

Council

Meeting No 1

Monday 19 February 2024

Notice No 1/1659

Notice Date 15 February 2024

minutes

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Present

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

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

At the commencement of business at 5.00pm, those present were:

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

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 Items 14.1, 14.2 and 14.11 be brought forward and considered before Item 4 for the convenience of the public present.

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, 11 December 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 AO) disclosed a less than significant, non-pecuniary interest in Item 3.3 on the agenda, in that Elaine Czulkowski, who was a Clover Moore Independent Team candidate in the 2021 Council election is now Chair of the Board of Qtopia Ltd.

The Lord Mayor considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Ms Czulkowski has had no ongoing involvement with the Clover Moore Independent Team since the election. She has not discussed the recommendation relating to Qtopia Sydney at any time with Ms Czulkowski.

Councillor Robert Kok disclosed a less than significant, non-pecuniary interest in Item 3.3 on the agenda, in that Elaine Czulkowski, who was a Clover Moore Independent Team candidate in the 2021 Council election is now Chair of the Board of Qtopia Ltd.

Councillor Kok considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Ms Czulkowski has had no ongoing involvement with the Clover Moore Independent Team since this election. He has not discussed the recommendation relating to Qtopia Sydney at any time with Ms Czulkowski.

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 3.3 on the agenda, in that Elaine Czulkowski, who was a Clover Moore Independent Team candidate in the 2021 Council election is now Chair of the Board of Qtopia Ltd.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Ms Czulkowski has had no ongoing involvement with the Clover Moore Independent Team since this election. He has not discussed the recommendation relating to Qtopia Sydney at any time with Ms Czulkowski.

Councillor (Waskam) Emelda Davis made the following disclosures:

- a less than significant, non-pecuniary interest in Item 3.3 on the agenda, in that Elaine Czulkowski, who was a Clover Moore Independent Team candidate in the 2021 Council election is now Chair of the Board of Qtopia Ltd.

Councillor Davis considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Ms Czulkowski has had no ongoing involvement with the Clover Moore Independent Team since the election. She has not discussed the recommendation relating to Qtopia Sydney at any time with Ms Czulkowski.

- a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that she has known the National Centre of Indigenous Excellence Limited: Mums and Bubs Health and Wellbeing Program, and Tranby Aboriginal Co-Operative Limited: First Nations Co-Operative Business Leadership through her capacity as Chairwoman for Australian South Sea Islanders Port Jackson (ASSIPJ) and as Councillor member for the City of Sydney's Aboriginal and Torres Strait Islander Advisory Panel. She has previously engaged in grass roots, cultural and community engagements and various events with these organisations.

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 Councillor at the City of Sydney, she is not part of the grant application process and has not been involved in deciding who or which organisations are eligible for City's grants.

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 11 on the agenda, in that she is the Chair of CareSuper, a profit to member industry superannuation fund. She also owns a home in the heritage conservation areas of the City of Sydney, and another property in trust for a family member with a disability.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because this submission relates to the whole of the City.

Councillor Adam Worling disclosed a less than significant, non-pecuniary interest in Item 3.3 on the agenda, in that Elaine Czulkowski, who was a Clover Moore Independent Team candidate in the 2021 Council election is now Chair of the Board of Qtopia Ltd.

Councillor Worling considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because Ms Czulkowski has had no ongoing involvement with the Clover Moore Independent Team since this election. He has not discussed the recommendation relating to Qtopia Sydney at any time with Ms Czulkowski.

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

Item 3 Minutes by the Lord Mayor

Item 3.1 Vale Dr Lowitja O'Donoghue AC CBE DSG

Minute by the Lord Mayor

To Council:

I wish to inform Council about the passing of Dr Lowitja O'Donoghue AC CBE DSG on 4 February 2024, who was best known for her lifelong advocacy for the health, wellbeing and rights of Indigenous Australians.

Lowitja O'Donoghue, also known as Lois O'Donoghue and Lois Smart, was born on 1 August 1932. She was the fifth of six children born to an Irish pastoralist (rancher) father and a Yunkunytjatjara mother in Indulkana, a remote Aboriginal community in northwestern South Australia.

At age two, Lowitja and two of her sisters were removed from their family and placed in the Colebrook Children's Home in Quorn along with thousands of other members of the Stolen Generations. There her name became 'Lois' and she did not see her mother again for more than 30 years.

She went to Quorn Primary School and later moved to Eden Hills in South Australia where she attended Unley Girls Technical High School in Adelaide. At 16, she was sent to work as a domestic servant for a large family at Victor Harbor and later became a nursing aide and did some basic training.

After a long struggle to win admission to train at the Royal Adelaide Hospital (RAH), in 1954, she became the first trainee Aboriginal nurse in South Australia. She remained at RAH for ten years; after graduating in 1958 she was promoted first to staff sister and then to charge nurse.

In the early 1960s, Lowitja travelled to Assam in northern India to hone her nursing skills with the Baptist Overseas Mission.

Lowitja returned to Australia in 1962 and joined the South Australian public service as an Aboriginal liaison and welfare officer. In 1967, she joined the newly established Department of Aboriginal Affairs and three years later was appointed the Department's regional director in Adelaide, the first woman to hold such a position in a federal government department.

From 1970 to 1972, Lowitja was a member of the Aboriginal Legal Rights Movement.

In 1976, she became the first Aboriginal woman to be made a Member of the prestigious Order of Australia for her work to improve the lives of Australia's Indigenous peoples.

In 1977, she was elected chairperson of the National Aboriginal Conference, a forum for the expression of Aboriginal views that had been established by the Australian Government.

In 1979, she married Gordon Smart, a medical orderly from the Adelaide Repatriation Hospital whom she first met in 1964. He had six children from a previous marriage, but they had no children together.

In 1990, Lowitja became the founding chairperson of the Aboriginal and Torres Strait Islander Commission, playing a key role in negotiating Australia's historic Native Title legislation, which granted land rights to First Nations people, and in the successful 1967 referendum, which saw them included in the national census.

Throughout the 1990s and 2000s, Lowitja continued her tireless work and became a patron of many health, welfare, and social justice organisations, earning a long list of accolades and awards, including Commander of the Order of the British Empire (CBE) in 1983, Australian of the Year in 1984, Companion of the Order of Australia (AC) in 1999 and Dame of the Order of St Gregory the Great (DSG), a Papal Honour by Pope John Paul II.

She was also the recipient of honorary doctorates from five Australian universities and named an honorary fellow of both the Royal Australasian College of Physicians and the Royal College of Nursing.

In 2010, the Lowitja Institute was founded in her honour - a research body dedicated to advancing Indigenous health outcomes. In 2022, the Institute announced the establishment of the Lowitja O'Donoghue Foundation which seeks funding for scholarships to assist Aboriginal and/or Torres Strait Islander people.

Reflecting on their time together on the National Council for Aboriginal Reconciliation, the Minister for Indigenous Australians, Linda Burney MP said:

'Lowitja's leadership and tenacity has been an inspiration for generations of Aboriginal and Torres Strait Islander Australians, including myself. She was a truly extraordinary leader. Lowitja was not just a giant for those of us who knew her, but a giant for our country.'

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to mark the extraordinary life of Dr Lowitja O'Donoghue and her outstanding contribution to the advancement of Australia's First Peoples, Aboriginal rights and reconciliation; and
- (B) Council express its sincere condolences to Dr Lowitja O'Donoghue's family.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

Note – All Councillors, staff and members of the public present stood in silence for one minute as a mark of respect to Dr Lowitja O'Donoghue AC CBE DSG.

Item 3.2 Vale Steve Ostrow OAM**Minute by the Lord Mayor**

To Council:

I wish to inform Council of the passing of Steve Ostrow, entrepreneur, opera singer and founder of ACON'S Mature Aged Gays Group (MAGS) on 4 February 2024 at the age of 91.

I first met Steve when I attended MAGS' Saturday night dinners in ACON'S basement as Member for Bligh in the early 1990s. He initiated the dinners for older gay men to meet, socialise and learn about HIV in a convivial atmosphere. They generally featured a guest speaker, which is why I was invited.

Steve settled in Sydney in the 1980s after a career which alternated singing opera with running businesses in New York, Canada and Europe. Soon after his arrival in Australia, he secured the role of Dr Engel in Queensland Opera's production of 'The Student Prince with Simon Gallagher and Marina Prior'. Work with Opera Australia followed, as an understudy and singing in the chorus. To improve his acting, he enrolled at the Ensemble Studios and subsequently secured roles in film and television. He also taught singing for the Ensemble and established his own Academy of Vocal Arts, where he taught and mentored many private students.

In 1988, at the age of 56, he took a HIV test. As he reflected in his memoir, Saturday Night at the Baths, "If there was a likely candidate to have the disease, it was surely me." Two weeks after the test he received the result. It was negative. He wrote in his memoir: "I feel very blessed. Suddenly I can see beyond today into tomorrow. It's time to give something back."

Giving something back initially involved becoming an Ankali volunteer. Ankali was an Aboriginal word for "friend". Established by the Reverend Jim Dykes, the Ankali Project provided emotional support to people living with AIDS, in the remaining years of their lives. Over the following six years, Steve provided such support to four gay men, as well as becoming an Ankali group leader.

His work with Ankali led him to becoming a telephone volunteer with the AIDS Council of NSW (now ACON). He would spend several hours a day on the ACON hotline, taking calls from people who wanted information or just needed to talk.

In 1990, he responded to an advertisement placed by the Australian Federation of AIDS Organisations, the national body which co-ordinated the community response to HIV/AIDS. "Project officer wanted for pilot program to assess needs and concerns of men 40 and over who are having sex with other men. Part-time 6-month position." The project was to be based at ACON. "I got the job and became ACON's token mature age gay man," Steve wrote. He was to continue with ACON for the next 18 years.

One early initiative was to request a regular column in the Star Observer which he wanted to call "The Best is Yet to Come". The then editor agreed. In his first column, he invited readers to contact him about their needs and concerns, to be addressed in future issues. The response was overwhelming. Many told him they felt isolated, lonely and scared. This led to monthly meetings at ACON, the formation of MAGS and the monthly Saturday night dinners.

Creating a social space for gay men to meet was not new to Steve. Many years before, in September 1968, he opened the Continental Baths in the basement of the Beaux-arts style Ansonia Hotel in New York. With its opulent décor, he sought to provide a more attractive, safe, friendly alternative to existing venues where its patrons were treated with dignity and kindness. Over time, the Baths' expanded to include a gymnasium, health clinic, disco dance floor, restaurant, a stage and live entertainment.

Among those who performed at the Baths was a young Bette Midler. Steve discovered her singing at the Improv, a New York coffee house where she also worked as a waiter. He offered her \$US50 a week to sing at the Baths on Friday and Saturday nights. She accepted. Within weeks she had built a strong following and attracted wider interest. In 1972, she released her first album, 'The Divine Miss M', featuring many of the songs she had performed live at the Baths. The record was co-produced by Barry Manilow, who frequently accompanied her on the piano.

The Baths gave other performers a chance to advance their careers, including Manilow, Manhattan Transfer, Melba Moore, Peter Allen and Melissa Manchester. Steve experimented with other forms of entertainment, including a night of opera featuring Eleanor Sterber, a leading soprano with the New York Met. It was promoted as a "black towel" evening. Her performance was recorded and released on vinyl as 'Eleanor Sterber: Live at the Continental Baths'. The album cover featured Ms Sterber singing at the end of a large ornate swimming pool, accompanied by a violinist, with a black-tied Steve Ostrow watching on from a large cane chair.

The Baths' reputation grew beyond its primary clientele - New Yorkers and celebrities including Alfred Hitchcock, Andy Warhol, Mick Jagger and Rudolph Nureyev all came to experience entertainment in a unique venue. Their presence however increasingly discomfited the Baths' gay patrons. In 1974, Steve ceased the entertainment and closed the Baths in 1976. He pursued other business ventures, and his career in opera, eventually moving to Germany to sing with the Stuttgart Opera, and then to Australia.

Apart from his teaching and work with ACON, Steve found time to write. His output included three memoirs, a guidebook for singers, a collection of thoughts about life after 50 and a crime novel, set not surprisingly against the background of a production of Wagner's Ring Cycle.

In 2013, he received the NSW Seniors Week Award – Health and Wellbeing and in 2021, he received a Medal in the Order of Australia. The citation read "For service to the LGBTIQ community, and to the performing arts."

The media note on the Australian Honours website included a reference to the Continental Baths and stated, "Influential in having homosexuality being declared legal in New York City."

