

Council

Meeting No 10

Monday 28 October 2024

Notice No 10/1668

Notice Date 24 October 2024

minutes

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Present

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

Members Deputy Lord Mayor - Councillor Zann Maxwell, Councillor Lyndon Gannon, Councillor Robert Kok, Councillor Jess Miller, Councillor Matthew Thompson, Councillor Yvonne Weldon AM, Councillor Mitch Wilson and Councillor Adam Worling.

At the commencement of business at 5.01pm, those present were:-

The Lord Mayor, Deputy Lord Mayor Maxwell, Councillors Gannon, Kok, Miller, Thompson, Weldon, Wilson and Worling.

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

Apologies

Councillor Sylvie Ellsmore extended her apologies for her inability to attend the meeting of Council.

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

That the apology from Councillor Ellsmore be received and leave of absence from the meeting be granted.

Carried unanimously.

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.

Councillor Gannon left the meeting of Council at 5.51pm prior to discussion on Item 11.1, and returned at 5.53pm, after the vote on Item 11.1 Councillor Gannon was not present at, or in sight of, the meeting of Council during discussion or voting on Item 11.1.

Item 1 Confirmation of Minutes

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

That the Minutes of the meeting of Council of Monday, 19 August 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

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

That the Minutes of the extraordinary meeting of Council of Thursday, 10 October 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

The Lord Mayor (Councillor Clover Moore AO) disclosed a significant, non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. She has a close association with Melanie Tait, a committee member of the City North Men's Shed.

Councillor Zann Maxwell disclosed a less than significant, non-pecuniary interest in Item 11.2 on the agenda, in that Michael Mannix is a member of the Paddington Labor Branch of which he is the Secretary and is a prominent boarding house activist in the Sydney community. Councillor Maxwell considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he has not met with Michael personally or discussed this matter with him prior to it coming to Council.

Councillor Lyndon Gannon made the following disclosures:

- a significant, non-pecuniary interest in Item 7.3 on the agenda, in that he has a close association with Melanie Tate, a committee member of the City North Men's Shed.
- a pecuniary interest in Item 11.1 on the agenda, in that he is an employee of Transport for NSW.

Councillor Gannon stated that he will not be voting on Item 11.1.

Councillor Robert Kok disclosed a significant, non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. He has a close association with Melanie Tait, a committee member of the City North Men's Shed.

Councillor Jess Miller made the following disclosures:

- a significant, non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. She has a close association with Melanie Tait, a committee member of the City North Men's Shed.
- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that Wildflower, Gardens for Good Limited, at the Harry Jensen Centre is recommended for an Accommodation Grant for Abraham Mott Community space. She has a close association with the Chief Executive Officer of Wildflower, Gardens for Good Limited. Councillor Millers considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she is not directly involved with the organisation or its Grant Program.

Councillor Yvonne Weldon AM disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she is related to one of the Directors of Wildflower, one of the applicants recommended for an accommodation grant. Councillor Weldon considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as the relation is not an immediate family member or a relative for the purposes of clause 4.4 of the City of Sydney's Code of Conduct and she has had no involvement in the submission or assessment of this grant application.

Councillor Mitch Wilson made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that they have been given free tickets to shows at the Oxford Art Factory, Metro Theatre and Lansdowne Hotel by the owners of those venues in the past. Councillor Wilson considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as the proposed changes to the DCP and associated Special Entertainment Precinct discussion paper affects and benefits a much larger area of the City of Sydney than those venues.
- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that they were contracted by the Solotel Group in January 2021 to work on their tender for operation of Opera Kitchen at the Sydney Opera House, which they were successful in. Councillor Wilson considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as the proposed changes to the DCP and associated Special Entertainment Precinct discussion paper affects and benefits a much larger area of the City of Sydney than that venue.
- a less than significant, non-pecuniary interest in Item 11.2 on the agenda, in that Michael Mannix is a member of the Paddington Branch of the Labor Party and is an activist in the campaign to save the Selwyn Street boarding houses. Councillor Wilson considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as they have not met with any of the organisers personally or discussed this matter with them prior to it coming to Council.

Councillor Adam Worling disclosed a significant, non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. He has a close association with Melanie Tait, a committee member of the City North Men's Shed.

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 Bill Whittaker AM

Minute by the Lord Mayor

To Council:

HIV and AIDS organisations, experts and advocates in Australia and overseas are mourning the passing of Bill Whittaker AM on 12 September 2024. For almost 40 years Bill had devoted his life to preventing the spread of HIV and ensuring that support and treatment was readily available to people living with HIV and AIDS.

From 1968 to 1976, Bill served as a clerk of the NSW Parliament. One of his mentors was the long serving Labor Premier Neville Wran, who he later said taught him much of what he knew about procedures, governance, administration and politics.

His career took a radical new direction when he resigned his parliamentary post to become a Qantas flight steward. Over the next few years, he travelled the world, immersed himself in the emerging gay party scene and became a Mardi Gras volunteer.

Given Bill's previous career, he had the skills Mardi Gras needed and was elected the Committee's Chair in 1985, eventually becoming the Chief Executive Officer.

Under his leadership, Mardi Gras established robust organisational structures, clear governance processes, rigorous financial management and secured incorporated association status. This work established firm foundations for Mardi Gras to become the world's leading gay (and later gay and lesbian) nighttime parade.

Bill resigned as Mardi Gras Chair in 1986 and later that year became the first CEO for the then AIDS Council of NSW (now ACON). As he had done with Mardi Gras, Bill transformed the organisation. When he resigned as CEO in 1990, ACON had grown from three employees to a staff of over 70 servicing its head office and three regional branches. Over those 4 years ACON established treatment information and legal projects which had an impact beyond NSW, built a strong advocacy and policy base and was involved in State and Federal Government decision making. The Sex Workers Outreach Project and People living with HIV and AIDs (now Positive Life) were established and received government funding.

As ACON CEO, he was a leading advocate and pioneer of harm minimisation strategies, now internationally recognised as part of Australia's world leading public health approach to HIV prevention.

Bill continued his HIV and AIDS work after leaving ACON. He served as President of the Australian Federation of AIDS Organisations (now Health Equity Matters) from 1990 to 1992, and again from 2000 to 2003. He was also a major contributor to government taskforces and HIV policy bodies. During the 1990s, he played a crucial role in advocating for increased access to antiretroviral treatments, with this work being instrumental in shaping Australia's response to the evolving HIV treatment landscape.

In 2012, he led groundbreaking initiatives around CD4 count testing, which significantly improved the monitoring and health outcomes of people living with HIV. More recently he was instrumental in efforts to increase access to Pre-Exposure Prophylaxis (PrEP), which has helped revolutionise HIV prevention strategies in Australia and beyond. From 2013 until his recent death, he served as Special Representative of the National Association of People with HIV (Australia).

Bill's work extended beyond Australia. In 2001, 2006 and 2011 he participated in the United Nations Special Sessions on HIV, helping to design a global response. As a Commissioner with the UNAIDS High Level Commission on HIV Prevention, he and other Commissioners on AIDS in Asia presented then UN Secretary-General, Ban Ki-moon, with a vision for an effective regional response.

In 1992, Bill's HIV work was recognised when he became a Member of the Order of Australia.

Apart from his work in establishing strong foundations for Sydney Gay and Lesbian Mardi Gras and Australia's HIV/AIDS response, Bill played a pivotal role in preserving the Star Observer, Sydney's oldest surviving LGBTIQ+ media outlet.

In 1987, when its then owner, the Melbourne based Gay Publications Cooperative, announced its intention to cease the newspaper's publication, Bill gathered a group of community leaders with the aim of organising a community purchase. They established Sydney Gay Community Publishing, with Bill as its inaugural Chair. The purchase was successful and the newspaper was published under its new community ownership from early 1988. It is still published, albeit now in private ownership.

While much of Bill's life was focused on Australia's and the world's HIV/AIDS, his key role in ensuring the survival and growth of two crucial LGBTIQ+ institutions, Sydney Gay and Lesbian Mardi Gras and the Sydney Star Observer, must also be recognised. Australia's LGBTIQ+ communities are much stronger because of Bill's life work.

Recommendation

It is resolved that all persons attending this meeting of Council observe one minute's silence to commemorate the life of Bill Whittaker AM and his significant contribution to the Australian and international response to HIV and AIDS and to Australia's LGBTIQ+ Community.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

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

Item 3.2 Vale Vaughan Hinton OAM**Minute by the Lord Mayor**

To Council:

I inform Council about the death of William Vaughan Hinton, journalist, broadcaster, television producer and proud '78er, on 29 August 2024.

Vaughan was born in Toowoomba on 17 January 1933, and as a child he wanted to be a broadcaster, taking his first steps towards this ambition with a 13-year stint as a journalist on the Toowoomba Chronicle.

Reviewing a book by another journalist about refugees in Europe changed his life. Long after World War II had ended, refugees were still living in camps waiting to secure entry visas into safer countries. Vaughan wanted to help them. The opportunity came in 1963, when he joined the World Council of Churches in Australia (now the Australian Council of Churches) as Information Officer in its Resettlement Department working on refugee issues.

He continued to work with overseas aid programs, often travelling to refugee centres and war zones until he joined the ABC as a broadcast officer with ABC Radio in 1977.

Vaughan had married Elizabeth in 1958, and they had two daughters, Nicola and Caroline. Taking the World Council of Churches job meant uprooting his family and moving to Sydney. During the 1970s, Vaughan increasingly came to terms with being gay and came out to his wife. They eventually negotiated a separation, with Vaughan still devoted to his family. Vaughan became active in gay groups and took part in the first Mardi Gras in 1978. The following year he met Kym Skinner, who became his life partner. Around 25 years later, when Elizabeth was terminally ill, Vaughan and Kym, a trained nurse, opened their home to Elizabeth, and nursed her until her death.

When Vaughan joined the ABC he worked with the community affairs program, Broadband, as a religious features producer and later as a radio documentary producer. He also worked in television, most notably as interviewer for a 10-part series of extended interviews, "Man in Question". A short break from the ABC followed in 1980, when he was appointed national co-ordinator of the community mental health organisation, GROW.

He rejoined the ABC in 1984 as a TV producer, with his documentary "Prisoners of Hope" winning the UN Media Peace Prize for that year. This was followed by "Return of the Pink Triangle" about gays and the Christian church which also won a best documentary award.

In 1986, he was appointed as Executive Producer with responsibility for all TV religious programs, all Aboriginal programs and coverage of related events of national importance. He recruited Aboriginal and Torres Strait Islander producers and researchers who would be able to make their own programs.

