Minister for Housing requesting they consider upgrading and refurbishing buildings over demolition in all future Land and Housing Corporation redevelopments, including at 82 Wentworth Park Road Glebe, as proposed in the community's alternative vision for the site.

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

X086659

## **Item 12.5 Sydney Town Hall and Other Council Buildings Not to be Used for Policing or Surveillance of Democratic Protests**

Moved by Councillor Ellsmore, seconded by Councillor Scott -

It is resolved that:

(A) Council note:

- (i) the City of Sydney Council sometimes provides access to the NSW Police to Council buildings when major events are taking place in the George Street vicinity or across the City. These events include Mardi Gras, Vivid, and the New Years Eve fireworks;
- (ii) on 21 October 2023, for the first time the NSW Police requested – and were granted access – to the Marconi Room connected to the Sydney Town Hall, for the purposes of policing a democratic protest planned in front of or near the Sydney Town Hall;
- (iii) the NSW Police were granted access a second time on 29 October 2023 to the Marconi Room connected to the Sydney Town Hall;
- (iv) on both occasions, access was granted free of charge with the hire fee of \$3,360 being waived; and
- (v) no Councillors were consulted about the decision made to provide access, and the Council has no policy on when and if police will be provided access to the Sydney Town Hall or other Council spaces;

(B) Council affirm that:

- (i) Council buildings and Sydney Town Hall in particular play an important role in supporting local democracy. This includes the right for the community to peacefully protest as noted in Council decisions this term including on:
  - (a) 21 November 2022 - Protecting the Right to Peaceful Non-Violent Protest in NSW;
  - (b) 12 December 2022 - Supporting Peaceful Protest in the City;
  - (c) 13 March 2023 - Recent Police Intimidation of Peaceful Protesters in the City of Sydney; and
  - (d) 3 March 2023 - Restriction of Peaceful Protests at Sydney Town Hall; and
- (ii) it is not appropriate that Sydney Town Hall and related buildings be used by NSW Police to support policing of democratic protests, including surveillance of democratic protests;

(C) Council agree that, in the event that police approach the City of Sydney Council in the future and ask to use the Sydney Town Hall or Council buildings for policing protests or related democratic activities, this access should be refused unless:

- (i) approved by the elected Council; or
- (ii) where the request is urgent and is in the public interest, approved by the Lord Mayor; and

- (D) the Chief Executive Officer be requested to advise relevant Local Area Commands and contacts within NSW Police of this Council decision.

The motion was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Motion lost.

X086659

## **Item 12.6 Elected Council to Review and Approve City of Sydney Policy and Planning Submissions**

Moved by Councillor Ellsmore, seconded by Councillor Weldon -

It is resolved that:

(A) Council note:

- (i) it is the responsibility of the elected Council to determine the policy positions of the Council;
- (i) the City of Sydney regularly makes submissions to State and Federal Parliamentary inquiries, and in response to policy and legislative reviews; and
- (ii) the City of Sydney regularly makes submissions in response to State-led and State Significant planning proposals and development projects;

(B) Council agree that, wherever practical, submissions drafted and prepared by Council staff are to be tabled as draft to the elected Council for review and endorsement, before being finalised and submitted; and

(C) the Chief Executive Officer be requested to:

- (i) table draft submissions at Council meetings for review by the elected Council, prior to being finalised and submitted; and
- (ii) noting that often short timelines are provided for providing comment or to make a submission, when needed:
  - (a) seek an extension of time from the relevant body or government agency undertaking the consultation, review or inquiry, to enable the City's draft submission to be drafted and considered by the elected Council; and
  - (b) if it is not practical to table a draft submission at the elected Council for consideration, instead table a summary of the key points or policy positions which are proposed to be included in the submission for the elected Council's consideration and endorsement.

The motion was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Motion lost.

X086659

### **Item 12.7 Support for a Ceasefire**

By Councillor Ellsmore

It is resolved that Council:

- (A) note that the Mayoral Minute calling for a path to peace was unanimously passed by the City of Sydney Council on 23 October 2023;
- (B) reaffirm that there can be no path to peace without respect for human rights and international law; and
- (C) join with the tens of thousands of people marching on the streets of Sydney in urging the Australian Government to support an immediate and permanent ceasefire, as the only pathway to achieving lasting peace in Israel and Palestine.

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

Moved by Councillor Ellsmore, seconded by Councillor Scott –

It is resolved that Council:

- (A) note that the Mayoral Minute calling for a path to peace was unanimously passed by the City of Sydney Council on 23 October 2023;
- (B) reaffirm that there can be no path to peace without respect for human rights and international law; and
- (C) urge the Australian Government to support international efforts for an immediate, sustainable and humanitarian ceasefire, to enable peace negotiations and a pathway to achieving lasting peace.