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Steve Ostrow and his significant contribution to LGBTIQ+ communities of New York and Sydney and to the performing arts;
- (B) Council express its condolences to Steve's many friends, including the members of Mature Aged Gays; and
- (C) the Lord Mayor convey Council's condolences to Mature Aged Gays.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

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

Item 3.3 Progressing Action on Safety for Our LGBTIQ+ Communities

Minute by the Lord Mayor

To Council:

"The tapestry of human rights is woven with threads of diversity, acceptance, and respect for every life to be equal, and freedom. To deny one thread is to unravel the entire fabric of our humanity."

"In the symphony of life, every voice deserves to be heard, every note cherished. LGBTIQ rights are the melody that fills the air, reminding us that diversity is the key to harmony."

These inspiring words were delivered by Tuisina Ymania Brown, Co-secretary general of ILGA World and Chair, TransEquality Council at the LGBTIQ+ Safety Summit Sydney I hosted at Customs House on Friday 9 February 2024. Ymania reminded us that we will only be truly safe when recognise our common humanity and respect and ensure the rights of all.

Sydney has always been a beacon for LGBTIQ+ communities across NSW, Australia and the world. We are a City with a solid foundation for activism and community building, the home of Mardi Gras and the host of WorldPride in 2023. Sadly however, in the last shining days of WorldPride, we witnessed horrific attacks on our LGBTIQ+ communities both online and in public.

In June last year, Nicolas Parkhill AM, the Chief Executive Officer of ACON, wrote to me proposing a statewide LGBTIQ+ Safety Summit to understand and combat this rise in hatred, discrimination, and abuse. Council unanimously agreed to endorse and host a Summit in collaboration with ACON, and we funded ACON to deliver training for Local Government staff through online training seminars.

Out of this proposal, we hosted 120 people from the LGBTIQ+ communities, academic experts, allied organisations and all three levels of government came together for this important event.

We heard many accounts from community leaders of the pain, anguish and sense of abandonment they felt when dealing with homophobia, transphobia and discrimination in our communities. People spoke about the failure of police to respond to calls for help, and the community's resulting lack of trust in the police. We also heard about the over-policing of LGBTIQ+ communities, as well as serious criticisms of police training. It was deeply upsetting to hear about these failures when it comes to combating abuse and discrimination.

A key theme that emerges from the Summit was the need for governments to work with and support the community in ensuring LGBTIQ+ community safety. This must include institutional accountability, and recognition of the dignity and diversity of the LGBTIQ+ community.

Jackie Turner, Director of the Trans Justice Project, crystallised this in her closing speech providing a community response to the Summit. Stressing the community's resilience, she said "We need to make sure our communities are safer but governments also have a role. We need to be stronger and sharper. Together I think we can win."

The NSW Government's response to the recommendations of the Special Commission of Inquiry into LGBTIQ Hate Crimes conducted by Justice John Sackar will be crucial to addressing hate crimes. Professor Asquith described the Inquiry as "a landmark moment in our work to eliminate hate crimes." In addition to its specific recommendations, "it has directed the NSW Government and NSW Police Force to lift their game on responding to the needs of our communities today".

Justice Sackar recommended that additional mandatory and ongoing training should be provided to NSW Police Force officers concerning the LGBTIQA+ community, developed with input from LGBTIQA+ representatives and organisations, and potentially provided by an LGBTIQA+ organisation. I am asking Council to call on the NSW Government to implement Recommendation 8 relating to police training without delay.

Dr Ellis referred to Productivity Commission data which showed that public perceptions of police integrity are at 10-year lows nationally. He suggested one reason was targeted policing methods, such as the use of drug detection dogs, so-called 'decency checks' and strip-searching. He asked what could policing look like at Mardi Gras, in queer spaces, and at music festivals, without drug detection dogs. This Minute asks Council to reaffirm its opposition to the use of such practices.

There was also a need to develop critical community infrastructure and capacity. Professor Asquith pointed out that the LGBTIQA+ communities led the work on hate crimes in Australia. "We need to do so again, and collaboratively with other communities that experience targeted violence," she said.

The City can play a role in supporting initiatives which could contribute to this community infrastructure. This Minute asks the CEO to investigate:

- the development of pathways to increase rates of reporting and improve the collection of information from LGBTIQA+ community members of acts of violence, discrimination, vilification, harassment and abuse in both the public domain and online.
- community-based legal, social and emotional support for individuals, in particular, the most marginalised and vulnerable LGBTIQA+ community members such as asylum seekers and sex workers, who seek redress for acts of violence, discrimination, vilification, harassment or abuse against them. Pursuing such action is often challenging and potentially traumatising. Many people may not do so, or give up without this support. Community legal centres are often the only support available to this community, and I am asking Council to support additional funding for our local Community legal centres targeted to support our LGBTIQA+ community, as well as advocacy for the NSW Government to increase their funding as well.
- support for community-led initiatives to keep LGBTIQA+ community members safe and supported. We heard several accounts at the Summit from attendees such as Dykes on Bikes about how it was often up to the LGBTIQA+ community to protect themselves from violence and abuse, and that governments need to do more to support these initiatives.

There was also a need to combat the misinformation, disinformation and prejudice which fuels transphobia and homophobia. Dr Ellis suggested that "pre-bunking" is one such strategy. He described it as a form of "attitudinal inoculation" to equip people with the knowledge to challenge misinformation through pre-exposure to accurate information. There was existing source material and infrastructure which could be used to develop LGBTIQA+ pre-bunking campaigns.

The opening of Qtopia, Sydney's own centre of history and culture, on 23 February 2024 presents one such opportunity. Qtopia's education and exhibition program is vital in contributing to a pre-bunking strategy.

Qtopia Sydney will also help realise one of the suggestions Justice Sackar made in the conclusion of his report. He suggested that the history recorded in his Report, and the broader historical context in which it takes place, should be the subject of “a comprehensive queer heritage project”.

Qtopia Sydney has written to me asking whether it would be possible for the City of Sydney to fund free entry to Qtopia on Sundays for 12 months. I propose that Council support this proposal and request the Chief Executive Officer to investigate a grant to enable this to happen. Doing so would not only enable more people to enjoy Qtopia, as well as attract more people to the Oxford Street precinct. It would also contribute to the implementation of a pre-bunking strategy and will align with the proposal in Justice Sackar’s report.

I would like to extend my sincere appreciation and thanks to those who attended and spoke at the Summit, particularly community leaders who shared their sincere and personal experiences with attendees. It is through these accounts that we have been able to better understand the urgency for action needed out of the Summit.

Progressing these actions requires the commitment of the community and government. If we succeed, we can all claim the Polynesian wisdom identified by Ymania Brown: “Tautai A’e!” “We Did It!”

Recommendation

It is resolved that:

- (A) Council note that in order to address violence, abuse and hatred directed towards LGBTIQ+ communities, governments at all levels must work in partnership with LGBTIQ+ communities and their allies;
- (B) the Chief Executive Officer be requested to:
 - (i) investigate the following actions, in consultation with LGBTIQ+ community organisations and report back to Council about how the City can support:
 - (a) the development of pathways to increase rates of reporting and the improved collection of information from LGBTIQ+ community members of acts of violence, discrimination, vilification, harassment and abuse in both the public domain and online;
 - (b) the provision of community based legal, social and emotional support for individuals who seek redress for acts of violence, discrimination, vilification, harassment or abuse against them - including funding for local community legal centres that support members of the LGBTIQ+ communities seeking redress for acts of violence, discrimination, vilification, harassment or abuse against them; and
 - (c) community-led initiatives to keep LGBTIQ+ communities safe and supported; and
 - (ii) report to the next meeting of Council on the recommended response to Qtopia Sydney's request for funding to enable free entry on Sundays for a period of 12 months, noting that it would:
 - (a) increase community access to Qtopia Sydney;
 - (b) advance the implementation of a pre-bunking strategy as outlined in this Minute; and

- (c) align with Justice Sackar's proposed establishment of a "comprehensive queer heritage project" in his report arising from the Special Commission of Inquiry into LGBTIQ hate crimes;
- (C) Council endorse the Equality Legislation Amendment (LGBTIQA+) Bill 2023 introduced into the NSW Legislative Assembly by Alex Greenwich MP and encourage people to lobby their Members of Parliament to support the Bill;
- (D) Council call on the NSW Government to implement Recommendation 8 relating to mandatory and ongoing Police Training without delay;
- (E) the Lord Mayor be requested to write to the NSW Treasurer and NSW Attorney-General provide increased funding for Anti-Discrimination NSW and Community Legal Centres in the 2024-2025 NSW State Budget to enable them to better respond to and assist with complaints of anti-LGBTIQA+ violence, discrimination, vilification, harassment and abuse;
- (F) the Chief Executive Officer be requested to write to the Office of Local Government requesting the introduction of mandatory training for all Council officials as defined in the Model Code of Conduct to ensure they are aware of their statutory obligations to ensure community safety for all, including the LGBTIQA+ communities; and
- (G) Council note that the Lord Mayor and Alex Greenwich MP, Member for Sydney, will write to the Minister for Police and the NSW Police Commissioner requesting action on the matters raised at the LGBTIQA+ Safety Summit, including police response to calls for help, trust in the police, over-policing, police training and the use of drug detection dogs.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Attachments

Attachment A. Recommendation 8 of the Special Commission of Inquiry into LGBTIQ Hate Crimes Relating to Mandatory Police Training

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

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

Carried unanimously.

S051491

Item 3.4 Monica Barone - Public Service Medal Award**Minute by the Lord Mayor**

To Council:

On 26 January 2024, our Chief Executive Officer, Monica Barone was awarded a Public Service Medal (PSM) for outstanding public service to the local government sector and Resilient Sydney.

Monica is an exceptional leader and a passionate advocate for the people of Sydney. She works tirelessly to make sure our city is a socially just place, with an economically and culturally diverse community.

Over the past two decades, Monica has contributed enormously to public policy and the community, contributing to making the City a leader in sustainability and resilience.

She has improved community resilience both locally and overseas through her work with the 100 Resilient Cities and Resilient Sydney, and as a board member of the International Resilient Cities network. Now 18 of the 33 Councils in Greater Sydney have adopted or are developing their own local resilience plan, 16 have urban forest plans to mitigate heat, 23 have net zero targets, and 30 purchase Renewable Electricity to run their Council operations.

Further, her efforts during the Covid-19 pandemic exemplify her extraordinary stewardship of our organisation and great tenacity in her successful coordination of our response. Her work ensured everyone in our community, including our most vulnerable members, had access to vital services and resources, all while safeguarding the financial sustainability of the City.

Monica has made a very significant contribution to our community, and I am grateful for her enduring dedication to the City.

I invite Councillors to join with me in congratulating our Chief Executive Officer, Monica Barone, on this much-deserved recognition.

Recommendation

It is resolved that Council congratulate City of Sydney Chief Executive Officer, Monica Barone, on being awarded the Public Service Medal for outstanding public service to the local government sector and for championing the Resilient Sydney network.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

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

It is resolved that:

(A) Council note:

- (i) On 25 January 2024, Chief Executive Officer Monica Barone was awarded a Public Service Medal;
- (ii) Ms Barone's award honoured her exceptional service to the City of Sydney Council in the local government sector;
- (iii) Ms Barone has been Chief Executive Officer of the City of Sydney Council since 2006, managing close to 2000 staff;
- (iv) particular reference was given to the monumental work Ms Barone has undertaken as the Chair of the Resilient Sydney Steering Committee, seeing the collaboration of all 33 Councils within Greater Sydney;
- (v) Ms Barone is a mentor and leader of Sydney's Chief Resilience Officer and here they work together to be true agents of change of leadership and women within the local government sector;
- (vi) communities within the City of Sydney are better prepared for future shocks and stressors due to the work of Ms Barone, the true spirit of a public service commendation; and
- (vii) the Public Service Medal is awarded by the Governor-General twice a year, with only 100 awardees per year; and

(B) Council congratulate City of Sydney Chief Executive Officer, Monica Barone, on being awarded the Public Service Medal for outstanding public service to the local government sector and for championing the Resilient Sydney network.

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

S051491

Note – following discussion and voting on this item, the Chair (the Lord Mayor), all Councillors, staff and members of the public present acknowledged the Chief Executive Officer's achievements with a standing ovation.

Procedural Motion

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

That the order of business be altered such that Items 14.1, 14.2 and 14.11 be brought forward and considered before Item 4, for the convenience of the public present.

Carried unanimously.

Item 4 Memoranda by the Chief Executive Officer

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

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

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

Carried unanimously.