"The First Australians", showing Aboriginal-made documentaries, and "Blackout", a series featuring Aboriginal and Islander performers and stories on indigenous social affairs resulted. "Blackout" episodes won major media awards. In 1988, he produced "One People Sing Freedom", which explored the Aboriginal response to the bicentenary. In the same year he launched "Compass", which is now a Sunday evening TV fixture with its exploration of religion and spirituality in Australia.

As special events producer, every year Vaughan would propose telecasting the Sydney Gay and Lesbian Mardi Gras Parade. Finally, in 1993 his bosses agreed. He was the ideal person to produce it, given his experience with the annual Anzac Day parades and many other events. The one hour telecast went to air on the Sunday evening following the 1994 Parade, against a background of strong political and community controversy. It reached an audience of 2.5 million, the ABC's largest audience for a single program.

Vaughan retired from the ABC, and together with Kym, moved to Monbulk in Victoria, where he could be close to his daughters and grandchildren. They volunteered for the local fire brigade while Vaughan continued to undertake management assignments for the ABC until 2003. In 2004, he was awarded a Medal of the Order of Australia for service to the media through television production, and to the community of Monbulk.

In his unpublished memoir, Vaughan wrote that his life has been defined by walking through doors which did not reveal what was behind them. What has been revealed about us as Australians through his many programs is his legacy.

Recommendation

It is resolved that:

- (A) all persons attending this meeting of Council observe one minute's silence to commemorate the life of Vaughan Hinton and his contribution to broadcasting and television in Australia, Aboriginal and Torres Strait Islander film making, the LGBTIQ+ community and humanitarian causes;
- (B) Council express its condolences to Vaughan's partner, Kym Skinner, his daughters Nicola and Caroline and their families, and his many friends and former colleagues; and
- (C) the Lord Mayor be requested to convey Council's condolences to Vaughan's partner, Kym Skinner, his daughters Nicola and Caroline and their families.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Moved by the Chair (the Lord Mayor) –

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 Vaughan Hinton OAM.

Note – The Lord Mayor acknowledged the presence of Kym Skinner, Elizabeth Glasson, Greg Sihlin, Ken Sihlin, Noel Debien, Kerrie Hannan and Peter Kirkwood.

Item 3.3 Supporting Sydney's Nightlife**Minute by the Lord Mayor**

To Council:

At this meeting, Council will consider important reforms that support our night time economy and build on the strong legacy of work by the City and the recent vibrancy laws introduced by the NSW Government.

In 2007, our Late Night Trading Development Control Plan mapped the City's late night trading areas and established trading hours for venues according to the type of precinct and venue to encourage greater diversity. In doing so, it provided increased certainty and greater protection for residential amenity.

Also in 2007, I introduced the first Small Bars legislation in Parliament with the aim of providing more choice and reducing red tape. That Bill, and the successful "Raise the Bar" campaign, led to the Government introducing its own legislation. Over 100 small bars opened in the first year following the change in the law.

In 2008, Council established a Laneways Business Development Program to help activate the City's laneways by providing new laneway businesses with mentoring assistance and matched cash funding. It complemented a wider laneways revitalisation program which created inviting spaces with public art. Over the life of the program it helped several new laneway enterprises, including small bars.

On 25 February 2013, Council unanimously adopted OPEN Sydney: Strategy and Action Plan 2013–2030 (OPEN Sydney). Its premise was that Sydney deserved a nightlife which befitted Australia's only global city. Its vision was for a safe and inviting city with a diverse range of cultural and social experiences which catered to people of all ages and interests.

OPEN Sydney was informed by a cost benefit analysis of the night time economy carried out by the City in 2011. This approach was then adopted through the Council of Capital City Lord Mayors for all other capital cities.

Implementation of OPEN Sydney was severely disrupted. In early 2014 the NSW Government imposed lockouts and other restrictive measures on the Sydney CBD, Kings Cross and Oxford Street. When they were finally lifted in early 2020, which the City strongly supported, they were almost immediately followed by the Covid-19 pandemic and its Statewide lockdowns.

Notwithstanding, we continued to support Sydney's nightlife. In 2019, we updated our 2007 Late Night Trading Development Control Plan. It provided a "map of fun", expanding established late night trading areas to include Barangaroo, Darling Harbour and Green Square. A new 24-hour trading area was created in North Alexandria. Incentives for licensed venues to provide live music and entertainment were also introduced. Small bars were able to obtain approval to trade until 2am on village high streets.

Adoption of our Open and Creative City Reforms in 2021 have led to retail outlets and services such as hairdressers being able to trade until 10 pm without requiring additional DA approval. Light industrial creative workspaces may now be established in shops in local centres and village high streets. At tonight's meeting, Council is being asked to progress another element of these reforms, by agreeing to publicly exhibit the draft Development Control Plan (DCP) - Entertainment Sound Management.

When the pandemic decimated businesses and hospitality in 2020, the City provided \$149 million in grants to support businesses and community through the lockdowns and introduced free outdoor dining. Since November 2020 we have approved 848 applications for outdoor dining supporting 700 businesses to trade on footpaths and streets worth more than \$21.3 million in licence and planning fee waivers, parking revenue foregone, as well as the cost and hire for the City to provide barrier safety for the on-street locations.

We have also consistently advocated for action by the NSW Government to revitalise Sydney's nightlife. Our submission to the 2019 NSW Parliamentary inquiry into the nighttime economy advocated for liquor licensing reform measures and action to support for cultural activity and community safety. Our specific recommendations included exploring a Purple Flag accreditation scheme, establishment of a NSW Government night time economy office, the development of a NSW cultural policy and 24 hour heavy rail and light rail transport on Friday and Saturday nights. All but the last have been adopted.

Despite these reforms, high rents, and cost of living pressures and lack of public transport continue to make it difficult for our cultural, entertainment and hospitality sectors and for people visiting venues. The devastation caused by the lockout laws, combined with the impacts of Covid-19 and cost of living pressures continue to be a sledgehammer blow to Sydney's nightlife.

More needs to be done. Working with the NSW Government and other stakeholders, we will continue to explore different ways to invigorate our city.

Special Entertainment Precincts

In November 2023, the NSW Government introduced its first package of Vibrancy Reforms, with its second package passed by the NSW Parliament on 24 October 2024. This package built on amendments that John Graham MLC had successfully moved in 2020 to the then Government's Liquor (24 Hour Economy) Bill. Among these amendments were provisions to establish Special Entertainment Precincts.

The updated legislation enables councils to establish Special Entertainment Precincts (SEP) within their Local Environmental Plan. Each SEP is to have its own precinct management plan with sound levels and trading hours set by Council. All venues within a SEP will be eligible for an 80 per cent discount on liquor licence fees and have incentives to present live performances.

Since July 2024, Liquor and Gaming NSW have become the lead regulator of entertainment sound related complaints for licensed premises. A minimum of 5 complainants are required for them to take action, and complainants are obligated to seek to resolve their concerns with the venue first.

It is important that Liquor and Gaming NSW is properly resourced to investigate complaints and act when they are substantiated. Sharing information with the City is essential as we are likely to continue to receive complaints and need it to inform our assessment of applications to extend trading hours.

In June 2024, I met with the Minister for Music and the Night-Time Economy, John Graham, and told him we are committed to introducing SEPs in our late-night trading areas, like the City Centre, Oxford Street, King Street (Newtown) and Kings Cross. In July 2024, I wrote to him to provide an update on our work and that we are waiting for the NSW Government to release its guidelines.

The NSW Office of the 24-Hour Economy Commissioner exhibited draft Guidelines and Acoustic Toolkit for SEPs in September 2024 to help Councils establish SEPs, which the City responded to. The NSW Government is also developing further resources to assist councils including a handbook for best practice and templates for precinct management plans and DCP clauses.

This meeting of Council will consider exhibiting a draft discussion paper which outlines an approach for establishing SEPs within the City of Sydney. It invites public discussion on a proposal to overlay SEPS on our well-established and tested existing late-night trading areas.

This approach will ensure that residential amenity will continue to be protected while growing nightlife and vibrancy within SEPs and enabling venues to access the benefits and incentives available under NSW's liquor laws.

Other measures

While introducing Special Entertainment Precincts will assist with the vitality of Sydney's nightlife, this will not be enough. For our nightlife to thrive, businesses in SEPs will need to work together and be aligned in their vision for the precinct. We also need a diverse offering of nightlife and activity including free and affordable opportunities for people of all ages.

Metropolitan Sydney is now one of 90 global destinations that have introduced the Purple Flag accreditation scheme. Purple flag areas overseas have reported benefits which include a reduction in crime and anti-social behaviour, an improved public image, increased patronage and a more successful mix used economy in the longer term.

At present only four areas have Purple Flag accreditation, including one in the Sydney's CBD covering York, Clarence and Kent Streets (YCK Laneways Precinct). While it is up to local precincts to seek Purple Flag accreditation, we need to do more to encourage them. This would help ensure our late trading areas are safe, welcoming and inclusive. Ideally, all our Special Entertainment Precincts should be Purple Flag accredited.

While we want to encourage people to enjoy Sydney at night, we need to ensure that people can travel home safely. Safe, reliable public transport is essential. That is why we must continue to advocate for extended late night rail and light rail, including 24-hour rail and light rail on Friday and Saturday nights.

There will be many people involved in Sydney's nightlife that might have other ideas for revitalising it. I suggest that our Cultural and Creative Sector Advisory Panel be invited to suggest action that the City and the NSW Government can take.

The path to achieving a nightlife befitting Sydney' status as Australia's only global city is through stakeholders, the NSW Government and the City working together.

