

Council

Meeting No 3

Monday 16 April 2018

Notice No 3/1594

Notice Date 12 April 2018

minutes

city of villages

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Present

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

Members Councillor Craig Chung, Councillor Christine Forster, Councillor Robert Kok, Councillor Jess Miller, Councillor Professor Kerryn Phelps AM, Councillor Linda Scott, Councillor Jess Scully, Councillor Professor Philip Thalys and Councillor Angela Vithoulkas

At the commencement of business at 5.05 pm, those present were:-

The Lord Mayor, Councillor Chung, Councillor Forster, Councillor Kok, Councillor Miller, Councillor Phelps, Councillor Scott, Councillor Scully, Councillor Thalys and Councillor Vithoulkas

The Chief Operating Officer, Chief Financial Officer, Director City Engagement, Director City Projects and Property, Director City Life, Director Legal and Governance, Director Workforce and

Information Services, Director City Services, and Director City Planning, Development and Transport were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer and an acknowledgement of country.

Item 1 Confirmation of Minutes

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

That the minutes of the meeting of Council of Monday 19 March 2018, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2 Disclosures of Interest**(a) Section 451 of the Local Government Act 1993**

Councillor Philip Thalys disclosed a less than significant, non-pecuniary interest in Item 7.2 on the agenda – Knowledge Exchange Sponsorship – 2018 Australian Pavilion, Venice Architecture Biennale, in that he is a long term member of the Australian Institute of Architects. Councillor Thalys stated that he has not been contacted by any members of the Australian Institute of Architects in regard to this item.

Councillor Linda Scott disclosed a less than significant, non-pecuniary interest in Item 6.5 on the agenda – Exemption from Tender – Large Market Electricity Procurement, in that Local Government Procurement is a business arm of Local Government NSW, of which she is the President.

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

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of Council.

Item 3 Minutes by the Lord Mayor**Item 3.1 Vale David Cooper AO****File No: S051491**

To Council:

I inform Council of the death of the eminent Australian immunologist, Professor David Albert Cooper AO on Sunday 18 March 2018.

Professor Cooper was an international leader in the fight against HIV and AIDS for over three decades, as a prominent medical researcher, clinician and personal doctor of many people affected by HIV related illness.

As a young immunologist working in the United States in the early 1980s, he first learned about the devastating effects of an unnamed virus on young, mostly gay men. He expected to encounter something similar when he returned to work at St Vincent's Hospital in Darlinghurst, in the heart of Sydney's gay male community. Research into this virus (later universally known as HIV for human immuno-deficiency virus) became his life's work.

His work in identifying the seroconversion illness accompanying initial HIV infection in many people was an early breakthrough, having a major impact on HIV diagnosis and the search for treatments. He subsequently took a leading role in research and trials of therapies for HIV which led to the use of combination treatments which have made HIV infection a chronic, manageable illness. Many people with HIV are now able to live fulfilling productive lives with reasonable life expectancy.

In 1986, Professor Cooper became the inaugural director of the National Centre in HIV Epidemiology and Clinical Research, now the Kirby Institute. Under his leadership, it has grown to become a globally renowned research institute working at the forefront of the latest discoveries and innovations in HIV, viral hepatitis and sexually transmissible infections.

I was proud to present the Keys of the City to the Kirby Institute in February last year in recognition of its outstanding work.

David did not confine his work to Australia. He served as President of the International AIDS Society from 1994 to 1998. While President, he led the 1996 International AIDS Conference in Vancouver, Canada at which the introduction of combination therapy was reported. This involved treating patients with multiple drugs or medications and was a turning point in the history of AIDS.

David also used his influence to ensure the 2000 global HIV conference took place in Durban, in the region of the world most affected by HIV. This helped show the world that treatment should be available to all. Within a year, billions of dollars were being directed towards treatment access in the poorer countries of the world. Global equity in the treatment of HIV remains the standard, one of the few diseases where this is the case.

In 1996, he co-founded HIV-NAT, a clinical research and trials collaboration based at the Thai Red Cross AIDS Research Centre at the Chulalongkorn University Hospital in Bangkok, Thailand. He later led HIV research in Cambodia, Indonesia and Myanmar.

He was working right up to the time of his illness, running large-scale international clinical trials to improve HIV treatment, working on research in Indonesia and Myanmar, and leading the trial of pre-exposure prophylaxis to eliminate HIV transmission in NSW.

Professor Cooper was equally committed to challenging the stigma associated with HIV as addressing the challenges of HIV itself. Much of his research achievements were due to his willingness to forge strong relationships with Sydney's gay community and its leaders, winning their respect and trust.

He also recognised that HIV was not merely a medical issue. Fighting HIV challenge at the height of the AIDS epidemic in the 1980s and 1990s also required standing up for human rights and combatting ignorance and prejudice. A lack of understanding and knowledge of HIV encouraged fear-based homophobia and AIDSphobia, often flamed by a sensationalist media. In the early years, before treatments became readily available, the number of patients presenting with HIV was high, with many of his patients not surviving. This did not deter Professor Cooper and his colleagues from providing the care they needed or embracing the LGBTIQ community. In 1999, he led the Kirby Institute's first entry in the Mardi Gras parade, accompanied by dozens of staff members and his then teenage daughters Becky and Ilana.

There have been many people in Australia and overseas who have paid tribute to his life and work. The Lancet described Professor Cooper as "Australia's fighter against HIV and discrimination", and noted that "Cooper's work has helped transform Australia's research landscape". It wrote:

"His quest to remove the stigma surrounding AIDS patients and to share his knowledge on HIV and other infectious diseases to disadvantaged communities symbolise his devotion to the greater good."

In 2016, Professor Cooper told The Lancet:

"The story of HIV is a modern medical miracle. From despair and tragedy, we have moved into an era of chronic treatable illness, in just 30 years."

The achievement of this modern miracle owes much to David Cooper's work.

In recognition of David's outstanding contribution to the international fight against HIV, the Kirby Institute is planning to hold a public memorial event in Sydney Town Hall on Thursday 14 June 2018. The event will enable David's colleagues from Australia and overseas, people living with HIV and the LGBTI community to celebrate David's life.

Given his outstanding contribution, not least in enabling many of our residents to lead fulfilling, productive lives, I propose that the City waive the venue hire fees of Sydney Town Hall as a contribution to this event.

Recommendation

It is resolved that:

- (A) all persons present in the Chamber stand for one minute's silence to mark the life of Professor David Albert Cooper AO and his outstanding national and international contribution to HIV medicine and human rights in Sydney, New South Wales and Australia;
- (B) a letter, under the Lord Mayor's signature, be conveyed to Professor Cooper's wife, Dorrie, expressing Council's sincere condolences to her and her family; and
- (C) the City of Sydney waive the hiring fees for Sydney Town Hall as a value-in-kind contribution to a public memorial event celebrating Professor Cooper's life.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

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

Carried unanimously.

Note – The Chair (the Lord Mayor) welcomed and acknowledged the presence in the Council Chamber of the family of David Cooper: Dorrie Cooper, Ilana Cooper and Bec Cooper; and also representatives of the Kirby Institute and others – Alex Greenwich MP, Bill Bowtell AO, Chris Puplick AM, Professor Andrew Grulich, Professor Rebecca Guy, Dr Bridget Haire, Daren Draganic, Janette Button and Luci Bamford.

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

Item 3.2 WestConnex Deals Demand Urgent Review

File No: S051491

To Council:

WestConnex is the very opposite of State and City policy to reduce the number of cars coming into the city centre. Congestion is already costing our city \$6 billion a year and will rise to \$14.8 billion by 2031 if public transport isn't prioritised.

The State's own data shows that, in the 10 years between 2003 and 2013, the number of people driving into the Sydney city centre remained fairly static, while trips by public transport increased by around 40 per cent. And since light rail construction commenced in 2015, there has been an 11 per cent reduction in the number of inbound vehicles and a 9.4 per cent increase in public transport use into the CBD during the morning peak period.

This clearly shows that productivity in the global city centre does not require more road capacity, it requires more public transport capacity.

WestConnex is an unmitigated disaster for our global city. As a key driver for the national economy, the City of Sydney's future is vital to Australia's future and the future of NSW. Since 2004, our City economy has grown by \$50 billion. The City economy now totals approximately \$125 billion, or almost a quarter of the entire NSW economy.

Independent analysts suggest the City economy alone is contributing more than 10 per cent of Australia's current economic growth. It has overtaken the mining sector as the driver of Australia's economy, along with the inner centres of other major Australian cities like Melbourne and Brisbane.

This economic growth is driving an increase in jobs. Since 2006, job numbers have grown by 100,000 to 495,000, an increase of almost 30 per cent. This makes the City of Sydney the epicentre of jobs and job growth in Australia.

But one of the most significant risks to this growth and the future economic viability of our city centre is congestion. The business case for WestConnex makes clear it will dramatically increase congestion, making it a significant threat to our future liveability and to investment in the city centre and Green Square.

You just need to walk up Euston Road, past Sydney Park, to see the impact. The hundreds of trees that have been chopped down and the massive destruction for the St Peter's interchange - 27 hectares with exit and entry roads 38 metres high in a spaghetti junction, designed for truck speeds of up to 100km an hour.

This interchange alone will dump up to 120,000 extra vehicles in our area every day. To manage the impacts, Roads and Maritime Services (RMS) is planning a motorway from Alexandria, threatening city neighbourhoods, significant trees and precious parkland, ending in a massive intersection at Moore Park called a continuous flow intersection channelling WestConnex traffic to the city, Green Square, Erskineville, Redfern, Surry Hills, Paddington, Randwick and the eastern suburbs, and into car parks serving the SCG sporting facilities.