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

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Deputy Lord Mayor Councillor Robert Kok

(Deputy Chair)

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

At the commencement of business at 2.01pm those present were -

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

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.32pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Kok, seconded by Councillor Chan –

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 12 February 2024 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.4 to 6.9 inclusive being adopted in globo, and Item 6.3 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.1

Confirmation of Minutes

Moved by Councillor Kok, seconded by Councillor Chan –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 4 December 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

2023/24 Quarter 2 Review – Delivery Program 2022-2026

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

It is resolved that:

- (A) Council note the financial performance of Council for the second quarter, ending 31 December 2023, including a Quarter 2 Net Operating Result for the year of \$36.4M and the full year forecast of \$107.8M, as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) Council note the Quarter 2 Capital Works expenditure of \$88.3M and a revised full year forecast of \$220.3M, and approve the proposed adjustments to the adopted budget, including bringing forward \$14.0M of funds into the 2023/24 capital budget and \$0.8M from the capital works contingency as detailed in Attachment B to the subject report;
- (C) Council note the Technology and Digital Services Capital Works of \$9.2M, net of disposals and a full year forecast of \$19.9M, including bringing forward \$0.1M of funds into the 2023/24 capital budget and \$1.3M from the capital works contingency as detailed in Attachment B to the subject report;
- (D) Council note the Quarter 2 Plant and Equipment expenditure of \$3.5M, net of disposals, a revised full year forecast of \$16.8M, including bringing forward \$1.2M of funds into the 2023/24 capital budget and \$0.4M from the capital works contingency as detailed in Attachment B to the subject report;
- (E) Council note the Quarter 2 net Property divestments of \$0.4M, and the full year forecast net Property Acquisitions of \$194.3M;
- (F) Council note the operational performance indicators and Quarter 2 achievements against the Operational Plan 2023/24 objectives, as detailed in Attachment C to the subject report; and
- (G) Council note the additional supplementary reports, which include details on code of conduct, major legal issues, street banner and venue hire support grants and sponsorship programs, fee-waived and discounted community facilities hire, international travel, property and land use matters approved under delegation and contracts over \$50,000 are provided at Attachment D to the subject report for information.

Carried unanimously.

X094861

Procedural Motion

It was moved by Councillor Scott, seconded by Councillor Weldon –

That the Motion without Notice 'Asbestos Matter' be considered by the meeting.

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

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

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

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

Motion lost.

Point of Order

Councillor Chan raised a Point of Order stating that, pursuant to clause 8.14 of the Code of Meeting Practice, Councillor Scott's motion could not be considered at this meeting of Council. He noted that a procedural motion to consider the matter as a motion without notice had been voted on and lost.

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

Call to Order

The Chair (the Lord Mayor) called Councillor Scott to order pursuant to clause 9.36 of the Code of Meeting Practice.

Point of Order

Councillor Chan raised a Point of Order stating that, pursuant to clause 5.9 of the Code of Meeting practice, Councillor Scott should not speak over the Chair (the Lord Mayor).

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

Call to Order

The Chair (the Lord Mayor) called Councillor Scott to order pursuant to clause 14.19 of the Code of Meeting Practice.

Adjournment

At this point in the meeting, at 6.28pm, the Chair (the Lord Mayor) adjourned the meeting, in accordance with the provisions of clause 14.21 of the Code of Meeting Practice, due to the disorderly behaviour of Councillor Scott.

All Councillors were present at the resumption of the meeting of Council at 6.51pm.

Procedural Motion

It was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –
That the business of Council continue following the adjournment due to disorder.
Carried unanimously.

Item 6.4**Investments Held as at 31 December 2023**

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

X020701

Item 6.5**Investments Held as at 31 January 2024**

It is resolved that the Investment Report as at 31 January 2024 be received and noted.
Carried unanimously.

X020701

Item 6.6**Land Classification - 4B Huntley Street, Alexandria**

It is resolved that Council endorse the classification of the City owned property at 4B Huntley Street, Alexandria (being Folio Identifier 6/270849), as operational land in accordance with section 31 of the Local Government Act 1993 (NSW).

Carried unanimously.

X097253.011

Item 6.7

Proposed Land Classification - Proposed Lots 5 and 7, 2-38 Baptist Street and 397-399 Cleveland Street, Redfern

It is resolved that:

- (A) Council endorse public notification of the proposed resolution: "It is resolved to classify Proposed Lot 5 (Park) and Proposed Lot 7 (Pedestrian and Cycle Way) in the Plan of Subdivision of Lots 100 and 101 in DP 1285547 at 2-38 Baptist Street and 397-399 Cleveland Street, Redfern which is to be transferred to Council for public purposes, as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)"; on the basis that in the case Proposed Lot 5 (Park):
 - (i) the primary future use is for a park; and
 - (ii) the classification is an interim measure to support operational management until it can be included within the Generic Plan of Management and classified as community and categorised as park; and
- (B) Council note that a further report to Council, to inform the outcomes of public notification and recommendation of land classification, will follow the notification period.

Carried unanimously.

X101723.005

Item 6.8

Proposed Land Classification – 2A Reed Street and 1A Tung Hop Street, Waterloo

It is resolved that:

- (A) Council endorse public notification of the proposed resolution: "It is resolved to classify 2A Reed Street, Waterloo (being Lot 7 in DP1275276) and 1A Tung Hop Street, Waterloo (being Lot 8 in DP1275276), both which are proposed to be transferred to Council for future public purposes as road as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)"; and
- (B) Council note that a further report to Council, to inform of the outcomes of public notification and recommendation of land classification, will follow the notification period.

Carried unanimously.

X101724.005

Item 6.9

Proposed Land Classification – 13 George Julius Avenue, Zetland

It is resolved that Council:

- (A) endorse public notification of the proposed resolution: "It is resolved to classify 13 George Julius Avenue, Zetland (being Lot 1 of DP 1265902) which is to be transferred to Council for future public purposes as operational land in accordance with section 31 of the Local Government Act 1993"; on the basis that:
 - (i) the primary future use of the land is for park, open space, and active and/or passive recreation and road;
 - (ii) the classification is an interim measure to support construction and delivery of the new park and road; and
 - (iii) following completion of the park and road and conclusion of obligations set out in registered Planning Agreement AN390315 and Deed of Variation AS045538, the land will be further subdivided creating separate portions for the road to be dedicated and for the park to be classified as Community land and categorised within a plan of management; and
- (B) note that a further report to Council, to inform the outcomes of public notification and recommendation on classification will follow the notification period.

Carried unanimously.

X101722.005

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 2.33pm those present were -

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

The meeting of the Environment Committee concluded at 2.46pm.

Report of the Environment Committee

Moved by Councillor Worling, seconded by Councillor Chan –

That the report of the Environment Committee of its meeting of 12 February 2024 be received, with Items 7.1 and 7.2 being noted and the recommendation set out below for Item 7.4 being adopted in globo, and Item 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 4 December 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 - Robyn Kemmis Reserve Renewal, Glebe

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

It is resolved that Council:

- (A) endorse the scope of improvements to the park and playground at Robyn Kemmis Reserve, Glebe as described in the subject report and shown in the Revised Draft Concept Plan as Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (B) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Amendment. Moved by Councillor Scott –

It is resolved that Council:

- (A) note:
 - (i) asbestos in all forms is a carcinogenic mineral, resistant to heat, electricity and corrosion, extremely dangerous to humans when exposed to;
 - (ii) on 13 January 2024, a community request from Ms Natasha Moulton was passed onto the Chief Executive Officer, requesting confirmation that Greenlife was not part of the City's supply chain, along with a request to test all City parks;
 - (iii) on 15 January 2024, in response, the Chief Executive Officer provided advice to Councillors that Greenlife was not part of the City's supply chain, and that the request to test City parks was rejected;
 - (iv) on 12 February 2024, Councillors were advised via email that, following an Environment Protection Authority (EPA) notification to the City of Sydney, that mulch has tested positive for both bonded and friable asbestos contamination;
 - (v) first media reports about the asbestos concerns were at Monday 12 February 2024 at 10:06PM Australian Eastern Daylight Time, nearly 12 hours prior to fences or physical barriers to protect the City community going up;
 - (vi) the following sites across the City of Sydney have been confirmed to have asbestos contamination, with confirmation on the following dates:
 - (a) Rozelle Parklands, 10 January 2024;
 - (b) Belmore Park, Haymarket, 12 February 2024;
 - (c) Victoria Park, Camperdown, 12 February 2024;
 - (d) Harmony Park, Surry Hills, 12 February 2024 (friable asbestos); and
 - (e) Munn Reserve, Millers Point, 17 February 2024;

- (vii) formally refers this matter to the City of Sydney Audit and Risk Committee, and requests the Chair to commission an independent investigation into the asbestos outbreak, with terms of reference to be determined by the City's Audit and Risk Committee, which reports back to the Audit and Risk Committee and Council; and
- (B) the Chief Executive Officer be requested to:
- (i) undertake testing for all City of Sydney early education and care centres, parks, playgrounds, garden beds and areas with mulch, and ensure results are publicly available on the City's website;
 - (ii) provide legal advice to Councillors on the legal and other liability risks to the Lord Mayor and Councillors;
 - (iii) provide advice to Councillors on the estimated resourcing implications, regulatory requirements, and steps undertaken to meet these requirements, by 23 February 2024;
 - (iv) provide a weekly briefing to Councillors on progress and precautions undertaken, and a daily update if and when changes are made to the City's asbestos register; and
 - (v) bring to Council a revised budget with appropriate provisions for any future liability and other relevant expenses by May 2024;
- (C) endorse the scope of improvements to the park and playground at Robyn Kemmis Reserve, Glebe as described in the subject report and shown in the Revised Draft Concept Plan as Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (D) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

The Chair (the Lord Mayor) ruled the amendment out of order in accordance with clauses 9.14 and 8.1 of the Code of Meeting Practice.

Calls to Order

During discussion of Item 7.3, the Chair (the Lord Mayor) called Councillor Scott to order pursuant to clause 8.1 of the Code of Meeting Practice.

The Chair (the Lord Mayor) called Councillor Weldon to order pursuant to clause 8.1 of the Code of Meeting Practice.

Point of Order

Councillor Scott raised a point of order, stating that Councillors should be able to address the matter of asbestos in relation to an item concerning an affected park.

The Chair (the Lord Mayor) did not uphold the point of order.

Call to Order

The Chair (the Lord Mayor) called Councillor Scott to order pursuant to clause 14.19 of the Code of Meeting Practice.

Point of Order

Councillor Chan raised a point of order, stating that, pursuant to clause 9.36 of the Code of Meeting Practice, all Councillors must be heard without interruption.

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

The motion was carried on the following show of hands –

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

Noes (2) Councillors Scott and Weldon.

Motion carried.

X090842.002

Item 7.4**Project Scope - Minogue Reserve and Playground, Glebe**

It is resolved that Council:

- (A) endorse the scope of work for improvements to Minogue Reserve as described in the subject report and shown in the Revised Draft Concept Plan as Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (B) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X083637.002

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 2.47pm those present were -

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

The meeting of the Resilient Communities and Economy Committee concluded at 3.07pm.

Report of the Resilient Communities and Economy Committee

Moved by Councillor Davis, seconded by Councillor Kok –

That the report of the Resilient Communities and Economy Committee of its meeting of 12 February 2024 be received, with Items 8.1 and 8.2 being noted, the recommendation set out below for Item 8.3 being adopted in globo, and Item 8.4 being dealt with as shown immediately following that item.

Carried unanimously.

Item 8.1

Confirmation of Minutes

Moved by Councillor Davis, seconded by Councillor Kok –

That the Minutes of the meeting of the Resilient Communities and Economy Committee of Monday 4 December 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor (Waskam) Emelda Davis disclosed a less than significant, non-pecuniary interest in Item 8.4 on the agenda, in that she knows the National Centre of Indigenous Excellence Limited: Mums and Bubs Health and Wellbeing Program, and Tranby Aboriginal Co-Operative Limited: First Nations Co-Operative Business Leadership through her capacity as Chairwoman for Australian South Sea Islanders Port Jackson (ASSIPJ) and as Councillor member for the City of Sydney's Aboriginal and Torres Strait Islander Advisory Panel. She has previously engaged in grass roots, cultural and community engagements and various events with these two organisations.

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 Councillor at the City of Sydney, she is not part of the grant applications. She has not been involved in deciding who or which organisations are eligible for the City's grants.

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

The Resilient Communities and Economy Committee recommended the following:

Item 8.3

Grants and Sponsorship - Dixon Street Improvement Grant Guidelines and Haymarket Activation Grant Guidelines

It is resolved that:

- (A) Council note the 11 December 2023 Resolution of Council, requesting reports be brought back to Council for any new grant programs arising from the adopted Haymarket and Chinatown Revitalisation Strategy;
- (B) Council endorse the draft Dixon Street Improvement Grant Guidelines as shown at Attachment A to the subject report for public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act 1993;
- (C) Council endorse the draft Haymarket Activation Grant Guidelines as shown at Attachment B to the subject report for public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act 1993;
- (D) Council note the proposed budget implications as described in the subject report and that programs will be incorporated into future budgets for public exhibition and endorsement by Council; and
- (E) authority be delegated to the Chief Executive Officer to make minor changes to the draft Guidelines for clarity or correction of drafting errors prior to public exhibition.