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

It is resolved that Council:

- (A) note that the Mayoral Minute calling for a path to peace was unanimously passed by the City of Sydney Council on 23 October 2023;
- (B) condemn the war crimes committed by Hamas in its massacre of civilians on 7 October 2023;
- (C) call on Hamas to release the 138 hostages it continues to hold, including 17 women and children, as a prerequisite of any ceasefire;
- (D) recognise that a durable ceasefire involves agreement from all parties and call on Hamas to recognise Israel's right to exist as a state and forsake the use of terrorism against civilians to advance its political agenda; and
- (E) condemn antisemitism and all other forms of intolerance seen recently in Sydney; and
- (F) reaffirm that there can be no path to peace without respect for human rights and international law.



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 motion was carried on the following show of hands –

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

Noes (2) Councillor Gannon and Jarrett.

Substantive motion carried.

X086659

### **Adjournment**

At this stage of the meeting, at 8.26pm, 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 8.45pm.

### **Item 12.8 Tightening Australia Post Only Parking Restrictions**

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

It is resolved that:

(A) Council note:

- (i) Australia Post has recently announced they will be moving to a bi-weekly letter delivery services;
- (ii) with that will come a reduction in the number of mail collections from post boxes;
- (iii) currently the Australia Post parking spaces are 24/7, and many are on residential streets;
- (iv) the current arrangement is no longer fit for purpose with letter circulation in major decline; and
- (v) the regulation of these spaces needs to be reconsidered; and

(B) the Chief Executive Officer be requested to email the Chief Executive Officer of Australia Post, Paul Graham, asking for an analysis of the current arrangements, and whether they are fit for purpose, and seek confirmation if Australia Post mailboxes are collected on Sundays.

Carried unanimously.

X086658

**Item 12.9 Vale Dr GK Harinath OAM**

By Councillor Weldon

It is resolved that:

- (A) Council note:
- (i) the recent passing of Dr GK Harinath OAM, known to friends as “Harry”; and
  - (ii) Harry was a respected and admired doctor, cricket administrator and community leader. He was a mentor to many and friend to even more;
- (B) the Lord Mayor be requested to write to Harry’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 Dr GK Harinath OAM.

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

Moved by Councillor Weldon, seconded by Councillor Scott –

It is resolved that:

- (A) Council note:
- (i) the recent passing of Dr GK Harinath OAM, known by many as ‘Dr Harry’ and, to friends, simply ‘Harry’;
  - (ii) Harry was a respected and admired doctor, cricket administrator and community leader. He was a mentor to many and friend to even more;
  - (iii) Harry was born in Hyderabad India in 1944. From a young age, he wanted to be a doctor. He worked diligently towards this goal, studying medicine at Osmania University;
  - (iv) Harry migrated to Australia in 1971. After completing further medical training, he began working at the Mercy Hospital in Tasmania. After settling in Sydney, Harry opened his own general practice in Westfield Eastgardens. He also served as Medical Officer for South Sydney Council;
  - (v) Harry had a lifelong love of cricket. In 1977, he joined his local Balmain Cricket Club volunteering as team medic and then club President, a role he held for more than 30 years. Driven by his passion for the game, Harry went on to serve as Chairperson of Cricket NSW and as a board member of Cricket Australia;
  - (vi) Harry was awarded an Order of Australia Medal in the 2009 Queen’s Birthday Honours for service to cricket through executive roles at the state and national level, and to the community;
  - (vii) a Tamil Hindu, Harry was passionate about creating harmony in an increasingly multicultural Australia. He had a unique ability to connect with anyone he met and to build bridges between communities. In 2013, Harry was appointed to the Multicultural NSW Advisory Board and served for eight years as Chairperson. When he stepped down, he was extended the honour of being the first ‘Chairperson Emeritus’;

- (viii) Harry was awarded the Pravasi Bharatiya Samman (Medal) by the President of India in 2017, the highest honour conferred to Indians living overseas; and
  - (ix) friends who spoke at Harry's funeral described him as a generous, warm and humble man who opened doors and moved mountains for multicultural communities in Australia. He is loved dearly by his wife Gayathri, his children Neeta and Vikram, and their families;
- (B) the Lord Mayor be requested to write to Harry'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 Dr GK Harinath OAM.

Carried unanimously.

X086653

Note – All those present at the meeting, held remotely, observed a minute's silence as a mark of respect to Dr GK Harinath OAM.

