

Council

Meeting No 4

Monday 8 April 2024

Notice No 4/1662

Notice Date 4 April 2024

minutes

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Present

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

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

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

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

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

Hybrid Meeting Arrangement

The Chair (the Lord Mayor) advised that Councillor Davis was attending the meeting of Council remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

Acknowledgement of Country and Opening Prayer

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

Webcasting Statement

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

Order of Business

Council agreed that the order of business be altered such that Item 3.5 be deferred and considered after Item 13.8.

Councillor Jarrett left the meeting of Council at 8.16pm, prior to discussion on Item 3.5, which had been deferred for consideration following Item 13.8. Councillor Jarrett was not present at, or in sight of, the meeting of Council during discussion or voting on Item 3.5. She did not return to the meeting of Council.

Closed Meeting

At 8.18pm, Council resolved to close the meeting to the public to consider Item 3.5.

Open Meeting

At 8.37pm, the meeting of Council was re-opened to the public.

Item 1 Confirmation of Minutes

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

That the Minutes of the meeting of Council of Monday, 11 March 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2 Statement of Ethical Obligations and Disclosures of Interest

Statement of Ethical Obligations

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

Disclosures of Interest

Councillor Shauna Jarrett disclosed a significant, non-pecuniary disclosure in Item 3.5 on the agenda, in that her husband, the Hon. Greg Pearce, holds a position on the Statutory and Other Officers Remuneration Tribunal which determines the annual increase in the Chief Executive Officer's salary.

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

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Items 13.4 and 13.8 on the agenda, in that she is the President of the Australian Local Government Association (ALGA). Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there will be no decisions required relating to ALGA, rather noting information.

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

Item 3 Minutes by the Lord Mayor**Item 3.1 Vale Brian Delaney****Minute by the Lord Mayor**

To Council:

I wish to inform Council of the passing of Brian Delaney, a long time City of Sydney resident and community member, on 13 February 2024.

Brian was born in Redfern and lived most of his life in inner-city Sydney. He played for the former Newtown Australian Football Club, known as the Newtown Angels in the 1950s. Newtown was a foundation member of the NSW Australian Football League and played in the red and white of South Melbourne, now the Sydney Swans. Brian represented NSW at matches in Melbourne.

Apart from football, Brian had a rather checkered life until he met his wife Carole Twist in 1973 while living on the Glebe Estate.

In 1990, he moved to Pyrmont and became an early volunteer with Pyrmont Cares. Alongside Peter De Voy and John Hoff, Brian collected furniture and white goods in his ute, which were passed onto people who needed them. Brian helped Carole pick up donated goods to sell at the Mustard Seed Church and Op Shop in Ultimo, which she managed for 12 years.

A cheerful and friendly person, he took people to doctor's appointments and helped them with their shopping.

Over the last six years, he reduced his activities due to illness, but he kept in touch with his friends. After he passed, the monthly Pyrmont Community dinner remembered him with a minute's silence.

Brian will be greatly missed by his family and friends, and he lives on in the memory of the Pyrmont community, particularly when his favourite song, "On the Sunny Side of the Street" is played.

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Brian Delaney and his contribution to the Pymont community;
- (B) Council express its condolences to Brian's many friends and the Pymont community; and
- (C) the Lord Mayor be requested to write to Brian's wife, Carole Twist, to express Council's condolences.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

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

Item 3.2 Vale Chris Thomas

Minute by the Lord Mayor

To Council:

We were saddened to learn of the passing of Chris Thomas, Landscape Architect, Architect and Urban Designer and colleague on 20 March 2024, survived by his wife Patricia and children Jake, Hannah and Noah.

Chris graduated from the University of NSW with an honours degree in Landscape Architecture in 1984 and later obtained an honours degree in Architecture in 1997.

From 1985 to 1996, he worked in various roles as a Landscape Architect and Urban Designer for firms such as Ken Maher and Partners and London's Building Design Partnership. During this time, he first worked on an upgrade of George Street in The Rocks, which was awarded an Australian Institute of Architects Urban Design Award.

From 1996 to 2002, Chris was an associate at HASSELL, where he continued to work on public projects. He was involved in the design of Victoria, Tote and Joynton Parks in Zetland which won a long list of design awards. He also worked on other projects during this time, including Dixon Street in Haymarket, and Chifley Plaza in the City Centre – both award-winning projects.

In 2002, the City was pleased to recruit Chris to our City Projects division where he led the design studio. From there, over the next 22 years, Chris guided a complex portfolio of building and landscape projects and oversaw large teams of designers, but to quote one of them, they felt more like “a band of friends, on adventure to solve the riddles of our city”.

Chris contributed to almost 50 of the City's award-winning projects. There are too many to list here, but his mark will forever be left in the City's fabric through the public projects he worked on. From buildings such as Redfern Oval and Grandstand, Prince Alfred Park Pool, Eternity Playhouse, Juanita Nielsen Centre and Green Square Library, to our public open spaces like the Glebe Foreshore, Pirrama Park, Rushcutters Bay and Paddington Reservoir Gardens – we are grateful for Chris' dedication.

Chris' colleagues estimate that over his career, he was associated with projects which won over 99 Institute Awards and 220 Industry Awards. For Chris, such accolades were a mere by-product - he focused his professional career on design outcomes for others. His colleagues say he was a designer and a leader without ego, who was never distracted from the public purpose of public projects.

As its meeting on 28 March 2024, the City's Design Advisory Panel paid tribute to Chris' commitment to the public domain as well as the legacy he leaves in those projects and the expertise he has passed on to City staff.

We will all continue to benefit from the impact of that commitment and focus on the quality of our City.

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Chris Thomas and his significant contribution to the urban design and public domain of the City of Sydney;
- (B) Council express its condolences to Chris' many staff and others who worked with him who are mourning his loss; and
- (C) the Lord Mayor be requested to convey Council's condolences to Chris's wife, Patricia Simms, and their children Jake, Hannah, and Noah.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

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

Item 3.3 Support for Responsible Pet Ownership

Minute by the Lord Mayor

To Council:

For decades I have advocated for changes to improve the welfare of companion animals and the rights of pet owners, including for people renting and living in apartments.

In September 2023, Council unanimously supported my Lord Mayoral Minute calling for the NSW Government to allow [pets on public transport](#). Minister Haylen has confirmed she will investigate these changes in consultation with interested stakeholders including transport workers and people with disability.

And just last month, Virgin Australia announced their intention to trial people travelling with their pets in the cabin on domestic flights, if they are in a secure pet carrier. This too will require regulatory approval. There is growing demand in the community for people to be allowed to bring their pets as they travel locally or interstate, to local cafes, and increasingly people want to bring their dogs to work too.

In 2013, the Food Standards Code was amended to allow dogs in outdoor food service areas at cafes and pubs, but not indoors. Many people want to bring their pets to cafes and pubs and increasingly, operators want to allow it. But the current laws and standards are not keeping pace with community expectations, and prohibit dogs in indoor food service areas, even when the business owner agrees. The laws and regulations also oblige the City's health and building team to enforce this ban.

In February, I was invited to launch Amazon's newest dog playground at its corporate offices on Park Street in Sydney. This space is the latest addition to their Amazon Dogs at Work program which was developed in response to research they commissioned which found that 69 per cent of dog owners would love to bring their dogs to work.

As more people adopt pets and density increases, it is more important than ever that people are fully aware of their responsibilities to pick up after their dogs and control their behaviour around other dogs and people when in public.

Our rangers and companion animal officers promote responsible pet ownership by educating people about animal behaviour and safety through regular patrols of parks and open spaces, and through a range of community events. At the annual Pet Days in Waterloo and Surry Hills, social housing residents can access free pet health checks, microchipping, flea and worming treatments, and book free desexing.

Responsible pet ownership is also promoted through pop-up events at Harold Park and Kings Cross, and the Muddy Paws Festival. The City also encourages people to register their pets online by offering free collars and tags, subsidising desexing fees and offering free microchipping for pensioners and people on low incomes.

We do this because we know how important pets are to peoples' lives and wellbeing and we want to limit the number of pets that are abandoned.

Rehoming facilities

Due to the high cost of land in the inner city, the cost of building and operating our own animal shelter and rehoming facility with appropriate space for exercise is prohibitive for the City of Sydney.

So, since 2009, the City has partnered with and contributed to the Sutherland Animal Shelter, which cares for the City's lost and abandoned pets. The shelter has one of the lowest euthanasia rates in Australia, provides a high level of care and aims to rehabilitate and rehome every animal. Volunteers also walk and help care for these pets.

Recently, I was invited by the Mayor of Blacktown, Tony Bleasdale, to visit the Blacktown Animal Rehoming Centre (BARC) in Glendenning. It provides shelter for 135 dogs and 230 cats for Blacktown City Council and several other Sydney councils. The Centre is also a place for the community to visit and adopt animals.

Opened in May 2023, BARC is the first state-of-the-art, custom-built animal rehoming centre in Australia and has been designed to improve animal assessment efficiency, reduce holding times, increase adoption rates and decrease euthanasia rates by providing each animal the maximum opportunity to rehabilitate and be adopted back out to the community.

Designed by Sam Crawford Architects, the centre has a handful of six finger-like buildings that connect to nature to create a safe and welcoming animal shelter that promotes pet adoption. Each building houses a different function - kennels, a cattery, vet facilities, back of the house.

The finger-like design allows the animals to have a direct connection to the surrounding landscape, increasing their interaction with nature and people. This layout minimises the animal's attention fatigue, discomfort from sound and supports comfortable temperatures with passive thermal ventilation maximizing cross ventilation. The design features minimise animal distress and help their rehabilitation and rehoming prospects. Large exercise spaces overlook the adjoining parklands. It is also safer for staff.

The multipurpose function area provides public education programs in animal training and pre-adoption courses for humans, aiming to maximise animal retention rates by adopters.

This is an excellent facility, which shows the model of larger shared facilities works well for metropolitan councils. When located on the fringes of metropolitan areas, they are more economical to build and operate. But already BARC is over capacity.