This \$500 million 'continuous flow intersection' at Anzac Parade will have 12 lanes of traffic, with light rail running through the middle, and pedestrians will wait at five sets of lights just to cross it.

It is another project being planned in secret without any input from the community.

The evidence is also clear that WestConnex will destroy air quality in the inner city with a tenfold increase in particulate emissions which cause respiratory problems, particularly in young children and the elderly.

And all this for what? The last business case showed that, on key corridors, using public transport will be quicker than using WestConnex so it won't work for the west. Instead, WestConnex forces people in Western Sydney to use private tolled motorways and pay thousands of dollars every year in tolls which will increase every year for the next 43 years.

Without action, WestConnex will destroy our liveable villages which, since 2004, we have worked hard to create. Walkable, liveable neighbourhoods with safe streets, trees and parks and much loved community facilities.

It also threatens the future of our State. The official cost of the project has grown from \$10 billion to \$17 billion and rises to \$50 billion when you include the publicly funded road upgrades needed for every exit and entrance and the new stages that have been announced.

WestConnex will create a massive budget black hole that will undermine all future infrastructure spending and services if the transfer to the private sector continues in its current form.

And it's being built in secret beyond the scrutiny of Parliament, ICAC or the public. Already the National Joint Committee of Public Accounts and Audit has criticised the project and both the State and Federal Auditor General have raised serious concerns about conflicts of interest and a lack of an independent assessment of the business case.

The State is now trying to sell 51 per cent of Sydney Motorway Corporation (SMC), the organisation tasked with building WestConnex, but we don't know what they are promising potential buyers to sweeten the deal. Are they promising to underwrite the toll revenue, keep tolls going beyond the expected life of toll roads, agreeing not to build public transport in areas that would impact on WestConnex revenue?

These are all valid questions – in NSW many toll road contracts implemented by numerous State Governments, such as the initial M2 motorway, specifically prohibit the development of competing projects, like rapid transport networks, unless Governments compensate the toll road operator.

And, as was revealed last week, we can't trust that public interest will be a key priority when this State Government enters into deals. The secret deal which prevents Port Newcastle from ever competing with Port Botany, as part of the Government's Ports privatisation package, is bad news for communities living in Newcastle and Sydney.

It stymies investment in Newcastle, means items going in and out of Port Botany will be more expensive and it means there will be more trucks on our city streets – and all for nearly another 100 years.

The Government said they needed to build WestConnex to accommodate more trucks and, in fact, the original aim of the project was to provide a tunnel for trucks to get from Western Sydney to the Airport and to the port at Botany. But, in the last five years, the project has morphed into a revenue

led network of privatised tolled commuter roads and two massive spaghetti junction style interchanges in Rozelle and St Peters.

It now doesn't even meet its stated aims – trucks are actually being delivered to St Peters, a residential parkland neighbourhood, more than seven kilometres from Port Botany. They then need to travel on local roads, past homes and hotels and along a freight rail line to get to the Port. And though the State says they are working on a project to connect the St Peters interchange with the Port and Airport – there is no timeline, no design and no budget.

And acting as a government imposed tariff on imports, road tolls on container movements to and from Port Botany are estimated to rise to \$60 to \$80 a vehicle, affecting our economy and increasing the cost of living.

Now the Government is again looking to privatise another company - in this case SMC - and again is doing it in secret without any input from the public. We must demand greater transparency and full disclosure.

As the NSW Opposition Leader wrote last week:

“When the idea of privatising public assets was first developed in the 1980s, it was designed to lift productivity and promote innovation by strengthening competition. As the ports scandal demonstrates, the NSW government now uses privatisation to thwart competition, obstruct innovation and entrench private monopolies.”

With so much at stake for NSW, the sale of the SMC should be delayed and any deals being considered about the sale should be made public.

It is obvious that an independent review of the whole WestConnex project is now critical, given that key considerations have changed since the original decision was made, including:

- the impact of the Sydney Metro West project which was not considered;
- the impact of the second Sydney Airport with its new rail and road connections which was not considered;
- the failure to develop the ‘Sydney Gateway’ link to the airport – which was a key justification for the original project; and
- proposed additional stages (F6 Extension and Western Harbour Tunnel and Beaches Link) which have been added with shockingly little assessment and no public information about their impact.

While Stage One is nearly complete, there is still time to change and reduce the impact of Stage Two and to scrap Stage Three before it devastates our city and the future of our State.

Recommendation

It is resolved that Council call for:

- (A) an end to the legacy of secret deals that favour vested interest at the expense of the public, as well as contracts entered into without proper process and transparency by this State Government;
- (B) an independent review of WestConnex, now that a number of significant factors have changed since it was first announced;
- (C) the sale of the Sydney Motorway Corporation to be delayed until after the review of the WestConnex project and for any deals being considered as part of the sale to be made public; and

- (D) the Lord Mayor to write to both the Premier and the Leader of the Opposition to inform them of Council's concerns.

COUNCILLOR CLOVER MOORE

Lord Mayor

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

- (A) an end to the legacy of secret deals that favour vested interest at the expense of the public, as well as contracts entered into without proper process and transparency by this State Government;
- (B) an independent review of WestConnex, now that a number of significant factors have changed since it was first announced;
- (C) the sale of the Sydney Motorway Corporation to be delayed until after the review of the WestConnex project and for any deals being considered as part of the sale to be made public; and
- (D) the Lord Mayor to write to both the Premier and the Leader of the Opposition to inform them of Council's concerns.

Variation. At the request of Councillor Vithoukas, and by consent, the motion was varied by the addition, in the second line of clause (A), of the words “and small business” after the word “public”.

The motion, as varied by consent, was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukas

Noes (2) Councillors Chung and Forster.

Motion carried.

Item 4 Memoranda by the Chief Executive Officer

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

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

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

Carried unanimously.

5.2 Petitions

At the meeting of Council, Councillor Scott tabled a petition (containing 184 signatures) in the following terms:

To Lord Mayor & Councillors of the City of Sydney

This petition brings to the attention of the City of Sydney Council the support to make Rosebank Park (Darlinghurst) an off-leash dog park.

We note the following:

1. Rosebank Park has been used by locals and visitors alike as a dog-walking & exercise area for decades.
2. Almost all of the medium to high density apartment buildings directly surrounding the park have multiple dogs in residence.
3. There are few locations available locally as a destination for dogs and as such, Rosebank Park is an important exercise area for dogs.
4. Dog & companion animals contribute positively to the mental & physical health of their owners and the community.

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

It is resolved that the Petition be received and noted.

Carried.

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

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Councillor Robert Kok

(Deputy Chair)

Councillors Craig Chung, Christine Forster, Jess Miller, Prof Kerryn Phelps AM, Linda Scott, Jess Scully, Philip Thalys and Angela Vithoukaskas.

At the commencement of business at 2.08pm those present were -

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalys and Vithoukaskas.

Sub-Committee

The meeting of the Economic Development and Business Sub-Committee, with Councillor Vithoukaskas as Deputy Chair, commenced at 2.32pm.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.43pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 9 April 2018 be received, with Item 6.1 being noted and the recommendations set out below for Items 6.2 to 6.5 inclusive being adopted.

Carried unanimously.

Item 6.1

Disclosures of Interest

Councillor Linda Scott declared a less than significant, non-pecuniary interest in Item 6.5 on the agenda as Local Government Procurement is a business arm of Local Government NSW, of which she is the President.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

Item 6.2**Investments Held as at 31 March 2018**

It is resolved that the Investment Report as at 31 March 2018 be received and noted.

Carried unanimously.

X011299

Item 6.3**Partial Assignment of Leases - Queen Victoria Building - QVB Tunnel Sublease and the Galleries Tunnel**

It is resolved that:

- (A) subject to the conditions specified in clause (B), Council consent to the assignment of 50 per cent of Ipoh's interests in respect of:
 - (i) lease registered dealing no. V688504 and Book 3621 No 984 (QVB Head Lease) to Vicinity Custodian Pty Limited ACN 077 870 243 as trustee of the Vicinity QVB Trust;
 - (ii) sublease registered dealing no. 5955842 (QVB Tunnel Sublease) to Vicinity Custodian Pty Limited ACN 077 870 243 as trustee of the Vicinity QVB Trust; and
 - (iii) lease registered dealing no. 3347128 (Galleries Tunnel Lease) to Vicinity Custodian Pty Limited ACN 077 870 243 as trustee of the Vicinity Galleries Trust;
- (B) the consent provided in clause (A) is conditional on each Deed of Assignment of lease and variation of lease for each of the QVB Head Lease, the QVB Tunnel Sublease and the Galleries Tunnel Lease, including the following provisions:
 - (i) assignment is conditional upon completion of the contract between Ipoh and Vicinity;
 - (ii) the provision of appropriate guarantees; and
 - (iii) obtaining all necessary consents; and
- (C) authority be delegated to the Chief Executive Officer to finalise negotiations of the Deed of Assignment of lease and variation of lease for each of the QVB Head Lease, the QVB Tunnel Sublease and the Galleries Tunnel Lease, and execute and administer these deeds.

Carried unanimously.

S098590

Item 6.4

Tender - Contract Variation - Accounts Payable Supplier Invoice Automation Process

It is resolved that:

- (A) Council approve the variation to the contract for the Supply and Implementation of an Accounts Payable Supplier Invoice Automation Process Solution; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the contract with Xcellerate IT for the purpose of the Supply and Implementation of an Accounts Payable Supplier Invoice Automation Process Solution within the current period of the contract, and otherwise on terms acceptable to the City.