## Item 12.10 Increased City Action on Recycling

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the National Waste Report 2020 outlines Australia's waste production has increased to 74 million tonnes annually. Forty per cent of this waste is sent directly to landfills;
- (ii) Labor's Environment Minister Tanya Plibersek MP has outlined eight priority recycling areas for addressing, which include photovoltaic waste, electronic waste, textile, tyres, mattresses, solvents, plastics in healthcare and children's car seats;
- (iii) annually, in Australia, 1.8M mattresses are disposed of; 740,000 of which are disposed into landfill (or 22,000 tonnes of mattresses);
  - (a) to combat the mattress waste issues, Labor' Environment Minister Tanya Plibersek MP has established the Australian Bedding Stewardship Scheme; and
  - (b) the Australian Bedding Stewardship Scheme works with mattress supply chain manufactures to utilise inputs that work towards a circular economy for mattresses and bedding;
- (iv) annually 200,000 car seats are disposed of, with more than 80 per cent able to be recycled;
  - (a) to combat improper car seat disposal, a national, voluntary, industry led product stewardship scheme, SeatCare was developed; and
  - (b) SeatCare provides free drop-off locations for car seats to be dismantled and recycled properly, to reduce the space in landfill;
- (v) almost 200,000 tonnes of textiles are disposed of each year, with more than 105,000 tonnes exported offshore;
  - (a) to combat the improper waste disposal of textiles, Labor's Environment Minister Tanya Plibersek MP launched the National Clothing Product Stewardship Scheme, Seamless; and
  - (b) Seamless aims to create a circular clothing industry by 2030, incentivising clothing designs that are more durable, recyclable and foster ethical manufacturing; and

(B) the Chief Executive Officer be requested to:

- (i) congratulate City staff who worked to ensure the City of Sydney's mattress recycling contract with Soft Landing is accredited with the Australian Bedding Stewardship Scheme, and for their efforts to ensure where possible, mattresses are recycled;
- (ii) sign up for SeatCare and Seamless;
- (iii) seek contract amendments to ensure all waste and recycling suppliers of the City of Sydney are members of the Australian Bedding Stewardship Scheme, SeatCare and Seamless and report back via CEO Update;

- (iv) ensure where relevant all new contractors are signatories; and
- (v) monitor compliance of the City and contractors, and rates of recycling across City and contracted waste, and report back to Council via the City's Green Report.

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

Moved by Councillor Scott, seconded by Councillor Jarrett –

(A) Council note:

- (i) the National Waste Report 2020 outlines Australia's waste production has increased to 74 million tonnes annually. Forty per cent of this waste is sent directly to landfills;
- (ii) Labor's Environment Minister, Tanya Plibersek MP, has outlined eight priority recycling areas for addressing, which include photovoltaic waste, electronic waste, textile, tyres, mattresses, solvents, plastics in healthcare and children's car seats;
- (iii) annually, in Australia, 1.8M mattresses are disposed of; 740,000 of which are disposed into landfill (or 22,000 tonnes of mattresses);
  - (a) to combat the mattress waste issues, the Australian Bedding Stewardship Council (ABSC) was established in 2020, a not-for-profit, industry partnership established to expand on the provisional product stewardship scheme, which originated in 2016; and
  - (b) the Australian Bedding Stewardship Council works with all levels of Government, supply chain, manufacturers, retailers and recyclers to move towards a circular economy for mattresses and bedding;
- (iv) the City of Sydney has been recycling mattresses since 2015 in partnership with Soft Landing, a national social enterprise that collects and recycles mattresses to keep waste out of landfill and create jobs for people experiencing barriers to work;
- (v) annually, 200,000 car seats are disposed of, with more than 80 per cent able to be recycled;
  - (a) to combat improper car seat disposal, a national, voluntary, industry led product stewardship scheme, SeatCare, was developed and trialled but is not currently operational; and
  - (b) the Department of Climate Change, Energy, the Environment and Water advises that although the program is not currently operational, a Seatcare working group remains, and the Government hopes that they will still be able to move forward and deliver Seatcare nationally;
- (vi) almost 200,000 tonnes of textiles are disposed of each year, with more than 105,000 tonnes exported offshore. To help address this, the City of Sydney:
  - (a) offers textile recycling through our quarterly Recycle It Saturday events and Ultimo recycling pop-ups, and through our free doorstep recycling service;
  - (b) also runs clothing swap events, as well as sewing and repair workshops; and