According to submissions to the NSW Senate Inquiry into pounds in NSW, rehoming facilities and organisations are in crisis. Submissions, including the [City of Sydney's submission](#), explained that the increase in pet ownership during the Covid-19 pandemic, followed by the current cost of living and rental affordability crisis combined with the continued restrictions on pets in rentals, together with the declining rates of volunteers means most shelters and rehoming organisations are over capacity.

On 22 March 2024, the Sydney Morning Herald reported aspiring tenants were abandoning high value pets to improve their chances of securing a new home. Pet rescue organisations say they are increasingly left to rehome high value cats such as ragdolls and British blues, as well as canine crosses like Labradoodles.

The RSPCA in NSW said it had seen a 66 per cent increase in people surrendering their animals because they could not find a pet-friendly rental. Over the last three years in the City of Sydney, we have seen a marked increase in the number of impounded animals and a decrease in the number of animals being collected by their owners, up from 44 dogs and 37 cats in 2021, to 84 dogs and 63 cats in 2023.

Action needed

In August 2023, the NSW Government consulted on proposed changes to the Residential Tenancies Act 2010 to make it easier for renters to have pets, which the City's submission supported. However, we are yet to see those changes implemented. This crisis demands the NSW Government take urgent action to update these laws to limit the number of pets being abandoned.

We must also consider what else the City can do to prevent people being forced to give up their pets because they cannot afford necessary veterinary care for their companion animals.

Recommendation

It is resolved that:

(A) the Chief Executive Officer be requested to:

- (i) investigate expanding access to subsidised veterinary services beyond Pet Day for people on low-incomes and experiencing financial hardship;
- (ii) continue to educate people about responsible pet ownership; and
- (iii) investigate how the City can further promote responsible pet ownership through the City's communication channels; and

(B) the Lord Mayor be requested to write to:

- (i) the NSW Minister for Better Regulation and Fair Trading asking the NSW Government to accelerate their review of the Residential Tenancies Act 2010 to make it easier for renters to have pets and limit the number of pets being abandoned; and
- (ii) the NSW Minister for Transport requesting an update on progress with implementing the necessary regulatory changes to allow pets on public transport, following Council's resolution in September 2023.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Note – at the meeting of Council, the content of the original Minute was varied by the Lord Mayor. Subsequently, it was –

Moved by the Lord Mayor, seconded by Councillor Worling –

That the Minute by the Lord Mayor be adopted, subject to the amendments as follows –

It is resolved that:

(A) the Chief Executive Officer be requested to:

- (i) investigate expanding access to subsidised veterinary services beyond Pet Day for people on low-incomes and experiencing financial hardship;
- (ii) continue to educate people about responsible pet ownership; and
- (iii) investigate how the City can further promote responsible pet ownership through the City's communication channels; and

(B) the Lord Mayor be requested to write to:

- (i) the NSW Minister for Better Regulation and Fair Trading asking the NSW Government to accelerate their review of the Residential Tenancies Act 2010 to make it easier for renters to have pets and limit the number of pets being abandoned;
- (ii) the NSW Minister for Transport requesting an update on progress with implementing the necessary regulatory changes to allow pets on public transport, following Council's resolution in September 2023; and
- (iii) the NSW Minister for Agriculture and the NSW Minister for Local Government, asking the NSW Government to amend the NSW Food Act 2003 and NSW Companion Animals Act 1998, to allow dogs in indoor as well as outdoor food service areas, provided they are kept away from areas where food is prepared or stored, and the owner of the business agrees.

Carried unanimously.

S051491

Item 3.4 2024 Australian Urban Design Awards

Minute by the Lord Mayor

To Council:

I am pleased to report that the City of Sydney's transformation of George Street was recognised at the 2024 Australian Urban Design Awards: Winner of Built Projects – City and Regional Scale.

I was honoured to accept the award at a presentation in Canberra on Monday 18 March 2024.

The City also received a commendation in Leadership, Advocacy and Research – Local and Neighbourhood Scale for a Height of Building and Floor Space Ratio alignment study, that we did in conjunction with Hill Thalys Architecture + Urban Projects and Olsson Architects.

The Australian Urban Design Awards were created in 1996 by former Prime Minister Paul Keating's Urban Design Taskforce, to recognise contemporary Australian urban design of the highest quality.

George Street transformation

What was once a grimy street clogged with noisy, polluting buses and souvenir shops, has been transformed into a tree and flower-lined boulevard with quiet and efficient light rail.

From Central Station to Circular Quay, there are more than 20,000 square metres of high-quality urban space with granite-paved footpaths, modern street furniture and lighting, and interesting laneways.

While the City has now spent more than \$300 million on our public domain vision along George Street, the economy has reaped the reward with \$8 billion in private investment.

The boulevard is now home to high-end businesses like Paspaley, Cartier, Louis Vuitton, Burberry, Ernst and Young and Salesforce to name a few, all proud to boast a George Street address.

Most importantly there are people everywhere – sitting or walking, shopping or sipping coffee, conversing with colleagues or friends.

Jury comments

The Jury noted that the George Street transformation has overturned more than a century's dominance by vehicles, returning it to a place for people and public transport. It has not only reinvigorated the street, but also revolutionised the atmosphere, use and movement patterns of the entire city.

It said that the project's impact is testament to the power that the collaboration of multiple levels of government can bring to cities.

Planning and advocacy for the project by the City began more than 20 years ago, and I acknowledge the role of Jan Gehl, the Danish urbanist, who endorsed the George Street route for light rail.

I also acknowledge the former NSW Premier Gladys Berejiklian, whose Government finally agreed to the transport project in 2014 after years of lobbying by me and the City of Sydney. The project's delivery involved complex negotiations and technical challenges, but our vision endured.

"That this transition has been achieved in such a contested urban place sets a benchmark for what is possible in every street, in every city and town in Australia", the Jury said.

It is one of our finest achievements. Congratulations to all involved and, in particular, I note the important roles of Kim Woodbury, our Chief Operating Officer, and Bridget Smyth, City Architect and Executive Manager City Design and Public Art, and their teams.

Recommendation

It is resolved that Council:

- (A) note that the transformation of George Street has been recognised at the 2024 Australian Urban Design Awards: Winner of Built Projects - City and Regional Scale, and that the City also received a Commendation in Leadership, Advocacy and Research - Local and Neighbourhood Scale for a Height of Building and Floor Space Ratio alignment study, that we did in conjunction with Hill Thalys Architecture + Urban Projects and Olsson Architects; and
- (B) congratulate the Chief Executive Officer and Executive, in particular Kim Woodbury, Bridget Smyth and their teams, and City staff for their ongoing commitment to the transformation of our city.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

Note – the Chair (the Lord Mayor), all Councillors, staff and members of the public present congratulated the Chief Executive Officer, Executive and City staff by round of applause.

Procedural Motion

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

That the order of business be altered such that Item 3.5 be considered after Item 13.8.

Carried unanimously.

Item 3.5 Contract Renewal - Chief Executive Officer**Minute by the Lord Mayor**

To Council:

Monica Barone PSM was appointed by Council as Chief Executive Officer (CEO) for the City of Sydney on 7 August 2006 for a period of five years.

In April 2011, August 2015 and February 2020, Council considered my Lord Mayoral Minutes on appointment of the CEO and unanimously resolved to proceed with contract renewals for periods of five years. The current contract ends on 2 March 2025.

The CEO is employed on the Office of Local Government Standard Contract of Employment for General Managers.

Under the terms of the contract, the CEO must advise nine months before the end of the contract if she would like to seek a renewal. The CEO has advised me that she does wish to seek a renewal. Under the terms of the contract, Council must, at least six months before the termination date, advise the CEO if the Council intends to renew the contract.

This Lord Mayoral Minute recommends Council endorse renewing the CEO's contact for a further five years from June 2024, on the same terms and conditions of her current contract. Monica has not sought a salary review or a bonus, and has not received a salary review or bonus during her time as CEO of the City of Sydney.

In accordance with the Office of Local Government Guidelines for the Appointment and Oversight of General Managers (the Guidelines), the CEO has submitted a performance report that I and the Performance Review Panel have reviewed and agreed to.

The Guidelines outline that the findings and recommendations of the performance review are reported to a closed Council meeting in the absence of the general manager. The closed meeting will also consider and decide whether to offer a new contract of employment to the general manager. As part of this, Councillors will have the opportunity to ask any questions if they wish. However, Council's final decision on the recommendation of this Minute will be made in public.

I commend Monica's ability to effectively manage this large and complex organisation and recommend her reappointment, on the same terms and conditions of her current contract, for a further period of five years.

Recommendation

It is resolved that:

- (A) Monica Barone PSM be reappointed to the position of Chief Executive Officer of the Council of the City of Sydney on the same terms and conditions of her current contract for a further period of five years from June 2024; and
- (B) Council note that the Office of Local Government's Standard Contract of Employment for General Managers of Local Councils in New South Wales specifies the termination terms permitted for all General Managers, which are the same.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Procedural Motion - Closed Meeting

At 8.18pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

That the meeting be closed in accordance with the provisions of section 10A of the Local Government Act 1993 to discuss the Chief Executive Officer's performance review.

Carried unanimously.

Procedural Motion - Open Meeting

At 8.37pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Gannon –

That the meeting of Council be re-opened to the public.

Carried unanimously.

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

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

The Minute was carried on the following show of hands –

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

Noes (1) Councillor Weldon.

Carried.

S051491

Item 4 Memoranda by the Chief Executive Officer

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

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

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

Carried unanimously.

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

The Lord Mayor Councillor Clover Moore AO

(Chair)

Deputy Lord Mayor Councillor Robert Kok

(Deputy Chair)

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

At the commencement of business at 2.04pm those present were -

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

Hybrid Meeting Arrangements

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

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.26pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 25 March 2024 be received, with Items 6.1 and 6.2 being noted, the recommendation set out below for Item 6.4 being adopted in globo, and Item 6.3 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.1**Confirmation of Minutes**

Moved by Councillor Kok, seconded by Councillor Worling –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 4 March 2024, 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.

Item 6.3

Adoption - Councillor Meetings with Registered Lobbyists and Property Developers Policy

Note – the recommendation of the Corporate, Finance, Properties and Tenders Committee was not adopted. The following alternative recommendation was adopted (as contained in the Information Relevant To Memorandum dated 4 April 2024 from the Director Legal and Governance, circulated prior to the meeting).