Carried unanimously.

S118164.022

Item 6.5

Exemption from Tender - Large Market Electricity Procurement

It is resolved that:

- (A) Council approve an exemption from tender, in accordance with section 55(3) (i) of the Local Government Act 1993, to contract with the City's existing supplier of electricity for 18 months, noting the electricity pricing considerations set out in confidential Attachment A to the subject report;
- (B) Council note that the reason for seeking an exemption from tender is that due to extenuating circumstances a satisfactory result would not be achieved by inviting suppliers, due to:
 - (i) market analysis shown within confidential Attachment A to the subject report, highlighting that Supplier A provides better value than current market expectations;
 - (ii) the risk of the market price for electricity increasing before the expiry of the current contract on 30 June 2018; and
 - (iii) providing time for Council to better understand options for future long-term electricity purchases with its commitment to achieving at least 50 percent renewables in its supply of electricity by 2021;
- (C) authority be delegated to the Chief Executive Officer to execute and administer the extension of Supplier A for 18 months, and to negotiate, execute and administer future variations, including a further extension of up to 18 months, should this be commercially expedient; and

- (D) Council note that an Expression of Interest will be issued shortly for the long-term supply of electricity that will address City's 2021 renewable target.

Carried unanimously.

S084740

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Vithoukas seconded by Councillor Kok –

That the report of the Economic Development and Business Sub-Committee of its meeting of 9 April 2018 be received and the recommendation set out below for Item 6.6 be adopted.

Carried unanimously.

The Sub-Committee recommended the following:

Item 6.6

Knowledge Exchange Grants - Tech Startups Action Plan Initiatives

It is resolved that:

- (A) Council approve a cash sponsorship of \$40,000 (excluding GST) to Tech Sydney Limited for the development of a tech startup ecosystem website;
- (B) Council approve a cash sponsorship of \$15,000 (excluding GST) to Tech Sydney Limited to produce an event series focused on the business opportunities for Sydney's innovative tech companies in Southeast Asia;
- (C) Council approve a cash sponsorship of \$25,000 (excluding GST) to Tech Ready Women Pty Ltd, to produce 'From Idea to Startup', a series of three events and sponsorship support for three women to participate in a 10-week accelerator program; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer sponsorship agreements with each of the applicants.

Carried unanimously.

X006473

Speakers

Ms Fleur Brown and Ms Christie Whitehall addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.6.

Item 7 Report of the Environment Committee

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

The Deputy Lord Mayor Councillor Jess Miller

(Deputy Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Prof Kerryn Phelps AM, Linda Scott, Jess Scully, Prof Philip Thalís and Angela Vithoukás.

At the commencement of business at 2.44pm those present were -

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

The meeting of the Environment Committee concluded at 2.47pm.

Report of the Environment Committee

Moved by Councillor Miller, seconded by Councillor Scully -

That the report of the Environment Committee of its meeting of 9 April 2018 be received, with Item 7.1 being noted and the recommendation set out below for Item 7.2 being adopted.

Carried unanimously.

Item 7.1

Disclosures of Interest

Councillor Philip Thalís declared a less than significant, non-pecuniary interest in Item 7.2 on the agenda as he is a long term member of the Australian Institute of Architects. He stated that he has not been contacted by any members of the Australian Institute of Architects about this item.

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

Item 7.2**Knowledge Exchange Sponsorship - 2018 Australian Pavilion, Venice Architecture Biennale**

It is resolved that:

- (A) Council approve a total cash sponsorship of \$20,000 (excluding GST) to The Royal Australian Institute of Architects trading as Australian Institute of Architects for the 2018 and 2020 Venice Biennales (\$10,000 excluding GST per Biennale); and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with The Royal Australian Institute of Architects trading as Australian Institute of Architect as described in (A) above.

Carried unanimously.

S088044

Item 8 Report of the Cultural and Community Committee

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerryn Phelps AM, Linda Scott, Jess Scully, Prof Philip Thalís and Angela Vithoukás.

At the commencement of business at 2.48pm those present were:

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Sub-Committees

Meetings of the following Sub-Committees of the Cultural and Community Committee commenced at the times shown below.

The Healthy Communities Sub-Committee, with Councillor Scott as Deputy Chair, commenced at 2.49pm.

The meeting of the Cultural and Community Committee and its Sub-Committee concluded at 3.10pm.

Report of the Healthy Communities Sub-Committee

Moved by Councillor Scott, seconded by Councillor Thalís -

That the report of the Healthy Communities Sub-Committee of its meeting of 9 April 2018 be received, with Item 8.1 being noted and the recommendations set out below for Items 8.2 and 8.3 being adopted.

Carried unanimously.

Item 8.1

Disclosures of Interest

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

Item 8.2**Knowledge Exchange Sponsorship – Affordable Housing Conference 2018**

It is resolved that:

- (A) Council approve cash sponsorship of \$20,000 (excluding GST) under the Knowledge Exchange Sponsorship Program to the NSW Federation of Housing Associations Inc for the Affordable Housing Conference 2018; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with the NSW Federation of Housing Associations Inc.

Carried unanimously.

S112458.002

Speakers

Ms Wendy Hayhurst addressed the meeting of the Cultural and Committee (Healthy Communities Sub-Committee) on Item 8.2.

Item 8.3**City for All Social Sustainability Policy and Action Plan**

It is resolved that:

- (A) Council approve the City for All Social Sustainability Policy and Action Plan, as shown at Attachment A to the subject report, for public exhibition for a minimum of four weeks; and
- (B) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments prior to the exhibition of the Social Sustainability Policy and Action Plan.

Carried unanimously.

S120601.018

Speakers

Ms Ro Coroneos, Ms Hannah Miller and Dr Pamela Garrett addressed the meeting of the Cultural and Committee (Healthy Communities Sub-Committee) on Item 8.3.

Item 9 Report of the Transport, Heritage and Planning Committee

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Councillor Prof Philip Thalís

(Deputy Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerryn Phelps AM, Linda Scott, Jess Scully and Angela Vithoukás.

At the commencement of business at 3.12pm those present were:

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Councillor Vithoukás, having advised that due to other commitments she would need to leave the Committee meetings at approximately 3.45pm, left the meeting of the Transport, Heritage and Planning Committee at 3.30pm, at the adjournment of the meeting during discussion on Item 9.2, and did not return.

Adjournment

At 3.30pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Miller -

That the meeting of the Transport, Heritage and Planning Committee be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of the Transport, Heritage and Planning Committee at 3.48pm, those present were:

The Lord Mayor, Councillors Chung, Forster, Kok, Phelps, Scott, Scully and Thalís.

Councillor Miller returned to the meeting of the Transport, Heritage and Planning Committee at 3.50pm during discussion on Item 9.2.

The meeting of the Transport, Heritage and Planning Committee concluded at 4.50pm.

Report of the Transport, Heritage and Planning Committee

Moved by Councillor Thalís, seconded by Councillor Miller -

That the report of the Transport, Heritage and Planning Committee of its meeting of 9 April 2018 be received, with Item 9.1 being noted, and the recommendations set out below for Items 9.2 to 9.4 inclusive being adopted.

Carried unanimously.

Item 9.1

Disclosures of Interest

(a) Section 451 of the Local Government Act 1993

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

(b) Local Government and Planning Legislation Amendment (Political Donations) Act 2008

No disclosures were made by any members of the public at this meeting of the Transport, Heritage and Planning Committee.

Item 9.2

Policy - Neighbourhood Parking Policy

It is resolved that consideration of this matter be deferred to a future meeting.

Carried unanimously.

X003620

Speakers

Ms Robyn Hall, Mr Brian Wood, Ms Helen Mok, Ms Amanda Farquharson, Mr Warren Cartledge, Mr Will Mrongovius, Ms Pip Palmer and Mr Bruce Davis addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.2.

Item 9.3

Policy - Public Exhibition - Energy and Waste Amendment 2018 - Sydney Development Control Plan 2012

It is resolved that:

- (A) Council endorse the proposed amendments to Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012, as shown at Attachment A to the subject report, for public exhibition for at least 28 days;
- (B) Council note the amendment will be reported back to Council following public exhibition;
- (C) authority be delegated to the Chief Executive Officer to make any changes prior to the public exhibition of the amendment that are required to correct minor errors or as a result of consideration by Council;
- (D) Council endorse the proposed Guidelines for Waste Management in New Developments, shown at Attachment C to the subject report, for public exhibition for at least 28 days; and
- (E) Council note the proposed Guidelines for Waste Management in New Developments will be reported back to Council following public exhibition.

Carried unanimously.

X004692.002

Item 9.4

Fire Safety Reports

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to F to the subject report;
- (C) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 591 George Street, Sydney, as detailed in Attachment B;
- (D) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 53, 53A and 53B Bourke Road, Alexandria, as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 51 Bourke Road, Alexandria, as detailed in Attachment C;
- (F) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 200 Pitt Street, Waterloo, as detailed in Attachment D;
- (G) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 2A Forsyth Street, Glebe, as detailed in Attachment E; and
- (H) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 42 Morehead Street, Redfern, as detailed in Attachment F.

Carried unanimously.

S105001.002

Item 10 Grant - 2018 Anzac Day March - Increased Security and Hostile Vehicle Mitigation Measures

File No: S117676

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

It is resolved that:

- (A) Council approve a cash grant of \$60,000 (excluding GST) to the Department of Justice for increased security measures, including hostile vehicle mitigation for the 2018 Sydney Anzac Day March; and
- (B) authority be delegated to the Chief Executive Officer to enter into an agreement with the Department of Justice.