Recommendation

It is resolved that:

(A) Council note:

- (i) that the City of Sydney has long been a leader in taking action to ensure Sydney is a safe, inviting, inclusive city at night; and
- (ii) the draft Entertainment Sound Management Development Control Plan (DCP) and Special Entertainment Precincts Discussion Paper prepared by the City will be placed on public exhibition, if endorsed by Council;

(B) Council continue to work with the NSW Government to implement Special Entertainment Precincts and other measures to support Sydney's nightlife;

(C) the Chief Executive Officer be requested to:

- (i) seek feedback from the City's Cultural and Creative Sector Advisory Panel on the City's proposed approach to Special Entertainment Precincts as well as their ideas and advice about other initiatives and ways the City can support Sydney's nightlife;
- (ii) undertake targeted consultation with industry, business and community on the draft Entertainment Sound Management Development Control Plan and Special Entertainment Precincts Discussion Paper; and

- (iii) provide a report on the outcomes of the OPEN Sydney Strategy and Action Plan 2013-2030 and next steps to incorporate the City's approach to a 24 hour economy and initiatives to support Sydney's nightlife;
 - (iv) investigate action the City can take to:
 - (a) encourage precincts to seek and achieve Purple Flag Accreditation; and
 - (b) proactively support businesses to take advantage of the opportunities and incentives of Special Entertainment Precincts and other programs and initiatives to support Sydney's nightlife;
 - (v) investigate other measures the City can take to support the activation of precincts including businesses, public spaces, vacant shops and commercial spaces; and
 - (vi) provide regular updates to Council on progress and outcomes of the above; and
- (D) the Lord Mayor be requested to:
- (i) host public meeting(s) during the public consultation of the draft Entertainment Sound Management Development Control Plan and Special Entertainment Precincts Discussion Paper with industry stakeholders, businesses and community;
 - (ii) write to the NSW Minister for Music and the Night-Time Economy and the NSW 24-Hour Economy Commissioner to:
 - (a) provide an update on the City's approach to Special Entertainment Precincts and our draft Entertainment Sound Management Development Control Plan; and
 - (b) ask the NSW Government to work with the City and other relevant stakeholders to implement Special Entertainment Precincts in the City of Sydney;
 - (iii) write to the NSW Minister for Gaming and Racing to request Liquor and Gaming NSW work with the City to ensure information-sharing on noise complaints and compliance action about venues in our area; and
 - (iv) write to the NSW Minister for Transport reconfirming the City's advocacy for increased late night public transport, including 24-hour rail and light rail transport on Friday and Saturday nights.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Variation. At the request of Councillor Wilson, and by consent, the Minute was varied by the addition of clauses (C)(iv)(c) and (d) to read as follows –

- (iv) investigate action the City can take to:
 - (a) allow more all ages and underage events and performances at City of Sydney venues; and
 - (b) reduce fees and charges for new performance venues to complement the reduced application fees for liquor licences committed to by the NSW Government;

and the amendment of clause (D)(iii), such that it read as follows –

- (iii) write to the NSW Minister for Gaming and Racing to request Liquor and Gaming NSW work with the City to ensure information-sharing on noise complaints and compliance action about venues in our area and to offer the City as the trial Local Government Area to roll out the long called for simultaneous Development Application (DA) and Liquor Licencing application process;

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

S051491

Item 3.4 Protecting Design and Amenity in Housing Supply**Minute by the Lord Mayor**

To Council:

In June 2024, the NSW Premier requested the NSW Productivity and Equality Commissioner to identify critical non-planning system challenges impacting housing supply, noting that planning challenges are being considered through other processes, and to review current housing supply barriers and challenges. The Commissioner released his final report in September 2024.

Despite the serious implications of the Commissioner's recommendations on the planning system in the report, local councils were not consulted, only Local Government NSW and housing industry stakeholders. The City of Sydney was not involved and there was no opportunity to provide feedback even though it will impact councils and our communities.

Barriers to housing supply

The Commissioner identified the barriers to increasing housing supply that we've been talking about for some time.

Since the pandemic, the City has seen a reduction in Development Application (DA) lodgements for housing, while other DAs that had been approved have not commenced. New dwelling approvals have declined by about 10.5% across all Australian capital cities since 2020. As of June 2023, there were DAs for 7,631 approved dwellings that have not been built in the City of Sydney area.

This situation has resulted from a perfect storm of pandemic and post-pandemic conditions including dramatic construction cost increases, labour shortages, extended wet weather, financial restrictions, increased interest rates as well as tougher regulation for developers, builders and certifiers.

The Commissioner's report acknowledges that many new residential apartment buildings are not feasible in the current economic environment, and this is holding back the supply of new housing. The report says low feasibility is driven by high interest rates, high construction costs, difficulty in accessing construction finance and higher interest rates for home on buyers.

The Commissioner's report also blames major public infrastructure projects for diverting construction labour and materials that might otherwise be applied to housing production.

Alarmingly, the report recommends that any barriers to increasing density must be removed, particularly financial ones, design, amenity standards and council quality controls. The recommendations fail to provide adequate solutions to the barriers it identifies.

Design

The report recommends restricting design competitions. We only apply competitions to larger projects, and Council has agreed to exhibit a change for the trigger to be raised to 35 metres (about ten storeys).

Design competition incentives have led to more than 1,300 additional new homes in the City of Sydney area through bonus floor space, which is only available to competitions. Design panels and competitions increase certainty of approval for new housing and ensure that increased density delivers greater amenity for people living in apartments. These design competitions and design review panels should be required and valued, not restricted.

The Productivity and Equality Commissioner wants to wind the clock back on construction quality so soon after the NSW Building Commission was established to take action on shoddy builders and private certifiers in order to reduce the occurrence of building defects. The Commissioner says any reforms to improve building standards must include a cost-benefit analysis. This will slow down the reform process and may even stop reforms the community has been calling for.

These regressions add to the NSW Government's draft Building Bill 2024 consolidating 10 Acts related to building regulation, licensing and oversight. The draft Bill denigrates the role of design and architects by repealing the Architects Act 2003 while allowing designers (not architects) to design larger, residential buildings.

Registered and regulated architects ensure buildings are designed to be functional, safe and economical. Architects are crucial throughout the whole development process. They provide protection and confidence for consumers and the public interest. Architects must be clearly differentiated from building designers with different experience, skills and licensing, who are able to design larger and different classes of buildings.

Amenity, planning and infrastructure

Earlier this year, the NSW Government allocated to the City a new housing target of 18,900 new private homes to be completed by July 2029. The City will, as it has always done, work to meet our new housing targets. Within just 7 years, we met 71% of our previous 20-year target of 56,000 dwellings.

We agree denser cities can be healthy, stimulating places to live with the least environmental impact. It has been the City's policy to increase density in former industrial areas such as Green Square and Ashmore. These communities are successful because development has been managed carefully, with increased height and density in appropriate sites alongside infrastructure delivery that supports growth.

Meanwhile, the NSW Productivity and Equality Commissioner's report says the Apartment Design Guide (ADG) requirements should be relaxed, including minimum apartment sizes and solar access requirements. We must maintain liveability standards for our homes, not end up with slums of the future that will blight Sydney for generations to come.

Maintaining ADG requirements such as access to sunlight, ventilation and comfort, avoid homes that must be artificially lit, ventilated, heated and cooled. ADG requirements protect healthy environments that most purchasers and residents value. The report claims that people can choose to pay more for sunlight – a healthy home should not be reserved for those who can afford it.

Maintaining a high standard of design ensures people's homes are safe, comfortable, healthy and cheaper to run.

The report also recommends a review of industrial areas to be used for housing, specifically in the E3 zone in Alexandria. The City's Local Strategic Planning Statement protects this area for industrial and urban services. Land for these uses is in short supply and high demand. Providing for these uses close to sea, air, road and rail logistics services is critical to the efficient functioning of the Sydney region. We carefully planned this area, and in 2015 we amended the planning controls to retain employment uses, but also allow affordable housing exclusively. That is, housing provided in perpetuity, managed by an eligible Community Housing Provider and rented to very low to moderate income households at 30% of household income. This keeps the land price down as it can't be sold for market housing.

These innovative changes have led to just over 500 affordable housing dwellings being proposed on sites in this zone. Our affordable housing incentives are working, and this recommendation will stop future affordable housing in this area.

The Commissioner also recommends development contributions be delayed and paid at occupation stage for local government but not for the state government.

We support housing near transport, jobs and services, however, reducing or delaying infrastructure spending is counterproductive as it limits the number of well-located homes. It also means infrastructure is not available when people move into homes.

Many of the Commissioner's recommendations diminish consumer protections; remove amenity requirements, relax building standards and minimise the need for funding and delivering infrastructure that supports housing. There was no evidence to suggest that relaxed amenity standards would lead to faster construction. There was no evidence that any cost savings would be passed on to purchasers. There is also no evidence or assessment of how much housing the recommendations will deliver, particularly housing that is affordable to rent or own.

The NSW Cabinet will consider the recommendations in this report and decide which will be implemented. The NSW Government must focus on solutions that will address the systemic barriers and market conditions affecting housing production and affordability. Meanwhile, the City is awaiting a response from the NSW Premier and Minister for Planning and Public Spaces to my requests to work with the NSW Government to plan for our housing targets and enter into a Local Housing Accord.

Recommendation

It is resolved that:

(A) Council note:

- (i) the recommendations in the NSW Productivity and Equality Commissioner's report reduce consumer protections, remove amenity requirements, relax building standards and minimise the need for funding and delivery of infrastructure; and
- (ii) the City of Sydney has committed to working with the NSW Government on a Local Housing Accord to ensure more opportunities for housing that deliver well-designed, sustainable homes and attractive neighbourhoods; and

- (B) the Lord Mayor be requested to write to the NSW Premier, NSW Treasurer, the NSW Minister for Housing and the NSW Minister for Planning and Public Spaces to:
- (i) acknowledge the economic environment which is holding back new residential supply;
 - (ii) raise our serious concerns about the threats to delivering affordable housing as a result of the recommendations in the NSW Productivity and Equality Commissioner's report;
and
 - (iii) request the NSW Government consult with Councils, including the City of Sydney and other stakeholders, as they consider the recommendations in the NSW Productivity and Equality Commissioner's report so appropriate solutions to the barriers identified can be developed.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

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

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

Carried unanimously.

S051491

Item 4 Memoranda by the Chief Executive Officer**Item 4.1 2025 Schedule of Meetings****Memorandum by the Chief Executive Officer**

To Council:

This memorandum requests that Council approve the draft Schedule of Meetings for 2025.

The draft Schedule of Meetings for 2025 (Attachment A) has been prepared based on a two-week meeting cycle (Council Committees and Council). The draft schedule proposes 10 meeting cycles for 2025.

Section 365 of the Local Government Act 1993 states that "the council is required to meet at least 10 times each year, each time in a different month", with "year" meaning the period from 1 July to the following 30 June (the financial year).

To ensure compliance with the provisions of section 365, the draft Schedule of Meetings and Briefings for the calendar year 2025 provides for:

- (a) five meetings in the first half of 2025 (making a total of 10 meetings for the 2024/25 financial year, inclusive of the five meetings of Council which will have been held in the second half of 2024); and
- (b) five meetings of Council held in the second half of 2025 (making a total of 10 meetings for the 2025/26 financial year, on the basis that a further five meetings of Council will be scheduled for the first half of 2026).