Moved by Councillor Kok, seconded by Councillor Gannon -

It is resolved that:

- (A) Council adopt the draft Councillor Meetings with Registered Lobbyists and Property Developers Policy, as shown at Attachment A to the subject Information Relevant To Memorandum;
- (B) authority be delegated to the Chief Executive Officer to make amendments to the Councillor Meetings with Registered Lobbyists and Property Developers Policy in order to correct any minor drafting errors, update the form from time to time as required and to finalise design and accessible formats for publication; and
- (C) Council note that the Office of Local Government may publish guidelines on these matters and a further report will be brought to Council if required.

Variation. At the request of Councillor Weldon, and by consent, the motion was varied such that clause (A) read as follows –

- (A) Council adopt the draft Councillor Meetings with Registered Lobbyists and Property Developers Policy, as shown at Attachment A to the subject Information Relevant To Memorandum, subject to the commencement date of 1 April 2024 being amended to 8 April 2024.

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

X103625

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

Item 6.4

Tender - Reject and Negotiate - T-2023-1144 - Lift / Escalator Upgrade at Kings Cross Library, Andrew Boy Charlton Pool and Railway Square

It is resolved that:

Council decline to accept the tender offers for the Lift / Escalator Upgrade at Kings Cross Library, Andrew Boy Charlton Pool and Railway Square for the reasons set out in Confidential Attachment A to the subject report;

- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable tenderers over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contract with the preferred contractor following completion of the negotiations; and
- (E) Council be informed of the successful contractor via the CEO Update.

Carried unanimously.

X099721

Item 7 Report of the Environment Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Adam Worling

(Deputy Chair)

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

At the commencement of business at 2.27pm those present were -

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor Weldon was attending the meeting of the Environment Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

The meeting of the Environment Committee concluded at 2.31pm.

Report of the Environment Committee

Moved by Councillor Worling, seconded by Councillor Kok –

That the report of the Environment Committee of its meeting of 25 March 2024 be received, with Items 7.1 and 7.2 being noted, and the recommendation set out below for Item 7.4 being adopted in globo.

Carried unanimously.

Item 7.1

Confirmation of Minutes

Moved by Councillor Worling, seconded by Councillor Chan –

That the Minutes of the meeting of the Environment Committee of 4 March 2024, 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.

Item 7.3**Public Exhibition - Events in Parks Policy**

This item was withdrawn from the agenda of the Environment Committee.

X084995

The Environment Committee recommended the following:

Item 7.4**Lighting in Joynton Park**

It is resolved that Council:

- (A) receive and note the subject report - Lighting in Joynton Park;
- (B) note that a review of the Sydney Lights Code will proceed with the intention of adding a new Community Service Level, being Park Evening Lighting; and
- (C) note that Park Evening Lighting will be installed in Joynton Park, following design and all necessary approvals.

Carried unanimously.

X023035

Item 8 Report of the Housing For All Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Sylvie Ellsmore

(Deputy Chair)

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

At the commencement of business at 2.31pm those present were -

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor Weldon was attending the meeting of the Housing For All Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

The meeting of the Housing For All Committee concluded at 3.13pm.

Report of the Housing For All Committee

Moved by Councillor Ellsmore, seconded by Councillor Scott –

That the report of the Housing For All Committee of its meeting of 25 March 2024 be received, with Items 8.1 and 8.2 being noted, and Item 8.3 being dealt with as shown immediately following that item.

Carried unanimously.

Item 8.1

Confirmation of Minutes

Moved by Councillor Ellsmore, seconded by Councillor Worling –

That the Minutes of the meeting of the Housing For All Committee of Monday 4 March 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

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 Housing For All Committee.

Item 8.3

Sale of Surplus Residential Property - Affordable and Diverse Housing

Note – the Housing For All Committee decided that consideration of this matter shall be deferred to the meeting of Council on 8 April 2024.

Procedural Motion

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

That Item 8.3 be considered in seriatum, Part 1 comprising clauses (A), (B), (E) and (F); Part 2 comprising clauses (A), (C), (E) and (F); and Part 3 comprising clauses (A), (D), (E) and (F).

Carried unanimously.

Part 1

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

It is resolved that:

- (A) Council note the outcome of the Expression of Interest for the sale of surplus residential properties for affordable and diverse housing including the process, submissions received and assessment against the objectives and criteria;
- (B) in respect of Units 7 and 8, "Springfield Palms", No. 12 Springfield Avenue, Potts Point (being Lots 7 and 8 in Strata Plan 21921):
 - (i) Council note that one expression of interest was received for this property and that it was in compliance with Council's endorsed criteria;
 - (ii) Council endorse the sale of these properties to B Miles Women's Foundation Incorporated (INC9894299) at a price of \$396,000 excluding GST, with the sale being subject to the placement of a restriction on the title to the land to ensure that the properties are used in perpetuity for affordable housing; and
 - (iii) authority be delegated to the Chief Executive Officer to progress and finalise contract negotiations and enter into all necessary documentation to effect the transaction;
- (E) Council endorse that the proceeds from these transactions are to be allocated to the Affordable and Diverse Housing Fund; and
- (F) Council to be updated on the progress of these transactions through CEO Updates.

Carried unanimously.

Part 2

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

It is resolved that:

- (A) Council note the outcome of the Expression of Interest for the sale of surplus residential properties for affordable and diverse housing including the process, submissions received and assessment against the objectives and criteria;
- (C) in respect of 5-17 Norman Street, Darlinghurst (being Lot 1 in Deposited Plan 576799):
 - (i) Council note that three expressions of interest were received for this property with one being subsequently withdrawn;
 - (ii) Council note that none of the expressions of interest received met the full criteria endorsed in the Council resolution of 18 September 2023;
 - (iii) Council endorse the sale of this property to Common Equity NSW Ltd (ACN 140 152 398) at a price of \$2,500,000 excluding GST with the sale being subject to the placement of a restriction on the title to the land to ensure that the property is used in perpetuity for affordable housing; and
 - (iv) authority be delegated to the Chief Executive Officer to progress and finalise contract negotiations and enter into all necessary documentation to effect the transaction;
- (E) Council endorse that the proceeds from these transactions are to be allocated to the Affordable and Diverse Housing Fund; and
- (F) Council to be updated on the progress of these transactions through CEO Updates.

Carried unanimously.

Part 3

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

It is resolved that:

- (A) Council note the outcome of the Expression of Interest for the sale of surplus residential properties for affordable and diverse housing including the process, submissions received and assessment against the objectives and criteria;
- (D) in respect of 169 Victoria Street, Beaconsfield (being Lot C in Deposited Plan 310434):
 - (i) Council note that there were no expressions of interest received for this property;
 - (ii) Council endorse the immediate sale of this property in the open market; and
 - (iii) authority be delegated to the Chief Executive Officer to progress and finalise any negotiations and enter into all necessary documentation, including any relevant contract to effect the transaction;
- (E) Council endorse that the proceeds from these transactions are to be allocated to the Affordable and Diverse Housing Fund; and
- (F) Council to be updated on the progress of these transactions through CEO Updates.

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

That the motion be amended such that clause (D) read as follows –

(D) in respect of 169 Victoria Street, Beaconsfield (being Lot C in Deposited Plan 310434):

- (i) Council note that there were no expressions of interest received for this property;
- (ii) the Chief Executive Officer be requested to provide advice to Councillors about the costs and benefits from ongoing Council ownership, long-term leasing and sale of the property; and
- (iii) the advice should include consideration of the site for a further Expression of Interest specifically targeting small and innovative affordable housing projects, for temporary or permanent low-cost residential and non-residential accommodation, for example, use as office space by a not-for-profit organisation, or for other community uses.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Amendment lost.

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

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

Noes (1) Councillor Ellsmore.

Carried.

X099483

Speakers

Kate Timmins (Chief Executive Officer - B Miles Women's Foundation) and Nick Sabel (Chief Executive Officer - Common Equity NSW) addressed the meeting of the Housing For All Committee on Item 8.3.

Item 9 Report of the Transport, Heritage and Planning Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO
(Chair)

Councillor HY William Chan
(Deputy Chair)

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

At the commencement of business at 3.14pm those present were -

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

Hybrid Meeting Arrangements

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

The meeting of the Transport, Heritage and Planning Committee concluded at 3.21pm.

Report of the Transport, Heritage and Planning Committee

Moved by Councillor Chan, seconded by Councillor Kok –

That the report of the Transport, Heritage and Planning Committee of its meeting of 25 March 2024 be received, with Items 9.1 and 9.2 being noted, and the recommendations set out below for Items 9.3 and 9.4 being adopted in globo.

Carried unanimously.

Item 9.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of 4 March 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 9.2

Statement of Ethical Obligations and Disclosures of Interest

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

The Transport, Heritage and Planning Committee recommended the following:

Item 9.3

Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments

It is resolved that:

- (A) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 232-240 Elizabeth Street, Surry Hills, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 232-240 Elizabeth Street, Surry Hills;
- (D) Council approve the Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 232-240 Elizabeth Street, Surry Hills, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) Council note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 13 March 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X094617

Speaker

Giovanni Cirillo (Planning Lab) addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.3.

Item 9.4

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 Attachment B to the subject report; and
- (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 15 Bligh Street (6-10 O'Connell Street), Sydney at this time.

Carried unanimously.

S105001.002

Item 10 Naming Proposal - Butterscotch Park, Rosebery

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

It is resolved that Council:

- (A) not proceed with the name “Licorice Allsorts Park” for the new park in Rosebery at the corner of Rosebery Avenue and Crewe Place;
- (B) approve naming the new park in Rosebery at the corner of Rosebery Avenue and Crewe Place as “Butterscotch Park”; and
- (C) submit the name “Butterscotch Park” for the new park in Rosebery at the corner of Rosebery Avenue and Crewe Place for assessment by the Geographical Names Board of New South Wales through its formal application process.

