

**8 April 2024**

At 5.00 pm

**Council**

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## Agenda

1. **Confirmation of Minutes**
2. **Statement of Ethical Obligations and Disclosures of Interest**
3. **Minutes by the Lord Mayor**
  - 3.1 Vale Brian Delaney
  - 3.2 Vale Chris Thomas
  - 3.3 Support for Responsible Pet Ownership
  - 3.4 2024 Australian Urban Design Awards
  - 3.5 Contract Renewal - Chief Executive Officer
4. **Memoranda by the Chief Executive Officer**
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
  - 6.1 Confirmation of Minutes
  - 6.2 Statement of Ethical Obligations and Disclosures of Interest
  - 6.3 Adoption - Councillor Meetings with Registered Lobbyists and Property Developers Policy
  - 6.4 Tender - Reject and Negotiate - T-2023-1144 - Lift / Escalator Upgrade at Kings Cross Library, Andrew Boy Charlton Pool and Railway Square
7. **Report of the Environment Committee**
  - 7.1 Confirmation of Minutes
  - 7.2 Statement of Ethical Obligations and Disclosures of Interest

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- 7.3 Public Exhibition - Events in Parks Policy (Withdrawn)
- 7.4 Lighting in Joynton Park
- 8. Report of the Housing For All Committee**
  - 8.1 Confirmation of Minutes
  - 8.2 Statement of Ethical Obligations and Disclosures of Interest
  - 8.3 Sale of Surplus Residential Property - Affordable and Diverse Housing
- 9. Report of the Transport, Heritage, Environment and Planning Committee**
  - 9.1 Confirmation of Minutes
  - 9.2 Statement of Ethical Obligations and Disclosures of Interest
  - 9.3 Public Exhibition - Planning Proposal - 232-240 Elizabeth Street, Surry Hills - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendments
  - 9.4 Fire Safety Reports
- 10. Naming Proposal - Butterscotch Park, Rosebery**
- 11. Questions on Notice**
- 12. Supplementary Answers to Previous Questions**
- 13. Notices of Motion**
  - 13.1 Public Transport Concession for International and Part-Time Students
  - 13.2 NSW Bail and Crimes Amendment Bill
  - 13.3 Bartlett Lane Bins

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- 13.4 Motion to the Australian Local Government Association National General Assembly - Fuelling Hate Report
- 13.5 Fix the Rozelle Interchange
- 13.6 Supporting Access to Low Cost or Free Rehearsal Spaces for Musicians
- 13.7 Ending Council Grants and Relationships with the Star Casino
- 13.8 Motion to the Australian Local Government Association National General Assembly - Accelerating the Transition to All-Electric Homes

## **Item 1**

### **Confirmation of Minutes**

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

Meeting of 11 March 2024

## Item 2

### **Statement of Ethical Obligations**

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

### **Disclosures of Interest**

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

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

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

**Item 3.1****Vale Brian Delaney****File No: S051491****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 Pymont and became an early volunteer with Pymont 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 Pymont 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 Pymont 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



## Item 3.2

### Vale Chris Thomas

File No: S051491

#### 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

### Item 3.3

#### Support for Responsible Pet Ownership

File No: S051491

#### 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, and increasingly people want to bring their dogs to work too.

In February 2024, 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

## Item 3.4

### 2024 Australian Urban Design Awards

File No: S051491

#### 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

**Item 3.5****Contract Renewal - Chief Executive Officer****File No: S051491****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

**Item 4**

**Memoranda by the Chief Executive Officer**

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

## **Item 5**

### **Matters for Tabling**

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

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

#### **Recommendation**

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

**Item 6**

**Report of the Corporate, Finance, Properties and Tenders Committee - 25 March 2024**

**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.

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

### **Item 6.3**

#### **Adoption - Councillor Meetings with Registered Lobbyists and Property Developers Policy**

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 report;
- (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.

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

X103625

The Corporate, Finance, Properties and Tenders Committee recommends 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:

- (A) 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.

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

X099721

**Item 7**

**Report of the Environment Committee - 25 March 2024**

**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 recommends 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.

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

X023035

**Item 8**

**Report of the Housing For All Committee - 25 March 2024**

**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 – at the meeting of the Housing For All Committee, this recommendation was considered in seriatum, as follows –

**Part 1**

The Housing For All Committee recommends the following:

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

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**

The Housing For All Committee recommends the following:

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

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

The Housing For All Committee recommends the following:

Moved by Councillor Ellsmore, seconded by Councillor Kok –

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.

The 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 - 25 March 2024**

**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 recommends 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.