Carried unanimously.

S117676

Speakers

Brad Chan (Banna Property) and Kevin Cheng (Soul of Chinatown) addressed the meeting of the Resilient Communities and Economy Committee on Item 8.3.

Item 8.4

Grants and Sponsorship - Aboriginal and Torres Strait Islander Collaboration Fund

Moved by Councillor Davis, seconded by Councillor Kok -

It is resolved that:

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

Points of Order

During discussion of Item 8.4, Councillor Davis raised a point of order, stating that pursuant to clause 8.14 of the Code of Meeting Practice, Councillor Weldon's question was not related to a matter on the agenda of the meeting.

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

During discussion of Item 8.4, Councillor Scott raised a point of order, stating that the Chair (the Lord Mayor) had misspoken.

The Chair (the Lord Mayor) did not uphold the point of order.

Call to Order

During discussion of Item 8.4, the Chair (the Lord Mayor) called Councillor Scott to order in accordance with clause 14.19 of the Code of Meeting Practice.

Adjournment

At this point in the meeting, at 7.08pm, the Chair (the Lord Mayor) adjourned the meeting, in accordance with the provisions of clause 14.21 of the Code of Meeting Practice, due to the disorderly behaviour of Councillor Scott.

All Councillors were present at the resumption of the meeting of Council at 7.12pm.

Procedural Motion

It was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the business of Council continue following the adjournment due to disorder.

Carried unanimously.

A vote on the motion was carried on the following show of hands -

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

Noes (2) Councillors Jarrett* and Weldon*

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

Carried.

S117676

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

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor HY William Chan

(Deputy Chair)

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

At the commencement of business at 3.08pm those present were -

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

The meeting of the Transport, Heritage and Planning Committee concluded at 4.07pm.

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 12 February 2024 be received, with Items 9.1 and 9.2 being noted, the recommendations set out below for Items 9.3, 9.4 and 9.6 to 9.8 inclusive being adopted in globo, and Item 9.5 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 4 December 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 9.2

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 Transport, Heritage and Planning Committee.

The Transport, Heritage and Planning Committee recommended the following:

Item 9.3

Public Exhibition - A City for Walking: Strategy and Action Plan - Continuing the Vision

It is resolved that:

- (A) Council approve for public exhibition the draft A City for Walking: Strategy and Action Plan – Continuing the Vision, as shown at Attachment A to the subject report;
- (B) Council note that A City for Walking: Strategy and Action Plan – Continuing the Vision, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to make minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft A City for Walking: Strategy and Action Plan – Continuing the Vision.

Carried unanimously.

X092554

Speakers

Harri Bancroft (Committee for Sydney) and David Haertsch (Walk Sydney) addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.3.

Item 9.4

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

It is resolved that:

- (A) Council note the submissions received during the public exhibition of the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket, shown at Attachment D to the subject report;
- (B) Council approve the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket, shown at Attachment A to the subject report to be made as a local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket shown at Attachment A to the subject report, to correct any drafting errors prior to finalisation of the local environmental plan.

Carried unanimously.

X098658

Item 9.5

Post Exhibition - Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by Councillor Chan, seconded by Councillor Kok -

It is resolved that:

- (A) Council note the correspondence from Karimbla Properties (No. 60) Pty Ltd dated 25 January 2024 at Attachment B withdrawing the revised public benefit offer dated 16 June 2023 and committing to enter into the previously exhibited planning agreement;
- (B) Council note the matters raised in response to the public exhibition of the Planning Proposal: 118-130 Epsom Road and 905 South Dowling Street, Zetland, Draft Sydney Development Control Plan 2012: 118-130 Epsom Road and 905 South Dowling Street, Zetland and Draft Planning Agreement: 118-130 Epsom Road and 905 South Dowling Street, Zetland as shown at Attachment A to Item 6 at the Transport, Heritage and Planning Committee on 19 June 2023;
- (C) Council approve the Planning Proposal: 118-130 Epsom Road and 905 South Dowling Street, Zetland shown at Attachment B to Item 6 at the Transport, Heritage and Planning Committee on 19 June 2023, as amended following public exhibition, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) Council approve Draft Sydney Development Control Plan 2012: 118-130 Epsom Road and 905 South Dowling Street, Zetland shown at Attachment C to Item 6 at the Transport, Heritage and Planning Committee on 19 June 2023, as amended following public exhibition, noting the development control plan will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 20 of the Environmental Planning and Assessment Regulation 2021;
- (E) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal: 118-130 Epsom Road and 905 South Dowling Street, Zetland and Draft Sydney Development Control Plan 2012: 118-130 Epsom Road and 905 South Dowling Street, Zetland to correct any minor errors prior to finalisation; and
- (F) Council note the draft Voluntary Planning Agreement as shown at Attachment D to Item 6 at the Transport, Heritage and Planning Committee on 19 June 2023 will be executed under the delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

The motion was carried on the following show of hands -

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

Noes (3) Councillors Ellsmore, Scott and Weldon.

Carried.

X087876

Speakers

Matthew Lennartz (Meriton) addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.5.

Point of Order

During discussion of Item 9.5, Councillor Ellsmore raised a point of order, stating that Councillor Chan had misspoken in relation to the delivery of affordable housing.

The Chair (the Lord Mayor) did not uphold the point of order.

Misrepresentation

During discussion of Item 9.5, Councillor Scott stated that she had been misrepresented in respect to comments made by Councillor Chan and clarified her position accordingly.

Item 9.6

Traffic Treatment - Proposed Closure to Vehicular Traffic - Grafton Lane, Chippendale

It is resolved that Council approve the installation of traffic treatments to close the dead-end section of Grafton Lane, Chippendale at its intersection with City Road to vehicular traffic.

Carried unanimously.

X039457.178

Item 9.7

Adoption - Compliance Policy and Prosecution and Civil Enforcement Policy

It is resolved that:

- (A) Council endorse the revised Compliance Policy 2024, as shown at Attachment A to the subject report;
- (B) Council endorse the revised Prosecution and Civil Enforcement Policy 2024, as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Compliance Policy and Prosecution and Civil Enforcement Policy, as required from time to time, subject to Councillors being informed of any such changes.

Carried unanimously.

X098706

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 K 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 288-310 Wattle Street, Ultimo at this time;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 63-65 Flinders Street, Surry Hills at this time;
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 9 Ward Avenue, Potts Point at this time;
- (F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 133-145 Castlereagh Street, Sydney at this time;
- (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 163-169 Oxford Street, Darlinghurst;
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 6 Central Park Avenue, Chippendale at this time;
- (I) note the contents of Attachment H and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 25 Geddes Street, Zetland at this time;
- (J) note the contents of Attachment I and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 354-358 Bourke Street Surry Hills at this time;
- (K) note the contents of Attachment J and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 11 Charles Street Erskineville;
- (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 85-91 Oxford Street, Darlinghurst at this time.

Carried unanimously.

S105001.002

Item 10 Local Planning Panel - Appointment of Interim Chairs

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

It is resolved that Council:

- (A) note the Ministerial Direction dated 22 January 2024 requiring councils to appoint interim chairs to the Local Planning Panel as shown at Attachment A to the subject report;
- (B) endorse the appointment of Richard Pearson as Chair of the City of Sydney Local Planning Panel for an interim period to 30 June 2024; and
- (C) endorse the appointment of Linda Pearson and Jan Murrell as alternate Chairs of the City of Sydney Local Planning Panel for an interim period to 30 June 2024.

A show of hands on the motion 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 motion.

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

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

X102821

Item 11 Submission - NSW Government - Changes to Create Low and Mid-Rise Housing

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

It is resolved that:

- (A) Council endorse the City of Sydney submission on the NSW Government Changes to Create Low and Mid-Rise, shown at Attachment A to the subject report, recognising the seriousness of the housing supply crisis and that all elected representatives at all levels of government must take responsibility for addressing this, pending the following changes:
 - (i) recommend the NSW Government extend the consultation period for a minimum additional four weeks to allow enough time for councils and the community to understand the proposal and provide additional feedback;
 - (ii) recommend the NSW Government use the extended consultation period to undertake meaningful consultation with local communities to help them understand impacts to specific areas;
 - (iii) clarification that the Council supports working with the NSW Government to accelerate planning proposals which would add capacity for the city, where these are developed and implemented in cooperation with Council; and
 - (iv) in relation to the National Housing Accord, which includes a target for 3,100 affordable homes for NSW (or approximately 1 per cent of the overall housing target for NSW), note in the submission that the City supports stronger affordable housing targets being established and implemented, and that the City has already established greater targets for the Local Government Area;
- (B) Council agree in principle that increased residential density around transport hubs is a vital element to increasing housing supply;
- (C) Council seek to engage constructively with the NSW Government on their proposed Create Low and Mid-Rise rezoning reforms and notes that on 12 February 2024 the Lord Mayor wrote to the Minister for Planning and Public Spaces raising concerns about the proposed changes and requesting an urgent meeting for City staff to brief him on impacts to the City;
- (D) Council note that these rezoning proposals were only issued for consultation in late December 2023 and that they should not be rushed through prior to dwelling targets having been provided or without proper negotiations between Council and the NSW Government;
- (E) Council seek urgent clarification from the NSW Government and the Department of Planning, Housing and Infrastructure regarding the dwelling targets and how the Create Low and Mid-Rise Housing changes will relate to existing heritage protections and heritage conservation areas in the City of Sydney;
- (F) Council seek an urgent commitment from the NSW Government and the Department of Planning, Housing and Infrastructure that if councils meets the targets provided, heritage protections and heritage conservation areas will be allowed to be preserved by councils, where they determine, and that the Create Low and Mid-Rise Housing changes will not be applied;

- (G) authority be delegated to the Chief Executive Officer to make amendments to the submission prior to lodgement on 23 February 2024 which are consistent with the approved recommendations or to correct errors;
- (H) Council note that Councillors can provide comments to the Director City Planning, Development and Transport by 11 March 2024 for inclusion in an addendum to the submission to be sent to the NSW Department of Planning, Housing and Infrastructure by 15 March 2023; and
- (I) the Lord Mayor write to other NSW Government Ministers responsible for relevant portfolios providing a copy of the submission and highlighting the potential impacts of the changes, including to:
 - (i) the NSW Minister for the Arts, noting the potential pressure on creative spaces in the City;
 - (ii) the NSW Minister for Housing, noting the likely reduction in the ability of Council to levy affordable housing contributions where new height or floor space ratio (FSR) is being delivered ('value uplift capture'), and
 - (iii) the NSW Minister for Heritage and Environment, noting the potential reduction in street tree plantings and significant impacts on heritage.

Carried unanimously.

X102116

Adjournment

At this stage of the meeting, at 7.54pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Gannon –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting of Council at 8.09pm.

Item 12 Questions on Notice

1. Asbestos in City Park

By Councillor Scott

Question

1. In response to Councillor Scott's request to test for asbestos on 13 January 2024, what actions did the Chief Executive Officer take prior to the Environmental Protection Authority (EPA)?
2. When did the Chief Executive Officer communicate with the Lord Mayor about this matter, in person, via phone or in writing? Please detail each instance and the contents covered.
3. Please detail, by date and time, all engagement with the NSW EPA since 21 January 2024.
4. Please detail, by date and time, when all fencing was set up in parks.
5. Please detail, by date and time, all public communications about the asbestos contamination.
6. Did the City issue a media release before fencing the asbestos contaminated parts or contacting the NSW EPA?

X086668

Answer by the Chief Executive Officer

1. Following media reporting on 10 January 2024, the City's Environmental Engineer requested that the Parks Team confirm with our suppliers/contractors that their mulch is from compliant sources. The Chief Executive Officer requested specific advice about the matter on 11 January 2024 and requested further advice once the supplier of interest was known. Councillors were advised on 19 January 2024 that our contracts did not include the supplier of interest.
2. After receiving notification from Environmental Protection Authority (EPA) that their supply chain investigations had revealed that the City of Sydney may have received contaminated mulch the Chief Executive Officer contacted the Lord Mayor's Chief of Staff. The Chief Executive Officer advised the Chief of Staff that we had been contacted by EPA, that we had ordered testing of priority parks, and that we were preparing the action we would need to take if tests were positive, including how we would communicate to the community. The Chief Executive Officer called the Chief of Staff on Friday 9 February 2024 and Saturday 10 February 2024 to advise no further information had been received yet.

After receiving the test results on the afternoon of Monday 12 February 2024, staff read and assessed the test results to determine appropriate mitigation plans, including fencing. This along with communications plans took until about 10.30pm when all Councillors were advised of the situation.