- (c) is currently participating in a 12-month uniform recycling trial with Upparel who collect old uniforms from our cleaning, resource recovery, and parks teams. They donate unbranded uniforms that are in good condition to charity for reuse, and securely recycle items that cannot be reused to produce a soft infill fibre that is used by other local manufacturers for pet bedding, soft furniture and building insulation;
  - (vii) to combat the improper waste disposal of textiles, in June 2023, the Australian Fashion Council and Labor's Environment Minister Tanya Plibersek MP, launched the National Clothing Product Stewardship Scheme, Seamless;
  - (viii) Seamless aims to create a circular clothing industry by 2030, incentivising clothing designs that are more durable, recyclable and foster ethical manufacturing;
  - (ix) textile resource recovery company, BlockTexx, operates a series of linen collections around Australia called 'Give a Sheet® for the Planet!' Australians can donate their unwanted household linen, sheets and towels to be converted into valuable, high-grade recycled materials. To date, 32,000 kilos of linen have been diverted from landfill;
  - (x) the City of Sydney's Leave Nothing To Waste Action Plan 2017-2030 includes actions needed by other Government agencies and regulators to build a stronger circular economy; and
  - (xi) in June 2023, following Council's unanimous support for the Lord Mayoral Minute - Collective Action on Waste, the Lord Mayor wrote to relevant Federal and NSW Government Ministers requesting their commitment to taking strategic action on waste alongside other levels of Government;
- (B) the Chief Executive Officer be requested to:
- (i) congratulate City staff who worked to ensure the City of Sydney's mattress recycling contract with Soft Landing is accredited with the Australian Bedding Stewardship Scheme, and for their efforts to ensure that, where possible, mattresses are recycled;
  - (ii) investigate signing up for to future iterations of SeatCare, or a similar child car seat recycling scheme when operational; and
  - (iii) explore potential partnerships or City-supported linen drives with Give A Sheet! and
- (C) the Lord Mayor be requested to write again to relevant Federal and NSW Government Ministers asking for a progress update on the issues raised in her previous correspondence following the Council Resolution in June 2023.

Carried unanimously.

X086655

## **Item 12.11 City's Inclusion (Disability) Advisory Panel on City of Sydney Implementing Royal Commission Recommendations**

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) the Australian Federal Government is a signatory to the UN Convention on the Rights of Persons with Disability, and ratified the Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol in 2008 and 2009;
- (ii) the Australian Local Government Association (ALGA) is a signatory to Australia's National Disability Strategy, and reports annually on local government progress towards the goals;
- (iii) the City of Sydney has established an Inclusion (Disability) Advisory Panel, with members appointed by Council, to provide strategic, expert and impartial advice to the City on the development, implementation, monitoring and review of the City's policies, strategies and plans to advance the inclusion of people with a disability;
- (iv) specifically, the Terms of Reference of the Panel note that the Panel uses the following strategies to achieve its objective:
  - (a) provide input to policy development and review, planning and advice to Council across all areas relevant to people with disability;
  - (b) provide input to enhance inclusion and accessibility of City's infrastructure, facilities, events, services, programs, systems and information for people with disability;
  - (c) advise the City on submissions the City may make relating to State and Federal Government policy and legislation; and
  - (d) provide advice to Council on how to identify issues that are relevant to people with disability;
- (v) the City of Sydney Disability Action Plan 2021-2025 outlines four key directions to build a safer, more inclusive and accessible City:
  - (a) Direction 1: develop positive community attitudes and behaviours towards people with disability;
  - (b) Direction 2: create more liveable communities for people with disability;
  - (c) Direction 3: achieve a higher rate of meaningful employment participation by people with disability; and
  - (d) Direction 4: provide more equitable access to mainstream services for people with disability;
- (vi) City staff advise that whilst work to update the Inclusion (Disability) Action Plan 2021-25 will begin in 2024 and will include consideration of the associated actions in light of the Disability Royal Commission, a new Action Plan will not be in place until June 2025;



- (vii) should any changes to the City's work be required as a result of the Royal Commission Recommendations, this will be reflected sooner in the internal facing action plan and reported to Council through quarterly operational plan reporting, and the annual Inclusion (Disability) Action Plan reporting process;
  - (viii) the Australian Disability Royal Commission (the Commission) was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse, and exploitation of people with disability;
  - (ix) the Commission delivered its final report to the Australian Government on 29 September 2023. This report included 222 recommendations on how to improve laws, policies, structures and practices that support people with disability; and
  - (x) the Commission explicitly didn't consider a range of domains, including transport and mental health, which still need to be addressed;
- (B) the Chief Executive Officer be requested to report back to Council regarding the proposed amendments to the City of Sydney's Disability Action Plan, with respect to the following Commission recommendations:
- (i) Direction 1, 'what will we do next', "Continue to provide information and communication plans that promote the City's accessible features. This will allow for increased autonomy and access";
  - (ii) Direction 2, 'What will we do next', "Group Homes will be phased out within 15 years. Housing and Transition assistance will be provided for those who are currently residing in group homes";
  - (iii) Direction 2, 'what will we do next'; "No special schools will be built in the City of Sydney from 2025. This will phase out segregated education, increasing opportunities for success for children and students with a disability";
  - (iv) Direction 3, 'what will we do next; "Australian Disability Enterprises (ADEs) will develop into integrated workplaces by 2034, reducing below minimum wage workers and ending employment segregation";
  - (v) Direction 3, 'what will we do next; "The Disability Employment Services (DES) program will be used to assist in the distribution of employees for inclusive employment across a range of companies in the City of Sydney";
  - (vi) Direction 4, 'what will we do next'; "The City of Sydney in conjunction with the Royal Commission and the City's Disability Advisory Panel will continue to outline the requirements for disability services and support for the delivery and design of products and services that the City offers"; and
  - (vii) Direction 4, 'what will we do next'; "Develop complaint mechanism through the City of Sydney's website that is specifically for abuse, violence and neglect against people with disabilities rather than the City of Sydney's general complaint link";
- (C) the Chief Executive Officer be requested to support the Inclusion (Disability) Advisory Panel meeting with the Housing for All Working Group and Aboriginal and Torres Strait Islander Advisory Panel to discuss and make further recommendations for how the City of Sydney will implement the recommendations made by the Commission by March 2024 and report back to Council via the CEO Update;