Variation. At the request of Councillor Scott, and by consent, the motion was varied by the addition of a new clause as follows:

- (C) the Chief Executive Officer be requested to work with the RSL, the NSW Department of Premier and Cabinet, and any other relevant stakeholders to facilitate, where possible, the use of temporary signs to be displayed during public events at the Martin Place Cenotaph to ensure passers-by are informed of the ceremony or event being held.

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

Item 11 Questions on Notice**Dog De-Sexing Courier Service**

1. By Councillor Chung

Question

1. How many animals have been registered for this service, broken down for each year since commencement?
2. What was the total cost of this service for each year since commencement?
3. How is the service advertised?
4. How will the success of the service be assessed for 2018?
5. What key indicators will be used to trigger a review of the service?

Answer by the Lord Mayor

Financial year	Number of dogs	\$ Cost
2007-2008	3	385
2008-2009	5	1,925
2009-2010	16	5,020
2010-2011	22	3,297
2011-2012	42	5,844
2012-2013	39	3,700
2013-2014	52	11,880
2014-2015	30	6,380
2015-2016	21	5,720
2016-2017	37	8,272
Jul 2017- Apr 2018	28	7,480
Totals	295	\$59,903

The cost of the service is allocated through funding received by the Office of Local Government through the City's pet registration rebate as part of the City's subsidised desexing program.

Subsidised desexing for City of Sydney residents on pensions or low incomes is advertised at Social Housing forums, through the City's annual Pet Days and the City's website. The Pet Taxi Service is only mentioned to the resident when they book their dog in for desexing.

As pets play an incredibly important role in people's lives, particularly when people live on their own, and as paying for veterinarian treatment is often very difficult for people in social housing, this is a very important service, which the City is proud to provide.

Cleansing in Woolloomooloo

2. By Councillor Scott

Question

I refer to the motion to Council in August 2015, 'Cleaning Up Woolloomooloo'.

Could Councillors please be advised:

1. What progress has been made with regards to approaching the NSW Government to open discussions regarding the City of Sydney taking over cleansing services currently provided by the NSW Government in the area?
2. What, if any, measures have been taken by the City between August 2015 to present to ensure cleanliness and amenity for the community in Woolloomooloo?

Answer by the Lord Mayor

In March 2015, the City entered into a Memorandum of Understanding (MOU) with the Department of Family and Community Services (FACS) to strengthen the working relationship between the organisations to improve service delivery and service responses for social housing residents in the City of Sydney.

City staff continued to meet regularly with representatives from LAHC in 2016 and early 2017 to develop the specifications for a Service Level Agreement for the work that Council might provide in Woolloomooloo on behalf of NSW Land and Housing Corporation (LAHC). The City is yet to receive the specifications.

In May 2016, a CEO Update was provided for the information of the Lord Mayor and Councillors that provided an update on 2015 and 2016. See details below.

2015

The City actively participated in MOU steering committee meetings and attended social housing and community safety group meetings when requested by FACS coordinators and the City's Social Housing Liaison Officer.

The City responded to illegal dumping on a daily basis and cleaned streets in the area seven days a week, with additional footway steam cleaning services provided at the intersection of Bourke and Flinders Streets on Saturdays and Sundays.

Thirteen separate mail-outs were distributed to residents and apartment buildings addressing concerns over illegal dumping, and explaining how to use the City's book a clean-up service, and how to correctly place waste out for collection.

A City-wide illegal dumping campaign was carried out to increase awareness of the City's free booked collection service to reduce illegal dumping. In total, the campaign generated over 13,000 unique page views to the website, a 200 per cent increase from the previous month. As a result, the City logged 3,765 pick-up bookings during the campaign, the highest monthly volume recorded. Bookings increased by 10 per cent on the previous month, and by 30 per cent on the previous year.

The City improved waste storage and waste education signage in 33 apartment buildings' bin rooms to improve waste presentation and recycling rates through the City's Waste & Recycling Improvement Program (WRIP).

The City quickly actioned complaints received about cleanliness issues at FACS properties by leveraging improved communication pathways made possible by the MOU to collaborate directly with the appropriate FACS and NSW Land and Housing Commission (LAHC) staff.

2016

Meetings commenced between FACS and City officers to consider regular street cleaning and dump removal services on FACS land under a fee for service contract.

Cleansing crews responded to illegal dumping on a daily basis and cleaned City-owned streets and footpaths across a seven day operations schedule.

The City conducted further education program activities to social housing apartment buildings and provided custom solutions for waste management challenges. This service improved waste infrastructure and educational signage for apartment buildings in the area to improve waste presentation and to encourage better recycling practices. Actions involved working closely with FACS Team Leaders and outreach officers to tailor the service on a property by property basis. Bins and signage will be installed or upgraded and recommendations made on any necessary upgrades of waste infrastructure or cleaning regimes at the properties.

2017/18

A framework of cleansing services was proposed by the City for LAHC to consider.

The City completed the improvements program for social housing apartment buildings. This included the upgrade of waste room signage and bins throughout Housing NSW properties in the LGA including apartment buildings in Woolloomooloo. Additional recommendations that fall within the remit of Housing NSW have been passed on to their asset management team for implementation. The City continued to support the implementation of these recommendations by working closely with FACS team members. Business as usual improvement work continued in this area and particular attention was given in response to waste service related issues that may arise. Solutions were coordinated with the relevant FACS team members and their cleaning contractor as needed.

Cleansing crews respond to illegal dumping on City-land on a daily basis and clean City-owned streets and footpaths across a seven day operations schedule. Resourcing has been increased to cater for seasonal peaks in cleansing services.

In 2017, information on the City's waste services were sent to various residents throughout Woolloomooloo on 12 separate occasions. The information was also sent to discourage illegal dumping and the misuse of bins.

Skateboarding Facilities

3. By Councillor Scott

Question

Could Councillors please be advised:

1. How much has been spent on skateboarding facilities in the City, from December 2013 to present, broken down by financial year?
2. How much has been spent on skateboarding facilities in the City, from December 2013 to present, broken down by project and by financial year?
3. Which skateboarding facilities have begun construction since December 2013?
4. Which skateboarding facilities have completed construction since December 2013?

Answer by the Lord Mayor

Since December 2013, the City has developed an urban skate parks program, which identified two priority projects:

1. The Crescent Lands at Johnstons Creek, and
2. Sydney Park Skate Facility.

The City has finalised scoping reports and detailed designs in consultation with local skating communities, which has resulted in these projects being scheduled to commence construction in late 2018 and early 2019. To date, a total of \$1.6M has been spent in developing the scope and finalising the detailed designs for these projects. As previously advised, the Crescent Lands at Johnstons Creek project experienced delays due to design changes required by NSW Heritage Office, and the Roads and Maritime Services not providing owner's consent for the land they own.

The Council has also been briefed on the investigation of another skating facility identified in the program that will be located in Mandible Street, Green Square.

Council Owned Properties

4. By Councillor Forster

Question

Can the Lord Mayor please provide an updated list of all Council-owned properties including their occupancy status?

Answer by the Lord Mayor

This information will be provided via CEO Update.

Oxford Street Property Investment Strategy

5. By Councillor Forster

Question

In July 2017, Council resolved to endorse an Expression of Interest to identify entities with the expertise and capacity to reposition the City-owned investment properties along Oxford Street on a long-term ground lease. The timeframes stated in July 2017 suggested that the EOI was expected to be reported back to Council by early 2018.

It is now mid-April. When are the outcomes of the EOI expected to be reported back to Council?

Answer by the Lord Mayor

As advised to the Council in July 2017, the City is undertaking a two-staged procurement process for this exercise, commencing with an Expression of Interest. The outcome of this Expression of Interest will be a short list of entities to be invited to participate in a detailed request for proposals.

The City Projects & Property team has been working to complete a comprehensive due diligence exercise to support the Expression of Interest process and maximise the financial, community and urban activation objectives. The Expression of Interest is expected to open by mid-2018 and the outcome is scheduled to be reported back to Council by December 2018.

WestConnex Campaign Costs

6. By Councillor Forster

Question

To date, how much in total has Council spent on its campaign against WestConnex? Please provide details of the cost of facilitating public rallies in Town Hall and elsewhere, direct distribution and mailing of materials, production of brochures including newsletters from the Lord Mayor and Council which criticise the WestConnex project, as well as all grants given to WestConnex-related community groups.

Answer by the Lord Mayor

At the Council meeting in June 2017, funding of \$360,000 was approved for a campaign to inform people about WestConnex and its impacts, and to increase awareness of alternatives.

To date, \$250,915 has been spent.

Council has also approved seven grants totalling \$117,800 for WestConnex-related community groups.

Office of the Lord Mayor Campaigner

7. By Councillor Forster

Question

In 2017, the Lord Mayor advertised and subsequently employed a 'campaigner' as part of her office staff to fight the State and Federal governments over issues such as WestConnex and global warming. This position is no longer listed as being part of the Lord Mayor's office team.

1. What were the dates of employment of the 'campaigner' employed in 2017?
2. Has this position been readvertised and/or refilled?
3. If not, does the Lord Mayor intend to readvertise this position?

Answer by the Lord Mayor

A campaigner was employed March to May 2017. There are no plans to readvertise the position.

One-Off Special Event for Same Sex Couples

8. By Councillor Phelps

Question

I note the Lord Mayor's motion on 23 October 2017, to enable Town Hall to be used for a one-off special event in conjunction with the NSW Registry of Births, Deaths and Marriages, for weddings of such couples to be held on the first day practicable following the Marriage Act amendments becoming law and the Chief Executive Officer's subsequent retraction upon questioning that "the NSW Registry of Births, Deaths and Marriages decided not to proceed" with this event.