3. On the afternoon of the 8 February 2024, the EPA rang the City of Sydney call centre and advised they were planning to undertake testing in some City of Sydney parks. Staff who followed up on this advice assessed the information provided by the EPA, following which the EPA then advised they had to postpone the testing. On Friday 9 February 2024 it was agreed that the fastest course of action, given the initial advice from the EPA, would be to commission our own testing. The information provided by the EPA enabled staff to narrow down the top five parks to be tested first.

The test results were received late Monday 12 February 2024. Following receipt of these first test results there have been multiple contacts with the EPA addressing matters such as testing methodology, identification of new sites to be tested, informing of test results and forecasting of logistical issues such as access to fencing and the approach being taken to the remediation of the sites.

Additionally, the Chief Executive Officer spoke to the Chief Executive Officer of the EPA at about 8.15am on Tuesday 13 February 2024. The Chief Executive Officer advised the Chief Executive Officer of the EPA of the names of the EPA staff that our staff had been liaising with and who we had sent the test results too. During this phone call the Chief Executive Officer of the EPA advised the Chief Executive Officer of the City of Sydney that a City of Sydney contact person had been assigned, he then sent the contact details to the Chief Executive Officer. The Director City Services immediately contacted this assigned contact. This contact has since been changed and the Director City Services has maintained regular contact.

4. Fencing commenced at Harmony Park on Tuesday 13 February 2024. A temporary fence was in place by approximately 8.00am. The fencing of affected areas at Victoria Park and Belmore Park was completed on Tuesday 13 February 2024. The positive test for Munn Reserve was received late on Friday 17 February 2024 and fencing was completed on the same day.
5. Council have been advised and provided links to all public communications as soon as they were finalised and disseminated and also provided the links to the relevant website pages and informed they would be regularly updated.
6. Upon receiving positive test results staff immediately commenced action to secure contaminated sites and notifying the public. The most efficient way to notify the public is via the media which is why a press release was prepared. The information about the potential contamination and priority sites came from the EPA and staff had been in contact with the EPA since the first phone call on 8 February 2024.

2. Bilingual Library Cuts

By Councillor Scott

Question

Why were there cuts made to the Darling Square Library Mandarin bilingual Rhymetime programs, changing it from weekly to monthly?

1. At what point was it reversed back to weekly?
2. Why were Councillors not informed about this?

X086668

Answer by the Chief Executive Officer

1. No programs have been cut. All programs continue on a weekly basis. Staff regularly review programming in our libraries and will continue to do so to suit community needs and feedback.
2. There was no reversal as the reduction never happened. In response to changes in demand for both English language and bilingual programming, staff planned to adjust programming on a trial basis, increasing the frequency of Rhymetime and Storytime in Green Square and reducing the frequency in Darling Square. These changes were listed on the City of Sydney website in late January, and the proposed revised program schedule linked in the City of Sydney library newsletter. Based on community feedback, the City decided not to proceed with the trial before the beginning of the term and updated the City of Sydney website on 1 February 2024 to confirm that.
3. The City regularly reviews programming in libraries and will continue to do so to suit community needs and feedback. Adjustments to the timing of programs are occasionally made based on demand or as community interest changes at an operational level.

Item 13 Supplementary Answers to Previous Questions

There are no supplementary answers to Previous Questions on Notice for this meeting of Council.

Item 14 Notices of Motion

Item 14.1 Vale Bill Granger

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

It is resolved that:

(A) Council note:

- (i) Australian restaurateur, cook and food writer Bill Granger was born in Melbourne, Victoria on 29 August 1969; the son of William and Patricia;
- (ii) Granger was educated at Mentone Grammar and Beacons Hills College in Melbourne, before commencing Interior Design at the Royal Melbourne Institute of Technology. He gave this up to move to Sydney in the 1990s;
- (iii) in Sydney, Granger studied fine art at COFA (the College of Fine Art at the University of New South Wales);
- (iv) Granger was a self-taught cook. While working as a waiter at a cafe called La Passion du Fruit, in Surry Hills, he gained more of an interest in food and started renting the space from the owner to do his own dinner service, three times a week. As the café only had a “tearoom” licence (and did not have a stove or oven), Granger prepped everything at home and assembled it at the café using only a kettle and a grill;
- (v) in 1992, at 23 years old, he left this job to set up his own place, bills, on Liverpool Street in Darlinghurst. The café was utterly original in its approach to casual dining – with a large communal table, a strong design sensibility, and reliance on fresh produce from the get-go. It was also one of Sydney’s first cafes to be non-smoking, which was well ahead-of-its-time. This seminal café remains open to this day and has become a blueprint for the Australian café worldwide;
- (vi) Granger met his wife and business partner Natalie Elliott in the 1990s and they were married in 2006. Granger and Elliott’s daughters, Edie, Inès and Bunny were born in 2000, 2002 and 2004 respectively;
- (vii) Granger found widespread fame via a plethora of cookbooks including, in 2000, the hugely successful *Bill’s Sydney Food*, which proved a culinary bible for home cooks interested in replicating Granger’s no-fuss, flavour-forward dishes;
- (viii) in 2008, Granger and Elliott saw an opportunity to take his casual, quintessentially Australian dining-style to the world, opening bills in Japan, followed by Granger & Co in London in 2011 (someone had taken the name bills), and then South Korea. In 2018, *The New Yorker* credited him as the “restaurateur most responsible for the Australian café’s global reach”;
- (ix) from 2011 until 2014, Granger was a regular food columnist for the UK’s *Independent on Sunday*. Over the years he made numerous appearances on radio and television including a regular weekly appearance on Lorraine (ITV UK) and his own six TV series: *Bill’s Food* (2004, 2006), *Bill’s Holiday* (2009), *Bill’s Tasty Weekends* (2010) and *Bill’s Kitchen: Notting Hill* (2013). The programs have been screened in over 30 countries;

- (x) on Australia Day, 26 January 2023, Granger was awarded the Medal of the Order of Australia (OAM) for services to “Tourism and Hospitality;”
 - (xi) on Christmas Day in 2023, at 54, Granger died in a London hospital. He is survived by his wife, Natalie, their three daughters, Edie, Inès and Bunny, and his brother Steven;
 - (xii) at the time of his death, Granger had numerous cafes in Sydney, in Darlinghurst, Bondi, Surry Hills and Double Bay, five Granger & Co operations in London, from Notting Hill to Chelsea, eight restaurants in Japan and two in South Korea. He had published 14 cookbooks, which between them sold more than a million copies; and
 - (xiii) along with his noted avocado toast, scrambled eggs and ricotta hotcakes with banana and honeycomb butter, Granger will be remembered for his originality, sunny smile, and joyful and unpretentious attitude to hospitality. Granger made it his life mission to serve good food in beautiful environments, and make people *feel* good while doing it. He will be sorely missed;
- (B) all present in the meeting take one minute of silence to honour the memory of the remarkable Bill Granger; and,
- (C) the Lord Mayor be requested to write to Bill Granger’s family expressing the Council’s sincere condolences on his passing.

Carried unanimously.

X099886

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

Item 14.2 Vale Lillian Crombie

Moved by Councillor Davis, seconded by Councillor Kok -

It is resolved that:

(A) Council note:

- (i) Pitjantjatara / Yanunytatjara woman, actress and performer, Lillian Crombie passed away on 3 January 2024;
- (ii) as a child of the Stolen Generation, she was taken from her parents when she was seven years old, never to see them again. Adopted by a loving household, Lillian grew up in Port Pirie in South Australia;
- (iii) at an early age Lillian studied acting, dance and drama including classical ballet and was the only Aboriginal student at the local ballet school;
- (iv) at the age of sixteen Lillian studied mime and moved to Sydney on a dance scholarship. Later, she also attended the National Black Theatre in Redfern and went on to study acting and drama at the NAISDA Dance College and the EORA Centre;
- (v) Lillian continued her creative studies at the National Institute of Dramatic Art (NIDA) and trained in New York with the Alvin Ailey American Dance Theatre;
- (vi) Lillian's distinguished career covered multiple productions around Australia, and she toured in plays overseas. She played in many leading roles such as Mereki the Peacemaker, Conversations with the Dead, Capricornia and many more;
- (vii) on screen Lillian appeared in television series' such as The Secret Life of Us, Mystery Road and appeared in the motion picture Australia directed by Baz Luhrmann;
- (viii) in 2019, Lillian was recognised as a pioneer of the arts and was awarded a lifetime achievement award by the Equity Foundation for her contribution to the arts;
- (ix) she went on to set up the Lillian Crombie School of Dance and Drama which provides performing arts and training for Aboriginal and Torres Strait Islander children in regional South Australia; and
- (x) in 2015, she founded the Lillian Crombie Foundation to support Indigenous families' travel needs for Sorry Business;

(B) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Lillian Crombie and her contribution to Indigenous theatre, television and film, and her perseverance and determination;

(C) Council express its condolences to Lillian Crombie's family; and

(D) the Lord Mayor be requested to convey Council's condolences to Lillian Crombie's family.

Carried unanimously.

X086660

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

Item 14.3 Acknowledging the 40th Anniversary of the Bobby Goldsmith Foundation

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

It is resolved that:

(A) Council note:

- (i) the Bobby Goldsmith Foundation (BGF) is Australia's longest running HIV charity. It was founded in July 1984 to provide community-based care and practical, emotional and financial support to people living with HIV-AIDS in New South Wales and South Australia;
- (ii) BGF is the only not-for-profit in Australia providing frontline services and support to people living with HIV no matter their age, race, ethnicity or gender;
- (iii) almost 30,000 people are living with HIV in Australia and 50 per cent of people living with HIV live below the poverty line;
- (iv) the foundation's namesake, Bobby Goldsmith, was born in Hurstville, Sydney, on 8 March 1946. Known as Robert to his family, and 'Bob' or 'Bobby' to his colleagues and friends, Goldsmith was a charming and open person with an excellent sense of humour;
- (v) Goldsmith was a keen recreational swimmer who, at the inaugural Gay Games in San Francisco in 1982, won 17 of the Australian team's 21 medals: four Gold, 11 Silver and two Bronze;
- (vi) Goldsmith contracted the human immunodeficiency virus known as AIDS in the early 80s and by 1983, he was terminally ill;
- (vii) Goldsmith died of acquired immune deficiency syndrome on 18 June 1984. He died with dignity, at his home in Surry Hills, where he wanted to be. His was the first publicly acknowledged HIV-AIDS death in New South Wales and he was the third Australian to die from AIDS-related illness;
- (viii) during the last months of his life, Bobby was cared for by a group of close friends who provided practical, emotional and financial support;
- (ix) on the night of his death, 18 June 1984, his friends met at the Midnight Shift and decided to place the money they had raised for his care into a fund that would help the many people living with HIV/AIDS who would need care and support;
- (x) this was the beginning of the Bobby Goldsmith Foundation, which quickly became known as BGF;
- (xi) early funds were directed to supporting an AIDS Home Support Service, which was subsequently formalised as Community Support Network, an organisation that provided practical support and home care;
- (xii) BGF was a founding member of the AIDS Council of NSW (ACON), established in 1985 to coordinate the community's response to HIV/AIDS;
- (xiii) also in 1985, BGF assisted in funding ACON's 'Rubba Me', Australia's first community originated safe-sex campaign after the NSW Government withdrew its support;
- (xiv) BGF was subsequently limited to raising and directing funds to providing care and support after it gained charitable status;

- (xv) BGF is currently an affiliate member of the Australian Federation of AIDS Organisations, the National Association of People With HIV Australia, and the Australasian Society for HIV, Viral Hepatitis and Sexual Health Medicine;
 - (xvi) BGF has received over \$26,000 in cash support and nearly \$10,000 value in kind support from the City since 2014. This includes a Quick Response Grant for \$4,180 for a series of workshops in Surry Hills using the creative process of art-making to improve and enhance the physical, mental and emotional well-being of people living with HIV and venue support for fundraisers;
 - (xvii) BGF is committed to supporting the NSW Health strategy of elimination of the transmission of HIV with a focus on prevention, testing, treatment and reducing stigma in identified priority populations such as men who have sex with men (MSM), Indigenous population, sex workers and their clients, people who inject drugs and sexual partners of priority populations; and
 - (xviii) in 2023, BGF was able to support 650 clients across more than 11,000 interactions. This equates to more than 15,000 hours of community support delivered in people's homes and in their communities by dedicated community support workers; and
- (B) the Lord Mayor be requested to write to the Bobby Goldsmith Foundation to congratulate them for 40 years of support to people living with HIV and acknowledge that BGF is the longest running organisation in Australia exclusively committed to supporting people living with HIV and AIDS.

Carried unanimously.

X099886

Item 14.4 Congratulating City of Sydney CEO, Monica Barone PSM, on the Award of her Public Service Medal

Procedural Motion

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

That Item 14.4 be withdrawn as the matter had already been dealt with at Item 3.4.

Carried unanimously.

