

19 February 2024

At 5.00 pm

**Council**

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## Agenda

1. **Confirmation of Minutes**
2. **Statement of Ethical Obligations and Disclosures of Interest**
3. **Minutes by the Lord Mayor**
  - 3.1 Vale Dr Lowitja O'Donoghue AC CBE DSG
  - 3.2 Vale Steve Ostrow OAM
  - 3.3 Progressing Action on Safety for Our LGBTIQ+ Communities
  - 3.4 Monica Barone - Public Service Medal Award
4. **Memoranda by the Chief Executive Officer**
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
  - 6.1 Confirmation of Minutes
  - 6.2 Statement of Ethical Obligations and Disclosures of Interest
  - 6.3 2023/24 Quarter 2 Review – Delivery Program 2022-2026
  - 6.4 Investments Held as at 31 December 2023
  - 6.5 Investments Held as at 31 January 2024
  - 6.6 Land Classification - 4B Huntley Street, Alexandria
  - 6.7 Proposed Land Classification - Proposed Lots 5 and 7, 2-38 Baptist Street and 397-399 Cleveland Street, Redfern
  - 6.8 Proposed Land Classification – 2A Reed Street and 1A Tung Hop Street, Waterloo
  - 6.9 Proposed Land Classification – 13 George Julius Avenue, Zetland

## Agenda

### 7. Report of the Environment Committee

- 7.1 Confirmation of Minutes
- 7.2 Statement of Ethical Obligations and Disclosures of Interest
- 7.3 Project Scope - Robyn Kemmis Reserve Renewal, Glebe
- 7.4 Project Scope - Minogue Reserve and Playground, Glebe

### 8. Report of the Resilient Communities and Economy Committee

- 8.1 Confirmation of Minutes
- 8.2 Statement of Ethical Obligations and Disclosures of Interest
- 8.3 Grants and Sponsorship - Dixon Street Improvement Grant Guidelines and Haymarket Activation Grant Guidelines
- 8.4 Grants and Sponsorship - Aboriginal and Torres Strait Islander Collaboration Fund

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

- 9.1 Confirmation of Minutes
- 9.2 Statement of Ethical Obligations and Disclosures of Interest
- 9.3 Public Exhibition - A City for Walking: Strategy and Action Plan – Continuing the Vision
- 9.4 Post Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - Sydney Local Environmental Plan 2012 Amendment
- 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
- 9.6 Traffic Treatment - Proposed Closure to Vehicular Traffic - Grafton Lane, Chippendale
- 9.7 Adoption - Compliance Policy and Prosecution and Civil Enforcement Policy

## Agenda

- 9.8 Fire Safety Reports
- 10. Local Planning Panel - Appointment of Interim Chairs**
- 11. Submission - NSW Government - Changes to Create Low and Mid-Rise Housing**
- 12. Questions on Notice**
- 13. Supplementary Answers to Previous Questions**
- 14. Notices of Motion**
  - 14.1 Vale Bill Granger
  - 14.2 Vale Lillian Crombie
  - 14.3 Acknowledging the 40th Anniversary of the Bobby Goldsmith Foundation
  - 14.4 Congratulating City of Sydney CEO, Monica Barone PSM, on the Award of her Public Service Medal
  - 14.5 Extension of No Fee for Hiring Community Spaces
  - 14.6 Action on Vaping in the City of Sydney
  - 14.7 Moore Park Road Temporary Cycleway Safety Issues and Timetable for Removal
  - 14.8 Lord Mayoral Styles and Titles
  - 14.9 Bilingual Library Program Cuts in Darling Square
  - 14.10 Integrity in Local Government – Lobbyist and Property Developer Register
  - 14.11 Vale Aunty Lillian Crombie
  - 14.12 Power to Require Affordable Housing be Built on Site by Developers
  - 14.13 Support for the Settlement's After School and Holiday Programs

## **Item 1**

### **Confirmation of Minutes**

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

Meeting of 11 December 2023

## Item 2

### **Statement of Ethical Obligations**

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

### **Disclosures of Interest**

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

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

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

**Item 3.1****Vale Dr Lowitja O'Donoghue AC CBE DSG****File No: S051491****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