- (D) in accordance with the Terms of Reference, and on the basis of an agenda item discussing the findings of the Commission, the City's Inclusion (Disability) Advisory Panel's recommendations for City of Sydney adoption, the Chief Executive Officer be requested to:
- (i) consult First People's Disability Network and People with Disability, Down Syndrome NSW and other disability advocacy organisation in NSW;
  - (ii) develop and publish research, with a focus on economic evidence, on the benefits to all City of Sydney residents and businesses from increased inclusion of people with a disability;
  - (iii) include, as part of the City's review of Planning Proposal and Draft Development Control Plan – Policy and Housekeeping Amendments 2023, include a commitment to at least 15 per cent of dwellings classified as Platinum level in the Liveable Housing Design Guidelines (measured via number of units, ensuring a mix across dwelling types to ensure a variable unit mix);
  - (iv) ensure the City reviews - with a view to ceasing - controls that permit segregated group housing;
  - (v) review the City's communications to ensure it is accessible for people with disability, including cognitive disability;
  - (vi) ensure the City's annual training increases awareness of opportunities to include people with disability and in particular, intersectionality;
  - (vii) ensure City services don't procure from, create, fund or participate or award grants for organisations that participate in segregated services or employment, or engages in restricted practices;
  - (viii) reform relevant City processes and procedures to increase opportunities for people with disability in public sector employment (by setting increased employment targets and pathways), and in public sector procurement (by setting increased targets);
  - (ix) ensure the City shares authentic images, stories and other communications about people with disability;
  - (x) ensure the City reviews events approval and other processes to ensure increased disability inclusion;
  - (xi) review the City's ICT policies to ensure that all technology purchased and procured is accessible and inclusive, with Royal Commission recommended standards (YK2.0);
  - (xii) consider, in particular, what more the City can do to support people with a severe disability and people with intersectional disabilities;
  - (xiii) examine more effective mechanisms for effective enforcement of standards;
  - (xiv) repair the lift at Alexandria Town Hall; and
  - (xv) review all other Royal Commission findings and report back to Council via the CEO Update on reforms undertaken by mid-2024; and

- (E) the Lord Mayor be requested to write to the Federal Minister for the National Disability Insurance Scheme and the NSW Minister for Disability Inclusion to advocate for the Australian and NSW Governments to adopt the recommendations of the Royal Commission, including:
- (i) the creation of a Disability Rights Act;
  - (ii) a new complaints mechanism to be co-designed by the National Disability Commission;
  - (iii) a new Disability Agreement; and
  - (iv) a new Federal Department of Disability Equality and Inclusion.

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

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council note:
- (i) the Australian Federal Government is a signatory to the United Nations Convention on the Rights of Persons with Disabilities, and ratified the Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol in 2008 and 2009;
  - (ii) the Australian Local Government Association (ALGA) is a signatory to Australia's Disability Strategy 2021-2031, and reports annually on local government progress towards the goals;
  - (iii) the City of Sydney has established an Inclusion (Disability) Advisory Panel, with members appointed by Council, to provide strategic, expert and impartial advice to the City on the development, implementation, monitoring and review of the City's policies, strategies and plans to advance the inclusion of people with a disability;
  - (iv) specifically, the Terms of Reference of the Panel note that the Panel uses the following strategies to achieve its objective:
    - (a) provide input to policy development and review, planning and advice to Council across all areas relevant to people with disability;
    - (b) provide input to enhance inclusion and accessibility of the City's infrastructure, facilities, events, services, programs, systems and information for people with disability;
    - (c) advise the City on submissions the City may make relating to State and Federal Government policy and legislation; and
    - (d) provide advice to Council on how to identify issues that are relevant to people with disability;
  - (v) the City of Sydney Disability Action Plan 2021-2025 outlines four key directions to build a safer, more inclusive and accessible City:
    - (a) Direction 1: develop positive community attitudes and behaviours towards people with disability;
    - (b) Direction 2: create more liveable communities for people with disability;