It is appropriate for Council to now determine a program of meetings for 2025 to enable all interested parties to plan their commitments.

The City's website will be updated with the 2025 meeting dates if endorsed by Council.

Additional Councillor workshop sessions, intended to accommodate such matters as external presentations, professional development and other non-meeting agenda items, will be scheduled and separately distributed to Councillors as required.

Recommendation

It is resolved that Council adopt the draft schedule of meetings for 2025, as shown at Attachment A to the subject memorandum.

MONICA BARONE PSM

Chief Executive Officer

Attachments

Draft Schedule of Meetings for 2025

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

It is resolved that Council adopt the draft schedule of meetings for 2025, as shown at Attachment A to the subject memorandum.

Carried unanimously.

S063444-02

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)

Councillor Robert Kok

(Deputy Chair)

Deputy Lord Mayor Councillor Zann Maxwell, Councillors Sylvie Ellsmore, Lyndon Gannon, Jess Miller, Matthew Thompson, Yvonne Weldon AM, Mitch Wilson and Adam Worling.

At the commencement of business at 1.02pm those present were -

The Lord Mayor, Councillors Ellsmore, Gannon, Kok, Maxwell, Miller, Thompson, Weldon, Wilson and Worling.

Order of Business

Following Item 6.6, at 1.34pm, the Chair (the Lord Mayor) moved a procedural motion (seconded by Councillor Kok) to alter the order of business, such that Items 8.3 and 8.4 of the Transport, Heritage and Planning Committee be brought forward and considered before Item 6.7 of the Corporate, Finance, Properties and Tenders Committee, for the convenience of the public present. The procedural motion was carried unanimously.

Closed Meeting

At 2.41pm, the Corporate, Finance, Properties and Tenders Committee resolved to close the meeting to the public to discuss Item 6.7 on the agenda.

Open Meeting

At 3.11pm, the meeting of the Corporate, Finance, Properties and Tenders Committee was reopened to the public.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 3.13pm.

Report of the Corporate, Finance, Properties and Tenders Committee

Moved by Councillor Kok, seconded by Councillor Miller –

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 21 October 2024 be received, with Items 6.1 and 6.2 being noted, the recommendations set out below for Items 6.3 to 6.6 inclusive and Item 6.8 being adopted in globo, and Item 6.7 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.1**Confirmation of Minutes**

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

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 12 August 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 recommended the following:

Item 6.3**Audit Risk and Compliance Committee Annual Report to Council 2023/24 and Audit Risk and Compliance Committee - Membership, Terms of Reference, Internal Audit Charter, Strategic Work Plan and Risk Appetite Statement**

It is resolved that:

- (A) Council note the Audit Risk and Compliance Committee's 2023/24 Annual Report as shown at Attachment A to the subject report;
- (B) Council approve the Audit Risk and Compliance Committee's Strategic Work Plan 2024 - 2028 as shown at Attachment B to the subject report;
- (C) Council approve the Audit Risk and Compliance Committee's Terms of Reference at Attachment C to the subject report;
- (D) Council approve the Internal Audit Charter as shown at Attachment D to the subject report;
- (E) Council adopt the Risk Appetite Statement as shown at Attachment E to the subject report;
- (F) Council approve the appointment of Rosemary Milkins and Robert Lagaida as additional independent members for the Audit Risk and Compliance Committee for a four year period commencing from 1 December 2024; and
- (G) Council appoint Councillor Robert Kok as the council representative member to the Audit Risk and Compliance Committee for a period of four years.

Carried unanimously.

S083523

Speaker

Carolyn Walsh (Chair, Audit Risk and Compliance Committee) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

Item 6.4

Presentation of the 2023/24 Financial Statements and Audit Reports to Council

It is resolved that Council:

receive the Financial Statements for City of Sydney for the year ended 30 June 2024, as shown at Attachment A to the subject report;

- (A) authorise the Lord Mayor - Councillor Clover Moore, Councillor Robert Kok (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Acting Chief Financial Officer to sign the General Purpose Financial Statements;
- (B) authorise the Lord Mayor - Councillor Clover Moore, Councillor Robert Kok (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Acting Chief Financial Officer to sign the Special Purpose Financial Statements;
- (C) receive the auditor's reports on the 2023/24 Annual Financial Statements as shown at Attachment B to the subject report; and
- (D) authorise that notice be given, through Sydney Your Say, of public presentation of the audited 2023/24 Financial Statements for the City of Sydney at the Council meeting on 25 November 2024.

Carried unanimously.

X084202

Speaker

Carolyn Walsh (Chair, Audit Risk and Compliance Committee) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.4.

Item 6.5

Investments Held as at 31 August 2024

It is resolved that Investment Report as at 31 August 2024 be received and noted.

Carried unanimously.

X020701

Item 6.6

Investments Held as at 30 September 2024

It is resolved that Investment Report as at 30 September 2024 be received and noted.

Carried unanimously.

X020701

Item 6.7**Lease Variation – Palace Cinema Nominees Pty Ltd – Chauvel Cinema, Paddington**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 28 October 2024.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Kok, seconded by Councillor Miller –

It is resolved that:

- (A) Council approve a variation to the lease with Palace Cinema Nominees Pty Ltd for Cinema 1 and 2, 247 Oxford Street, Paddington (Chauvel Cinema) from 1 November 2024 for the remaining lease term to 6 March 2026 for the amount outlined in Confidential Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to enter into and administer any documentation required to give effect to the variation to the lease referred in (A) above and in accordance with Confidential Attachment A to the subject report.

The motion was carried on the following show of hands –

Ayes (8) The Chair (The Lord Mayor), Councillors Gannon, Kok, Maxwell, Miller, Thompson, Wilson and Worling.

Noes (1) Councillor Weldon.

Carried.

The Chair (the Lord Mayor) recommitted the motion to enable further discussion.

Following discussion, the vote was retaken and the motion was carried on the following show of hands –

Ayes (7) The Chair (The Lord Mayor), Councillors Gannon, Kok, Maxwell, Miller, Wilson and Worling.

Noes (2) Councillors Thompson and Weldon.

Carried.

X103824

Item 6.8

Lease Approval - Level 18, 456 Kent Street, Sydney - JTB Oceania Pty Ltd

It is resolved that:

- (A) Council approve the granting of a lease to JTB Oceania Pty Ltd for Level 18, 456 Kent Street, Sydney for a three-year term, commencing on 1 October 2024 and terminating on 30 September 2027 for the amount outlined in Confidential Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise the terms of the proposal and negotiate, execute and administer the terms of the lease relating to the proposal in accordance with Confidential Attachment A to the subject report.

Carried unanimously.

X104519

Item 7 Report of the Community Services and Facilities Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Sylvie Ellsmore

(Deputy Chair)

Deputy Lord Mayor Councillor Zann Maxwell, Councillors Lyndon Gannon, Robert Kok, Jess Miller, Matthew Thompson, Yvonne Weldon AM, Mitch Wilson and Adam Worling.

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

The Lord Mayor, Councillors Ellsmore, Gannon, Kok, Maxwell, Miller, Thompson, Weldon, Wilson and Worling.

The meeting of the Community Services and Facilities Committee concluded at 3.36pm.

Report of the Community Services and Facilities Committee

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

That the report of the Community Services and Facilities Committee of its meeting of 21 October 2024 be received, with Items 7.1 and 7.2 being noted, and Item 7.3 being dealt with as shown immediately following that item.

Carried unanimously.

Item 7.1**Confirmation of Minutes**

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

That the Minutes of the meeting of the Resilient Communities and Economy Committee of Monday 12 August 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 7.2

Statement of Ethical Obligations and Disclosures of Interest

The Lord Mayor (Councillor Clover Moore AO) disclosed a significant non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. She has a close association with Melanie Tait, a committee member of the City North Men's Shed.

The Lord Mayor stated that she will not be voting on this matter.

Councillor Sylvie Ellsmore disclosed a significant non-pecuniary interest in Item 7.3 on the agenda, in that an office bearer of the City North Men's Shed Pty Ltd, which is the organisation recommended by staff to be granted a lease over the Abraham Mott Community Space, has volunteered for the Greens, which is the political party of which she is a member.

Councillor Ellsmore stated that she will not be voting on this matter.

Councillor Robert Kok disclosed a significant non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. He has a close association with Melanie Tait, a committee member of the City North Men's Shed.

Councillor Kok stated that he will not be voting on this matter.

Councillor Jess Miller made the following disclosures:

- a significant non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. She has a close association with Melanie Tait, a committee member of the City North Men's Shed.

Councillor Miller stated that she will not be voting on this matter.

- a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that Wildflower, Gardens for Good Limited at the Harry Jensen Centre is recommended for an Accommodation Grant for Abraham Mott Community space. She has a close association with the Chief Executive Officer of Wildflower, Gardens for Good Limited.

Councillor Miller considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because she is not directly involved with the organisation or its Grant program.

Councillor Yvonne Weldon disclosed a less than significant, non-pecuniary interest in Item 7.3 on the agenda, in that she is related to one of the Directors of Wildflower, one of the applicants recommended for an accommodation grant. Councillor Weldon considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as the relation is not an immediate family member or a relative for the purposes of clause 4.4 of the City of Sydney's Code of Conduct and she has had no involvement in the submission or assessment of this grant application.

Councillor Adam Worling disclosed a significant non-pecuniary interest in Item 7.3 on the agenda, in that City North Men's Shed is recommended for an Accommodation Grant for Abraham Mott Community space. He has a close association with Melanie Tait, a committee member of the City North Men's Shed.

Councillor Worling stated that he will not be voting on this matter.