## Item 3.2

### Vale Steve Ostrow OAM

File No: S051491

#### 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 Devine 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

**Item 3.3**

**Progressing Action on Safety for Our LGBTIQ+ Communities**

Document to Follow

**Item 3.4****Monica Barone - Public Service Medal Award****File No: S051491****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

**Item 4**

**Memoranda by the Chief Executive Officer**

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

## **Item 5**

### **Matters for Tabling**

#### **5.1 Disclosures of Interest**

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

#### **Recommendation**

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

**Item 6**

**Report of the Corporate, Finance, Properties and Tenders Committee - 12 February 2024**

**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 recommends the following:

### Item 6.3

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

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.

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

X094861

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

**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.

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

X020701

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

**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.

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

X020701

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

**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).

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

X097253.011

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

### **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.

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

X101723.005

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

### **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.

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

X101724.005

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

## 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.

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

X101722.005



**Item 7**

**Report of the Environment Committee - 12 February 2024**

**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 recommends the following:

### **Item 7.3**

#### **Project Scope - Robyn Kemmis Reserve Renewal, Glebe**

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.

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

7090842.002

The Environment Committee recommends the following:

**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.

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

7083637.002

**Item 8**

**Report of the Resilient Communities and Economy Committee - 12 February 2024**

**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 recommends 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.

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

The Resilient Communities and Economy Committee recommends the following:

#### **Item 8.4**

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

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.

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

S117676



**Item 9**

**Report of the Transport, Heritage and Planning Committee - 12 February 2024**

**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 recommends 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.

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

The Transport, Heritage and Planning Committee recommends the following:

#### **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.

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

X098658

The Transport, Heritage and Planning Committee recommends the following:

### **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**

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.

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

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

Noes (3) Councillors Ellsmore, Scott and Weldon.

Carried.)

X087876

**Speakers**

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

The Transport, Heritage and Planning Committee recommends the following:

**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.

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

X039457.178

The Transport, Heritage and Planning Committee recommends the following:

**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.

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

X098706



The Transport, Heritage and Planning Committee recommends the following:

## 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.

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

## Item 10

### Local Planning Panel - Appointment of Interim Chairs

**File No:** X102821

#### Summary

The City of Sydney Local Planning Panel (LPP) has been operating since 1 March 2018. When meeting to determine development applications, a Local Planning Panel consists of four members: a chair, two expert members and one community representative.

On 20 November 2023, Council endorsed the appointment of expert members and community representatives for three-year terms to create pools of expert members and community representatives to attend Local Planning Panel meetings.

The appointment of the chair and alternate chairs is a matter for the Minister for Planning and Public Spaces. Council has previously endorsed the Minister's appointed Chairs in 2018 and 2021.

On 23 January 2024, the City of Sydney (the City) was provided with a Direction dated 22 January 2024 (under section 9.1 Directions by the Minister) requiring councils to reappoint chairs for an interim period to 30 June 2024. The Direction requires that the interim appointments must be completed by 28 February 2024.

In accordance with Schedule 2, Part 11 (6) of the Environmental Planning and Assessment Act 1979, a member of a local planning panel may not hold office as a member of that panel for more than six years in total. Two of the City's current chairs (Abigail Goldberg and Steven Layman) will have sat on the City's Panel for six years at 28 February 2024 and therefore cannot be considered for an interim appointment.

Previous chair Richard Pearson (2018-2021) is eligible and is recommended for interim appointment as chair. Richard was chair of the City's Local Planning Panel from 2018-2021.

Current alternate chair Linda Pearson (2021-2024) remains eligible and is recommended for interim appointment as alternate chair. Linda has been an alternate chair on the City's Panel since 2022.

Jan Murrell is eligible as a member of the Minister's pool of local planning panel chairs and is recommended for interim appointment as alternate chair. Jan has been chair of the North Sydney panel for six years.

Information on the recommended Local Planning Panel interim chairs is provided at Attachment B.

## Recommendation

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.