- (c) Direction 3: achieve a higher rate of meaningful employment participation by people with disability; and
  - (d) Direction 4: provide more equitable access to mainstream services for people with disability;
  - (vi) City staff advise that whilst work to update the Inclusion (Disability) Action Plan 2021-25 will begin in 2024 and will include consideration of the associated actions in light of the Disability Royal Commission, a new Action Plan will not be in place until June 2025;
  - (vii) should any changes to the City's work be required as a result of the Royal Commission Recommendations, this will be reflected sooner in the internal facing action plan and reported to Council through quarterly operational plan reporting, and the annual Inclusion (Disability) Action Plan reporting process;
  - (viii) the Australian Disability Royal Commission (the Commission) was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse, and exploitation of, people with disability;
  - (ix) the Commission delivered its final report to the Australian Government on 29 September 2023. This report included 222 recommendations on how to improve laws, policies, structures and practices that support people with disability; and
  - (x) the Commission explicitly didn't consider a range of domains, including transport and mental health, which still need to be addressed;
- (B) the Chief Executive Officer be requested to report back to Council regarding the proposed amendments to the City of Sydney's Disability Action Plan, with respect to the following Commission recommendations:
- (i) Direction 1, 'what will we do next', "Continue to provide information and communication plans that promote the City's accessible features. This will allow for increased autonomy and access";
  - (ii) Direction 2, 'What will we do next', "Group Homes will be phased out within 15 years. Housing and Transition assistance will be provided for those who are currently residing in group homes";
  - (iii) Direction 2, 'what will we do next'; "No special schools will be built in the City of Sydney from 2025. This will phase out segregated education, increasing opportunities for success for children and students with a disability";
  - (iv) Direction 3, 'what will we do next; "Australian Disability Enterprises (ADEs) will develop into integrated workplaces by 2034, reducing below minimum wage workers and ending employment segregation";
  - (v) Direction 3, 'what will we do next; "The Disability Employment Services (DES) program will be used to assist in the distribution of employees for inclusive employment across a range of companies in the City of Sydney";
  - (vi) Direction 4, 'what will we do next'; "The City of Sydney in conjunction with the Royal Commission and the City's Disability Advisory Panel will continue to outline the requirements for disability services and support for the delivery and design of products and services that the City offers"; and
  - (vii) Direction 4, 'what will we do next'; "Develop a complaint mechanism through the City of Sydney's website that is specifically for abuse, violence and neglect against people with disabilities rather than the City of Sydney's general complaint link";

- (C) the Chief Executive Officer be requested to support the Inclusion (Disability) Advisory Panel meeting with the Housing for All Working Group and Aboriginal and Torres Strait Islander Advisory Panel to discuss and make further recommendations for how the City of Sydney will implement the recommendations made by the Commission by March 2024 and report back to Council via the CEO Update;
- (D) in accordance with the Terms of Reference, and on the basis of an agenda item discussing the findings of the Commission, the City's Inclusion (Disability) Advisory Panel's recommendations for City of Sydney adoption, the Chief Executive Officer be requested to:
- (i) consult First People's Disability Network and People with Disability Australia, Down Syndrome NSW and other disability representative organisations in NSW;
  - (ii) develop and publish research, with a focus on economic evidence, on the benefits to all City of Sydney residents and businesses from increased inclusion of people with a disability;
  - (iii) include, as part of the City's review of Planning Proposal and Draft Development Control Plan – Policy and Housekeeping Amendments 2023, a commitment to at least 15 per cent of dwellings classified as Platinum level in the Liveable Housing Design Guidelines (measured via number of units, ensuring a mix across dwelling types to ensure a variable unit mix);
  - (iv) ensure the City reviews - with a view to ceasing - controls that permit segregated group housing;
  - (v) continue to ensure the City's externally facing communications are accessible for people with disability, including cognitive disability, noting that:
    - (a) as part of the fourth iteration of the City of Sydney's Inclusion (Disability) Action Plan 2017-2021, the City adopted the international standards "Accessibility requirements suitable for public procurement of ICT products and services" - to guide the City's information and communications technology procurement practice'; and
    - (b) in line with the City's Digital and Print Accessibility Policy; all new and redesigned web content, both for public and internal websites and services, will be assessed against the Web Content Accessibility Guidelines 2.1. Where web content does not meet these guidelines due to vendor or system constraints, the City will ensure alternative access to content;
  - (vi) ensure the City's annual training increases awareness of opportunities to include people with disability and in particular the intersectionality of people with disability;
  - (vii) ensure City services don't procure from, create, fund or participate or award grants for organisations that participate in segregated services or employment, or engage in restrictive practices;
  - (viii) reform relevant City processes and procedures to increase opportunities for people with disability in public sector employment (by setting increased employment targets and pathways), and in public sector procurement (by setting increased targets);
  - (ix) ensure the City shares authentic videos, images, articles etc of people with disability and the everyday stories of people with disability in City publications, digital platforms and media channels, stories and other communications about people with disability;
  - (x) ensure the City reviews events approval and other processes to ensure increased disability inclusion;