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

The Community Services and Facilities Committee recommended the following:

Item 7.3

Grants and Sponsorship - Accommodation Grants Program - Harry Jensen Centre and Abraham Mott Community Space

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

It is resolved that:

- (A) Council approve a lease for Wildflower, Gardens for Good Limited at the Harry Jensen Centre, 2 Watson Road, Millers Point from 1 January 2025 to 30 June 2029 on the following rental subsidy:

	Market Rental Value	Rental Subsidy	Rental Subsidy Value	Rent Payable
Year 1 1 January 2025 - 31 December 2025	\$145,000	100%	\$145,000	\$0
Year 2 1 January 2026 - 31 December 2026	\$149,350	100%	\$149,350	\$0
Year 3 1 January 2027 - 31 December 2027	\$153,831	100%	\$153,831	\$0
Year 4 1 January 2028 - 31 December 2028	\$158,446	100%	\$158,446	\$0
Year 5 1 January 2029 - 30 June 2029	\$80,929	100%	\$80,929	\$0

- (B) authority be delegated to the Chief Executive Officer to approve a lease for City North Men's Shed Inc for Abraham Mott Community Space, 2 Watson Road, Millers Point from 1 January 2025 to 30 June 2029 on the following rental subsidy:

	Market Rental Value	Rental Subsidy	Rental Subsidy Value	Rent Payable
Year 1 1 January 2025 - 31 December 2025	\$150,000	100%	\$150,000	\$0
Year 2 1 January 2026 - 31 December 2026	\$154,500	100%	\$154,500	\$0
Year 3 1 January 2027 - 31 December 2027	\$159,135	100%	\$159,135	\$0
Year 4 1 January 2028 - 31 December 2028	\$163,909	100%	\$163,909	\$0
Year 5 1 January 2029 - 30 June 2029	\$83,719	100%	\$83,719	\$0

- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the lease agreements with Wildflower, Gardens for Good Limited at Harry Jensen Centre and City North Men's Shed Inc at Abraham Mott Community Space, both located at 2 Watson Road, Millers Point on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy; and
- (D) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Carried unanimously.

S117676

Speakers

Roman Deguchi (Wildflower), Melanie Tait (Millers Point Community Hub Coop Ltd) and Andrew (AJ) Wise (President, City North Men's Shed) addressed the Community Services and Facilities Committee on Item 7.3.

Item 8 Report of the Transport, Heritage, Environment and Planning Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Jess Miller

(Deputy Chair)

Deputy Lord Mayor Councillor Zann Maxwell, Councillors Sylvie Ellsmore, Lyndon Gannon, Robert Kok, Matthew Thompson, Yvonne Weldon AM, Mitch Wilson and Adam Worling.

At the commencement of business at 1.35pm those present were -

The Lord Mayor, Councillors Ellsmore, Gannon, Kok, Maxwell, Miller Thompson, Weldon, Wilson and Worling.

The meeting of the Transport, Heritage and Planning Committee concluded at 2.39pm.

Report of the Transport, Heritage and Planning Committee

Moved by Councillor Miller, seconded by Councillor Worling –

That the report of the Transport, Heritage and Planning Committee of its meeting of 21 October 2024 be received, with Items 8.1 and 8.2 being noted, and the recommendations set out below for Items 8.3 to 8.4 inclusive being adopted in globo.

Carried unanimously.

Item 8.1**Confirmation of Minutes**

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

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of Monday 12 August 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor Mitch Wilson made the following disclosures:

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that they did a short contract for the Solotel Group in January 2021, working on the tender for Opera Kitchen at the Sydney Opera House.

Councillor Wilson considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the changes proposed affect a much wider area than just that venue, and their engagement was over three years ago and for only a short period of time.

- a less than significant, non-pecuniary interest in Item 8.3 on the agenda, in that they have received free tickets to shows by the venue owners of the Oxford Art Factory, Metro Theatre and Lansdowne Hotel in the past.

Councillor Wilson considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because the changes proposed affect a much wider area than just these particular venues, and the value of each ticket would have been on average between \$50 and \$200 over the period of a decade.

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

The Transport, Heritage and Planning Committee recommended the following:

Item 8.3

Public Exhibition - Entertainment Sound Management - Sydney Development Control Plan 2012 Amendment and Special Entertainment Precincts Discussion Paper

It is resolved that:

- (A) Council approve the draft Development Control Plan - Entertainment Sound Management as shown at Attachment A to the subject report for public exhibition;
- (B) Council approve the Special Entertainment Precincts Discussion Paper as shown at Attachment B to the subject report for public exhibition; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to draft Development Control Plan - Entertainment Sound Management and the Special Entertainment Precincts Discussion Paper prior to public exhibition to correct any drafting errors.

Carried unanimously.

X009155.021

Speakers

Michael Rodrigues (24-Hour Economy Commissioner), Mark Gerber (Oxford Art Factory) and John Wardle (John Wardle Consulting) addressed the meeting of the Transport, Heritage and Planning Committee on Item 8.3.

Item 8.4**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 L of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 107 Darlinghurst Road, Potts Point at this time;
- (D) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 184-196 Elizabeth Street, Sydney;;
- (E) note the contents of Attachment D and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 359-361 Sussex Street, Sydney;
- (F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 31-37 Dixon Street, Haymarket at this time;
- (G) note the contents of Attachment F and that staff have issued a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at 309-313 Pitt Street, Sydney;
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 20 Pyrmont Bridge Road, Camperdown at this time;
- (I) note the contents of Attachment H and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 2-4 Sterling Circuit, Camperdown, at this time;
- (J) note the contents of Attachment I and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 19-21 Larkin Street, Camperdown at this time;
- (K) note the contents of Attachment J and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 382A Pitt Street, Sydney at this time;
- (L) note the contents of Attachment K and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 1 Towns Place, Millers Point at this time; and
- (M) note the contents of Attachment L and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 11-21 Rawson Place, Haymarket.

Carried unanimously.

S105001.002

Item 9 Questions on Notice**1. Gambling Advertising on City of Sydney Property**

By Councillor Ellsmore

Question

In 2023, City of Sydney electronic advertising screens ran advertisements for Crown. In the week of 14 October 2024, the advertising screens featured advertisements for greyhound racing at Wentworth Park - the Ladbrokes 'Wentworth Park Million Dollar Chase'.

1. What policies and procedures outline the City of Sydney's commitment that gambling will not be promoted by the City of Sydney, including on City of Sydney property?
2. What policies, procedures and/ or arrangements outline what kinds of advertising the City of Sydney will allow on its advertising screens which are managed by QMS?

In an Answer to a Question on Notice tabled at the 19 September 2022 Council meeting the Chief Executive Officer advised "The City has notified QMS that it will not permit wagering or gambling advertising (other than lotto advertising) ..." (at 10.3)

3. What gambling and wagering advertisements is the City of Sydney aware of, which have featured on the council's advertising screens:
 - (a) In 2022?
 - (b) In 2023?
 - (c) In 2024?
4. What is the enforcement mechanism, if any, for breaches of the City's sponsorship policy?
5. Has the City of Sydney directed QMS to remove advertising relating to gambling:
 - (a) In 2022?
 - (b) In 2023?
 - (c) In 2024?

If yes, please provide details.

6. Does the City of Sydney impose any penalty or sanction for breaches of its policies or contractual arrangements, in relation to promoting gambling advertising on City advertising screens? Please provide details.

X113783

Answer by the Chief Executive Officer

1. The Corporate Sponsorship Policy prohibits the City accepting sponsorship from entities which derive their principal source of revenue from gambling activities. The contract between the City and QMS provides a process for prohibiting certain types of advertising and the City has prohibited direct advertising of wagering and gambling. The City's requirements regarding content on advertising screens placed by QMS is through the contract and the development consent.

2. The Street Furniture and Outdoor Media Services Agreement between the City and QMS Media Pty Limited sets out a list of requirements relating to the advertising content QMS can publish. This includes obligations to comply with all laws and industry codes and standards relating to advertising. The contract also requires QMS to ensure all advertising content does not contain material that will infringe intellectual property or moral rights or be construed as directional signage, amongst other things. The contract also allows the City to impose reasonable requirements around advertising content that is displayed. The City has issued one requirement, to prohibit wagering or gambling advertising (other than lotto advertising).

The Development Application Conditions of Consent for a QMS Media advertising display also prescribe some requirements relating to advertising content.

3.
 - (a) We are not aware of any.
 - (b) We are not aware of any.
 - (c) The City is only aware of one campaign featuring a gambling and wagering logo.
4. The contract with QMS provides the enforcement mechanisms for breaches of contract. The sponsorship policy does not relate to the contract with QMS.
5.
 - (a) No.
 - (b) No.
 - (c) Yes, on 17 October 2024 the City of Sydney advised QMS Media to remove the advertisements with the gambling logo from City of Sydney screens.
6. The City of Sydney contract with QMS Media includes a mechanism for the City to prohibit advertising content. The City of Sydney has rights under the contract that are applied where a contract breach occurs. The actions of QMS were a breach of the contract. It is an isolated breach that was promptly rectified. As it was considered that the breach caused no material harm to the reputation or image of the City, no enforcement or penalty provisions have been triggered. However, contract performance provisions are being applied in keeping with the contract and we continue to monitor the performance of QMS Media.

2. Public Liability Insurance for Community Groups participating in Sydney Streets

By Councillor Ellsmore

Public liability insurance has been identified by Council as a barrier preventing local community groups from using council spaces. Last term, Council updated its policies to extend free coverage of Council's public liability insurance to local community groups and not for profit groups wishing to hire Council's community spaces.

Council has also identified barriers for local community groups and residents wanting to close local streets to hold community events, and has committed to assist with removing barriers.

Question

1. What are the requirements for local not for profit community groups to participate in the City of Sydney's Sydney Streets events?
2. Are local not for profit groups required to have public liability insurance to have a stall at Sydney Streets?

3. Does the City of Sydney's public liability insurance for Sydney Streets allow for coverage of local not for profit groups holding stalls?
4. Does the City of Sydney's public liability insurance for Sydney Streets allow for coverage of other non-profit community groups' activities?
5. What are the practical and financial implications of extending the City of Sydney's public liability insurance for Sydney Streets (and other similar events) to local non-profit community groups?

X113783

Answer by the Chief Executive Officer

1. To be eligible to participate in the Sydney Streets events, community groups must operate in or be associated with the suburb of the event.

Community groups wishing to participate are required to:

- provide their own equipment such as marquees and trestle tables and public liability insurance.
- adhere to the conditions of approval outlined on the Sydney Streets webpage - <https://www.cityofsydney.nsw.gov.au/opportunities/join-us-sydney-streets>

The City promotes their involvement in the event through our Sydney Streets marketing campaign.

Political, offensive or religious offerings or are not permitted.

The City does not charge any fees to participate in the event.

2. Yes.
3. No.
4. No.
5. The City is not able to extend its public liability insurance to third parties.

For many years now, the City has taken out a separate public liability policy, known as the community engagement policy, which is able to be accessed by a limited number of eligible individuals and groups for a small fee as set out in the City's Fees and Charges and for a defined set of circumstances, which include busking activities, hiring and use of City owned or controlled facilities, parks, squares and public spaces for performance based and artistic activities including but not limited to entertainment, art displays, judging, public speaking, and community gardening. It does not include participants in Sydney Streets.