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

It is resolved that Council:

- (A) not proceed with the name “Licorice Allsorts Park” for the new park in Rosebery at the corner of Rosebery Avenue and Crewe Place;
- (B) note that there already exists significant recognition of the one former sweets factory which operated in the area, include Sweetacres Park and Sweet Street, and Steadman Street, named after the owner of the former factory;
- (C) note that the City has adopted an updated Naming Policy this term, which creates the opportunity to rebalance the current disproportionate recognition given to British, colonial male, white and industrial history and heritage within the Local Government Area;
- (D) note that the City of Sydney’s updated Naming Policy states that:
 - (i) “names for new Assets provide the opportunity to reflect the communities’ diversity, values and aspirations, as well as rebalancing previous approaches and priorities for naming;”
 - (ii) “names acknowledging the multicultural nature of our society and gender diversity are strongly encouraged. Inclusiveness and addressing the imbalance of previous approaches are significant priorities for new names;” and
 - (iii) “new names using local Aboriginal language are encouraged, especially for parks and open spaces, and shall be in the local Gadigal language”; and
- (E) undertake a fresh consultation to identify a name for the new park at the corner of Rosebery Avenue and Crewe Place, consistent with the updated Naming Policy.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Ellsmore, Scott and Weldon

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

Amendment lost.

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

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

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

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

Carried.

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

X034621

Adjournment

At this stage of the meeting, at 6.39pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting at 6.57pm.

Item 11 Questions on Notice

1. Status of Public Housing Redevelopment in the City of Sydney as at 8 April 2024

By Councillor Ellsmore

Question

In answers to Questions on Notice provided to the 11 March 2024 Council meeting, Council was provided with updates on the status of development and potential development relating to public housing sites in the City of Sydney, including:

- 14-36 Wentworth Park Road Glebe;
- 82 Wentworth Park Road Glebe;
- 17-31 Cowper Street, Glebe;
- Explorer South, Eveleigh;
- 600 Elizabeth Street, Redfern; and
- The Waterloo Estate.

Since the information provided to the 11 March 2024 Council meeting, is Council aware of:

1. Any updates in relation to the development or potential development of these sites; or
2. Any additional public housing sites for which development is being explored? This includes pre-DA inquiries.

If yes, please provide details.

X086664

Answer by the Chief Executive Officer

1. 14-36 Wentworth Park Road Glebe: No update

82 Wentworth Park Road Glebe: Development application: D/2023/21 deferred commencement consent condition was satisfied and the consent became operational on 20 March 2024.

17-31 Cowper Street, Glebe: No update.

Explorer South, Eveleigh: No update.

600 Elizabeth Street, Redfern: The Director City Planning, Development and Transport attended a Design Review Panel meeting on 12 March 2024.

The Waterloo Estate: No update.

2. No.

2. City of Sydney Accessibility Upgrades of Community Spaces

By Councillor Ellsmore

Question

1. Under the City of Sydney's current budget (2023/24):
 - (a) What is the capital works budget, for upgrades of Council owned property?
 - (b) Is there a specific budget for upgrades to community facility upgrades to increase disability access? If yes, please provide details.
2. How does the City of Sydney undertake assessments of whether public spaces and buildings it owns are disability accessible?
3. The City of Sydney maintains an Accessibility Map, which identifies 25 Council venues that are accessible.
 - (a) What Council venues has the council identified as accessible?
 - (b) What Council venues has the council identified as not currently accessible?
 - (c) What Council venues has the council identified require an upgrade or works to increase disability accessibility?
4. Is there a timetable, program of works or plan for upgrading access to the Council's community centres to make them accessible or improve accessibility? If yes, please provide details.
5. Is there a timetable, program of works or plan for upgrading access to the Council's other venues to make them accessible or improve accessibility? If yes, please provide details.
6. In 2022/23 and 2023/24, what upgrades have been made to Council's:
 - (a) Community facilities to improve disability access?
 - (b) Other venues to improve disability access?

Please include details of the facility, the budget and briefly what upgrades were made.

7. Under the City of Sydney's long term financial plan, which of the Council-owned community facilities are proposed to be upgraded, or works undertaken, to improve disability access:
 - (a) In 2023/27 (i.e., over the next four years)?
 - (b) In 2028/33 (i.e., over the next ten years)?

Please list the name of the facility and the budget specified in the long-term financial plan, or included in another budget document if detailed there.

8. Within the City of Sydney's budget relating to works for parks, footpaths, electric vehicle charging infrastructure and other public spaces:
 - (a) Is there specific provision for disability upgrades to be made?
 - (b) Are there targets to achieve or improve disability accessibility?

If yes, please provide details.

9. Where can information about the City's current program of works to maintain and/ or upgrade community facilities be found (including, in what documents is this information detailed)?

X086664

Answer by the Chief Executive Officer

1. The 10-year capital works budget for renewal and upgrade of City owned properties is \$755.3M.
2. By engaging independent access consultants and consulting the Inclusion (Disability) Advisory Panel.
3. Information on the accessibility of the City's community facilities and hireable indoor spaces is available on the City's website at <https://www.cityofsydney.nsw.gov.au/places>

(a) Aquatic and Recreation Centres

Andrew Boy Charlton Pool

Cook and Phillip Park Pool

Coronation Recreation Centre (Prince Alfred Park)

Gunyama Park Aquatic and Recreation Centre

Ian Thorpe Aquatic Centre

KGV Recreation Centre

Perry Park Recreation Centre

Prince Alfred Park Pool

Rushcutters Bay Park Tennis Centre

Victoria Park Pool

Libraries / Community Centres / Bookable Community Spaces

119 Redfern Street

Ultimo Community Centre

Harold Park Community Hall

Harry Jensen Activity Centre

Joseph Sargent Community Centre (Ground Floor Only)

East Sydney Community and Arts Centre

Peter Forsyth Auditorium

Pine Street Creative Arts Centre (Ground Floor Only)

Reginald Murphy Community Centre

Redfern Community Centre

180 George Street Community Space
Tote Building
Darlinghurst Community Space
Abraham Mott Community Space
Mary McDonald Centre
Maybanke Community Centre (Ground Floor Only)
Redfern Oval Community Room
Rex Centre
Robyn Kemmis Reserve Community Space
Booler Community Centre
Ron Williams Community Centre
Juanita Nelson Community Centre
Surry Hills Community Centre
Cliff Noble Community Centre
St Helen's Community Centre (Ground Floor Only)
Pymont Community Centre
Sydney Park Pavilion
Sydney Park Cycling Centre
Sydney Town Hall
Customs House
Glebe Town Hall
Paddington Town Hall
Redfern Town Hall
Erskineville Town Hall
Alexandria Town Hall
Glebe Library
Green Square Library and Community Centre
Darling Square Library
Customs House Library
Newtown Library

Paddington Library

Surry Hills Library and Community Centre

Waterloo Library

Kings Cross Neighbourhood Service Centre and Library

PACT Theatre, Erskineville

Pymont Community Centre (upgrade underway)

(b) Pine Street Creative Arts Centre

Maybanke Community Centre

Benledi House and St Helen's Community Centre

Joseph Sargent Community Centre

Brown Street Community Hall

(c) The following venues are proposed for future upgrade works subject to feasibility:

- Benledi House and St Helen's Community Centre
- Brown Street Community Hall
- Pine Street Creative Arts Centre

4. The City has a large and complex property portfolio comprised of 250 plus buildings, which includes many old and heritage structures.

The City has been progressively completing whole of building upgrades to ensure all buildings are fully compliant with current accessibility standards – details of completed projects were provided by an [Information Relevant To Memorandum in June 2023](#).

There are a small number of older buildings within the portfolio that have not yet been upgraded to ensure that they are fully compliant with current accessibility standards. Interim measures to improve accessibility in these buildings are delivered through the annual asset renewal programs – examples of works completed through these programs is provided by the [Information Relevant To Memorandum from June 2023](#).

5. Refer to the response above.

6. 119 Redfern Street, Redfern (\$2.3M) – installation of lift and accessible entry.

Pymont Community Centre, 79A John St, Pymont (\$9.6M) – whole of building upgrade to current accessibility standards.

PACT Centre for Emerging Artists, Erskineville (\$25,000) - installation of ramp to timber deck.

7. Interim measures to improve accessibility in City buildings are delivered through the annual asset renewal programs – examples of works completed through these programs is provided by the [Information Relevant To Memorandum from June 2023](#).

The current long term financial plan includes a future whole of building upgrade to the Ultimo Community Centre (\$12M) – this will include full accessibility upgrade of the building.

Additional future year whole of building upgrades will be included in the draft 2024/25 long term financial plan for Council consideration in May 2024.

8. Yes – \$28.2M was spent on upgrades, including improvements to make parks, footpaths and other public spaces accessible in 2022/23. Charging points for mobility scooters were available at eight community centres in 2021/22 (refer [Inclusion Disability Action Plan – Annual Report 2022/23](#))

Yes – actions to improve accessibility in these spaces are included in:

- [Inclusion \(Disability\) Action Plan 2021-2025](#)
- [Inclusive and Accessible Public Domain Policy and Guidelines](#)

9. The City's 10 year long-term financial plan is available in the resourcing strategy: <https://www.cityofsydney.nsw.gov.au/strategies-action-plans/resourcing-strategy>

3. D/2024/83 - 136 Oxford Street, Darlinghurst - Disability Access

By Councillor Gannon

Question

1. With respect to D/2024/83 (136 Oxford Street, Darlinghurst) what external accessibility reports were commissioned as part of this Development Application (DA)?
2. The City's Development Application Assessment report states the DA is accessible design compliant while there is no disability access available. It is noted that "alternative arrangements in the form of QR codes will be provided within the main Qtopia centre at 301 Forbes Street. This is considered an acceptable approach and meets the provisions of the DDA." What is the rationale for this?
3. What documentation does the City have for this to be an acceptable solution for disability access?
4. How many other organisations have previously approached the City of Sydney to activate these sites, both formally and informally?
5. What investigation works have previously been done in relation to making these sites comply with disability access standards?
6. What were the outcomes of these investigations?

X086665

Answer by the Chief Executive Officer

1. A Building Code of Australia (BCA) report was prepared by Atelier Consultancy, dated 22 February 2024
2. The Development Application (DA) is for the use of the State heritage listed substation and amenities building as an ancillary exhibition space, operated in conjunction with the main Qtopia Sydney museum located at 301 Forbes Street. The use has a temporary one-year approval period. No physical works were proposed as part of the DA.