## Attachments

- Attachment A.** Local Planning Panels Direction - Interim Appointment of Members
- Attachment B.** Local Planning Panel Chairs Shortlist - Curricula Vitae (Confidential)
- Attachment C.** Local Planning Panels Pool of Chairs Approved by the Minister (Confidential)

## Background

1. The independent City of Sydney Local Planning Panel (LPP) has been operating since 1 March 2018.
2. The City of Sydney Local Planning Panel operates in accordance with the NSW Government's [Local Planning Panels Code of Conduct](#) and the [City of Sydney's Local Planning Panel Operational Procedures](#).
3. When meeting to determine development applications, a Local Planning Panel consists of four members being:
  - (a) a chair;
  - (b) two expert members; and
  - (c) one community representative.
4. On 20 November 2023, Council endorsed the appointment of expert members and community representatives as follows:
  - (a) Paul Berkemeier, Tony Caro, Helena Miller and Penny Murray (expert members reappointed until 8 April 2025);
  - (b) Megan Jones, Brendan Randles, Marcus Trimble and Annelise Tuor, Melonie Bayl-Smith, John Bilmon, Michael Harrison, Vanessa Holtham, Jocelyn Jackson and Stephen Pearse (expert members appointed until 31 January 2027); and
  - (c) Julie Armour, Jayden Bregu, Peter Tzannes and Judy MacGraw (community representatives appointed until 31 January 2027).

## Local Planning Panel Direction - Appointment of Interim Members

5. On 23 January 2024, the City was provided with a section 9.1 Local Planning Panel Direction dated 22 January 2024.
6. The objective of the Direction is to extend the approval of chair and member pools and appoint existing chairs and members to local planning panels for an interim period from 28 February 2024 to 30 June 2024.
7. The Department of Planning, Housing and Infrastructure has advised that they have commenced a recruitment process for 2024 chairs and expert members. Once the recruitment is finalised the new term will commence on 1 July 2024.
8. It is noted that Council endorsed the appointment and reappointment of expert members on 20 November 2023. Should any expert member appointed by Council no longer be part of the expert member pool, their term will end on 30 June 2024.
9. The appointment of community representatives is not impacted by the section 9.1 Local Planning Panel Direction of 22 January 2024.

## Appointment of Interim Chairs

10. In accordance with Schedule 2, Part 11 (6) of the Environmental Planning and Assessment Act 1979 a member of a local planning panel may not hold office as a member of that panel for more than six years in total.

11. Two of the City's current chairs (Abigail Goldberg, Chair and Steven Layman, alternate Chair) will have been members of the City's Panel for six years at 28 February 2024 and therefore cannot be considered for an interim appointment. Where any panel member has served six years the Minister's Direction directs councils to appoint interim chairs from an approved pool.
12. The Direction is a departure from the previous practice where the Minister appointed Local Planning Panel chairs to each Panel and Council was required to endorse the chairs appointed by the Minister.
13. Council has previously endorsed the Minister's appointed chairs in 2018 and 2021.
14. To maintain the efficient operation of the Panel, three panel chairs are recommended for the interim period given the high number of applications reported to the panel and to the need to manage potential conflicts. The City's Panel has operated with a chair and two alternate chairs since its inception.
15. The approved pool of Panel chairs provided by the Department lists 62 potential candidates and states their expertise and their current chair appointments where applicable. A copy of the list is provided at Attachment C.
16. From the list of 62 a shortlist of seven potential chairs was developed and their curricula vitae are shown at Attachment B. Of these, three candidates are recommended with consideration given to the following:
  - (a) expertise in planning, law, government, and public administration;
  - (b) experience as chair in the operation and practices of the City's Panel and experience in a challenging high density city environment;
  - (c) roles and client base that would minimise potential conflicts. For example, there is a higher likelihood for conflicts to arise for planning consultants working in consultancy firms with a client base within the City who regularly act for development applications and planning proposals within the City; and
  - (d) their agreement to be considered for a chair role for the City's Panel during the interim period.
17. Previous Chair Richard Pearson (2018-2021) is eligible and is recommended for interim appointment as chair. Richard's experience relative to the chair role includes:
  - (a) current member of Independent Planning Commission since August 2023;
  - (b) Chair of City of Sydney Local Planning Panel and alternate Chair of The Hills Local Planning Panel determining contentious and sensitive development applications (2018-2021);
  - (c) director of town planning consultancy providing strategic, policy, rezoning, development and local government reform advice to State Government and councils; and
  - (d) administrator, Inner West Council (2016-2017).