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

X094617

#### **Speaker**

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

The Transport, Heritage and Planning Committee recommends the following:

#### **Item 9.4**

#### **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.

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

S105001.002

## Item 10

### Naming Proposal - Butterscotch Park, Rosebery

**File No:** X034621

#### Summary

This report recommends that, subject to the Geographical Naming Board's procedure for the naming of public places (inclusive of public notification), Council approve naming a new park in Rosebery, "Butterscotch Park".

This multipurpose park, completed in 2023, is located on the former site of Sweetacres, the factory of James Stedman Henderson Ltd, which was opened in 1918 on Rothschild Avenue, Rosebery.

The initial name proposed for this park, "Allsorts Park", was endorsed by resolution of Council for public consultation in August 2020. The proposed name was put on public exhibition for 28 days in March 2021.

Feedback on this name was mixed - people in support cited links to the history of the site as a key reason, and people not in support of "Allsorts Park" cited concerns that without reference to 'licorice' in the name, the meaning of 'allsorts' could be unclear and interpreted in different ways.

In September 2021, Council approved the name "Licorice Allsorts Park" for this park. Subsequently, the City of Sydney's Aboriginal and Torres Strait Islander Advisory Panel raised the concern that "Licorice Allsorts" has been used as a derogatory term and could cause offence. As a result of this advice the name did not progress to the Geographical Names Board for gazettal.

A number of parks and streets in the surrounding area have been named in tribute to the sweet making history of the site, including Honeykiss Park, Sweetacres Park, Stedman Street, Sweet Street and Confectioners Way.

In keeping with the precedent to name parks and streets in the area after the history of Sweetacres, "Butterscotch Park" is now the name being proposed. A range of butterscotch confectionaries were made by the Sweetacres factory.

The previous naming consultation for this park and the nearby "Honeykiss Park" in March 2021 showed community support for names associated with the Sweetacres and its confectionary range.

The name "Butterscotch Park" is supported by the City Historian and has passed the initial check on the Geographical Names Board portal to ensure no local duplicates exist.

Given the community have been consulted a number of times on names for parks and streets in the area in tribute to the sweet making history of the site, it is proposed that Council submit the name “Butterscotch Park” directly to the Geographical Names Board. It is noted that the Geographical Names Board will undertake a public notification process in relation to the proposed name prior to gazettal and the City will also notify the community of the proposed name during this period.

### **Recommendation**

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.

### **Attachments**

**Attachment A.** Map Showing the Location of "Butterscotch Park".

**Attachment B.** Historical Justification

## Background

1. A new park was completed in 2023 within a development site bounded by 25–55 Rothschild Avenue and 5–13 Rosebery Avenue, Rosebery.
2. The park is located on the former site of Sweetacres, the factory of James Stedman Henderson Ltd, which was opened in 1918 on Rothschild Avenue, Rosebery.
3. The development is comprised of predominantly residential apartments of six to seven storeys with a mix of ground floor retail, childcare, home office and commercial uses and public domain works.
4. The development includes a new neighbourhood park of approximately 5,750 square metres.
5. The City consulted with the community (via a Review of Environmental Factors) on a refined design developed by Gallagher Studios for the new park in mid-2022 which was delivered by the City.
6. The new park provides an engaging green open space for recreation, play and social gatherings.
7. Key features include a children’s playground, picnic areas, grassed area and upgraded paths for walking.
8. A nearby park and three streets have taken their names from the historic sweet making enterprise in this area.
9. “Sweetacres Park” on the corner of Rothschild Avenue and Cressy Street (to the west of the site), “Sweet Street” runs between Mentmore and Rothschild Avenues, “Confectioners Way” is a new link that runs past the perimeter of the proposed “Butterscotch Park”, and “Stedman Street” adjoining “Honeykiss Park”.
10. The initial name proposed for this park, "Allsorts Park", was endorsed by resolution of Council for public consultation in August 2020. The proposed name was put on public exhibition for 28 days in March 2021. Feedback on this name was mixed - People in support cited links to the history of the site as a key reason, and people not in support of "Allsorts Park" cited concerns that without reference to 'licorice' in the name, the meaning of 'allsorts' could be unclear and interpreted in different ways.
11. In September 2021, Council approved the name “Licorice Allsorts Park” for this park.
12. Subsequently the City of Sydney's Aboriginal and Torres Strait Islander Advisory Panel raised the concern that “Licorice Allsorts” has been used as a derogatory term and could cause offence.
13. As a result of this advice the name did not progress to the Geographical Names Board for gazettal and options for a new name have been explored.
14. Given the community have been consulted a number of times on names for parks and streets in the area in tribute to the sweet making history of the site, it is proposed that Council submit the name “Butterscotch Park” directly to the Geographical Names Board.