The ancillary exhibition space is supplementary to the main Qtopia museum, with small, guided groups being escorted to the building from the main museum. The main museum is located approximately 30 metres from the substation and provides access for people with disabilities.

The Operational Plan of Management submitted with the application states that a QR code will be provided in the main building ticket area providing virtual access to the exhibition space for those with limited mobility so they can experience the materials exhibited.

The BCA report submitted with the application states that a performance solution will be required to address compliance with the relevant parts of the BCA relating to accessibility. The BCA report concludes that the works are capable of compliance with the requirements of the BCA, subject to performance solutions. It is noted that performance solutions are assessed by the Principal Certifier.

In light of the ancillary and temporary nature of the use and the supporting BCA report submitted with the application, the proposal was considered acceptable.

3. Refer to the response to part 2 above.
4. The following development applications (DA) have been approved. The City of Sydney Council was the applicant for each DA:

D/2013/935 – determined with conditions on 8 January 2014

- Approval was granted for the adaptive reuse of the former substation heritage building and repair works.
- A partial construction certificate was issued for repairs to damaged exterior items and reinstatement; however, the adaptive reuse portion of the consent was never taken up.

D/2010/1316 – determined with conditions on 9 September 2010

- Approval was granted for temporary art installation for a limited period of six months.

D/2009/2151 – determined with conditions on 27 January 2010

- Approval was granted for temporary art installation for a limited period of six months.

D/2009/1188 – determined with conditions on 8 August 2009

- Approval was granted for temporary art installation for a limited period of eight weeks.

Several approvals have also been granted for the activation of Taylor Square for various events including WorldPride and a weekly farmers market, however these applications do not include the use of the substation or amenities buildings.

The City has had very limited interest from other organisations to activate the Taylor Square Substation and Underground Toilets. Between 2006 and 2008 the City conducted expression of interests to identify parties capable of leasing both spaces. These processes resulted in limited responses as a result of the condition of the buildings, high value of capital works required, heritage constraints and BCA requirements. Between 2009 and 2010 the City activated the structures and Taylor Square with temporary art installations.

In 2023 the City received a request from Qtopia who were seeking to lease / license the spaces for ancillary exhibition spaces. The City entered into a one year license agreement with Qtopia in December 2023.

5. The City has investigated adaptive re-use of the former substation and underground toilets on three separate occasions since 2004.

Investigations considered options for adaptive re-use for cultural and / or commercial (café / restaurant / bar) uses.

6. The options identified were not recommended to proceed due to the highly constrained natures of the spaces and cost of capital works.

4. Perry Park

By Councillor Scott

Perry Park in Alexandria has been temporarily closed whilst the synthetic sports field is upgraded. Following the completion of the synthetic field.

Question

1. What are the new community opening hours for Perry Park?
2. What is the process of community members booking Perry Park for hire?
3. What is the process for selecting what community groups/professional organisations will be allocated access to Perry Park?
4. What is the final completion date for the synthetic sports field upgrade?

X086668

Answer by the Chief Executive Officer

1. The synthetic field opening hours are Monday to Friday 8am-11pm, weekends and public holidays 8am-8.30pm. These hours align with Perry Park Recreation Centre opening hours.
2. Options to book the field will be email, phone or visiting the adjacent recreation centre. This process will also apply to sporting clubs/organisations booking one-off or irregular sporting activities. If the field is not booked it is open to the community for general use.
3. City staff will run an Expression of Interest process for regular use during the 2024 calendar year.

This will ensure a structured and fair process for all sporting clubs, organisations, associations, and community groups to access this new field. Priority will be for locally based sporting and community groups to deliver a range of programs and activities that contribute to guiding principles that emphasise gender equity and social inclusion. Where requested days and times can be accommodated around the competitions the City will deliver.

Applications for the 2024 calendar year will open at the end of April 2024 for four weeks.

4. The City is nearing completion of the installation of the synthetic field structure and currently working on the amenities building and surrounding landscape areas. Once Practical Completion is issued, the sports field will be opened to the public. This is anticipated in mid-2024.

5. Erskineville Oval

By Councillor Scott

The Alexandria Rovers Rugby League Football Club begin their training at the Erskineville Oval in three weeks. In light of this:

Question

1. Has asbestos been found in any pipes located in the Erskineville Oval?
2. How long has Erskineville Oval been empty for?

X086668

Answer by the Chief Executive Officer

During Sydney Water's repair work at Erskineville Oval a disused non-friable asbestos pipe was located. This pipe was approximately 2 metres long, 100mm in diameter and found at a depth of 1.3 metres.

The pipe was removed, and a clearance certificate was supplied by a licensed asbestos assessor.

The repair works and subsequent rectification were carried out from 28 August 2023 to 26 March 2024. The affected area of the oval was fenced off and closed while the work was undertaken. All other parts of the oval were open for community use. The rectification works are now complete, and the entire oval is now available for community use.

6. Shared Zones, Paddington

By Councillor Scott

In August 2023, Council approved the installation of Shared Zones:

- Seymour Place, Paddington between South Dowling and Selwyn Streets; and
- Church Street, Paddington between South Dowling and Selwyn Streets.

In the 15 September 2023 CEO Update, all voting members (City of Sydney, Transport for NSW, NSW Police – Surry Hills PAC and Representative for the Member of Sydney) unanimously supported the recommendations.

Question

1. Are there any other Committee members that need to approve the Shared Zone prior to starting construction?
2. What is the confirmed construction timeline for the shared zones?
3. When will the residents of Paddington expect both shared zones to be completed?

X086668

Answer by the Chief Executive Officer

1. There are no further Committee or Transport for NSW approvals required for the installation of Shared Zones in Seymour Place and Church Street, Paddington.

On 22 June 2023 Transport for NSW granted approval for the Traffic Management Plan for Shared Zones in Seymour Place and Church Street.

On 17 August 2023, members of the Local Pedestrian, Cycling and Traffic Calming Committee unanimously endorsed the proposal to construct Shared Zones in both Seymour Place and Church Street, Paddington.

2. The proposed shared zones in Seymour Place and Church Street Paddington would be delivered as part of the City's Traffic Facilities Program. The Traffic Facilities Program is reviewed annually, and funding is prioritised with consideration of safety issues, traffic conditions, asset condition, walking and cycling access and the overall community benefit of the project.

Based on current priorities and available funding the design for the Shared Zones, including Continuous Footpath Treatments, in Seymour Place and Church Street is expected to be completed in the 2024/25 financial year. Construction would follow in the 2025/26 financial at the earliest (subject to design, funding and competing priorities).

3. Refer to the response above.

7. Public Defibrillator Installation

By Councillor Scott

Question

1. How many Automated External Defibrillators (AED) do the City of Sydney provide in open space for community use?
2. How many AEDs does the City of Sydney have in Council-owned properties such as community halls, public gardens and libraries?
3. What is the cost of installing one AED?
4. Noting previous Council concerns in 2016, in the past year, how many AEDs have been stolen/vandalised on council-owned property?

X086668

Answer by the Chief Executive Officer

1. The City does not have any Automated External Defibrillators (AED) located in an open space for community use. All units are located within City owned buildings where staff are onsite during opening hours. This ensures that the machines are in place and properly operational at all times.
2. The City has 65 defibrillators in place, with at least one unit in each of our administrative buildings and community facilities where staff are located. This includes our education and care services, community centres, libraries, Perry Park Recreation Centre, Pine Street Creative Arts Centre, Bay Street Depot, Sydney Town Hall (three units) and Town Hall House (seven units).

3. The cost of purchasing a unit varies between different models and features but are approximately \$2,500 to \$3,500 per unit. These estimates do not include the cost for the ongoing consumables, which include replacement of pads (every two years) and batteries (every four years). The cost of consumables varies depending on the model, but can cost approximately \$250 per set of pads, and \$400 for a battery.
4. No defibrillator units have been stolen or vandalised in the past year.

8. Temporary Fencing

By Councillor Scott

According to the Fees and Charges – Revenue Policy adopted 26 June 2023, Hoarding Occupation Fee - forming a work/storage compound area cost \$15.52 per m²/week in Zone 1 (City Centre) or \$7.76 per m²/week in Zone 2 (non-City Centre).

A temporary structure includes tents, marquees, stalls, hoardings, scaffolding and any other structure that is not permanent.

Question

1. How much does the City of Sydney spend per year on temporary fencing?
2. How much will it cost the City of Sydney to purchase all its own fencing for hire?
3. How many events use temporary fencing per year?

X086668

Answer by the Chief Executive Officer

1. It is not possible for the City Infrastructure and Traffic Operations (CITO) unit to determine how much it spends per year on temporary fencing. Where such fencing is used for maintenance or capital projects, it is in most part provided by contractors. The costs for work site fencing is in some cases aggregated with other costs.
2. It is not possible to determine the cost implications for the City Infrastructure and Traffic Operations unit to purchase its own fencing for maintenance or capital projects. Fencing is predominantly provided by the civil contractor for maintenance and capital projects, and these contractors often own some fencing and then hire further fencing on a needs basis. If the City were to purchase and provide all fencing required, existing contract arrangements between the City and the civil contractors would need to be altered and cost arrangements would then need to be negotiated.
3. The City does not monitor the amount of temporary fencing required for each and every event occurring across the Local Government Area. However, it is a reasonable assumption that the majority of events will include a degree of temporary fencing as part of their event infrastructure. The City has close to approximately 350 events held outdoors across the Local Government Area per year.

9. Asbestos Negligence Personal Protective Equipment (PPE)

By Councillor Scott

On 26 February 2024, the Daily Telegraph reported “a spokesperson for the City of Sydney said workers were not made to wear PPE while erecting fences earlier this month as they were not directly handling the mulch”.

In this same article, Barry Robson, Asbestos Diseases Foundation of Australia President, said the lack of ensuring all workers were in PPE appropriate to the handling of mulch was comparable to “negligence”.

Question

1. What steps have been taken to ensure as Councillors we are upholding our legal obligations in a case of negligence in the case of workers not wearing appropriate PPE?
2. Is wearing appropriate PPE compulsory on all asbestos exposed sites?
3. If yes, when was this requirement put in place?