- (xi) review the City's Information and Communications Technology policies to ensure that all technology purchased and procured is accessible and inclusive, with Royal Commission recommended standards (YK2.0);
  - (xii) consider, in particular, what more the City can do to support people with a severe disability and people with intersectional identities;
  - (xiii) consider adding signage and wayfinding for people with disabilities into the public domain, to help with navigating our city, including city landmarks, public transport options, etc;
  - (xiv) examine more effective mechanisms for effective enforcement of standards;
  - (xv) repair the lift at Alexandria Town Hall; and
  - (xvi) review all other Royal Commission findings and report back to Council via the CEO Update on reforms undertaken by mid-2024; and
- (E) the Lord Mayor be requested to write to the Federal Minister for the National Disability Insurance Scheme and the NSW Minister for Disability Inclusion to advocate for the Australian and NSW Governments to adopt the recommendations of the Royal Commission, including:
- (i) enshrining in full the rights outlined in the Convention on the Rights of Persons with Disabilities through legislation, such as the proposed Disability Rights Act;
  - (ii) a national complaints mechanism to be co-designed with people with disability;
  - (iii) a new National Disability Agreement; and
  - (iv) a new Federal Department of Disability Equality and Inclusion.

Amendment. Moved by Councillor Chan, seconded by Councillor Kok –

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

It is resolved that:

- (A) Council note:
- (i) the Australian Federal Government is a signatory to the United Nations Convention on the Rights of Persons with Disabilities, and ratified the Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol in 2008 and 2009;
  - (ii) the Australian Local Government Association (ALGA) is a signatory to Australia's Disability Strategy 2021-2031, and reports annually on local government progress towards the goals;
  - (iii) the City of Sydney has established an Inclusion (Disability) Advisory Panel, with members appointed by Council, to provide strategic, expert and impartial advice to the City on the development, implementation, monitoring and review of the City's policies, strategies and plans to advance the inclusion of people with a disability;

- (iv) specifically, the Terms of Reference of the Panel note that the Panel uses the following strategies to achieve its objective:
  - (a) provide input to policy development and review, planning and advice to Council across all areas relevant to people with disability;
  - (b) provide input to enhance inclusion and accessibility of the City's infrastructure, facilities, events, services, programs, systems and information for people with disability;
  - (c) advise the City on submissions the City may make relating to State and Federal Government policy and legislation; and
  - (d) provide advice to Council on how to identify issues that are relevant to people with disability;
- (v) the City of Sydney Disability Action Plan 2021-2025 outlines four key directions to build a safer, more inclusive and accessible City:
  - (a) Direction 1: develop positive community attitudes and behaviours towards people with disability;
  - (b) Direction 2: create more liveable communities for people with disability;
  - (c) Direction 3: achieve a higher rate of meaningful employment participation by people with disability; and
  - (d) Direction 4: provide more equitable access to mainstream services for people with disability;
- (vi) as required by the NSW Disability Inclusion Act 2014, all Councils are required to review and update their Disability Action Plan every four years in consultation with people with disability, which will include consultation with groups such as First People's Disability Network, People with Disability Australia, Down Syndrome NSW and other disability advocacy organisations in NSW;
- (vii) City staff advise that whilst work to update the Inclusion (Disability) Action Plan 2021-25 will begin in 2024 and will include consideration of the associated actions in light of the Disability Royal Commission, a new Action Plan will not be in place until June 2025;
- (viii) should any changes to the City's work be required as a result of the Royal Commission Recommendations, this will be reflected sooner in the internal facing action plan and reported to Council through quarterly operational plan reporting, and the annual Inclusion (Disability) Action Plan reporting process;
- (ix) the Australian Disability Royal Commission (the Commission) was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse, and exploitation of, people with disability;
- (x) the Commission delivered its final report to the Australian Government on 29 September 2023. This report included 222 recommendations on how to improve laws, policies, structures and practices that support people with disability; and
- (xi) the Commission explicitly didn't consider a range of domains, including transport and mental health, which still need to be addressed;