1. I request that the Chief Executive Officer provide copies of the correspondence between the City of Sydney Council and the Registry of Births, Deaths and Marriages relating to this event, including the confirmation that this event was agreed upon to occur, as promised by the Lord Mayor.
2. Could the Chief Executive Officer please provide a timeline of the process undertaken to organise this event, including community consultation?

Answer by the Lord Mayor

The NSW Registry of Births, Deaths and Marriages was exploring the option of hosting a mass wedding in Sydney Town Hall, however the Registry chose not to proceed.

\$300,000 For 24-Hour Safe Space For Those In Need

9. By Councillor Phelps

Question

On 7 August 2017, the Lord Mayor, without Council approval, announced to the media that the City of Sydney Council would allocate \$100,000 each year for three years for a permanent 24-hour facility to provide shelter and services to people in need. Subsequent to the Lord Mayor's announcement, the Council approved a total of \$300,000 to spend on the 24-hour "safe space" and provide temporary use of a Council property for an immediate interim facility, as requested in a Lord Mayoral Minute. At the time, a Department of Family and Community Services (FACS) spokeswoman said "there is no agreement in place with FACS in regards to the City of Sydney safe space, announced by Clover Moore."

1. What work has occurred to undertake the resolution made by Council to create a 24-hour space for those in need, in conjunction with the NSW State Government, as promised by the Lord Mayor on 7 August 2017?
2. Has further work been undertaken with Lanz Priestly who, according to the Lord Mayoral Minute, negotiated with the Lord Mayor "on behalf of the homeless people in Martin Place" to achieve a lasting positive outcome for people experiencing homelessness in Sydney?
3. How is the \$300,000, requested by Council for the 24-hour space, accounted for in the 2017/18 Budget and forward estimates?
4. If the \$300,000 cannot be spent as resolved by Council, how will Councillors be advised of this?

Answer by the Lord Mayor

Family and Community Services (FACS) fully funded the extension of the existing service at the Wayside Chapel to 11pm. FACS are still negotiating for a 24 hour service.

Item 12 Supplementary Answers to Previous Questions

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

Item 13 Notices of Motion

Item 13.1 Lenton Parade Vehicle Management

Moved by Councillor Chung, seconded by Councillor Forster -

It is resolved that:

- (A) Council note, in regards to Lenton Parade Waterloo:
- (i) the street is located in a residential area in Waterloo in Area 41 of the City of Sydney and is a 'No Through Road';
 - (ii) there is currently minimal clear signage to indicate that the street is a 'No Through Road';
 - (iii) residents report that many vehicles turn into Lenton Parade unaware that it is a 'no through' road, resulting in the residential street becoming congested and unsafe;
 - (iv) Lenton Parade has 13 x 2hr (residents excepted) parking spaces and 38 untimed parking spaces;
 - (v) residents report that some vehicles are parked in the parking spaces for long periods of time, making it difficult for residents to find a parking spot close to their home; and
 - (vi) as a result of the limited parking, drivers are double-parking their vehicles, blocking in vehicles and restricting cars from manoeuvring around to exit the road; and
- (B) the Chief Executive Officer be requested to:
- (i) take immediate action to install clearer signage that indicates Lenton Parade is a 'No Through Road'; and
 - (ii) conduct community consultation to assess the need for additional 2hr (residents excepted) parking on Lenton Parade.

Variation. At the request of Councillor Thalys, and by consent, the motion was varied such that clause (B)(i) read as follows:

- (i) take immediate action to install clearer signage that indicates Lenton Parade and Raglan Lane are 'No Through Roads'.

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

Note - during discussion on Item 13.1, Councillor Chung tabled a Petition (containing 30 signatures) for Timed Parking and Safety Precautions for Lenton Parade.

S129259

Item 13.2 Alexandria Local Area Transport Management Study

Moved by Councillor Chung, seconded by Councillor Forster -

It is resolved that Council:

- (A) note, in relation to the Alexandria Local Area Transport Management Study:
 - (i) the City of Sydney is seeking feedback about the traffic calming proposals contained in the report;
 - (ii) at the public consultation and subsequently, a number of residents have raised the issue of rat-running at speed through laneways, particularly Belmont Lane and Euston Lane; and
 - (iii) these lanes have not had any recommendation made in the report and residents are concerned that the public engagement process will not adequately address the problem with cars rat-running at speed through the laneways; and
- (B) request that the Chief Executive Officer:
 - (i) make amendments to the public consultation to give residents a range of options with respect to traffic calming in Belmont, Euston and Lawrence Lanes; and
 - (ii) ensure that traffic calming in Belmont, Lawrence and Euston Lanes is specifically addressed in the final report following the consultation period.

Amendment. Moved by Councillor Miller, seconded by Councillor Scully –

That the motion be amended such that it read as follows –

It is resolved that Council note, in relation to the Alexandria Local Area Transport Management Study:

- (A) the City of Sydney is seeking feedback about the traffic calming proposals contained in the report;
- (B) at the public consultation and subsequently, a number of residents have raised the issue of rat-running at speed through laneways, particularly Belmont Lane and Euston Lane;
- (C) in June 2017, the City of Sydney received a petition signed by 166 residents seeking support for traffic calming measures in Belmont Lane, Alexandria;
- (D) the petition raised concerns about vehicles speeding in Belmont Lane, and future increases in traffic from WestConnex and nearby residential developments;
- (E) in November 2017, the Local Pedestrian, Cycling and Traffic Calming Committee endorsed the installation of speed cushions in Belmont, Lawrence and Euston Lanes, Alexandria;
- (F) City of Sydney staff expect the speed cushions will be installed by June 2018; and
- (G) all issues raised in the submissions will be considered as part of the final traffic plan, which will be presented to the community before seeking endorsement from Council and the Local Pedestrian, Cycling and Traffic Calming Committee.

The amendment was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás

Noes (2) Councillors Chung and Forster.

Amendment carried.

The substantive motion was carried unanimously.

S129259

Item 13.3 Overweight Vehicle Enforcement – Maddox Street Alexandria

Moved by Councillor Chung, seconded by Councillor Forster -

It is resolved that Council:

- (A) note, in relation to Maddox Street Alexandria between Euston Road and Mitchell Road:
- (i) the street is predominantly a residential street containing low density housing and which has a maximum weight limit of 3 tonnes for vehicles entering the street to pass through;
 - (ii) there have been significant breaches of the weight limits on the street, many of which have been reported to the City of Sydney. There is photographic evidence of some of the breaches;
 - (iii) over 300 people have signed a petition which was tabled at Council's meeting of 19 February 2018 protesting at the volume of heavy vehicles breaching the weight limit in Maddox Street and imploring the City of Sydney to prevent this illegal activity; and
 - (iv) the staff have reported to Councillors that, even if they had the power to enforce overweight restrictions on Maddox Street, the City would be seeking to do so by way of photographic evidence; and
- (B) request that the Chief Executive Officer:
- (i) give Councillors detailed advice in the next CEO Update as to the status of the discussions with Roads and Maritime Services (RMS) about Council being in a position to enforce weight limits on Maddox Street;
 - (ii) request City of Sydney Rangers to proactively collect photographic material and write letters of warning to each registered owner of heavy vehicles that breach the weight restrictions in Maddox Street;
 - (iii) coordinate with NSW Police and RMS the local enforcement activity to ensure that there is maximum presence of personnel to act as a deterrence to drivers of overweight vehicles; and
 - (iv) report back to Councillors via the CEO Update on a monthly basis the number of heavy vehicle owners who are given written warnings by Council Rangers.

Foreshadowed motion. Councillor Thalís foreshadowed that, should the motion moved by Councillor Chung be lost, he would move an alternative motion.

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

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoukas

Noes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalís.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

Adjournment

At this stage of the meeting, at 6.50pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Kok –

That the meeting be adjourned for approximately 15 minutes.

Carried.

At the resumption of the meeting of Council, at 7.10pm, those present were –

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas.

Councillor Thalís then moved his foreshadowed motion, seconded by Councillor Miller, as follows -

It is resolved that Council note that, in relation to Maddox Street, Alexandria between Euston Road and Mitchell Road:

- (A) the City of Sydney has installed traffic calming measures in Maddox Street including three roundabouts at the intersections with Mitchell Road, Belmont Street and Lawrence Street, traffic signals at the intersection with Euston Road, road narrowing and in-road street trees along the southern kerb between Belmont Street and Belmont Lane, and a raised threshold just east of the intersection with Mitchell Road;
- (B) City of Sydney staff have asked Roads and Maritime Services and the Police, who are equipped to conduct roadside intercepts for overweight vehicles, to increase enforcement;
- (C) the Lord Mayor has responded to residents numerous times since October 2017 about the actions City of Sydney staff are taking to address weight limit breaches on Maddox Street;
- (D) already gridlocked, Alexandria residents face the destruction of the NSW Government's WestConnex toll motorway, which will funnel tens of thousands more vehicles through the area;
- (E) traffic will increase by as much as 2,290 cars an hour in the AM peak on Euston Road, just South of Sydney Park Road, and the St Peters interchange will induce an extra 120,000 cars to the City a day;
- (F) Roads and Maritime Services is currently constructing a dedicated left turn lane straight into Maddox Street from Euston Road as part of the WestConnex motorway; and
- (G) City of Sydney staff are undertaking a public consultation on a study of the impacts of WestConnex on local traffic in this area, including Maddox Street, and will be considering all measures to help project the community, including road closures and traffic calming, which will need to be negotiated with the Roads and Maritime Services.