X086668

Answer by the Chief Executive Officer

As previously advised in the report to Council on 4 March 2024, Work Health and Safety Regulations and SafeWork requirements have been followed in relation to all activities regarding the testing and removal of the mulch.

10. Asbestos Compensation Fund

By Councillor Scott

Question

1. Will the City of Sydney have an asbestos compensation fund, if a complainant is found to have an asbestos related injury/disease in the future from the February 2024 asbestos contamination in garden beds and parks within the City of Sydney?
2. If no, what are the steps to creating an asbestos compensation fund?
3. What are the liabilities for Councillors and City staff if we do not have an asbestos compensation fund?

X086668

Answer by the Chief Executive Officer

It is not appropriate for the City to establish a fund related to the asbestos contaminated mulch for the reasons set out in the Lord Mayoral Minute and Council report of 4 March 2024 and confidential legal advice previously provided to Councillors on 1 March 2024.

Item 12 Supplementary Answers to Previous Questions

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

Item 13 Notices of Motion**Item 13.1 Public Transport Concession for International and Part-Time Students**

Moved by Councillor Chan, seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) NSW is home to the most international students in Australia;
- (ii) unlike domestic tertiary students in NSW, international tertiary students are not eligible for travel concessions, except for recipients of Commonwealth scholarship programs;
- (iii) NSW is the only Australian state or territory that does not offer any form of concession or discounted public transport to international students, despite undertaking full-time study;
- (iv) in October 2023, public transport Opal fares increased by an average of 3.7 percent. Currently, the adult weekly travel cap at \$50 is double the concession cap at \$25;
- (v) the international education sector contributed more than \$11.4 billion to the NSW economy in 2020. Extending the public transport concession program to international students would cost the NSW Government significantly less;
- (vi) approximately, 40 percent of all education providers in NSW are located in the City of Sydney. This includes over 550 education establishments such as universities, vocational and educational training providers, and English language intensive courses for international students;
- (vii) the majority of students who opt to study part-time are women, carers, and people with disabilities;
- (viii) in 2020, a research study conducted by the University of Sydney (USyd) showed that more than 90 percent of its students live off-campus. The escalating costs of living and housing expenses have caused further financial burdens to students, forcing many to reside further away from campuses;
- (ix) on 27 July 2023, the Lord Mayor wrote to the Minister for Transport requesting an investigation into implementing travel incentives for international students so they can fully participate in their Sydney experience. Disappointingly, the Minister responded confirming that an extension of the concession travel to international students was not being considered by Transport for NSW; and
- (x) in March 2024, a petition launched by the USyd's Students' Representative Council and the Sydney University Postgraduate Representative Association to 'Make transport concessions available to all students in NSW' had received over 21,000 signatures and is currently being tabled in NSW Parliament. It will be debated in the NSW Legislative Assembly on 9 May 2024;

- (B) Council endorse the petition to make transport concessions available to all students in NSW; and
- (C) the Lord Mayor be requested to write again to the Minister of Transport requesting that the necessary regulatory changes are made so that international and part-time tertiary students are eligible for public transport concessions in line with other Australian states and territories.

The motion was carried on the following show of hands –

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

Noes (2) Councillors Gannon and Jarrett.

Carried.

X086661

Point of Order

During discussion of Item 13.1, Councillor Jarrett raised a point of order, stating that pursuant to clauses 3.25 and 3.33 of the Code of Meeting Practice, this motion has no relevance to Council business.

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

Item 13.2 NSW Bail and Crimes Amendment Bill

Moved by Councillor Davis.

It is resolved that:

(A) Council note:

- (i) the 21 November 2022 Council resolution, arising from a Lord Mayoral Minute, which welcomed the formation of the bipartisan Justice Reform Initiative, and expressed support for the Initiative's campaign for evidenced-based criminal justice reform, reduced incarceration; and a greater emphasis on addressing the sources of disadvantage that lead to, and flow from, incarceration;
- (ii) the NSW Parliament has passed the Minns' Labor Government's Bail and Crimes Amendment Bill 2024 with the support of the Liberal and National Parties which:
 - (a) creates sweeping new changes to youth bail laws that will make it harder for children aged over 14 years and under 18 years to get bail;
 - (b) inserts a new section 22C into the Bail Act 2013 (NSW) which will require a bail authority be satisfied of an extra test for children aged 14 to 18 while on bail for alleged motor theft or a serious break and enter offence; and
 - (c) introduces the new offence of "performance ('post and boast') crime" into the Crimes Act 1900 (NSW) which imposes an additional penalty of two years imprisonment on persons who disseminate material, for example by social media, showing them breaking and entering or committing a motor theft offense;
- (iii) the Bill was strongly opposed by law and Aboriginal Community Controlled Organisations including the Law Society of NSW, the Aboriginal Legal Service NSW/ACT, NSW Aboriginal Lands Council, Deadly Connections Community Justice Services, the Justice Reform Initiative and 560 legal practitioners, community workers and academics working across the fields of law, criminology, social sciences and Indigenous studies; and
- (iv) issues raised by these groups and individuals include:
 - (a) a grave concern that an increasing number of children may be denied bail, enmeshing them in the criminal justice system with the risk of increasing rates of incarceration and exacerbating pathways to adult imprisonment;
 - (b) overwhelming evidence by youth detention management, children's commissioners, outside experts and young people that youth detention does not work; and
 - (c) while applying to all young people, the impact of the new laws will be disproportionate and potentially disastrous for young people of colour, Aboriginal and Torres Strait Islander children and young people in both regional and inner city areas;

(B) Council welcome the announcement of increased funding for community services to regional NSW, noting that these services will be undermined by the implementation of the Bail and Crimes Amendment Act;

- (C) Council endorses the opposition to the Bail and Crimes Amendment Act noted above, and joins with the Aboriginal Legal Service NSW/ACT and other organisations in calling for its repeal;
- (D) Council support the implementation of the following three point youth crime prevention plan put forward by a coalition of Aboriginal and legal organisations:
 - (i) resources allocated for local communities to support after-school, evening and weekend activities that engage at-risk young people;
 - (ii) intensive and targeted programs and responses for at-risk children with appropriate referral services; and
 - (iii) formal community partnerships between police and Aboriginal controlled services; and
- (E) the Lord Mayor be requested to write to the Premier, the Attorney-General and the Minister for Aboriginal Affairs conveying the terms of this motion.

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

Moved by Councillor Davis, seconded by Councillor Kok –

It is resolved that:

- (A) Council note:
 - (i) the 21 November 2022 Council resolution, arising from a Lord Mayoral Minute, which welcomed the formation of the bipartisan Justice Reform Initiative, and expressed support for the Initiative’s campaign for evidenced-based criminal justice reform, reduced incarceration; and a greater emphasis on addressing the sources of disadvantage that lead to, and flow from, incarceration;
 - (ii) on 3 April 2024, the Minns Labor Government’s Bail and Crimes Amendment Act 2024 became law after passing the NSW Parliament with the support of the Liberal and National Parties;
 - (iii) this Act:
 - (a) creates sweeping new changes to youth bail laws that will make it harder for children aged over 14 years and under 18 years to get bail;
 - (b) inserts a new section 22C into the Bail Act 2013 (NSW) which will require a bail authority be satisfied of an extra test for children aged 14 to 18 while on bail for alleged motor theft or a serious break and enter offence; and
 - (c) introduces the new offence of “performance (‘post and boast’) crime” into the Crimes Act 1900 (NSW) which imposes an additional penalty of two years imprisonment on persons who disseminate material, for example by social media, showing them breaking and entering or committing a motor theft offense;
 - (iv) the Bill was strongly opposed by law and Aboriginal Community Controlled Organisations including the Law Society of NSW, the Aboriginal Legal Service NSW/ACT, NSW Aboriginal Lands Council, Deadly Connections Community Justice Services, the Justice Reform Initiative and 560 legal practitioners, community workers and academics working across the fields of law, criminology, social sciences and Indigenous studies; and

- (v) issues raised by these groups and individuals include:
 - (a) a grave concern that an increasing number of children may be denied bail, enmeshing them in the criminal justice system with the risk of increasing rates of incarceration and exacerbating pathways to adult imprisonment;
 - (b) overwhelming evidence by youth detention management, children's commissioners, outside experts and young people that youth detention does not work; and
 - (c) while applying to all young people, the impact of the new laws will be disproportionate and potentially disastrous for young people of colour, Aboriginal and Torres Strait Islander children and young people in both regional and inner city areas;
- (B) Council welcome the announcement of increased funding for community services to regional NSW, noting that these services will be undermined by the implementation of the Bail and Crimes Amendment Act;
- (C) Council endorses the opposition to the Bail and Crimes Amendment Act noted above, and joins with the Aboriginal Legal Service NSW/ACT and other organisations in calling for its repeal;
- (D) Council supports the implementation of the following three point youth crime prevention plan put forward by a coalition of Aboriginal and legal organisations:
 - (i) resources allocated for local communities to support after-school, evening and weekend activities that engage at-risk young people;
 - (ii) intensive and targeted programs and responses for at-risk children with appropriate referral services; and
 - (iii) formal community partnerships between police and Aboriginal controlled services; and
- (E) the Lord Mayor be requested to write to the Premier, the Attorney-General and the Minister for Aboriginal Affairs conveying the terms of this motion.

The motion was carried on the following show of hands –

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

Noes (2) Councillors Gannon* and Jarrett*.

Carried.

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

X086660

Item 13.3 Bartlett Lane Bins**Procedural motion**

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

That Item 13.3 be withdrawn.

Carried unanimously.