18. Current alternate Chair Linda Pearson (2021-2024) remains eligible and is recommended for interim appointment as alternate chair. Linda's experience relative to the Chair role includes:
  - (a) City of Sydney Local Planning Panel alternate Chair 2021 to present;
  - (b) Civil and Administrative Tribunal of New South Wales 2016 to present;
  - (c) Principal Member – Appeal Panel; Consumer and Commercial Division (2016-2018), Administrative and Equal Opportunity and Occupational Divisions (2018-); and
  - (d) 2009-2016: Land and Environment Court of New South Wales Commissioner – Hearing and determining merit appeals, conciliation, mediation.
  
19. Jan Murrell is eligible as a member of the Minister's pool of local planning panel chairs and is recommended for interim appointment as alternate chair:
  - (a) current Chair of North Sydney Local Planning Panel and Bayside City Local Planning Panel;
  - (b) alternate Chair of Strathfield and Canterbury/Bankstown Local Planning Panels;
  - (c) expert member on other local planning panels including Waverley; Sutherland; Inner-West; and Sutherland;
  - (d) state member on Sydney Eastern Planning Panel appointed in 2020 and alternate state member on other regional panels;
  - (e) Land and Environment Court of New South Wales full time Commissioner for 14 years (1998–2012); and
  - (f) Liverpool City Council (1995-1998) Corporate Manager Built Environment.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

20. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
  - (a) Direction 1 - Responsible governance and stewardship - the operation of the Local Planning Panel is a collaboration between City staff, applicants, objectors, independent members and the NSW Government.
  - (b) Direction 4 - Design excellence and sustainable development - the Local Planning Panel determines development applications and reviews conditions of consent which provide for sustainability, renewal and design excellence.
  - (c) Direction 10 - Housing for all - the Local Planning Panel determines development applications which contribute to housing diversity and good design.

**Organisational Impact**

21. City staff provide secretariat and operational support to the Local Planning Panel.

**Risks**

22. If interim chairs are not appointed by 28 February 2024, the Local Planning Panel may not be able to meet and determine development applications.

**Financial Implications**

23. Local Planning Panel remuneration is based on meeting attendance.
24. Remuneration rates of chairs is \$2,000 plus GST per meeting.
25. There are sufficient funds available in the 2023/24 operating budget and future years' forward estimates for the operation of the City of Sydney Local Planning Panel.

**Relevant Legislation**

26. Environmental Planning and Assessment Act 1979.
27. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information of a personal nature concerning individuals other than councillors.
28. Attachments B and C contain confidential personal information concerning particular individuals other than councillors.

**Critical Dates / Time Frames**

29. In accordance with the Local Planning Panel Direction, interim chairs must be appointed by 28 February 2024.

**GRAHAM JAHN AM**

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

# **Attachment A**

**Local Planning Panels Direction  
Interim Appointment of Members**



## LOCAL PLANNING PANELS DIRECTION – INTERIM APPOINTMENT OF MEMBERS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*



The Hon. Paul Scully MP  
Minister for Planning & Public Spaces

Dated: 22/1/24

### Objective

The objective of this direction is to extend the approval of chair and member pools and appoint existing chairs and members of local planning panels for an interim period from 28 February 2024 to 30 June 2024.

### Application

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

#### 1. Direction 1 Continuation of the pools dated 28 February 2021 until 30 June 2024

- 1.1 A council to whom this direction applies must note that the chair/alternate chair pool dated 28 February 2021 is approved until 30 June 2024.
- 1.2 A council to whom this direction applies must note that the expert member pool dated 28 February 2021 is approved until 30 June 2024.