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps Scott, Scully, Thalís and Vithoukas

Noes (2) Councillors Chung and Forster.

Motion carried.

Point of Order

During discussion on Item 13.3, Councillor Miller raised a point of order in that Councillor Chung had, when speaking on the motion, made a comment that impugned her reputation.

The Chair (the Lord Mayor) upheld the point of order and asked Councillor Chung to withdraw the comment.

Councillor Chung withdrew the comment.

Personal Explanations

During discussion on Item 13.3:

Councillor Scully stated that she had been misrepresented in respect to comments made by Councillor Chung and clarified her position accordingly.

Councillor Chung stated that he had been misrepresented in respect to comments made by Councillor Scully and clarified his position accordingly.

Councillor Miller stated that she had been misrepresented in respect to comments made by Councillor Chung and clarified her position accordingly.

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Councillor Chung be granted an extension of time of two minutes to speak on this matter.

Carried.

S129259

Item 13.4 Pedestrian Safety

Moved by Councillor Scott, seconded by Councillor Phelps -

It is resolved that:

(A) Council note:

- (i) recently, a number of issues have arisen in the City surrounding pedestrian safety, specifically on Maddox Street Alexandria and Bulwara Road Ultimo;
- (ii) each of these issues has necessarily involved the City's cooperation with Roads and Maritime Services (RMS) to balance the needs of pedestrian safety with traffic concerns; and

- (iii) the City of Sydney call on the Minister for Roads, the Hon. Melinda Pavey MP, and, through her, the RMS to undertake consideration of pedestrian safety when conducting assessments of proposed changes to the public way, in addition to traffic issues; and
- (B) the Lord Mayor be requested to write to the NSW Minister for Roads, the Hon. Melinda Pavey MP, expressing this view.

Variation. At the request of Councillor Thalys, and by consent, the motion was varied by the addition of the word "amenity" after each instance of the word "safety" (apart from in the title of the Notice of Motion).

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

The motion, as adopted by Council, is as follows:

It is resolved that:

- (A) Council note:
 - (i) recently, a number of issues have arisen in the City surrounding pedestrian safety and amenity, specifically on Maddox Street Alexandria and Bulwara Road Ultimo;
 - (ii) each of these issues has necessarily involved the City's cooperation with Roads and Maritime Services (RMS) to balance the needs of pedestrian safety and amenity with traffic concerns; and
 - (iii) the City of Sydney call on the Minister for Roads, the Hon. Melinda Pavey MP, and, through her, the RMS to undertake consideration of pedestrian safety and amenity when conducting assessments of proposed changes to the public way, in addition to traffic issues; and
- (B) the Lord Mayor be requested to write to the NSW Minister for Roads, the Hon. Melinda Pavey MP, expressing this view.

S129266

Item 13.5 Delegations to Staff on Traffic Matters

Moved by Councillor Scott, seconded by Councillor Phelps -

It is resolved that:

- (A) Council note:
 - (i) decisions on traffic matters are delegated to be actioned by staff via the Chief Executive Officer (CEO) after being moved through the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC);
 - (ii) at the LPCTCC meeting held on 2 February 2018, the City's representative Chair of the Committee, an elected Councillor, voted to revoke the Bulwara Road Work Zone and voted against the implementation of an alternative zone; and
 - (iii) on Thursday 1 March 2018, it was announced by a CEO Update that the CEO was utilising her delegation to proceed with an alternative work zone on Bulwara Road;
- (B) the current system of delegation to the CEO for traffic matters be altered so that matters, specifically work zones, may be brought to a Council meeting; and

- (C) the Chief Executive Officer be requested to investigate a system by which this may be effected, and bring a recommendation to Council.

Foreshadowed motion. Councillor Scully foreshadowed that, should the motion moved by Councillor Scott be lost, she would move an alternative motion.

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

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoukas

Noes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalís.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

Councillor Scully then moved her foreshadowed motion, seconded by Councillor Miller, as follows -

It is resolved that:

(A) Council note that:

- (i) under NSW Government legislation, Roads and Maritime Services (RMS) is the body responsible for the control of traffic on all roads in New South Wales;
- (ii) the RMS has delegated to local councils limited aspects of traffic control on regional and local roads within their own local government area, but not for state roads;
- (iii) the authority to control traffic lies with the RMS and the delegation does not remove the RMS's ability to directly exercise those delegated functions;
- (iv) the Local Pedestrian Cycling and Traffic Calming Committee (LPCTCC) is established by state legislation as an advisory and technical review committee that has no decision-making powers; and
- (v) the state guidelines require Council to seek the advice of its LPCTCC if it proposes to regulate traffic; and

(B) the Chief Executive Officer be requested to report back to Councillors via the CEO Update following the review she has commenced into what changes are needed in the light of the Bulwara Road Works Zone for:

- (i) the wording and applicability of Works Zone-related consent conditions placed on future development approvals; and
- (ii) the City's Work Zone application processes and conditions.

The motion was carried on the following show of hands –

Ayes (9) The Lord Mayor, Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas

Noes (1) Councillor Forster.

Motion carried.

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Councillor Scott be granted an extension of time of two minutes to speak on this matter.

Carried.

S129266

Item 13.6 Skateboarding Facilities in the City

Moved by Councillor Scott, seconded by Councillor Chung -

It is resolved that:

(A) Council note:

- (i) on 9 December 2013, Councillor Scott tabled a petition signed by over 3,000 community members at a meeting of Council, calling on the City "to honour its long-standing commitment to find a suitable site and build a new public skateboard facility in the CBD, as well as investigate suitable sites in surrounding inner-city suburbs for new public skateboard facilities, including the installation of skateable moments";
- (ii) on 9 December 2013, the motion Skateboard Facilities was passed unanimously by Council;
- (iii) on 27 April 2015, the motion Skateboard Facilities was passed by Council;
- (iv) on 23 November 2015, the motion Skateboard Facilities was passed unanimously by Council; and
- (v) in the 2017/18 Quarter Review, it was indicated that only \$500k of the \$7.1m budget has been spent on skate facilities in Sydney Park, with \$6.6m budgeted to be spent at an undefined future time; and

(B) all skateboard facilities identified be funded in full in the 2018/19 budget, including both the facilities planned for Sydney Park, and planned for The Crescent at Johnston's Creek.

Amendment. Moved by Councillor Kok, seconded by Councillor Scully -

It is resolved that:

(A) Council note:

- (i) on 9 December 2013, Councillor Scott tabled a petition signed by over 3,000 community members at a meeting of Council, calling on the City "to honour its long-standing commitment to find a suitable site and build a new public skateboard facility in the CBD, as well as investigate suitable sites in surrounding inner-city suburbs for new public skateboard facilities, including the installation of skateable moments";
- (ii) on 9 December 2013, the motion Skateboard Facilities was passed unanimously by Council;
- (iii) on 27 April 2015, the motion Skateboard Facilities was passed by Council;
- (iv) on 23 November 2015, the motion Skateboard Facilities was passed unanimously by Council;

- (v) there are four existing skate facilities within the City of Sydney Local Government Area, including Waterloo Fernside skate park; Eddie Ward Park skate bowl; Glebe Foreshore Park and Redfern Oval;
- (vi) The Crescent at Johnstons Creek skate park has been allocated funding and was due to start construction in late 2018;
- (vii) the project is delayed because the skate park is being redesigned to comply with the NSW Heritage Office and it has to be reduced in size because Roads and Maritime Services have refused consent to build some of the skate park on their land; and
- (viii) there will also be skate facilities and 'skateable moments' within the Green Square renewal area.

Variation. Following discussion, at the request of Councillor Scott, Councillor Kok varied the content of his amendment to reinstate clause (B) of her motion, subject to the addition of the words "where possible" at the beginning of the clause.

Councillor Scott then accepted the amendment as a variation to her motion.

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

The motion, as adopted by Council, is as follows:

It is resolved that:

(A) Council note:

- (i) on 9 December 2013, Councillor Scott tabled a petition signed by over 3,000 community members at a meeting of Council, calling on the City "to honour its long-standing commitment to find a suitable site and build a new public skateboard facility in the CBD, as well as investigate suitable sites in surrounding inner-city suburbs for new public skateboard facilities, including the installation of skateable moments";
- (ii) on 9 December 2013, the motion Skateboard Facilities was passed unanimously by Council;
- (iii) on 27 April 2015, the motion Skateboard Facilities was passed by Council;
- (iv) on 23 November 2015, the motion Skateboard Facilities was passed unanimously by Council;
- (v) there are four existing skate facilities within the City of Sydney Local Government Area, including Waterloo Fernside skate park; Eddie Ward Park skate bowl; Glebe Foreshore Park and Redfern Oval;
- (vi) The Crescent at Johnstons Creek skate park has been allocated funding and was due to start construction in late 2018;
- (vii) the project is delayed because the skate park is being redesigned to comply with the NSW Heritage Office and it has to be reduced in size because Roads and Maritime Services have refused consent to build some of the skate park on their land; and
- (viii) there will also be skate facilities and 'skateable moments' within the Green Square renewal area; and

- (B) where possible, all skateboard facilities identified be funded in full in the 2018/19 budget, including both the facilities planned for Sydney Park, and planned for The Crescent at Johnston's Creek.