## Key Implications

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

15. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
  - (a) Direction 4 - A City for Walking and Cycling - formally naming the park will assist in wayfinding and will facilitate recognition and visitation.
  - (b) Direction 6 - Vibrant Local Communities and Economies - naming the park will raise awareness of the new facility, acknowledge local historical context, and promote visitation to the precinct and to nearby businesses such as cafes and restaurants.
  - (c) Direction 9 - Sustainable Development, Renewal and Design - naming the park will enhance an important precinct in the Green Square urban renewal area.

### Social / Cultural / Community

16. Many names of Aboriginal language origin have been applied to parks, streets and buildings in recent years, particularly around the southern renewal area.
17. The City's Historian recommends "Butterscotch Park", reflecting the historic context of the site which has resulted in an integrated precinct with confectionary-themed names.
18. Previous community consultation on this park and surrounding parks have indicated community support for names associated with the historic sweet making use of the site.
19. The City's standard park signage featuring the traditional Acknowledgement of Country messaging "Bujari Gamarruwa" will be installed at the main park entrances.

### Financial Implications

20. There are funds available in the 2023/24 budget for the installation of park signage.

### Relevant Legislation

21. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines – the recommended name complies with this legislation and meets the Geographical Names Board Guidelines.

### Critical Dates / Time Frames

22. There are no critical dates. Should Council approve the name, a formal naming application will be submitted to the Geographical Names Board for consideration.

**Public Consultation**

23. Given the community have been consulted a number of times on names for parks and streets in the area in tribute to the sweet making history of the site, it is proposed that Council submit the name “Butterscotch Park” directly to the Geographical Names Board in this instance.
24. Previous community consultation on this park and surrounding parks have indicated community support for names associated with the historic sweet making use of the site.
25. The proposed name “Butterscotch Park” will be assessed by the Geographical Names Board of New South Wales through its formal application process.
26. The Geographical Names Board will notify the public through the local press as part of their routine procedure for the naming of public places.
27. The City will also notify the community during the Geographical Names Board process for the naming of public places.
28. If objections are raised, the proposal is returned to Council for further comment or amendment if required.
29. The name “Butterscotch Park” will be published in the NSW Government Gazette following the Geographical Names Board process for the naming of public places.

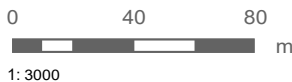
**MONICA BARONE**

Chief Executive Officer



# **Attachment A**

**Map Showing the Location of “Butterscotch  
Park”**



Notes

Location map

# **Attachment B**

## **Historical Justification – Butterscotch Park**

## **Butterscotch Park - historical justification**

The new park is located on the site of Sweetacres, the large factory of James Stedman-Henderson's Sweets Ltd, which was opened in 1918 on Rothschild Avenue, Rosebery.

James Stedman had been in the business of sweet making since 1851, starting as an apprentice to. He bought his own business in 1875. Originally, the Stedman's factory was in Kent Street, Sydney, and expanded through to Clarence Street. James Stedman Ltd was known for its Lion Brand confectionery, which included butterscotch, toffees and mints. The company also imported 'high-class English, American and Continental sweets'.

The family business of James Henderson & Sons was established in 1903. The office and factory were originally located on Oxford Street, Paddington, and later moved to Haymarket. They started out with two lines of confectionery: Honey Kisses and Wee Macgregor Butterscotch. Their factory became known as the 'Kisseries' after its most popular sweet, 'Henderson's Honey Kisses'. James Henderson & Sons became known for their all-Australian product (including wrappers, boxes, show-cards and advertising material), with their sweets made from quality, pure Australian ingredients.

The businesses of James Stedman and James Henderson joined forces in 1916 to create James Stedman-Henderson's Sweets Ltd. The newly formed company moved to the model industrial estate of Rosebery in 1918. The large 12-acre site allowed the business to be realigned along modern factory design and production which facilitated expansion. The factory was designed by architects Burcham Clamp and was formally named 'Sweetacres' following a naming competition conducted with staff. This was later adopted as the company name.

James Stedman-Henderson's Sweets Ltd was a large manufacturing firm that employed hundreds of hands to make and wrap sweets that became household names. The business operated on the Rosebery site from 1918 until the late 1960s. It was here in 1922 at the Rosebery factory that the iconic sweets 'Minties' were first produced. These were soon followed by other popular sweets, such as 'Jaffas' and 'Fantales'. Sweetacres manufactured a wide variety of products including chocolates, gums and jubes, jellies, caramels, toffee, life savers, boiled lollies, chewing gum and sundae toppings. They made several butterscotch sweets including Butterscotch Mixture, Butterscotch Balls and Wee Macgregor Butterscotch.