Item 14.5 Extension of No Fee for Hiring Community Spaces

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) on 12 December 2022, Council unanimously resolved to provide free use of the City's community spaces for community groups for incorporated and unincorporated associations whose membership base is within the City of Sydney Local Government Area (noting parties and groups that do not correctly represent the City's Inclusion and Equity principles are not included);
- (ii) since this approval, community groups within the City of Sydney could apply for community space venue hire and have 100 per cent of the hiring and insurance fees waived;
- (iii) the venue hire can be used for a range of community meetings, events and gatherings;
- (iv) the fee waiver is imperative to small, underfunded community groups within the City of Sydney; and
- (v) the fee waiver will lapse on 30 June 2024, if not extended for a further fiscal year; and

(B) the Chief Executive Officer be requested to:

- (i) renew the existing fee waiver for community space hire, starting on 30 June 2024;
- (ii) include in the upcoming draft budget to be submitted to Council for endorsement the free use of community spaces for the upcoming 2024/2025 fiscal year; and
- (iii) note Council's intention to continue this program and incorporate funding for this program into the City's current 10 year forward plan.

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 Davis -

It is resolved that:

(A) Council note:

- (i) following a Lord Mayoral Minute in March 2022, Council unanimously resolved to increase the funding for community facilities by 20 per cent (\$1.2M) in the 2022/23 budget adding 9.6 new staff positions to our community centres;
- (ii) on 12 December 2022, Council unanimously resolved to provide free use of the City's community spaces for community groups for incorporated and unincorporated associations whose membership base is within the City of Sydney Local Government Area (noting parties and groups that do not correctly represent the City's Inclusion and Equity principles are not included);

- (iii) in April 2023, Council unanimously resolved to support a Lord Mayoral Minute asking the Chief Executive Officer to make further investments and improvements in the operation of community facilities in our area;
 - (iv) since fees were waived, community groups within the City of Sydney could apply for community space venue hire and have 100 per cent of the hiring and insurance fees waived;
 - (v) in the 18 months between 1 July 2022 and 30 December 2023, the City waived \$314,000 in hire fees for over 11,000 hours of free bookings made by local community groups;
 - (vi) the venue hire can be used for a range of community meetings, events and gatherings;
 - (vii) the fee waiver is imperative to small, underfunded community groups within the City of Sydney; and
 - (viii) the fee waiver will lapse on 30 June 2024, if not extended for a further fiscal year; and
- (B) the Chief Executive Officer be requested to:
- (i) renew the existing fee waiver for community space hire, starting on 30 June 2024;
 - (ii) include in the upcoming draft budget to be submitted to Council for endorsement the free use of community spaces for the upcoming 2024/2025 fiscal year; and
 - (iii) provide Council with advice about the use of the fee waiver, full costs of providing the service, about whether eligibility criteria should be reviewed and financial implications to enable Council to make an informed decision for continuing the fee waiver into the future.

Carried unanimously.

X086655

Item 14.6 Action on Vaping in the City of Sydney

Moved by Councillor Worling, seconded by Councillor Kok -

It is resolved that:

(A) Council note:

- (i) in March 2023, the Cancer Council reported that young people were the predominant consumers of vapes: with 20 per cent of 18 to 24-year-olds and 14 per cent of 14 to 17-year-olds current vapers;
- (ii) NSW Health Minister Ryan Park called vaping “one of the biggest public health challenges we face.” The Cancer Council’s Public Health Chair called it “a public health crisis...rapidly unfolding before our eyes”;
- (iii) there are ongoing community concerns regarding the escalation in popularity of vaping and e-cigarettes, and the proliferation of tobacconists and convenience stores retailing vaping products and/or illegal tobacco across the City of Sydney;
- (iv) NSW Health figures show there were 19,215 retailers that had notified the state government of their intent to sell tobacco and/or e-cigarette products as of September 2023;
- (v) the unrestrained proliferation of vaping retailers and convenience stores selling these products in our Local Government Area risks overshadowing other forms of commerce, jeopardising the diversity and aesthetic integrity of our high streets; and endangering the health of our residents;
- (vi) researchers at the Australian National University have published a review of global evidence on vaping. The research found:
 - (a) vapes containing nicotine are highly addictive. Vaping can lead to addiction, poisoning, seizures, and lung injury. There is still a lack of evidence on how vaping impacts a range of longer-term health conditions, including cardiovascular disease, cancer, mental health, child development, reproduction, and sleep;
 - (b) a study of the contents of the smoke from a non-nicotine vape found 243 unique chemicals, of which 38 were listed poisons;
 - (c) nicotine exposure during adolescence can change the development and function of the brain; and
 - (d) vaping is bad for the environment. Vape smoke pollutes indoor air; vapes also contain single-use plastics and lithium batteries, which contribute to environmental waste;
- (vii) from 1 January 2024, the importation of all disposable vapes with or without nicotine was banned by the Australian Federal Government. The changes are the first stage of a suite of reforms to be rolled out over 2024, including a public health campaign and investment in support programs to help people quit;
- (viii) in January 2024, the NSW Government launched a campaign to educate young people about the harms of vaping;

- (ix) from 1 October 2021, e-cigarettes and e-liquids containing nicotine are a prescription only medicine. This means pharmacists in community pharmacies can supply e-liquids and e-cigarettes (containing nicotine) to their customers (18 years and over) if they have a valid prescription from a doctor;
 - (x) e-cigarettes that do not contain nicotine are legal in NSW. Adults can buy and use e-cigarettes that do not contain nicotine;
 - (xi) vaping, e-cigarettes and nicotine are regulated by National and State legislation, not planning controls; and
 - (xii) the NSW planning system requires all councils to use common definitions for land use zoning and the City's current planning system does not differentiate between types of retail uses. Councils cannot condition what type of goods can or cannot be sold; and
- (B) the Lord Mayor be requested to write to the NSW Premier expressing concerns about the proliferation of vaping shops and tobacconists in the community and asking the NSW Government to review how tobacconists and e-cigarettes can be better regulated, including signage, packaging and advertising similar to approaches taken to minimise harm of cigarettes and gambling.

The motion was carried on the following show of hands –

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

Noes (1) Councillor Jarrett.

Carried.

X099886

Item 14.7 Moore Park Road Temporary Cycleway Safety Issues and Timetable for Removal

By Councillor Weldon

It is resolved that:

(A) Council note:

- (i) in May 2021, Council assured Moore Park Road residents that the Moore Park pop-up cycleway would only remain in place until mid-2023;
- (ii) at our May 2023 meeting, Council (by majority resolution) extended the operation of Moore Park Road and Fitzroy Street pop-up cycleway as a temporary cycleway until May 2026 or until a permanent cycleway on Oxford Street between Taylor Square and Centennial Park was built (whichever happened first);
- (iii) at that meeting, the Lord Mayor assured Council that the NSW Minister for Transport was committed to the early construction of the cycleway on Oxford Street from Taylor Square to Centennial Park and would accelerate the required work;
- (iv) there is currently massive traffic disruption on Oxford Street with city bound traffic reduced to a single lane between Taylor Square and Liverpool Street, increasing congestion and risk of injury for cyclists; and
- (v) the Moore Park Road cycleway is often closed or suspended during sporting and concert events at local venues. These closures have become more frequent since Venues NSW received an extension of the number of live performances from four to 24 per annum, increasing risk of injury for cyclists and impact on resident parking;

(B) Council undertakes to local residents that under no circumstances will the operation of the Moore Park Road cycleway be extended beyond May 2026; and

(C) the Lord Mayor address Council, without limitation, regarding discussions with the NSW Minister for Transport, providing the best estimate of:

- (i) when construction will commence on the Oxford Street East cycleway; and
- (ii) when the Moore Park Road temporary cycleway will cease operation and be removed.

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 Jarrett -

It is resolved that:

(A) Council note:

- (i) in May 2021, Council assured Moore Park Road residents that the Moore Park pop-up cycleway would only remain in place until mid-2023;
- (ii) at our May 2023 meeting, Council (by majority resolution) extended the operation of Moore Park Road and Fitzroy Street pop-up cycleway as a temporary cycleway until May 2026 or until a permanent cycleway on Oxford Street between Taylor Square and Centennial Park was built (whichever happened first);
- (iii) at that meeting, the Lord Mayor assured Council that the NSW Minister for Transport was committed to the early construction of the Oxford Street from Taylor Square to Centennial Park and would accelerate the required work;
- (iv) there is currently massive traffic disruption on Oxford Street with city bound traffic reduced to a single lane between Taylor Square and Liverpool Street increasing congestion and risk of injury for cyclists; and
- (v) the Moore Park Road cycleway is often closed or suspended during sporting and concert events at local venues. These closures have become more frequent since Venues NSW received an extension of the number of live performances from six to 20 per annum, increasing risk of injury for cyclists and impact on resident parking;

(B) Council undertakes to local residents that under no circumstances will the operation of the Moore Park Road temporary cycleway be extended beyond May 2026; and

(C) the Lord Mayor address Council, without limitation, regarding discussions with the NSW Minister for Transport, providing the best estimate of:

- (i) when construction will commence on the Oxford Street East Cycleway; and
- (ii) when the Moore Park Road Temporary Cycleway will cease operation and be removed.

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

It is resolved that:

(A) Council note:

- (i) in May 2021, Council assured Moore Park Road residents that the Moore Park pop-up cycleway would only remain in place until mid-2023;
- (ii) on 4 May 2023, the Lord Mayor met with the NSW Minister for Transport, Jo Haylen about progressing transport priorities in our area and sought assurances from the Minister that Transport for NSW (TfNSW) would continue to work with the City of Sydney and jointly fund the rollout of the City's cycleway and improved pedestrianisation program, including delivering the Oxford Street East cycleway. The Minister agreed to continue a collaborative relationship with the City in that regard;

- (iii) before the meeting of the Transport, Heritage, Environment and Planning Committee on 8 May 2023, the Lord Mayor spoke again to the Minister for Transport who said that she was committed to the Oxford Street cycleway and would do all that she could to accelerate it;
 - (iv) at the 15 May 2023 Council meeting, Council (by majority resolution) extended the operation of Moore Park Road and Fitzroy Street pop-up cycleway as a temporary cycleway until May 2026 or until a permanent cycleway on Oxford Street between Taylor Square and Centennial Park was built (whichever happened first);
 - (v) at that meeting, the Lord Mayor assured Council that the NSW Minister for Transport was committed to the cycleway on Oxford Street and would do all that she could to accelerate it;
 - (vi) the Moore Park Road cycleway is often closed or suspended by Transport for NSW during sporting and concert events at local venues. These closures have become more frequent since Venues NSW received an extension of the number of live performances from six to 20 per annum, increasing risk of injury for cyclists and impact on resident parking;
 - (vii) on 20 December 2023, Transport for NSW released the Oxford Street East Consultation Report, which confirms that Transport for NSW remains committed to the cycleway; and
 - (viii) Transport for NSW staff advise that the Oxford Street East cycleway project is unfunded at this stage and therefore construction timeframes are unknown;
- (B) Council reaffirm its commitment to remove the Moore Park Road and Fitzroy Street cycleways by 31 May 2026 or when the permanent Oxford Street Cycleway between Taylor Square and Centennial Park (constructed by the NSW Government) is operational, whichever comes first; and
- (C) the Lord Mayor be requested to write again to the Minister for Transport requesting a commitment to fund and accelerate the detailed design and construction of the Oxford Street East cycleway so that it is operational no later than the 31 May 2026.

The amendment was carried the following show of hands –

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

Noes (3) Councillors Gannon, Jarrett and Weldon.

Amendment carried.

The amended 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.

Amended motion carried.

X086653

Item 14.8 Lord Mayoral Styles and Titles

Moved by Councillor Weldon, seconded by Councillor Ellsmore -

It is resolved that:

- (A) Council note:
- (i) Australia is an independent sovereign and democratic nation;
 - (ii) imperial honours, titles and awards have been abolished at both the national and state levels;
 - (iii) as the level of government closest to the people, local government should be the least formal and most accessible of the three levels of government;
 - (iv) the titles Lord Mayor and Right Honourable Lord Mayor have no basis in Australian law and are titles granted by the British Monarch more than a century ago;
 - (v) the styles and titles of Lord Mayor and Right Honourable Lord Mayor are not consistent with the contemporary, multicultural egalitarian values of our local community; and
 - (vi) the ongoing review of the City of Sydney's symbols and emblems for anachronistic and or cultural inappropriateness;
- (B) the title of Lord Mayor of Sydney bestowed by the British Monarch be changed to Mayor of Sydney;
- (C) the Mayor of Sydney cease to have the style and title Right Honourable;
- (D) the Chief Executive Officer be requested to provide an urgent report on the steps required to be taken to give effect to (B) and (C);
- (E) the robes, chains, and other trappings of the Office of the Mayor of Sydney be included in the review of the City's symbols and emblems and revised to reflect that the Mayor works in service of, rather than as Lord or Master of, the local community;
- (F) the comprehensive review of the City's symbols, emblems and trappings be finalised prior to the end of the current term of Council; and
- (G) upon completion of the review, and within the current term, a report be provided to Council to guide decisions about what should be retained in the proposed newly styled Office of Mayor.