S129266

Item 13.7 Fees for Paper Bills and Statements

Moved by Councillor Scott, seconded by Councillor Scully -

It is resolved that:

- (A) Council note:
- (i) the NSW Government has recently abolished fees charged by energy companies for the provision of paper bills and statements for accounts;
 - (ii) the City of Sydney does not charge fees for paper bills and statements;
 - (iii) that the charging of fees for paper bills and statements adversely and disproportionately affects older people, pensioners, people on low incomes, people with disabilities, and other vulnerable members of the community; and
 - (iv) the NSW Shadow Minister for Disability Services, Sophie Cotsis MP, is leading a campaign calling on the NSW Government to abolish fees and charges for paper bills and statements across all NSW Government departments;
- (B) Council support the campaign calling on the NSW Government to abolish fees and charges for paper bills and statements across all departments; and
- (C) the Lord Mayor be requested to write to the NSW Premier, the Hon. Gladys Berejiklian MP, expressing this view.

Carried unanimously.

S129266

Item 13.8 Illegal Bill Posting

Moved by Councillor Forster, seconded by Councillor Chung -

It is resolved that:

- (A) Council note:
- (i) it is illegal to put advertising posters on street poles;
 - (ii) advertising posters on street poles create visual clutter, generate tons of waste and are an environmental hazard when they peel off and become litter;
 - (iii) illegal bill posters cost the City of Sydney almost \$1 million each year to remove;
 - (iv) in September 2007, the City announced a plan aimed at reducing the number of illegal posters;

- (v) the plan was designed to be the first phase of an overall strategy to stop illegal bill posters, involving consultation with organisations which continued to produce and place such posters, and warning them that they would face enforcement action by City Rangers;
 - (vi) the City then installed eight poster pillars, which remain in place, on popular city streets as part of a 12-month trial to provide a legitimate location for notices and posters;
 - (vii) in October 2008, the City announced via a media release that it had written to 130 known offenders warning them to stop polluting by placing posters on street poles or face consequences, and stating that enforcement action would commence from 10 November 2008;
 - (viii) the same media release stated that, under the Protection of the Environment Operations Act 1997 (POEO), bill posting was considered illegal because it was a form of pollution and that councils could issue fines directly to the venue responsible for producing the bill poster;
 - (ix) fines detailed in the media release included Prevention Notices of \$320 each, with subsequent offences attracting fines of \$750 for individuals and \$1,500 for organisations;
 - (x) despite those assertions, late last year my office was advised by Council staff that the POEO in its current form does not provide an effective mechanism for the regulation of bill posting;
 - (xi) in 2014, the NSW Government committed to a review of the Graffiti Control Act, specifically looking at the possible introduction of provisions for councils to issue penalty notices to commercial entities or individuals who are responsible for posting bills on street poles; and
 - (xii) in addition, under the Environmental Planning and Assessment Act 1979 (EPAA), bill posting could be classed as prohibited development and therefore subject to on-the-spot fines of \$3,000 for an individual and \$6,000 for a corporation; and
- (B) the Chief Executive Officer be requested to write to the relevant NSW Government Ministers and/or Departments requesting that action be taken to make provisions under the most appropriate Act or Acts to enable City of Sydney Rangers to take enforcement action to prevent bill posting on street poles in the Local Government Area.

Variation. At the request of Councillor Thalys, and by consent, the motion was varied such that clause (B) read as follows:

- (B) the Lord Mayor be requested to write to the relevant NSW Government Ministers and the Chief Executive Officer be requested to write to the relevant NSW Government Departments, requesting that action be taken to make provisions under the most appropriate Act or Acts to enable City of Sydney Rangers to take enforcement action to prevent bill posting on street poles in the Local Government Area.

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

S129260

Item 13.9 Public Forums

Moved by Councillor Forster, seconded by Councillor Chung -

It is resolved that:

(A) Council note:

- (i) amendments to the Local Government Act 1993 in August 2017 under the Local Government Amendment (Governance and Planning) Act 2016 provide for a model code of meeting practice (Model Meeting Code) to be prescribed by regulation;
- (ii) the Office of Local Government, in consultation with councils, has prepared a consultation draft of the proposed Model Meeting Code which, once it is finalised, will replace the meeting rules currently prescribed in the Local Government (General) Regulation 2005;
- (iii) the draft Model Meeting Code includes provisions for NSW councils to hold public forums prior to meetings of committees of the council, as well as prior to the council's ordinary meeting, for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting;
- (iv) it has been the City's practice only to allow members of the public to address meetings of the committees of Council;
- (v) the City's submission on the draft Model Meeting Code did not support the proposal for public forums before ordinary meetings of Council;
- (vi) the City's submission did support voluntary public forums before submissions on items of business to be considered at the meeting; and
- (vii) other councils across NSW already hold public forums prior to ordinary meetings in order to promote transparency and accountability, broaden avenues for public consultation and assist with to the decision-making process; and

(B) request the Chief Executive Officer:

- (i) make provision for a public forum to be held prior to each ordinary meeting of Council, in addition to the provision for the public to address meetings of the committees of Council;
- (ii) establish the rules under which the public forum will operate and advise Councillors via a CEO update; and
- (iii) introduce the public forum prior to the May ordinary meeting of Council.

Foreshadowed motion. Councillor Scully foreshadowed that, should the motion moved by Councillor Forster be lost, she would move an alternative motion.

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

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoukas

Noes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalís.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

Adjournment

At this stage of the meeting, at 8.50pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Miller –

That the meeting be adjourned for approximately 15 minutes.

The motion was carried on the following show of hands –

Ayes (8) The Lord Mayor, Councillors Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukas

Noes (2) Councillors Chung and Forster.

Motion carried.

At the resumption of the meeting of Council, at approximately 9.04pm, those present were –

The Lord Mayor, Councillors Chung, Kok, Miller, Phelps, Scully, Thalís and Vithoukas.

Councillors Scott and Forster returned to the meeting of Council at 9.05pm during discussion on Item 13.9.

Councillor Scully then moved her foreshadowed motion, seconded by Councillor Miller, as follows -

It is resolved that Council note that:

- (A) the City of Sydney has numerous mechanisms which enable the public to participate in Council's decision making process and include:
- (i) public meetings, workshops, drop in sessions and other face to face consultation methods enabling the community to engage directly with Council staff on significant projects and policies;
 - (ii) using discussion papers and option papers to identify issues and possible approaches for public comment and feedback;
 - (iii) placing draft policies, strategies, planning proposals, concept plans and the like on public exhibition for public comment and feedback;
 - (iv) making extensive use of the City's Sydney Your Say website to support public consultation, including the use of tools such as online surveys and feedback forms; and
 - (v) the use of surveys as a way of engaging members of the public who choose not to make use of the City's other consultation mechanisms;
- (B) the City's submission to the draft Model Code of Meeting Practice in relation to public forums stated "support [for] this section remaining voluntary" and noted that "members of the public are able to address Committee meetings at the City of Sydney which provides them with the opportunity to make oral submissions on items of business to be considered at the meeting."

- (C) members of the public have an opportunity to address the relevant Council committee each time a project, program, proposal, policy or strategy is reported to that committee;
- (D) the City's committee process has proved itself over many years as an effective mechanism for the public to have input and raise issues about matters before Council; and
- (E) this existing opportunity for the public to address the meeting of the Committees, one week before Council makes its final decision on matters, also allows sufficient time for Councillors to:
 - (i) obtain further information relating to issues or concerns raised; and
 - (ii) give careful consideration to the final form Council's decision on the matter should take.

The motion was carried on the following show of hands –

Ayes (6) The Lord Mayor, Councillors Kok, Miller, Scott, Scully and Thalís

Noes (4) Councillors Chung, Forster, Phelps and Vithoukás.

Motion carried.

Point of Order

During discussion on Item 13.9, Councillor Forster raised a point of order in that Councillor Thalís, when speaking on the motion, made a comment that impugned her character.

The Chair (the Lord Mayor) upheld the point of order and asked Councillor Thalís to withdraw the comment.

Councillor Thalís withdrew the comment.

Personal Explanations

During discussion on Item 13.9, Councillor Thalís stated that he had been misrepresented in respect to comments made by Councillor Forster and clarified his position accordingly.

S129260

Item 13.10 Audit, Risk and Compliance Committee Charter Amendments

Moved by Councillor Phelps, seconded by Councillor Forster -

It is resolved that Council:

- (A) note the Office of Local Government is currently developing the supporting regulatory and policy framework for internal audit and hopes to issue a detailed discussion paper on this later this year which will guide the operations of existing Audit and Risk Committees. All Councils will be required to appoint a committee by March 2021;
- (B) note Objective 3 of the City of Sydney Code of Meeting Practice: to "ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible";
- (C) note clause 7.4 of the Code of Conduct "Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures";

- (D) commence steps to review the Audit, Risk and Compliance Committee Charter; and
- (E) immediately make the following amendments to the Audit, Risk and Compliance Committee Charter to ensure consistency throughout the Council's governance procedures:

(i) **Minutes and papers**

Meeting agendas will be prepared and provided to members **and all Councillors** at least one week before each meeting, along with appropriate briefing materials. Minutes shall be approved by the Chairperson and circulated to each member within three weeks of the meeting being held.

(ii) **Membership**

Composition

Members of the Committee will be ~~selected by the Lord Mayor~~ **appointed by the Council** in consultation with the Chief Executive Officer. Employees of the City cannot be members of the Committee.

(iii) **Access**

Committee members **and all Councillors** will at all times have free and unfettered access to the internal auditor, external auditors, senior management, the risk management function and vice versa.

(iv) **Meetings**

Closed sessions

Closed sessions may be held at the request of the Committee to discuss specific issues. Relevant staff will be invited by the Committee to attend. **Councillors may attend closed sessions.**

Minutes and confidential briefings of proceedings during closed sessions must be provided to all Councillors.