It may be possible to extend this policy to cover community groups participating in Sydney Streets or other similar events, however scoping work would need to be undertaken before we can undertake any meaningful engagement with our insurer. Staff will explore the options for obtaining this insurance in the coming months in line with our upcoming policy renewals on 31 March 2025.

Community engagement insurance is subject to certain exclusions that are standard under liability policies, including exclusions for political activities that includes things such as protests. In this respect, there are some activities that community groups may wish to engage in at street stalls that are not able to be insured.

3. City of Sydney Investments

By Councillor Ellsmore

Question

Item 6 (Investments Held as at 30 September 2024) of the Corporate, Finance, Properties and Tenders Committee for 21 October 2024, stated that the City's total Investment and Cash position as of 30 September 2024 was \$838.3 million.

1. Of the \$838.3 million how much in total was:
 - (a) Restricted?
 - (b) Unrestricted?
2. Has the City of Sydney had a larger total Investment and Cash position in the past? If yes, please provide details.

X113783

Answer by the Chief Executive Officer

1.

- (a) As noted in the report, the total amount of internally restricted cash was \$238M and externally restricted cash was \$89M.

External restrictions represent cash holdings that have not yet been discharged in accordance with the conditions of their receipt (e.g. include unspent grants and developer contributions).

Internal restrictions are created via a resolution of Council to set aside funds for a specific purpose, either for future obligations (e.g. workers compensation, security deposits) or future projects and initiatives (e.g. infrastructure and future open space in Green Square).

- (b) Unrestricted cash amounted to \$511.3M at the end of September 2024.

It must be recognised that the City has known and projected commitments beyond amounts currently restricted, including much of its forward capital works program. Examples include: George Street North Pedestrianisation (\$37.7M remaining works), Dixon Street Public Domain Improvements (\$8.0M remaining works) and Castlereagh Street North Cycleway (\$8.7M remaining works). Overall funding and commitments are re-balanced as part of the annual budget and LTFP each year, including consideration of rising costs of capital works in an inflationary, higher interest rate environment.

The City's Long Term Financial Plan (LTFP) sets out details of the amounts, services, facilities, activities, capital works and acquisitions that will be funded by the City's accumulated cash and future revenue streams. The LTFP includes all sources of restricted and unrestricted funds, both known and estimated over the ten years of the plan. Within the LTFP, specific projections are made in respect of the utilisation of internal and external restrictions. Essentially, any Council activity not funded by specifically restricted funds will be funded by current or future unrestricted cash.

2. No.

4. City of Sydney Surplus for 2023/24

By Councillor Ellsmore

Item 4 (Presentation of the 2023/34 Financial Statements and Audit Reports to Council) of the Corporate, Finance, Properties and Tenders Committee for 21 October 2024, advised that the City of Sydney has a favourable result against budget, including a larger than budgeted surplus.

Question

1. What was the City of Sydney's budgeted surplus for the 2023/24 financial year?
2. What is the City of Sydney's actual surplus for the 2023/24 financial year?
3. What are the main reasons for the higher than budgeted surplus in the 2023/24 financial year?
4. Of the City of Sydney's budgeted surplus for the 2023/24 financial year what amount was specifically allocated to Council projects (including infrastructure upgrades or major projects)?

X113783

Answer by the Chief Executive Officer

1. The budgeted Net Operating Result attributable to Council for the 2023/24 financial year was \$96.0M.
2. The actual Net Operating Result attributable to Council for the 2023/24 financial year was \$147.9M.
3. The favourable result against budget shown in the financial statements is mainly due to higher than anticipated interest income, higher capital contributions, net gain on the revaluation of investment properties and a net gain on the disposal of assets. These increases in income were offset, in part, by additional materials and services costs, and are detailed in Note B5-1 to the Annual Financial Statements.

It should be noted that the favourable Net Operating Result compared to budget includes the following substantial non-cash income items:

- Land dedications of \$36.9M included within Grants and contributions provided for capital purposes
- A net gain of \$12.3M on the revaluation of investment properties, included within Other Income; and
- A net gain of \$22.4M resulting from a land swap arrangement (i.e. value of land received greater than value of land forgone), included within Net gain from the disposal of assets

4. As noted above, non-cash income and expense items can significantly impact the City's Net Operating Result. The City's Long Term Financial Plan allocates funding to projects based on anticipated cash generated from Operating Results. These projected cash amounts are fully allocated to Council projects over the ten years of the Long Term Financial Plan.

As reflected in the 2023/24 Long Term Financial Plan and Operational Plan, the budgeted Net Operating Result of \$96.0M, once adjusted for net non-cash items totalling \$142.5M (including depreciation expense of \$120.7M) was expected to generate cash of \$238.5M, to fund capital works projects. Based on actual financial results for 2023/24, the City's Net Operating Result of \$147.9M, once adjusted for net non-cash items totalling \$142.5M (including depreciation expense of \$120.7M) generated cash of \$214.3M, which was less than budgeted.

Item 10 Supplementary Answers to Previous Questions

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

Item 11 Notices of Motion**Item 11.1 Light the Erskineville Road Bridge**

Moved by Councillor Miller, seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) in June 2024, Council adopted A City for Walking: Strategy and Action Plan - Continuing the Vision, which states that to create a city for walking, fundamental needs should be met including making it possible to walk safely with basic infrastructure such as lighting;
- (ii) Friends of Erskineville (FOE) have launched their 'Light Up the Bridge' campaign to address pedestrian safety concerns and advocate for pedestrian lighting to be installed on Erskineville Road rail bridge (the bridge), located between Linthorpe and Angel Streets in Erskineville;
- (iii) the campaign includes a petition that has 590 signatories (as at 24 October 2024) calling on Transport for NSW (TfNSW) to immediately install adequate lighting as a public safety measure;
- (iv) the bridge is owned by Transport for NSW and therefore any associated lighting attached to the bridge would become Transport for NSW assets;
- (v) City staff have investigated installing lighting on the footpath at each end of the bridge. However, due to the length of the bridge, it is not viable to provide compliant lighting without placing lighting on the bridge itself;
- (vi) Friends of Erskineville is calling on the Minister for Transport, Jo Haylen, to instruct Transport for NSW to urgently address this safety issue before an injury occurs as it is an area of high pedestrian activity;
- (vii) City staff have advocated to Transport for NSW who said they are aware of the situation and the collective interest in improving the lighting across the bridge; and
- (viii) in a letter to Friends of Erskineville, Transport for NSW notes that they are aware the bridge does not meet community expectations, are working with City of Sydney and Ausgrid (electricity supplier) on the issue and will update the community with the outcomes of its investigations once a solution is determined; and

- (B) the Lord Mayor be requested to write to the NSW Minister for Transport advocating for the immediate installation of pedestrian lighting on the Erskineville Road rail bridge.

Carried unanimously.

X113761

Item 11.2 Protecting Traditional Boarding Houses

By Councillor Ellsmore

It is resolved that:

- (A) Council endorse the community campaign for the protection of traditional boarding houses, which are an important form of private, relatively affordable housing in the inner city, and note that the campaign is calling for private boarding houses to be converted into permanent, protected affordable housing;
- (B) Council agree to:
 - (i) support an immediate ban on all rent increases in all boarding houses in the city so that residents cannot be removed due to loss of affordability;
 - (ii) immediately enforce tighter controls on adherence to safety, security and amenity standards so that residents cannot be removed due to loss of habitability; and
 - (iii) directly fund, or support the funding by a selected Community Housing Provider, of the purchase of the boarding houses at 58-60 and 62-64 Selwyn Street Paddington, with the use of affordable housing contributions from development; and
- (C) the Chief Executive Officer be requested to provide advice to Council about potential amendments to the Council's affordable housing contribution schemes to encourage permanent protection of boarding houses.

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

Moved by Councillor Thompson, seconded by Councillor Weldon –

It is resolved that:

- (A) Council note the Lord Mayor, the City of Sydney Council and staff have advocated for better protections for boarding houses and their residents by:
 - (i) writing to the NSW Government to repeatedly ask them to reform the outdated NSW Affordable Rental Housing State Environmental Planning Policy and the Guidelines for the Retention of Existing Affordable Rental Housing 2009 and to implement the long overdue recommendations of the statutory review of the Boarding Houses Act 2012;
 - (ii) writing to Community Housing Providers about opportunities to use the City's Affordable and Diverse Housing Fund and levies to purchase and deliver more boarding houses and other low-cost rental housing;
 - (iii) writing to the NSW Premier and Minister for Better Regulation and Fair Trading calling on them to urgently amend the Residential Tenancies Act 2010 to prevent unlimited rent increases including in private boarding houses;
 - (iv) defending its refusal of the development application to convert the existing 32-room boarding houses at 58-60 and 62-64 Selwyn Street Paddington into four single dwellings in the Land and Environment Court;
 - (v) working with the community, Minister for Housing, Member for Sydney and Homes NSW to support residents through the court case, threat of eviction and possible relocations;

- (vi) working with Redfern Legal Centre, which the City has funded through our grants program, to support the Selwyn Street residents to understand their rights and advise them through this very stressful period; and
 - (vii) agreeing to host a roundtable with Community Housing Providers, Metropolitan Councils, Homes NSW, the Tenants' Union of NSW, Newtown Neighbourhood Centre, the NSW Rental Commissioner and peak bodies about protecting and increasing safe and secure affordable rental housing;
- (B) Council further note:
- (i) the Selwyn Street boarding house tenants were issued with eviction notices on 21 October 2024 by the owner, LFD Developments. They have been given until 1 February 2025 to vacate their homes; and
 - (ii) the City's Affordable and Diverse Housing Fund supports the delivery of all forms of short and long term rental accommodation offered at below market rates, including affordable housing, social housing, crisis housing and boarding houses. Our Affordable Housing contributions program also enables Community Housing Providers to use levies for boarding houses;
- (C) Council endorse the community campaign for the protection of traditional boarding houses, which are an important form of private, relatively affordable housing in the inner city, and note that the campaign is calling for private boarding houses to be converted into permanent, protected affordable housing;
- (D) Council agree to continue to enforce adherence to safety, security and amenity standards through our required and proactive boarding house inspection program to ensure boarding houses maintain appropriate health and safety levels;
- (E) the Chief Executive Officer be requested to work with relevant NSW Government agencies to investigate supporting a Community Housing Provider to purchase the boarding houses at 58-60 and 62-64 Selwyn Street Paddington, including through joint funding;
- (F) the Lord Mayor be requested to write to the NSW Rental Commissioner to advocate to the NSW Government to urgently extend the rights and protections recently introduced by the Residential Tenancies Amendment Bill 2024 to occupancy agreements for residents of boarding houses to prevent unlimited rent increases in private boarding houses; and
- (G) the Chief Executive Officer be requested to provide advice to Council about potential amendments to the Council's Affordable Housing Contributions Distribution Plan and Affordable and Diverse Housing Fund to encourage permanent protection of boarding houses.