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

It is resolved that:

- (A) Council note:
- (i) Australia is an independent sovereign and democratic nation;
 - (ii) imperial honours, titles and awards have been abolished at both the national and state levels;
 - (iii) as the level of government closest to the people, local government should be the least formal and most accessible of the three levels of government;

- (iv) the titles Lord Mayor and Right Honourable Lord Mayor have no basis in Australian law and are titles granted by the British Monarch more than a century ago;
 - (v) the styles and titles of Lord Mayor and Right Honourable Lord Mayor are not consistent with the contemporary, multicultural egalitarian values of our local community; and
 - (vi) the ongoing review of the City of Sydney's symbols and emblems for anachronistic and or cultural inappropriateness;
 - (vii) notwithstanding the above:
 - (a) the title of Lord Mayor does not come with any additional powers or advantages, except for the recognition it brings to the reputation of the Council;
 - (b) all capital cities in Australia, as well as Wollongong, Parramatta and Newcastle in NSW, have a Lord Mayor, a title which recognises these cities as prominent areas for their culture, history and geography;
 - (c) all Lord Mayors are directly elected by their constituents, except for the Lord Mayor of Parramatta, who is elected by the City of Parramatta's Councillors every two years;
 - (d) Lord Mayors of capital cities are also members of the Council of Capital City Lord Mayors, which has been working for over 50 years to provide national leadership and a strong voice to advance the interests of our cities; and
 - (e) the Lord Mayoral robes have not been worn since the early 1990s and the Lord Mayoral chains, collar and Deputy Lord Mayor's collar have not been worn since 2019;
 - (viii) changing the title of the Lord Mayor of Sydney to the Mayor of Sydney requires Parliament to amend the City of Sydney Act 1988 and given the numerous other matters where the City of Sydney is seeking cooperation with and action from the NSW Government, there is little practical benefit to City of Sydney residents from seeking such an amendment;
 - (ix) given the widespread use of the term "Lord Mayor" by Australian cities, any change should be done in consultation with those cities and not unilaterally;
 - (x) the review of symbols and emblems is underway, with Aboriginal and Torres Strait Islander experts being invited, by an expressions of interest process, to review the emblems and symbols in Sydney Town Hall, as well as research into local and international examples of truth-telling projects in heritage buildings;
 - (xi) this work will contribute to an interpretation plan and strategy for consideration by Council; and
 - (xii) the Aboriginal and Torres Strait Islander Advisory Panel will be briefed at each stage of the development of this plan and strategy; and
- (B) the Chief Executive Officer be requested to report progress on the symbols and emblems review during the current term of Council.

The amendment 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.

Amendment carried.

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

The amended motion was carried the following show of hands –

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

Noes (2) Councillor Jarrett* and Weldon.

Amended motion carried.

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

X086653

Item 14.9 Bilingual Library Program Cuts in Darling Square

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

(A) Council note:

- (i) Rhymetime is an interactive library program that involves singing and rhymes, promoting early literacy development for children aged 0-2;
- (ii) Storytime is an interactive library program that involves storytelling, promoting social interaction and 'readiness' for school for children aged 3-5;
- (iii) the City of Sydney provides Mandarin bilingual Rhymetime and Storytime sessions at the Darling Square and Green Square libraries;
- (iv) the City of Sydney previously hosted both library programs at the Darling Square library. However, cuts were made to this program, changing sessions to monthly prior to the term starting on 7 February 2024; and
- (v) following the beginning of the term, changes noted on the City of Sydney website reinstated bilingual Rhymetime and Storytime at the Darling Square library back to weekly with no explanation; and

(B) the Chief Executive Officer be requested to:

- (i) allocate full funding for bilingual library sessions in the 2023/24 budget;
- (ii) guarantee no future cuts to current and future bilingual library programs; and
- (iii) provide advice to Councillors through investigating and preparing a report to Council in the CEO Update as to why the library cuts were made to the Mandarin bilingual library programs.

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

It is resolved that:

(A) Council note:

- (i) Rhymetime is an interactive library program that involves singing and rhymes, promoting early literacy development for children aged 0-2;
- (ii) Storytime is an interactive library program that involves storytelling, promoting social interaction and 'readiness' for school for children aged 3-5;
- (iii) the City of Sydney provides Mandarin bilingual Rhymetime and Storytime sessions at the Darling Square and Green Square libraries;
- (iv) City of Sydney staff continually review programs to deliver a range of events, activities and services that meet the needs of the community. Over the past 12 months, attendance at bilingual story time at Darling Square has been declining, and at the at the same time demand for children's programming increasing at our Green Square branch;

- (v) in response to changes in demand, staff planned to adjust programming on a trial basis, increasing the frequency of Rhymetime and Storytime in Green Square and reducing the frequency in Darling Square;
- (vi) these changes were listed on the City of Sydney website in late January, and the proposed revised program schedule linked in the City of Sydney library newsletter;
- (vii) based on community feedback, the City decided not to proceed with the trial before the beginning of the term and updated the City of Sydney website on 1 February to confirm that; and
- (viii) the City of Sydney continues to run weekly bilingual and English language Storytime and Rhymetime and sessions at Darling Square; and

(B) Council further note:

- (i) full funding for bilingual library sessions is allocated in the 2023/24 budget. \$150,500 is allocated for programming in libraries, which covers facilitators, stores and materials, licencing, marketing and translators, in addition to staff salaries; and
- (ii) adjustments to the timing of programs are occasionally made based on demand or as community interest changes.

The amendment was carried on the following show of hands –

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

Noes (3) Councillors Scott, Jarrett* and Weldon.

Amendment carried.

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

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

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

Noes (1) Councillor Jarrett*.

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

Amended motion carried.

X086655

Misrepresentation

During discussion of Item 14.9, Councillor Scott stated that she had been misrepresented in respect to comments made by Councillor Kok and clarified her position accordingly.

Councillor Kok withdrew a comment at the request of the Chair (the Lord Mayor).

Councillor Scott further stated that she had been misrepresented in respect to comments made by Councillor Worling and clarified her position accordingly.

Item 14.10 Integrity in Local Government – Lobbyist and Property Developer Register

Moved by Councillor Gannon, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council note:
- (i) the Independent Commission Against Corruption (ICAC) last year exposed three former local government councillors in South Sydney for engaging in serious corrupt conduct;
 - (ii) late last year, Operation Tolosa found that City of Canada Bay Council Mayor and others engaged in serious corrupt conduct between November 2015 and February 2019. Operation Tolosa reiterated the need for a lobbyist register in local government;
 - (iii) the NSW Local Government Act 1993 (the Act) contains the framework for regulating conduct, honesty, disclosures of interest, serious corrupt conduct and misconduct. Section 439 imposes a statutory duty on a councillor to “act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions”;
 - (iv) the Act also allows for the creation of a “model code” which sets out the minimum standards of conduct for council officials. Its purpose includes assisting officials to act in way that “enhances public confidence in local government”;
 - (v) as local government officials we play a crucial role in the decision-making process, not limited to property development, however in the Model Code and the Act the word lobbyist is not mentioned;
 - (vi) the Lobbying of Government Officials Act 2011 that is in place covers lobbyists, ensuring that lobbyists comply with ethical standards of conduct and other requirements set out in the Lobbyists Code. However, this Act does not apply to local government officials;
 - (vii) the rules for lobbying that the state and federal government face, must be the same rules applied to local governments. Recent ICAC findings support this; and
 - (viii) we, as councillors must lead the way in holding our own integrity to the high standard we want, and our community wants, by pushing for the same rules to be had across all three levels of government;
- (B) City of Sydney Councillors be required to publicly disclose their meetings with registered lobbyist and property developers in the same fashion as state and federal parliamentarians; and
- (C) the Chief Executive Officer be requested to write to the Office of Local Government NSW affirming the City’s support for increasing integrity in local government by adopting ICAC’s previous recommendations in relation to lobbyists.

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

That the motion be amended to read as follows -

It is resolved that:

(A) Council note:

- (i) the Independent Commission Against Corruption (ICAC) last year exposed three former local government councillors in South Sydney for engaging in serious corrupt conduct;
- (ii) late last year Operation Tolosa found that the City of Canada Bay Council Mayor and others engaged in serious corrupt conduct between November 2015 and February 2019. Operation Tolosa reiterated the need for a lobbyist register in local government;
- (iii) the NSW Local Government Act 1993 (the Act) contains the framework for regulating conduct, honesty, disclosures of interest, misconduct, and corruption. Section 439 imposes a statutory duty on a councillor to “act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions”;
- (iv) the Act also allows for the creation of a “model code” which sets out the minimum standards of conduct for council officials. Its purpose includes assisting officials to act in way that “enhances public confidence in local government”;
- (v) as local government officials we play a crucial role in the decision-making process, not limited to property development, however in the Model Code and the Act the word lobbyist is not mentioned;
- (vi) the Lobbying of Government Officials Act 2011 that is in place covers lobbyists, ensuring that lobbyists comply with ethical standards of conduct and other requirements set out in the Lobbyists Code. However, this Act does not apply to local government officials;
- (vii) the rules for lobbying that the state and federal government face, must be the same rules applied to local governments. Recent ICAC findings support this with Operations Dasha (2021), Eclipse (2021) and Witney (2022) specifically considering and making recommendations relating to corruption risks associated with the lobbying of councillors;
- (viii) on 22 August 2022, the Office of Local Government responded to ICAC’s findings by issuing a circular announcing it proposed to develop guidelines to enhance transparency around the lobbying of councillors and a model policy on lobbying to support councils to implement the guidelines, with the policy supplementing their codes of conduct;
- (ix) in the absence of such a policy, Councillors may, if they wish, voluntarily disclose their meetings with registered lobbyist and property developers using their own communications channels, such as personal websites, social media platforms or in correspondence with residents, ratepayers and other parties who seek this information; and

(B) the Chief Executive Officer be requested to write to the Office of Local Government expressing Council’s support for the development of the model policy and guidelines referred to in paragraph (A) (viii) and requesting an update on progress.

Note – At this stage of the meeting, the Chair (the Lord Mayor) moved to Item 14.12 on the agenda to allow for wording of a varied motion to be formulated. Following Item 14.12, consideration of Item 14.10 was resumed.

Variation. At the request of the Chair (the Lord Mayor), and by consent, the motion was varied, such that it read as follows –

It is resolved that:

(A) Council note:

- (i) the Independent Commission Against Corruption (ICAC) last year exposed three former local government councillors in South Sydney for engaging in serious corrupt conduct;
- (ii) late last year Operation Tolosa found that the City of Canada Bay Council Mayor and others engaged in serious corrupt conduct between November 2015 and February 2019. Operation Tolosa reiterated the need for a lobbyist register in local government;
- (iii) the NSW Local Government Act 1993 (the Act) contains the framework for regulating conduct, honesty, disclosures of interest, misconduct, and corruption. Section 439 imposes a statutory duty on a councillor to “act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions”;
- (iv) the Act also allows for the creation of a “model code” which sets out the minimum standards of conduct for council officials. Its purpose includes assisting officials to act in way that “enhances public confidence in local government”;
- (v) as local government officials we play a crucial role in the decision-making process, not limited to property development, however in the Model Code and the Act the word lobbyist is not mentioned;
- (vi) the Lobbying of Government Officials Act 2011 that is in place covers lobbyists, ensuring that lobbyists comply with ethical standards of conduct and other requirements set out in the Lobbyists Code. However, this Act does not apply to local government officials;
- (vii) the rules for lobbying that the state and federal government face, must be the same rules applied to local governments. Recent ICAC findings support this with Operations Dasha (2021), Eclipse (2021) and Witney (2022) specifically considering and making recommendations relating to corruption risks associated with the lobbying of councillors;
- (viii) on 22 August 2022, the Office of Local Government responded to ICAC’s findings by issuing a circular announcing it proposed to develop guidelines to enhance transparency around the lobbying of councillors and a model policy on lobbying to support councils to implement the guidelines, with the policy supplementing their codes of conduct; and
- (ix) we, as Councillors, must lead the way in holding our own integrity to the high standard we want, and our community wants, by pushing for the same rules to be had across all three levels of government;

- (B) the Chief Executive Officer be requested to develop a procedure by which City of Sydney Councillors be required to publicly disclose their meetings with registered lobbyists and property developers on the City's website in the same fashion as state parliamentarians and report back to Council with a process and timeline for commencing; and
- (C) the Chief Executive Officer be requested to write to the Office of Local Government expressing Council's support for the development of the model policy and guidelines referred to in paragraph (A) (viii) and requesting an update on progress.