The name Sweetacres was applied to the park on the corner of Rothschild Avenue and Cressy Street to the west of the site. Three streets also reflect the site's history: Sweet Street, Confectioners Way and Stedman Street. A green link on the Sweetacres site was named Honeykiss Park. The naming of the new park after products manufactured onsite here is appropriate. Butterscotch Park should be the final name to be applied to this sweet slice of Sydney's history.

Images



Henderson's Sweets display at an industrial exhibition, 1906, with the advertising logo lining the booth.

Source: *The Sydney Mail and New South Wales Advertiser* 10 January 1906, p. 93m  
<http://nla.gov.au/nla.news-page16889731>

# JAMES STEDMAN LIMITED,

Manufacturing Confectioners, and Importers of  
English, American, and Continental Sweets.

THE DELIGHT OF  
THE CONNOISSEUR  
STEDMAN'S  
FAMOUS  
**'LION'**  
BRAND  
CONFECTIONERY



TOOTHSONE  
DAINTIES  
IN  
THOUSANDS  
OF  
DIFFERENT  
VARIETIES

ASK YOUR CONFECTIONER FOR—

**IMPERIAL BUTTER SCOTCH**—packed in 3d & 6d Cartons  
**GIPSY FORTUNE TELLERS**—enveloped in Novel Wrappers.  
**TOFFLETS**—3d. and 6d.—packed in Very Pretty Cartons.  
**LANKEE BILL**, the Children's Delight—enveloped in Novel  
Cartons, which may be broken off in sections.

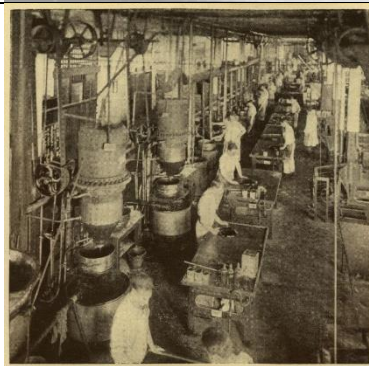
THERE IS SAFETY AND SATISFACTION IN OUR CONFECTIONERY.  
SAFETY IN ITS PURITY, AND—SATISFACTION IN ITS TASTE.

OUR FAMOUS  
**HONEY CRACKERS & BUTTER CREAM CRACKERS**  
ARE AS DELICIOUS AS EVER—NOVELTIES ARRIVE BY EVERY MAIL.

**145 CLARENCE-ST. - - SYDNEY.**

James Stedman made a line of butterscotch in the early 20<sup>th</sup> century, part of his 'Lion' brand sweets range.

Source: 'Advertising', *The Sydney Mail and New South Wales Advertiser*, 26 January 1910, p. 2, <http://nla.gov.au/nla.news-article164290143>



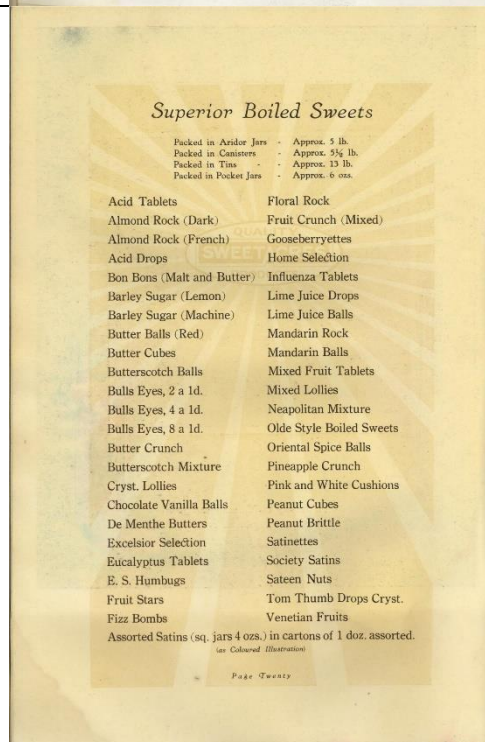
Vacuum and pan sugar boilers at Sweetacres, 1924.