#### 2. Direction 2 Interim appointment from the pool dated 28 February 2021

- 2.1 A council to whom this direction applies is to appoint a new or reappoint the current chair/alternate chair to a local planning panel for the period covering 28 February 2024 to 30 June 2024.
- 2.2 A council to whom this direction applies is to appoint a new or current panel member to a local planning panel for the period covering 28 February 2024 to 30 June 2024.
- 2.3 Any panel member who has served two terms on a specific local planning panel cannot be reappointed, this includes community representatives. In this case, a council to whom this direction applies must appoint a new panel member from the approved pool.
- 2.4 During this interim appointment period a council is permitted to have a reduced number of panel members in their approved pool, that is less than the 15 independent expert members and alternate members (see Local Planning Panels Direction – Appointment of New Members dated 7 December 2022).

### 3. Direction 3 Appointment of members

3.1 A council to whom this direction applies is to require in their letter of appointment or reappointment of any new or current panel member, that the proposed member agree to abide by the *Code of Conduct for Local Planning Panel Members*, in their acceptance of appointment to the local planning panel. The **Code of Conduct for Local Planning Panel Members** is the code approved by the Minister for Planning under section 28 of Schedule 2 to the Act.

3.2 Before appointing community representatives to a panel, a council must require proposed representatives to complete a statutory declaration stating that they are not:

- a) a councillor of that or any other council, or
- b) a property developer within the meaning of section 53 of the *Electoral Funding Act 2018*, or
- c) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.

**Note:** these are grounds for ineligibility for membership of a local planning panel under section 2.18 of the Act.

3.3 Before appointing community representatives to a panel, a council must also arrange probity checks for the proposed representatives which must include (but are not limited to):

- a. Search of the Public Register of real estate agents
- b. Bankruptcy Register Search
- c. A Nationally Coordinated Criminal History Check

This direction takes effect on 28 February 2024

CONFIDENTIAL

By virtue of the Local Government Act 1993 Section 10A Paragraph 2

Document is Restricted

CONFIDENTIAL

By virtue of the Local Government Act 1993 Section 10A Paragraph 2

Document is Restricted

**Item 11**

**Submission – NSW Government – Changes to Create Low and Mid-Rise Housing**

Document to Follow

## Item 12

### Questions on Notice

#### 1. Asbestos in City Parks

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) notifying the City?
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 12 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 parks or contacting the NSW EPA?

X086668

#### 2. Bilingual Library Cuts

By Councillor Scott

##### Question

1. Why were there cuts made to the Darling Square Library Mandarin bilingual Rhymetime programs, changing it from weekly to monthly?
2. At what point was it reversed back to weekly?
3. Why were Councillors not informed about this?

X086668

## **Item 13**

### **Supplementary Answers to Previous Questions**

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

## Item 14.1

### Notices of Motion

#### Vale Bill Granger

By Councillor Worling

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 café 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 cafés 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.

X099886

## Item 14.2

### Notices of Motion

#### Vale Lillian Crombie

By Councillor Davis

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.

X086660

## Item 14.3

### Notices of Motion

#### Acknowledging the 40th Anniversary of the Bobby Goldsmith Foundation

By Councillor Worling

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.

X099886

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

By Councillor Scott

It is resolved that:

(A) Council note:

- (i) on 25 January 2024, City of Sydney 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 in the local government sector;
- (iii) Ms Barone has been Chief Executive Officer of the City of Sydney since 2006, managing close to 2,000 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 congratulates the Chief Executive Officer Monica Barone on her monumental and well-deserving public service achievement.

X086655

## Item 14.5

### Notices of Motion

#### 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.

X086655

## Item 14.6

### Notices of Motion

#### Action on Vaping in the City of Sydney

By Councillor Worling

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.

X099886

**Item 14.7****Notices of Motion****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.

X086653

## Item 14.8

### Notices of Motion

#### Lord Mayoral Styles and Titles

By Councillor Weldon

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.

X086653

**Item 14.9****Notices of Motion****Bilingual Library Program Cuts in Darling Square**

By Councillor Scott

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.

X086655

**Item 14.10****Notices of Motion**

By Councillor Gannon

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.

X086658

**Item 14.11****Notices of Motion****Vale Aunty Lillian Crombie**

By Councillor Weldon

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.

X086653



**Item 14.12****Notices of Motion****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.

X086659

**Item 14.13****Notices of Motion****Support for the Settlement's After School and Holiday Programs**

By Councillor Weldon

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.

X086653