- (B) as a priority, the Chief Executive Officer be requested to:
- (i) prioritise the use of authentic videos, images, articles etc. of people with disability and the everyday stories of people with disability in City publications, digital platforms, and media channels;
  - (ii) review relevant policies to ensure City services don't procure from, create, fund or participate, or award new grants for, organisations that participate in segregated services or employment, or engage in restrictive practices;
  - (iii) repair the lift at Alexandria Town Hall; and
  - (iv) report back to Council via CEO Update;
- (C) the Chief Executive Officer be requested to consider as part of the development of the next Inclusion (Disability) Action Plan, the following suggestions from the Panel listed below about how the recommendations of the Royal Commission might be reflected in the new plan:
- (i) Direction 1, 'what will we do next', "Continue to provide information and communication plans that promote the City's accessible features. This will allow for increased autonomy and access";
  - (ii) Direction 2, 'What will we do next', "Group Homes will be phased out within 15 years. Housing and Transition assistance will be provided for those who are currently residing in group homes";
  - (iii) Direction 2, 'what will we do next'; "No special schools will be built in the City of Sydney from 2025. This will phase out segregated education, increasing opportunities for success for children and students with a disability";
  - (iv) Direction 3, 'what will we do next; "Australian Disability Enterprises (ADEs) will develop into integrated workplaces by 2034, reducing below minimum wage workers and ending employment segregation";
  - (v) Direction 3, 'what will we do next; "The Disability Employment Services (DES) program will be used to assist in the distribution of employees for inclusive employment across a range of companies in the City of Sydney";
  - (vi) Direction 4, 'what will we do next'; "The City of Sydney in conjunction with the Royal Commission and the City's Disability Advisory Panel will continue to outline the requirements for disability services and support for the delivery and design of products and services that the City offers"; and
  - (vii) Direction 4, 'what will we do next'; "Develop a complaint mechanism through the City of Sydney's website that is specifically for abuse, violence and neglect against people with disabilities rather than the City of Sydney's general complaint link";
- (D) the Chief Executive Officer be requested to support the Inclusion (Disability) Advisory Panel meeting with the Housing for All Working Group and Aboriginal and Torres Strait Islander Advisory Panel to discuss and make further recommendations for how the City of Sydney might implement the relevant recommendations made by the Commission and report back to Council via CEO Update;



- (E) in accordance with the Terms of Reference, and on the basis of an agenda item discussing the findings of the Commission, the Chief Executive Officer be requested to consider, as part of the development of the next Inclusion (Disability) Action Plan, the following suggestions from the City's Inclusion (Disability) Advisory Panel:
- (i) provide research, with a focus on economic evidence, on the benefits to all City of Sydney residents and businesses from increased inclusion of people with a disability;
  - (ii) note that the City's review of Planning Proposal and Draft Development Control Plan – Policy and Housekeeping Amendments 2023, includes a commitment to at least 15 per cent of dwellings classified as Platinum level in the Liveable Housing Design Guidelines (measured via number of units, ensuring a mix across dwelling types to ensure a variable unit mix);
  - (iii) investigate what role the City's planning controls could have in preventing new segregated group housing;
  - (iv) continue to ensure the City's communications are accessible for people with disability, including cognitive disability, noting that:
    - (a) as part of the fourth iteration of the City of Sydney's Inclusion (Disability) Action Plan 2017-2021, the City adopted the international standards "Accessibility requirements suitable for public procurement of ICT products and services" - to guide the City's Information and communications technology procurement practice'; and
    - (b) in line with the City's Digital and Print Accessibility Policy; all new and redesigned web content, both for public and internal websites and services, will be assessed against the Web Content Accessibility Guidelines 2.1. Where web content does not meet these guidelines due to vendor or system constraints, the City will ensure alternative access to content;
  - (v) ensure the City's learning and development programs increase awareness of opportunities to include people with disability and, in particular, the intersectionality of people with disability;
  - (vi) continue to review and reform relevant City processes and procedures to increase the proportion of employees with disability through opportunities and pathways for people with disability in public sector employment and procurement;
  - (vii) note that the City has recently reviewed the Inclusive and Accessible Events Guidelines, which is part of the City's events approval processes to ensure increased disability inclusion;
  - (viii) consider, in particular, what more the City can do to support people with a severe disability and people with intersectional identities;
  - (ix) note that the City's Legible Sydney Wayfinding Strategy includes a range of signage and wayfinding for people with disabilities in the public domain, to help with navigating our city, including city landmarks, public transport options and new wayfinding signage, including more than 2,000 tactile and braille street signs installed in 2016;
  - (x) advocate for more effective mechanisms for effective enforcement of relevant disability legislation and standards; and
  - (xi) review all other Royal Commission findings and report back to Council via the CEO Update on reforms undertaken; and

- (F) the Lord Mayor be requested to write to the Federal Minister for the National Disability Insurance Scheme and the NSW Minister for Disability Inclusion to advocate for the Australian and NSW Governments to adopt the recommendations of the Royal Commission, including:
- (i) enshrining in full the rights outlined in the Convention on the Rights of Persons with Disabilities through legislation, such as the proposed Disability Rights Act;
  - (ii) a national complaints mechanism to be co-designed by people with disability;
  - (iii) a new National Disability Agreement; and
  - (iv) a new Federal Department of Disability Equality and Inclusion.

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

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

Noes (5) Councillors Ellsmore, Gannon, Jarrett, Scott and Weldon.

The Chair (the Lord Mayor) exercised her casting vote in favour of the amendment.

Pursuant to the provisions of clause 10.2 of the Code of Meeting Practice, the amendment was declared carried.

Amendment carried.

Amended motion carried unanimously.

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At 9.18 pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on Monday 19 February 2024 at which meeting the signature herein was subscribed.