Item 13.4 Motion to the Australian Local Government Association National General Assembly - Fuelling Hate Report

Moved by Councillor Scott, seconded by Councillor Worling –

It is resolved that:

(A) Council note:

- (i) the Trans Justice Project and Victorian Pride Lobby have released the Fuelling Hate Report investigating the prevalence and possible escalation of transphobia in Australia;
- (ii) this is the largest investigation into anti-trans hate in Australia with over 3,099 survey responses, including 1,309 survey responses from people in the trans community;
- (iii) the Fuelling Hate Report found in the last 12 months:
 - (a) 94 per cent of all participants saw online anti-trans abuse, harassment or vilification;
 - (b) 52 per cent of all participants saw anti-trans abuse, harassment or vilification in-person;
 - (c) 49 per cent of trans participants experienced online anti-trans abuse, harassment or vilification; and
 - (d) 47 per cent of trans participants experienced in-person anti-trans abuse, harassment or vilification;
- (iv) the Fuelling Hate Report found compared to 2020:
 - (a) 85 per cent of all participants saw significantly more online anti-trans abuse, harassment or vilification;
 - (b) 40 per cent of trans participants experienced more significantly more online anti-trans abuse, harassment or vilification; and
 - (c) 34 per cent of trans participants said they had experienced more or significantly more in-person anti-trans abuse, harassment or vilification;
- (v) the Fuelling Hate Report found:
 - (a) 15 per cent of trans participants experienced anti-trans violence in the last 12 months;
 - (b) 13 per cent of trans participants experienced more or significantly more anti-trans violence in the last 12 months; and
 - (c) 11 per cent of trans participants experienced more or significantly more anti-trans violence in the two months preceding the survey; and

- (B) Council be requested to endorse the following motion for submission to the 2024 Australian Local Government Association National General Assembly:

This National General Assembly calls on the Australian Government to introduce anti-vilification laws to protect the community from hate and ensure that every individual in Australia feels safe and protected under law irrespective of their age, disability, gender identity, intersex status, race, religion, sex, or sexual orientation.

Carried unanimously.

X086655

Item 13.5 Fix the Rozelle Interchange

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) WestConnex is Australia's most expensive toll road project, estimated to cost more than \$20 billion;
- (ii) local community groups, the Greens and the City of Sydney were strongly opposed to WestConnex on grounds including, but not limited to, the cost, the environmental impact, the health impact from pollution, the prioritisation of car travel over public and active transport, and the risk that the project would lead to increased road congestion at key points;
- (iii) the final piece of the privatised road project was the opening of the WestConnex Rozelle Interchange in November 2023;
- (iv) following the opening of the Rozelle Interchange there has been significantly increased congestion for travellers into the Sydney CBD, particularly those travelling from the Balmain peninsula;
- (v) several immediate, small changes were made by the NSW Government in response to calls by the community and local MP Balmain Kobi Shetty, including added lane space on City West Link and a commitment to return the right-hand turn from Johnston Street onto The Crescent at Glebe. However, the core issues and congestion remain, and further action is urgently needed;
- (vi) the Greens NSW secured a Legislative Council inquiry into the WestConnex Rozelle Interchange;
- (vii) the Legislative Council Inquiry into WestConnex Rozelle Interchange:
 - (a) extended the deadline for submissions and responses to the online questionnaire until Tuesday, 2 April 2024;
 - (b) will be hosting a public forum at NSW Parliament on Wednesday, 10 April 2024. Members of the public can register to speak through the NSW Parliament website; and
 - (c) will be holding public hearings on 10, 23 and 24 April 2024. City staff anticipate the City will be invited to a hearing, especially as there are fewer than 20 submissions to date;
- (viii) the City of Sydney made a detailed submission to the NSW Legislative Council WestConnex Rozelle Interchange Inquiry. The City of Sydney's submission proposes potential solutions including:
 - (a) footpath widening, cycleway and zero emissions buses along Broadway and Parramatta Road;
 - (b) the NSW Government to fund walking and cycling improvements along Victoria Road; and

- (c) other non road-first plans to alleviate congestion;
- (B) Council note that in addition for calling for public and active transport solutions, a petition has been launched by the Greens MP for Balmain Kobi Shetty which calls on the Minister for Roads to take urgent action to help address traffic safety and congestion including:
 - (i) resolving local pinch points limiting access to Victoria Road from the Balmain peninsula and Rozelle;
 - (ii) improving traffic flow from Victoria Road onto the Anzac Bridge; and
 - (iii) improving traffic flows along City West Link;
- (C) Council note that the petition has close to 3,000 signatures at the time of publication of this notice; and
- (D) Council agree to endorse the petition calling for urgent action to address traffic congestion issues relating to the Rozelle Interchange.

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

Moved by Councillor Ellsmore, seconded by Councillor Chan –

It is resolved that:

- (A) Council note:
 - (i) WestConnex is Australia's most expensive toll road project, estimated to cost more than \$20 billion;
 - (ii) local community groups, the Greens and the City of Sydney were strongly opposed to WestConnex on grounds including, but not limited to, the cost, the environmental impact, the health impact from pollution, the prioritisation of car travel over public and active transport, and the risk that the project would lead to increased road congestion at key points;
 - (iii) the final piece of the privatised road project was the opening of the WestConnex Rozelle Interchange in November 2023;
 - (iv) following the opening of the Rozelle Interchange there has been significantly increased congestion for travellers into the Sydney CBD, particularly those travelling from the Balmain peninsula;
 - (v) the impacts of the Rozelle interchange extend far beyond its physical boundaries by inducing traffic into local streets in surrounding neighbourhoods, such as Pyrmont Bridge Road and Bridge Road in Glebe;
 - (vi) several immediate, small changes were made by the NSW Government in response to calls by the community and local MP for Balmain Kobi Shetty, including added lane space on City West Link and a commitment to return the right-hand turn from Johnston Street onto The Crescent at Glebe. However, the core issues and congestion remain, and further action is urgently needed;
 - (vii) the Greens NSW secured a Legislative Council Inquiry into the WestConnex Rozelle Interchange;

- (viii) the Legislative Council Inquiry into WestConnex Rozelle Interchange:
 - (a) extended the deadline for submissions and responses to the online questionnaire until Tuesday, 2 April 2024;
 - (b) will be hosting a public forum at NSW Parliament on Wednesday, 10 April 2024. Members of the public can register to speak through the NSW Parliament website; and
 - (c) will be holding public hearings on 10, 23 and 24 April 2024. City staff anticipate the City will be invited to a hearing. There are seven submissions to date;
- (ix) the City of Sydney made a detailed submission to the NSW Legislative Council WestConnex Rozelle Interchange Inquiry. The City of Sydney's submission proposes potential solutions including:
 - (a) the NSW Government funding and delivering the City's Broadway Green Avenue proposal, including footpath widening, a cycleway, zero emissions buses and light rail along Broadway and Parramatta Road;
 - (b) the NSW Government to fund walking and cycling improvements along Victoria Road and restoring the Glebe Island Bridge; and
 - (c) other non-road-first plans to alleviate congestion;
- (B) in May 2023, the Lord Mayor wrote to the Minister for Roads and the Minister for Transport about funding and implementing the City's proposal for the Broadway Green Avenue envisaged by Sustainable Sydney 2030-2050 Continuing the Vision. In May 2024, the Lord Mayor will raise the matter again in a meeting with the Minister for Transport;
- (C) Council note that in addition for calling for public and active transport solutions, a petition has been launched by the Greens MP for Balmain Kobi Shetty which calls on the Minister for Roads to take urgent action to help address traffic safety and congestion including:
 - (i) resolving local pinch points limiting access to Victoria Road from the Balmain peninsula and Rozelle;
 - (ii) improving traffic flow from Victoria Road onto the Anzac Bridge; and
 - (iii) improving traffic flows along City West Link;
- (D) Council note that the petition has close to 3,000 signatures at the time of publication of this notice; and
- (E) Council agree to endorse the petition calling for urgent action to address traffic congestion issues relating to the Rozelle Interchange.

Carried unanimously.

X086659

Item 13.6 Supporting Access to Low Cost or Free Rehearsal Spaces for Musicians

Moved by Councillor Ellsmore, seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) included in the 2022/23 and 2023/24 City of Sydney Council budgets was a provision for 100 per cent free hire of community spaces for local community groups whose events, activities and services are predominantly for residents in the City of Sydney area;
- (ii) the City of Sydney also extended coverage by the City of Sydney's public liability insurance free of charge with the waiver, on application;
- (iii) the free fee waiver for local community groups and coverage for public liability insurance is available for community halls, community centres, meeting rooms and other in-door community spaces;
- (iv) musicians are generally currently not eligible for the 100 per cent fee waiver for hire of community spaces, unless they fit the definition of a local community group. Examples of low or free hire of Council spaces offered by the Council for music rehearsal includes:
 - (a) free music rehearsal space for students and school groups in 17 Council community venues;
 - (b) community and student rates of hire at the rehearsal and recording space in Green Square Library music room; and
 - (c) individual and group rates of hire for recording, rehearsal and practice rooms at the City of Sydney Creative Studios in Bathurst Street; and
- (vi) Council is currently considering the inclusion of reduced rates for artists and creative practitioners to hire Council operated venues for the 2024/5 budget;

(B) Council also note:

- (i) Sydney is losing artists and musicians to other cities. The cost of living and housing costs is a key part of this. Many creative workers have very low hourly and weekly earnings. Space is also an issue. Particularly for renters and those living in small or shared housing, it can be difficult to get access to space for regular music practice as an individual or a group;
- (ii) a lack of access to cheap or free rehearsal space has been identified by the City of Sydney as a key barrier for maintaining and growing a creative city;
- (iii) even a small hire fee can be a big barrier for someone, especially someone who wants to practice a few times a week and doesn't have a lot of money; and
- (iv) the Office of Councillor Ellsmore has received requests for Council to consider extending the free hire for musicians, for rehearsal or practice spaces; and

- (C) the Chief Executive Officer be requested to provide advice to Council in relation to the draft 2024/5 budget and schedule of fees about:
- (i) opportunities and costs to make Council's community spaces available for hire for free to musicians and other creatives for rehearsal or practice space; and
 - (ii) appropriate management strategies to ensure equitable access to space, where there may be competing demands with other community uses.

Carried unanimously.