Carried unanimously.

X113765

Item 11.3 Thank You Councillor Linda Scott

Moved by Deputy Lord Mayor Maxwell, seconded by Councillor Wilson –

It is resolved that:

(A) Council note:

- (i) Councillor Linda Scott served valiantly as a City of Sydney Councillor representing Sydney Labor from 2012 to 2024. During that time, she championed the shared values of fairness, sustainability and community;
- (ii) Councillor Scott also served as Deputy Lord Mayor between September 2018 and September 2019. During that time, she continued to advocate for more affordable housing and green spaces, increased early education and care centres, new skate parks, and boosted city funding for climate change action;
- (iii) Councillor Scott made many valuable contributions to the City of Sydney Council during her time as a Councillor paired with her tireless work as the President of the Australian Local Government Association (ALGA). As the President of ALGA, Linda worked with many local government representatives across the country to secure funding to enable councils to serve local communities with place-based solutions equalling a total of \$17.4 billion dollars which included \$11.8 billion dollars of Federal Assistance Grants over four years, \$5.5 billion in new and additional program funding over 4 years, and an extra \$500 million dollars for community infrastructure under the National House Accord, to create more affordable homes;
- (iv) during her time in the role, Councillor Scott also served as the first female President of Local Government NSW from 2017 to 2021, paving the way for more progressive women leaders in local government;
- (v) Councillor Scott continued to fight for progressive policy during her time on the City of Sydney Council including fighting for the LGBTIQ+ community. Of particular note, championing a Trans and Gender Diverse Swim Night within the City of Sydney utilising public pools to celebrate diversity. Councillor Scott was a continued ally with our LGBTIQ+ community and made valuable contributions in this space. In Linda's first term on Council, she pushed for the Council to provide archival storage space for items destined for a future LGBTIQ+ Museum. This is now a reality with Qtopia Sydney open with the support of the City of Sydney Council which provided its initial seed funding in 2022. Councillor Scott also championed the installation of the rainbow flag at Taylor Square, paired with securing a commitment from the City of Sydney to install a rainbow crossing in Newtown to celebrate our LGBTIQ+ community;
- (vi) as a Councillor, Linda moved over 330 motions and presented 14 petitions on issues of importance to residents and business owners in the City of Sydney. She also asked over 600 Questions on Notice contributing to meaningful change on the City of Sydney Council. Over the past 12 years, more than 60 of Councillor Scott's Questions on Notice were about public space, and more than 60 of the motions she put up centred on preserving, improving and expanding the Sydney community's access to open and green spaces in the City. She was also the only Councillor to vote against the outsourcing of the City's waste services and fought to preserve Council services; and

(vii) Councillor Linda Scott held a deep conviction to serve the City of Sydney community with honour, commitment and dedication and her vision was to make our City a fun, fair and sustainable place. As the Deputy Lord Mayor, alongside Councillor Mitch Wilson, we are committed to continuing this hard work to keep fighting for our City of Sydney community. Thank you Linda; and

(B) the Lord Mayor be requested to write a letter of thanks to Councillor Linda Scott for her contributions to the City of Sydney Council during her time as a Councillor and as the Deputy Lord Mayor.

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

It is resolved that:

(A) Council note:

- (i) Councillor Linda Scott served valiantly as a City of Sydney Councillor representing Sydney Labor from 2012 to 2024. During that time, she championed the shared values of fairness, sustainability and community;
- (ii) Councillor Scott also served as Deputy Lord Mayor between September 2018 and September 2019. During that time, she continued to advocate for more affordable housing and green spaces, increased early education and care centres, new skate parks, and boosted city funding for climate change action;
- (iii) Councillor Scott made many valuable contributions to the City of Sydney Council during her time as a Councillor paired with her tireless work as the President of the Australian Local Government Association (ALGA). As the President of ALGA, Linda worked with many local government representatives across the country to secure funding to enable councils to serve local communities with place-based solutions equalling a total of \$17.4 billion dollars which included \$11.8 billion dollars of Federal Assistance Grants over four years, \$5.5 billion in new and additional program funding over 4 years, and an extra \$500 million dollars for community infrastructure under the National House Accord, to create more affordable homes;
- (iv) during her time in the role, Councillor Scott also served as the first female President of Local Government NSW from 2017 to 2021, paving the way for more progressive women leaders in local government;
- (v) Councillor Scott continued to fight for progressive policy during her time on the City of Sydney Council including fighting for the LGBTIQ+ community. Of particular note, championing a Trans and Gender Diverse Swim Night within the City of Sydney utilising public pools to celebrate diversity. Councillor Scott was a continued ally with our LGBTIQ+ community and made valuable contributions in this space. In Linda's first term on Council, she pushed for the Council to provide archival storage space for items destined for a future LGBTIQ+ Museum. This is now a reality with Qtopia Sydney open with the support of the City of Sydney Council which provided its initial seed funding in 2022. Councillor Scott also championed the installation of the rainbow flag at Taylor Square, paired with securing a commitment from the City of Sydney to install a rainbow crossing in Newtown to celebrate our LGBTIQ+ community;

- (vi) as a Councillor, Linda moved over 330 motions and presented 14 petitions on issues of importance to residents and business owners in the City of Sydney. She also asked over 600 Questions on Notice contributing to meaningful change on the City of Sydney Council. Over the past 12 years, more than 60 of Councillor Scott's Questions on Notice were about public space, and more than 60 of the motions she put up centred on preserving, improving and expanding the Sydney community's access to open and green spaces in the City. She was also the only Councillor to vote against the outsourcing of the City's waste services and fought to preserve Council services; and
 - (vii) Councillor Linda Scott held a deep conviction to serve the City of Sydney community with honour, commitment and dedication and her vision was to make our City a fun, fair and sustainable place. As the Deputy Lord Mayor, alongside Councillor Mitch Wilson, we are committed to continuing this hard work to keep fighting for our City of Sydney community. Thank you Linda; and
- (B) the Lord Mayor be requested to write a letter of thanks to former Councillor Linda Scott and all former Councillors from the previous Council term including HY William Chan, (Waskam) Emelda Davis, Jess Scully and Shauna Jarrett for their contributions to the City of Sydney Council during their time as Councillors and as the Deputy Lord Mayor (as relevant).

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

X113762

Item 11.4 12 Months Since the 2023 Referendum on the Voice to Parliament

By Deputy Lord Mayor Maxwell

It is resolved that:

- (A) Council note:
- (i) in 2023, 6.2 million Australians voted 'Yes' to support a Voice to Parliament. In Sydney ,the vote for 'Yes' was around 71% which was a reflection of the hard work of activists across the electorate who campaigned hard to achieve this amazing result;
 - (ii) the City of Sydney Council supported the Yes23 Campaign and provided significant support for the campaign from beginning to end. This included providing a program of information, awareness, communications and events, and by developing broader community support;
 - (iii) the City was a major sponsor of the Sydney Peace Prize which recognised the Uluru Statement from the Heart. The City provided free tickets to Aboriginal and Torres Strait Islander community leaders and representatives to attend;
 - (iv) that Aboriginal and Torres Strait Islander Australians still want a voice and a seat at the table on the issues and policies that impact them despite not winning the 2023 Referendum; and
 - (v) that this is the beginning and not the end, and that the fight for Voice, Treaty and Truth is still as important as ever;
- (B) Council continue to support the Uluru Statement from the Heart and promote opportunities for meaningful collaboration with the Aboriginal and Torres Strait Islander community;
- (C) Council congratulate Councillor Yvonne Weldon on her re-election to the City of Sydney Council, recognising the valuable work she has done for the City of Sydney to represent Aboriginal and Torres Strait Islander people; and
- (D) Council continue to create opportunities for meaningful local action to champion truth telling and continue its work to implement Voice, Treaty and Truth. This includes ongoing efforts to bring Aboriginal and Torres Strait Islander people together with local businesses and organisations across the City of Sydney to continue building on the principles of the Uluru Statement.

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

Moved by Councillor Maxwell, seconded by Councillor Weldon –

It is resolved that:

(A) Council note:

- (i) in 2023, 6.2 million Australians voted 'Yes' to support a Voice to Parliament. Although a majority of Australians voted against the proposal, the City of Sydney community voted overwhelmingly in support;
- (ii) the City of Sydney advocated for a 'Yes' vote and supported the Yes23 Campaign with a program of information, communications and events, developing broader community awareness and support;
- (iii) Aboriginal and Torres Strait Islander communities continue to call for self-determination and a voice to represent their own needs, in addition to treaty and truth-telling;
- (iv) the Uluru Statement from the Heart was awarded the Sydney Peace Prize, for its offer of peace from First Nations People to all Australians; and
- (v) the fight for Voice, Treaty and Truth is still as important as ever;

(B) Council reaffirm support for the Uluru Statement from the Heart and meaningful collaboration with the Aboriginal and Torres Strait Islander community; and

(C) Council continue to promote reconciliation and tackle disadvantage and systemic racism at the local level through initiatives that advance the core principles of the Uluru Statement from the Heart.

Carried unanimously.