Foreshadowed motion. Councillor Scully foreshadowed that, should the motion moved by Councillor Phelps be lost, she would move an alternative motion.

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

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoukas

Noes (5) The Lord Mayor, Councillors Kok, Miller, Scully and Thalís.

The Chair (the Lord Mayor) exercised her casting vote against the motion.

The motion was declared lost.

Councillor Scully then moved her foreshadowed motion, seconded by Councillor Thalís, as follows -

It is resolved that Council:

(A) note that:

- (i) the City of Sydney has a strong and effective Audit, Risk and Compliance Committee; and

- (ii) Councillors are provided with access to the Audit, Risk and Compliance Committee agenda papers and can attend meetings;
- (B) thank and commend the independent members of the committee, Chair Elizabeth Crouch, Carolyn Walsh and Ken Barker for their commitment and work;
- (C) note that:
 - (i) in December 2016, the State Government amended the Local Government Act to require all NSW councils to have a "Audit, Risk and Improvement Committee" and that this section of the Act has not yet come into force; and
 - (ii) the Office of Local Government intends to issue new guidelines for local government "Audit, Risk and Improvement Committee" ahead of the provisions coming into force; and
- (D) request the Chief Executive Officer to review the City's Audit, Risk and Compliance Committee Charter once the Office of Local Government releases new guidelines or a discussion paper.

The motion was carried on the following show of hands –

Ayes (7) The Lord Mayor, Councillors Forster, Kok, Miller, Scott, Scully, Thalys and Vithoukias

Noes (3) Councillors Chung, Phelps and Vithoukias.

Motion carried.

S129263

Item 13.11 Pedestrian Representative Appointment to the Local Pedestrian, Cycling and Traffic Calming Committee

By Councillor Phelps

It is resolved that:

- (A) Council note:
 - (i) the importance of community and stakeholder representatives on Council committees to offer a diverse range of views, expertise and experiences to staff and Councillors;
 - (ii) the Council's 'Walking Strategy and Action Plan' priorities are to:
 - (a) make walking quick, convenient and easy;
 - (b) make walking inviting and interesting;
 - (c) make walking safe and comfortable; and
 - (d) create a strong walking culture;
 - (iii) Transport for NSW and City of Sydney data confirms that over 90% of the trips within the City Centre are made by or in part by walking;

- (iv) the NSW Government has stated that capacity allocated to the most dominant mode of travel [walking] in the City Centre is inadequate in terms of physical and operational capacity;
 - (v) the Council has noted that the number of people walking in Sydney is expected to double between 2006 and 2030;
 - (vi) pedestrians are not currently represented through a specific appointee on the Local Pedestrian, Cycling and Traffic Calming Committee;
 - (vii) organisations from the Florida Department of Transport to the City of Launceston Council have appointed dedicated pedestrian representatives to assist with planning infrastructure that caters for all citizens;
 - (viii) expertise in the rights and responsibilities of pedestrians and an understanding of the impact of infrastructure on pedestrians is a vital addition to the Local Pedestrian, Cycling and Traffic Calming Committee to provide fulsome advice; and
 - (ix) pedestrians deserve a dedicated representative, given the importance of walking to the future of Sydney; and
- (B) the Chief Executive Officer be requested to:
- (i) immediately commence the process to amend the Terms of Reference of the Local Pedestrian, Cycling and Traffic Calming Committee to include a pedestrian representative as a voting member of the Committee;
 - (ii) take steps to advertise the position of pedestrian representative on the Local Pedestrian, Cycling and Traffic Calming Committee; and
 - (iii) notify Council of the suggested appointment of a suitable person to act as the pedestrian representative for approval.

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

Moved by Councillor Phelps, seconded by Councillor Forster –

It is resolved that:

- (A) Council note:
- (i) the importance of community and stakeholder representatives on Council committees to offer a diverse range of views, expertise and experiences to staff and Councillors;
 - (ii) the Council's 'Walking Strategy and Action Plan' priorities are to:
 - (a) make walking quick, convenient and easy;
 - (b) make walking inviting and interesting;
 - (c) make walking safe and comfortable; and
 - (d) create a strong walking culture;
 - (iii) Transport for NSW and City of Sydney data confirms that over 90% of the trips within the City Centre are made by or in part by walking;

- (iv) the NSW Government has stated that capacity allocated to the most dominant mode of travel [walking] in the City Centre is inadequate in terms of physical and operational capacity;
 - (v) the Council has noted that the number of people walking in Sydney is expected to double between 2006 and 2030;
 - (vi) pedestrians are not currently represented through a specific appointee on the Local Pedestrian, Cycling and Traffic Calming Committee;
 - (vii) organisations from the Florida Department of Transport to the City of Launceston Council have appointed dedicated pedestrian representatives to assist with planning infrastructure that caters for all citizens;
 - (viii) expertise in the rights and responsibilities of pedestrians and an understanding of the impact of infrastructure on pedestrians is a vital addition to the Local Pedestrian, Cycling and Traffic Calming Committee to provide fulsome advice; and
 - (ix) pedestrians deserve a dedicated representative, given the importance of walking to the future of Sydney; and
- (B) the Chief Executive Officer be requested to:
- (i) immediately commence the process to amend the Terms of Reference of the Local Pedestrian, Cycling and Traffic Calming Committee to include a pedestrian representative as a non-voting member of the Committee;
 - (ii) take steps to advertise the position of pedestrian representative on the Local Pedestrian, Cycling and Traffic Calming Committee; and
 - (iii) notify Council of the suggested appointment of a suitable person to act as the pedestrian representative for approval.

Variation. At the request of Councillor Thalys, and by consent, the motion was varied such that clause (B)(i), read as follows:

- (B) the Chief Executive Officer be requested to:
- (i) commence the process to include a pedestrian representative on the Local Pedestrian, Cycling and Traffic Calming Committee to include a pedestrian representative as a non-voting member of the Committee.

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

Extension of Time

During discussion on this matter, pursuant to the provisions of Clause 250(3) of the Local Government (General) Regulation 2005, it was –

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

That Councillor Phelps be granted an extension of time of two minutes to speak on this matter.

Carried.

S129263

Item 13.12 Metro Cinema (Formerly Minerva Theatre) NSW State Heritage Listing

Moved by Councillor Phelps, seconded by Councillor Forster -

It is resolved that:

(A) Council note:

- (i) since its construction in 1939 the Metro Cinema building (formerly the Minerva Theatre) has been an architectural and cultural icon of Kings Cross, Sydney and Australia;
- (ii) the Metro Cinema's distinctive art deco design is unique in character and has been afforded heritage protection under Clause 5.10 (Heritage conservation) of the Sydney Local Environmental Plan 2012 and through provisions in Section 3.9 of the Sydney Development Control Plan 2012;
- (iii) the architect, Charles Bruce Dellit, also designed the NSW Anzac War Memorial in Hyde Park;
- (iv) the particular success of the production of the musical 'Hair', which ran at capacity for two years from 1969, promoted by Harry M Miller and starring Keith Glass, Reg Livermore and John Waters;
- (v) in 1982, production company Kennedy-Miller acquired the theatre which has since been used as a studio for the production of film and television, including internationally acclaimed movies *Mad Max* (1979), *Babe* (1995) and *Happy Feet* (2006);
- (vi) the Sydney Local Environmental Plan 2012, Sydney Development Control Plans and classification of local heritage status have failed to protect some buildings from destruction and non-compliant development applications; and
- (vii) Sydney-siders are looking to Council to provide leadership in matters of heritage and development; and

(B) the Chief Executive Officer be requested to immediately commence the process to have the Metro Cinema listed on the NSW State Heritage Register, particularly citing that the building:

- (i) is important in the course, or pattern, of NSW's cultural or natural history;
- (ii) has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history; and
- (iii) is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.

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

It is resolved that:

(A) Council note:

- (i) since its construction in 1939 the Metro Cinema building (formerly the Minerva Theatre) has been an architectural and cultural icon of Kings Cross, Sydney and Australia;

- (ii) the Metro Cinema's distinctive art deco design is a better quality example typical of the era and has been afforded heritage protection under Clause 5.10 (Heritage conservation) of the Sydney Local Environmental Plan 2012 and through provisions in Section 3.9 of the Sydney Development Control Plan 2012;
 - (iii) the architect, Charles Bruce Dellit, also designed the NSW Anzac War memorial in Hyde Park;
 - (iv) the particular success of the production of the musical 'Hair' which ran at capacity for two years from 1969, promoted by Harry M Miller and starring Keith Glass, Reg Livermore and John Waters;
 - (v) in 1982, production company Kennedy-Miller acquired the theatre which has since been used as a studio for the production of film and television, including internationally acclaimed movies Mad Max (1979), Babe (1995) and Happy Feet (2006); and
 - (vi) Sydney-siders are looking to Council to provide leadership in matters of heritage and development; and
- (B) the Chief Executive officer be requested to investigate whether the Metro Cinema meets the thresholds for listing on the NSW State Heritage Register and, if appropriate, commence the process, noting that the building potentially:
- (i) is important in the course, or pattern of NSW's cultural or natural history;
 - (ii) has strong or special association with the life or works of a person, or a group of persons, of importance in NSW's cultural or natural history; and
 - (iii) is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.

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

Note - Councillor Phelps tabled a Petition for State Heritage Listing of the Metro Cinema, Kings Cross (containing 82 signatures), and a letter from the Art Deco and Modernism Society of Australia, supporting the nomination of the Metro Cinema to the NSW Heritage Register.

S129263

At 9.55 pm the meeting concluded.