X086659

Item 13.7 Ending Council Grants and Relationships with the Star Casino

Moved by Councillor Ellsmore, seconded by Councillor Scott –

It is resolved that:

(A) Council note that:

- (i) The Star casino in Pyrmont continues to operate with a suspended licence following the 2022 inquiry into money laundering and counter-terrorism issues;
- (ii) after failing to adequately address the problems identified by the 2022 inquiry, The Star casino is now subject to a second inquiry by the NSW Independent Casino Commission into its operations;
- (iii) in the last month, The Star casino's Chief Executive Officer, Chief Financial Officer, Head of Customer Service, and Chief of Staff have resigned;
- (iv) the City of Sydney has granted substantial funding to the Western Harbour Business Improvement District (now renamed to the New Sydney Waterfront Co), of which The Star casino was a founding member and board member, and of which both The Star casino and Crown casino are currently active and prominent members; and
- (v) Council funding includes:
 - (a) \$40,000 for a knowledge exchange grant in 2021 to explore and develop the Business Improvement District model; and
 - (b) \$50,000 for an Innovation and Ideas Grant in 2022 to undertake a "Research and Feasibility project to develop an Environmental, Social and Governance (ESG) vision for the Western Sydney Harbourfront Precinct;

(B) Council also note that:

- (i) the Western Harbour Business Improvement District/ New Sydney Waterfront Co was the first 'Business Improvement District' (or BID) in NSW;
- (ii) it was established in January 2021 with \$450,000 in seed funding from the NSW Government and \$40,000 from the City of Sydney;
- (iii) the NSW Government has recently renamed the Business Improvement District program the Community Improvement District (or CID) program, although the model remains essentially the same;
- (iv) the NSW Government is currently undertaking consultation on legislation to formalise Community Improvement Districts (CIDs);
- (v) the City of Sydney has made a submission to the NSW Government's draft exposure bill on CIDs. The bill proposes that businesses and other organisations who form a CID will be able to compulsorily tax or levy other businesses in a local area, to deliver 'improvements' or 'services', including some activities which would otherwise be the responsibility of the local or State Government;

- (vi) issues with the bill outlined in the City of Sydney's submission includes a lack of transparency on resourcing and governance of the proposed CID Regulatory Authority, insufficient level of detail required for a proposal to set up a CID, incorrect assumptions on responsibility for ballot process and property owner lists, a flawed model based on addition compulsory taxes (the CID levy); exclusion of non-landowning businesses or residents in a CID entity; and the misleading renaming of the program; and
 - (vii) the City of Sydney's submission opposes the bill in its current form, and recommends it does not go ahead, noting that ... *"the legislation presents too many pragmatic challenges that have not been considered, with the likely outcome being that the legislation will either not deliver on the intent and/or will have unintended negative consequences"*;
- (C) Council agree that:
- (i) The Star casino is not an appropriate organisation to receive or benefit from Council funding;
 - (ii) The Star casino is not an appropriate organisation for the City of Sydney to partner with or otherwise support; and
 - (iii) in the future the City of Sydney Council will not provide funding or other forums of support to the New Sydney Waterfront Co, the Western Harbour Business Improvement District or future iterations, or any other organisations of which The Star casino is a governing member or key beneficiary; and
- (D) the Chief Executive Officer be requested to:
- (i) provide advice to Council:
 - (a) detailing any grants and other Council funding allocations (including program support) to The Star casino and related entities, as well as to organisations in which The Star casino is involved in the governance or is a beneficiary;
 - (b) about opportunities or obligations by Council to end any current funding arrangements with the New Sydney Waterfront Co (and its iterations) and The Star casino, and to recoup previous funding, including on the basis of unethical behaviour and/ or risks related to potential criminal activity;
 - (c) outlining any and all consultation bodies or governance groups the City of Sydney is involved in alongside The Star casino; and
 - (d) outlining amendments that could be made to Council policies, program and grant guidelines to bring this decision into effect; and
 - (ii) withdraw the City of Sydney Council from involvement in bodies or governance groups of which The Star Casino is a leading or prominent member.

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

It is resolved that:

(A) Council note that:

- (i) The Star casino in Pyrmont continues to operate, under a special manager, with a suspended licence, following the 2022 inquiry into money laundering and counter-terrorism issues;
- (ii) after failing to adequately address the problems identified by the 2022 inquiry, The Star casino is now subject to a second inquiry by the NSW Independent Casino Commission into its operations;
- (iii) in the last month, The Star Casino's Chief Executive Officer, Chief Financial Officer, Head of Customer Service, and Chief of Staff have resigned;
- (iv) the City of Sydney has granted funding to the Western Harbour Business Improvement District (now renamed to the New Sydney Waterfront Co) including:
 - (a) \$40,000 for a knowledge exchange grant in 2021 to explore and develop the Business Improvement District model; and
 - (b) \$50,000 for an Innovation and Ideas Grant in 2022/23 to undertake a "Research and Feasibility project to develop an Environmental, Social and Governance (ESG) vision for the Western Sydney Harbourfront Precinct; and
- (v) the New Sydney Waterfront Co's current board members are ICC Sydney, Lendlease, Markham, Mirvac, Sydney Fish Market, The GPT Group, The Star, UTS, Accor, Business Sydney, Crown and Powerhouse. Many other businesses and organisations are members including Business in the Peninsula (Pyrmont, Ultimo and Darling Harbour) (formerly Pyrmont Ultimo Chamber of Commerce) and Walsh Bay Precinct Association;

(B) Council also note:

- (i) the Western Harbour Business Improvement District/ New Sydney Waterfront Co was the first 'Business Improvement District' (or BID) in NSW;
- (ii) it was established in January 2021 with \$450,000 in seed funding from the NSW Government and \$40,000 from the City of Sydney;
- (iii) the NSW Government has recently renamed the Business Improvement District program the Community Improvement District (or CID) program, although the model remains essentially the same;
- (iv) the NSW Government is currently undertaking consultation on legislation to formalise Community Improvement Districts (CIDs);
- (v) the City of Sydney has made a submission objecting to the NSW Government's draft exposure bill on CIDs. The bill proposes that businesses and other organisations who form a CID will be able to compulsorily tax or levy other businesses in a local area, to deliver 'improvements' or 'services', including some activities which would otherwise be the responsibility of the local or State Government;

- (vi) issues with the bill outlined in the City of Sydney's submission include a lack of transparency on resourcing and governance of the proposed CID Regulatory Authority, insufficient level of detail required for a proposal to set up a CID, incorrect assumptions on responsibility for ballot process and property owner lists, a flawed model based on additional compulsory taxes (the CID levy); exclusion of non-landowning businesses or residents in a CID entity; and the misleading renaming of the program; and
 - (vii) the City of Sydney's submission opposes the bill in its current form, and recommends it does not go ahead, noting that ... "the legislation presents too many pragmatic challenges that have not been considered, with the likely outcome being that the legislation will either not deliver on the intent and/or will have unintended negative consequences";
- (C) Council agree that:
- (i) given the findings of the NSW Independent Casino Commission's Inquiry and the failure to implement changes in a timely manner, The Star casino is not an appropriate organisation to receive or benefit from Council funding;
 - (ii) the City's existing Corporate Sponsorship Policy, Investment Policy and Grants and Sponsorship Policy, ensure the City does not support entities who entice people into financial over-commitment, derive their principal source of revenue from gambling activities, and produce, promote or distribute products or services likely to be harmful to the community;
 - (iii) local community groups, organisations and events, including Christmas in Pyrmont, Sustainable Destination Partnership, Business in the Peninsula and the Pyrmont Food and Wine Festival are supported by The Star, many of which the City is also involved in. Should the City withdraw its involvement or support of these groups, it could put their operation and events at risk;
 - (iv) the City's Chief Executive Officer is currently a member of the New Sydney Waterfront Co's Government Liaison Group, alongside Placemaking NSW, and the NSW Department of Enterprise, Investment and Trade. The City also participates in various working groups associated with the New Sydney Waterfront Co including the Precinct Liaison Group, Data Analytics Group and Precinct Marketing Group; and
 - (v) should the City withdraw its involvement in the New Sydney Waterfront Co, we will lose the ability to help shape the future of an important part of our local area. Importantly, we will also miss the opportunity to support our local business community and ensure that community issues are considered during these processes; and

- (D) the Chief Executive Officer be requested to:
- (i) provide advice to Council:
 - (a) detailing any grants and other Council funding allocations (including program support) to The Star casino;
 - (b) outlining any other governance groups the City of Sydney is involved in alongside The Star casino other than the New Sydney Waterfront Co; and
 - (c) outlining amendments that could be made to Council policies, program and grant guidelines to bring this decision into effect; and
 - (ii) write to the Chair of the New Sydney Waterfront Co expressing Council's concerns about The Star casino's membership on the Board while a second independent inquiry is underway into the operations of the casino.

The amendment was carried on the following show of hands –

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

Noes (3) Councillors Ellsmore, Gannon and Jarrett.

Amendment carried.

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

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

Noes (3) Councillors Ellsmore, Gannon and Jarrett.

Amended motion carried.

X086659

Item 13.8 Motion to the Australian Local Government Association National General Assembly - Accelerating the Transition to All-Electric Homes

Moved by Councillor Ellsmore, seconded by Councillor Davis –

It is resolved that:

(A) Council note:

- (i) the City of Sydney has in place, endorsed or proposed planning rules to achieve net zero by 2035, including through supporting the transition to all electric homes and banning gas in new residential buildings;
- (ii) however, State and Federal planning frameworks continue to allow the construction of new residential building powered by fossil fuels, including gas; and
- (iii) accelerating the transition to all-electric buildings powered by renewable energy and ending the construction of new homes which rely on gas are important steps to combat global warming; and

(B) Council endorse the following motion for submission to the 2024 Australian Local Government Association National General Assembly:

This National General Assembly calls on the Australian Government to:

- (i) note that, while the National Construction Code (NCC) was updated in 2022 to improve the thermal and energy performance of new residential buildings, the revised NCC still allows new homes to be powered by toxic and polluting gas appliances;
- (ii) notes that recent modelling by Climate Works demonstrates that the current energy performance standards in the revised NCC will not allow Australia to meet its Paris Agreement commitment to limit global warming to 1.5 degrees; and
- (iii) accelerate the transition to all-electric homes by ensuring new homes are powered by 100 per cent electricity and no gas, which will require an update to the NCC to explicitly require homes to be powered by 100 per cent electricity.

The motion was carried on the following show of hands –

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

Noes (2) Councillors Gannon and Jarrett.

Carried.

X086659

At 8.43 pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on Monday 13 May 2024 at which meeting the signature herein was subscribed.