X113762

Item 11.5 Passing of the Equality Bill by the NSW Parliament

By Councillor Wilson

It is resolved that:

- (A) Council note the Equality Legislation Amendment (LGBTIQA+) Bill 2023 (Equality Bill) was passed by the NSW Parliament on Thursday, 17 October 2024;
- (B) Council congratulate Alex Greenwich MP, Member for Sydney, for his tireless work with the queer community to develop this piece of legislation, for bringing it into the NSW Parliament, and for getting it passed;
- (C) Council recognise that the Equality Bill advances the most LGBTIQA+ law reform in this state, more than any single piece of legislation before it, which includes:
 - (i) allowing access to government identity documents that align with a person's gender identity, including birth certificates (bringing NSW in line with the rest of the country);
 - (ii) legislating "non binary" as a legal sex descriptor;
 - (iii) better recognition of queer families, particularly for parents and children born through overseas commercial surrogacy; and
 - (iv) extending legal protections for trans people, intersex people, people living with HIV or AIDS, and for sex workers;
- (D) Council congratulate the NSW Labor Government for supporting the legislation, and in particular the Hon. Penny Sharpe MLC, Leader of the Government in the Legislative Council and Minister for Energy and Environment for working with Alex Greenwich to get the Equality Bill supported by the NSW Government and through the NSW Legislative Council;
- (E) Council acknowledge that further reforms to the NSW Anti-Discrimination Act 1977 called for by the LGBTIQA+ community are subject to a current review by the Law Reform Commission, due to be released in early 2025;
- (F) Council call on the NSW Labor Government to commit to protecting LGBTIQA+ Teachers and Students and Sex Workers in the Anti-Discrimination Act 1977 following the Law Reform Commission review of the NSW Anti-Discrimination Act 1977;
- (G) the Lord Mayor be requested to:
 - (i) write to Alex Greenwich MP, congratulating him for all his hard work getting this legislation passed and noting Council's commitment to support in any way possible a campaign for further changes to the NSW Anti-Discrimination Act 1977, particularly for queer teachers and students at independent schools;
 - (ii) write to the NSW Premier Chris Minns, thanking him for the NSW Labor Government's support of the Equality Bill and noting Council's commitment to see any recommended changes to the NSW Anti-Discrimination Act 1977 passed by Parliament in 2025;
 - (iii) write to the Hon. Penny Sharpe MLC, thanking her for her hard work with Alex Greenwich MP to get the Equality Bill passed by the NSW Parliament and her unwavering support of Sydney's queer community during her time as an elected official in inner Sydney; and

- (iv) write to Felicity Wilson MP, Liberal Member for North Shore, thanking her for her support of Sydney's queer community and commitment to equality by crossing the floor against her party's position and voting for the Equality Bill in the NSW Legislative Assembly; and
- (H) the Chief Executive Officer be requested to continue to monitor ways the City of Sydney can support the LGBTIQA+ community.

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

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

It is resolved that:

- (A) Council note the Equality Legislation Amendment (LGBTIQA+) Bill 2023 (Equality Bill) was passed by the NSW Parliament on Thursday, 17 October 2024;
- (B) Council congratulate Alex Greenwich MP, Member for Sydney, for his tireless work with the queer community to develop this piece of legislation, for bringing it into the NSW Parliament, and for getting it passed;
- (C) Council recognise that the Equality Bill advances the most LGBTIQA+ law reform in this state, more than any single piece of legislation before it, which includes:
 - (i) allowing access to government identity documents that align with a person's gender identity, including birth certificates (bringing NSW in line with the rest of the country);
 - (ii) legislating "non binary" as a legal sex descriptor;
 - (iii) better recognition of queer families, particularly for parents and children born through overseas commercial surrogacy; and
 - (iv) extending legal protections for trans people, intersex people, people living with HIV or AIDS, and for sex workers;
- (D) Council congratulate the NSW Labor Government for supporting the legislation, and in particular the Hon. Penny Sharpe MLC, Leader of the Government in the Legislative Council and Minister for Energy and Environment for working with Rainbow Labor, Equality Australia and Alex Greenwich to get the Equality Bill supported by the NSW Government and through the NSW Legislative Council;
- (E) Council acknowledge that further reforms to the NSW Anti-Discrimination Act 1977 called for by the LGBTIQA+ community are subject to a current review by the Law Reform Commission, due to be released in early 2025;
- (F) Council call on the NSW Labor Government to commit to protecting LGBTIQA+ Teachers and Students and Sex Workers in the Anti-Discrimination Act 1977 following the Law Reform Commission review of the NSW Anti-Discrimination Act 1977;

- (G) the Lord Mayor be requested to:
- (i) write to Alex Greenwich MP, congratulating him for all his hard work getting this legislation passed and noting Council's commitment to support in any way possible a campaign for further changes to the NSW Anti-Discrimination Act 1977, particularly for queer teachers and students at independent schools;
 - (ii) write to the NSW Premier Chris Minns, thanking him for the NSW Labor Government's support of the Equality Bill and noting Council's commitment to see any recommended changes to the NSW Anti-Discrimination Act 1977 passed by Parliament in 2025;
 - (iii) write to the Hon. Penny Sharpe MLC, thanking her for her hard work with Alex Greenwich MP to get the Equality Bill passed by the NSW Parliament and her unwavering support of Sydney's queer community during her time as an elected official in inner Sydney; and
 - (iv) write to Felicity Wilson MP, Liberal Member for North Shore, thanking her for her support of Sydney's queer community and commitment to equality by crossing the floor against her party's position and voting for the Equality Bill in the NSW Legislative Assembly; and
- (H) the Chief Executive Officer be requested to continue to monitor ways the City of Sydney can support the LGBTIQ+ community.

Carried unanimously.

X113758

Item 11.6 Affordable Housing Target

By Councillor Weldon

It is resolved that Council note:

- (A) access to affordable rental housing is essential for a diverse, cohesive, vibrant and economically successful city;
- (B) while the primary responsibility for housing policy and provision lies with the State government, councils play a crucial role in addressing housing issues locally;
- (C) the City of Sydney has a social, practical and legislative responsibility to address local housing needs on behalf of the community;
- (D) the local community has repeatedly voiced desire for an affordable, inclusive, and accessible city;
- (E) accordingly, the City's previous strategic plan Sustainable Sydney 2030 established the target that, by 2030, 7.5% will be affordable housing, delivered by not-for-profit or other providers;
- (F) the City uses its planning levers, sells land to community housing providers below cost, and provides grants to increase the amount of affordable housing in the local area. Notably:
 - (i) the City of Sydney is the first council in Australia to have a Local Government Area (LGA)-wide affordable housing contributions scheme and is the only council to charge a levy across all residential and commercial development;
 - (ii) to date the City has collected more than \$400 million in levies, provided \$31.6 million in discount land and committed almost \$13 million in grants to the delivery of affordable housing; and
 - (iii) with these contributions, 1,464 affordable dwellings have built in the local area, 565 dwellings are in the development pipeline and 1,294 are expected to be built in the near future;
- (G) the City also advocates for greater action and investment from other levels of government;
- (H) despite these efforts, after almost 20 years, we are no closer to meeting our target for affordable housing. In fact, the proportion of affordable housing in the City of Sydney has decreased over this time and currently makes up less than 2% of total housing stock;
- (I) the City's new strategic plan Sustainable Sydney 2030-2050 maintains the target for 7.5% affordable housing but pushes back the target from 2030 to 2036;
- (J) still, the City is not currently on track to meet this revised target, noting that:
 - (i) the City's developer contributions levy scheme is projected to deliver a further 1,950 affordable dwellings;
 - (ii) if considered all together the built, pipeline, expected and projected affordable housing dwellings will equal to 5,273 affordable rental dwellings and affordable diverse dwellings to 2036; and
 - (iii) at best, this would equate to 44% of the 12,000 affordable dwellings target for 2036, or about 3.4% of the private dwellings target for 2036; and

- (K) unless the City strengthens and expands existing programs, we will fail to meet our affordable housing target.

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

Moved by Councillor Weldon, seconded by Councillor Thompson -

It is resolved that Council note:

- (A) access to affordable rental housing is essential for a diverse, cohesive, vibrant and economically successful city;
- (B) while the primary responsibility for housing policy and provision lies with the State government, councils play a crucial role in addressing housing issues locally;
- (C) the City of Sydney has a social, practical and legislative responsibility to address local housing needs on behalf of the community;
- (D) the local community has repeatedly voiced desire for an affordable, inclusive, and accessible city;
- (E) accordingly, the City's previous strategic plan Sustainable Sydney 2030 established the target that, by 2030, 7.5% will be affordable housing, delivered by not-for-profit or other providers;
- (F) the City uses its planning levers, sells land to community housing providers below cost, and provides grants to increase the amount of affordable housing in the local area. Notably:
- (i) the City of Sydney is the first council in Australia to have a Local Government Area (LGA)-wide affordable housing contributions scheme and is the only council to charge a levy across all residential and commercial development;
 - (ii) to date the City has collected more than \$400 million in levies, provided \$31.6 million in discount land and committed almost \$13 million in grants to the delivery of affordable housing; and
 - (iii) with these contributions, 1,464 affordable dwellings have built in the local area, 565 dwellings are in the development pipeline and 1,294 are expected to be built in the near future;
- (G) the City also advocates for greater action and investment from other levels of government;
- (H) the City's ambitious affordable housing targets always envisaged Local, State and Federal governments all doing their bit, as well as the development industry. However, without State Government mandated targets for affordable housing in new developments, meeting our targets will continue to be a significant challenge;
- (I) while the proportion of affordable housing in the City of Sydney has decreased over this time and currently makes up less than 2% of total housing stock, the City of Sydney has delivered more affordable housing than any other council in Australia, and we are on track to deliver even more;

- (J) the City's new strategic plan Sustainable Sydney 2030-2050 Continuing the Vision maintains the target for 7.5% affordable housing but pushes back the target from 2030 to 2036, to align with the overall dwelling approval target mandated for councils by the former NSW Government in 2018;
- (K) still, the City is not currently on track to meet this revised target, noting that:
 - (i) the City's developer contributions levy scheme is projected to deliver a further 1,950 affordable dwellings;
 - (ii) if considered all together the built, pipeline, expected and projected affordable housing dwellings will equal to 5,273 affordable rental dwellings and affordable diverse dwellings to 2036; and
 - (iii) this would equate to 44% of the 12,000 affordable dwellings target for 2036, or about 3.4% of the private dwellings target for 2036;
- (L) in order to meet our affordable housing target, at the June 2023 and February 2024 Council meetings, Council resolved to ask the Chief Executive Officer to:
 - (i) review the City's Affordable Housing contribution rates, including what changes could deliver more affordable housing in our area such as rate increases, changes to City policies, planning controls and rezoning proposals. This work is well underway; and
 - (ii) provide advice about potential changes to the City's Local Environmental Plan 2012, and related documents as needed, to give the City of Sydney the ability to require that affordable housing contributions be delivered in the form of land or buildings on site, in appropriate developments; and
- (M) the Lord Mayor has asked the Chief Executive Officer to provide the new Council with a comprehensive overview of the City's current housing policies and planning framework, what it has delivered, work currently underway and next steps to continue to deliver more affordable housing.

Carried unanimously.

X113759

At 7.00 pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on Monday 25 November 2024 at which
meeting the signature herein was subscribed.