Source: James Stedman-Hendersons Sweets catalogue 1924: *Creating quality sweets for half a century: 1872-1924, quality Sweetacres products*,  
<https://nla.gov.au/nla.obj-699352856/view?partId=nla.obj-699357623#page/n33/mode/1up>



Wee Macgregor Butterscotch was invented by James Henderson & Sons when they started out in 1903 and continued to be made at the Sweetacres factory.

Source: James Stedman-Hendersons Sweets catalogue 1924: *Creating quality sweets for half a century: 1872-1924, quality Sweetacres products*,  
<https://nla.gov.au/nla.obj-699352856/view?partId=nla.obj-699356607#page/n26/mode/1up>



Sweetacres made Butterscotch Mixture and Butterscotch Balls as part of their boiled sweets range.

Source: James Stedman-Hendersons Sweets catalogue 1924: *Creating quality sweets for half a century: 1872-1924, quality Sweetacres products*,  
<https://nla.gov.au/nla.obj-699352856/view?partId=nla.obj-699357752#page/n34/mode/1up>

## References

'The Making of Sweets, and Particularly 'Honey Kisses''', *The Sydney Mail and New South Wales Advertiser*, 4 January 1905, p. 37, <http://nla.gov.au/nla.news-page16886297>

'Henderson's Sweets', *The Sydney Mail and New South Wales Advertiser*, 10 January 1906, p. 93, <https://trove.nla.gov.au/newspaper/page/16889731>

'An expanding business', *The Sunday Sun*, 10 June 1906, p. 3, <http://nla.gov.au/nla.news-article231864899>

'Henderson's Sweets', *Sunday Times*, 20 December 1908, p. 5, <http://nla.gov.au/nla.news-article126731066>

James Stedman-Henderson Sweets Ltd, *Creating quality sweets for half a century: 1872-1924, Sydney and Melbourne*, 1924, <https://nla.gov.au/nla.obj-699352856>

## 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

#### 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)?

### 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

### 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

## 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

## 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

## 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

## **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 does 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

## **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

## 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

## **Item 12**

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

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

## Item 13.1

### Notices of Motion

#### Public Transport Concessions for International and Part-Time Students

By Councillor Chan

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.

X086661



## Item 13.2

### Notices of Motion

#### NSW Bail and Crimes Amendment Bill

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 offence;
- (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;
- (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.

X086660

## Item 13.3

### Notices of Motion

#### Bartlett Lane Bins

By Councillor Jarrett

It is resolved that:

(A) Council note:

- (i) on 14 March 2024, Councillor Jarrett, Councillor Worling and City of Sydney senior staff met with the residents of Paddington to discuss the current operation of the Bartlett Lane communal bins;
- (ii) the Bartlett Lane communal bins system has been in place since early 2012 when the City responded to requests from the Local Community Working Group to move from individual household bin collection to communal skip bins servicing the residents of Greens Road and Iris Street;
- (iii) over the past decade since the implementation of the communal bins scheme was implemented, issues including incorrect rubbish disposal, illegal dumping, incorrect bin placement and compliance and security breaches have arisen;
- (iv) whilst the communal bins scheme has provided much relief to residents of the area, it is imperative that the City ensures continued education, enforcement and compliance with this system to eliminate the issues that have arisen over time and to ensure the community properly benefit from the original intentions of the scheme; and

(B) the Chief Executive Officer be requested to:

- (i) convene an information session with all residents on Greens Road and Iris Street to educate and inform on:
  - (a) proper rubbish disposal practices;
  - (b) who can use the communal bins scheme;
  - (c) how to correctly use the communal bins scheme; and
  - (d) the negative health and hygiene implications of incorrectly disposing of household waste;
- (ii) letterbox drop information flyers to all residents of Greens Road and Iris Street with clear information on:
  - (a) proper rubbish disposal practices;
  - (b) who can use the communal bins scheme;

- (c) how to correctly use the communal bins scheme; and
  - (d) the negative health and hygiene implications of incorrectly disposing of household waste;
- (iii) reinforce the original bin placement markings between the two bollards on Bartlett Lane by clearly labelling the areas on the ground; and
  - (iv) instruct Cleanaway's rubbish service collectors to ensure they are aware of the necessity of placing the bins back in their designated marked positions.

X086657

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

By Councillor Scott

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.

X086655

## Item 13.5

### Notices of Motion

#### 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.

X086659



## Item 13.6

### Notices of Motion

#### Supporting Access to Low Cost or Free Rehearsal Spaces for Musicians

By Councillor Ellsmore

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.

X086659

**Item 13.7****Notices of Motion****Ending Council Grants and Relationships with the Star Casino**

By Councillor Ellsmore

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 forms 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.

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

By Councillor Ellsmore

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.

X086659