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

X086658

Item 14.11 Vale Aunty Lillian Crombie

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

It is resolved that:

(A) Council note:

- (i) the recent passing of Lillian Crombie, known by many as Aunty Lillian;
- (ii) Aunty Lillian, a Pitjantjatjara/Yankunytjatjara woman, was a trailblazer for First Nations artists;
- (iii) a survivor of the stolen generations, Aunty Lillian was removed from her parents at the age of seven. She grew up in a loving home with foster parents in Port Pirie, South Australia;
- (iv) Aunty Lillian's early training at the Port Pirie ballet school led to further studies in dance and drama at the National Black Theatre in Redfern. She then joined the newly formed Aboriginal Islander Dance Theatre;
- (v) in the 1980s, Aunty Lillian joined the Sydney Mardi Gras to support the gay community during the HIV/AIDS pandemic, performing in mixed drag acts and at fundraising events;
- (vi) following further training at the National Institute of Dramatic Art (NIDA) and the Alvin Ailey American Dance Theatre in New York, Aunty Lillian commenced a distinguished career in theatre, television in Australia and abroad;
- (vii) in 2019, Aunty Lillian was recognised with a Lifetime Achievement Award by the Equity Foundation for her contribution to the arts;
- (viii) in 2020, Aunty Lillian established the Lillian Crombie School of Dance and Drama, holding a series of dance workshops for Aboriginal and Torres Strait Islander children in regional South Australia;
- (ix) in 2015, Aunty Lillian established the Lillian Crombie Foundation to support Indigenous families' travel needs for Sorry Business;
- (x) Aunty Lillian was a proud supporter of the Sydney Swans. She founded their First Nations supporters club, the Black Swans; and
- (xi) Aunty Lillian's warmth, humour and wit will be missed. She was a pioneer whose legacy will continue to pave the way for many other First Nations artists to achieve their dreams;

- (B) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Aunty Lillian; and
- (C) the Lord Mayor be requested to write to Aunty Lillian's family expressing Council's condolences.

Carried unanimously.

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

X086653

Item 14.12 Power to Require Affordable Housing be Built on Site by Developers

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) Sydney is one of the most expensive cities to live in the world; with Sydney housing now estimated to be the second most expensive in the world, after Hong Kong;
- (ii) despite the City of Sydney having one of the most comprehensive affordable housing strategies of any council in Australia, housing affordability in the Local Government Area (LGA) continues to go backwards, and is projected to worsen unless there are major changes:
 - (a) to how existing public, social and affordable housing is protected; and
 - (b) to the planning and funding systems which determine what kinds of new housing is built, and whether any of it is public, community, affordable, or otherwise accessible to people on low and middle incomes;
- (iii) the NSW Government largely controls whether and how local councils can require affordable housing to be built in new developments;
- (iv) the City of Sydney has provisions in its Sydney Local Environment Plan 2012 (Sydney LEP), and the LEPs that apply to the Green Square Town Centre, which allow an affordable housing levy to be imposed on development. This is one per cent of floor space for non-residential development, and three per cent of floor space for residential development;
- (v) the provisions in the local environment plans give developers the choice to meet their affordable housing contribution requirements by dedicating built housing or making a monetary contribution; and
- (vi) monetary affordable housing contributions paid by developers are passed to community housing providers to build or buy new, permanent affordable housing within the Local Government Area;

(B) Council further note:

- (i) to date, only one Voluntary Planning Agreement has been entered into, in which a developer has committed to deliver their affordable housing contributions in the form of housing – that is, to build affordable housing on site;
- (ii) the City has entered into other Voluntary Planning Agreements for affordable housing delivery at Harold Park (land only) and on Bay Street, Glebe (now built housing), however this housing was not associated with any requirement in the LEPs at that time;
- (iii) in 2023, Meriton made a commitment to the community and to Council that it would build an affordable housing building on site, at 118-130 Epsom Road and 905 South Dowling Street, Zetland in partial satisfaction of the affordable housing requirement under the LEP; and

- (iv) after the Council approved the planning proposal to rezone the Suttons site, on the condition that a Voluntary Planning Agreement would be entered into to deliver affordable housing on site, Meriton withdrew its offer, and advised it won't be building any affordable housing; and
 - (v) Council cannot require the developer to deliver affordable housing on site, under the City's current planning rules; and
- (C) the Chief Executive Officer be requested to:
- (i) as a priority, draft a planning proposal to amend the City of Sydney's Local Environment Plan 2012, and related documents as needed, to give the City of Sydney the ability to require that affordable housing contributions be delivered in the form of land or buildings on site, in appropriate developments; and
 - (ii) provide advice to Council as to stakeholders and others which the Council should seek advice, or otherwise consult with, about the proposed changes.

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 Weldon –

It is resolved that:

- (A) Council note:
- (i) Sydney is one of the most expensive cities to live in the world; with Sydney housing now estimated to be the second most expensive in the world, after Hong Kong;
 - (ii) despite the City of Sydney having one of the longest running and more comprehensive affordable housing strategies of any council in Australia, housing affordability in the Local Government Area (LGA) continues to go backwards, and is projected to worsen unless there are major changes:
 - (a) to how existing public, social and affordable housing is protected;
 - (b) to the planning and funding systems which determine what kinds of new housing is built, and whether any of it is public, community, affordable, or otherwise accessible to people on low and middle incomes; and
 - (c) the City's planning rules to ensure the delivery of affordable housing;
 - (iii) Council is not on track to meet its affordable housing targets and the percentage of social (that is, permanent public, affordable and community housing) is going backwards – down from 8.0 per cent in June 2021 to 7.9 per cent in June 2023, and projected to continue to go backwards as the City grows;
 - (iv) the NSW Government largely controls whether and how local councils can require affordable housing to be built in new developments;
 - (v) the City of Sydney has provisions in its Local Environment Plan which allow an affordable housing levy to be imposed on development. This is generally one per cent of floor space for non-residential development, and three per cent of floor space for residential development; and

- (vi) affordable housing contributions from developers are collected by the council and passed on to housing providers to build or buy new, permanent affordable or social housing within the Local Government Area;
- (B) Council further note:
- (i) the provisions in the City of Sydney Local Environmental Plan 2012 give developers the choice to pay out their affordable housing contributions in the form of cash or land / property;
 - (ii) to date, only one Voluntary Planning Agreement has been entered into, which has committed a developer to deliver their affordable housing contributions in the form of housing – that is, to build affordable housing on site;
 - (iii) in 2023, Meriton made a commitment to the community and to Council that it would include affordable housing building on site at the old Sutton’s car site, at 118-130 Epsom Road and 905 South Dowling Street, Zetland;
 - (iv) after the Council approved the planning proposal to rezone the Suttons site, on the condition that a Voluntary Planning Agreement would be entered into to deliver affordable housing on site, Meriton dropped out of the agreement, and advised it won’t be building any affordable housing; and
 - (v) Council cannot require the developer to deliver affordable housing on site, under the City’s current planning rules; and
- (C) the Chief Executive Officer be requested to, as a priority, draft a planning proposal to amend the City of Sydney’s Local Environment Plan 2012, and related documents as needed, to give the City of Sydney the ability to require that affordable housing contributions be delivered in the form of land or buildings on site, in appropriate developments.

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

It is resolved that:

- (A) Council note:
- (i) Sydney is one of the most expensive cities to live in the world; with Sydney housing now estimated to be the second most expensive in the world, after Hong Kong;
 - (ii) despite the City of Sydney having one of the longest running and most comprehensive affordable housing strategies of any council in Australia, housing affordability in the Local Government Area (LGA) is projected to worsen unless there are major changes:
 - (a) to how existing public, social and affordable housing is protected; and
 - (b) to the planning and funding systems which determine what kinds of new housing is built, and whether any of it is public, community, affordable, or otherwise accessible to people on low and middle incomes;
 - (iii) the NSW Government largely controls whether and how local councils can require affordable housing to be built in new developments;
 - (iv) the City of Sydney has provisions in its Sydney Local Environment Plan 2012 (Sydney LEP), and the LEPs that apply to Green Square Town Centre, which allow an affordable housing levy to be imposed on development. This is one per cent of floor space for non-residential development, and three per cent of floor space for residential development;

- (v) the provisions in the local environmental plans give developers the choice to meet their affordable housing contribution requirements by dedicating built housing or making a monetary contribution;
 - (vi) monetary affordable housing contributions paid by developers are passed to community housing providers to build or buy new, permanent affordable housing within the Local Government Area;
 - (vii) the City is on track to contribute to 5,213 Affordable and diverse housing dwellings in our area (in perpetuity) by 2036; and
 - (vii) to June 2023, the City has contributed to 3,263 Affordable Housing dwellings, either built, in the pipeline or expected, including:
 - (a) 1,429 dwellings from \$399 million in levies,
 - (b) 238 dwellings from \$24 million in subsidised City-owned land sales,
 - (c) 483 dwellings from \$10 million in City grants to not-for-profit housing providers from our Affordable and Diverse Housing Fund; and
 - (d) 1,113 dwellings through Voluntary Planning Agreements and our planning controls and by other means;
- (B) Council further note:
- (i) to date, only one Voluntary Planning Agreement has been entered into, in which a developer has committed to deliver their affordable housing contributions in the form of housing – that is, to build affordable housing on site;
 - (ii) the City has entered into other Voluntary Planning Agreements for affordable housing delivery at Harold Park (land only) and on Bay Street, Glebe (now built housing), however this housing was not associated with any requirement in the LEPs at that time;
 - (iii) in 2023, Meriton made a commitment to the community and to Council that it would build an affordable housing building on site, at 118-130 Epsom Road and 905 South Dowling Street, Zetland in partial satisfaction of the affordable housing requirement under the LEP;
 - (iv) Council approved the planning proposal to rezone the Suttons site, subject to Meriton's last minute offer to deliver affordable housing on site. Meriton later withdrew its offer, and advised it won't be building any affordable housing, and instead will provide a financial affordable housing contribution, estimated to be \$29 million; and
 - (v) Council cannot require the developer to deliver affordable housing on site, under the City's current planning rules;
- (C) in June 2023, Council resolved to request the Chief Executive Officer to review the City's Affordable Housing contribution rates, including what changes could deliver more Affordable Housing in our area such as rate increases, changes to City policies, planning controls and rezoning proposals. Staff have commenced this review; and

(D) the Chief Executive Officer be requested to:

- (i) as a priority, report back on the findings of the City's review and advise Council of options, including drafting a planning proposal to amend the City of Sydney's Local Environment Plan 2012, and related documents as needed, to give the City of Sydney the ability to require that affordable housing contributions be delivered in the form of land or buildings on site, in appropriate developments; and
- (ii) provide advice to Council as to stakeholders and others which the Council should seek advice, or otherwise consult with, about the proposed changes including Community Housing Providers.

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.

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) Councillors Gannon and Jarrett.

Amended motion carried.

X086659

Misrepresentation

During discussion of Item 14.12, Councillor Chan stated that he had been misrepresented in respect to comments made by Councillor Scott and clarified his position accordingly.

Item 14.13 Support for the Settlement's After School and Holiday Programs

Moved by Councillor Weldon, seconded by Councillor Ellsmore -

It is resolved that:

(A) Council note:

- (i) the Sydney University Settlement Neighbourhood Centre, known locally as the Settlement, has been a part of the fabric of the Redfern/Waterloo community for more than 130 years;
- (ii) the Settlement serves as a safe and welcoming place for local community to 'drop-in' to connect and access a range of services and programs;
- (iii) the Settlement has a multi-generation connection with the local Aboriginal community. Ninety per cent of the community that access the Settlement are Aboriginal. A majority of the Settlement's team are Aboriginal and many have grown up in the local area;
- (iv) the Settlement's programs for children and families are particularly significant. The Settlement provides after school and holiday care with a school pick up and home drop off service. The program incorporates learning and play with activities including cooking, swimming, tennis, basketball, homework help, art, music and dancing;
- (v) many local parents working full-time rely on the Settlement to provide a safe and nurturing environment for their children; and
- (vi) the Settlement's valued after school care and holiday programs are no longer fully funded, and the continuation of these programs is uncertain;

(B) the Lord Mayor be requested to write to relevant NSW Government Ministers, highlighting the significance of the Settlement's programs for the local community and requesting funding to ensure the continuation of their after school and holiday programs; and

(C) the Chief Executive Officer be requested to investigate opportunities for the City of Sydney to provide interim support to ensure the continuation of the Settlement's after school and holiday programs.

Carried unanimously.

X086653

At 9.46 pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on Monday 11 March 2024 at which
meeting the signature herein was subscribed.