

16 April 2018

At 5.00 pm



Council

Sydney 2030 Green Global Connected

Agenda

1. **Confirmation of Minutes**
2. **Disclosures of Interest**
3. **Minutes by the Lord Mayor**
4. **Memoranda by the Chief Executive Officer**
5. **Matters for Tabling**
6. **Report of the Corporate, Finance, Properties and Tenders Committee**
 - 6.1 Disclosures of Interest
 - 6.2 Investments Held as at 31 March 2018
 - 6.3 Partial Assignment of Leases - Queen Victoria Building - QVB Tunnel Sublease and the Galleries Tunnel
 - 6.4 Tender - Contract Variation - Accounts Payable Supplier Invoice Automation Process
 - 6.5 Exemption from Tender - Large Market Electricity Procurement

Economic Development and Business Sub-Committee

 - 6.6 Knowledge Exchange Grants - Tech Startups Action Plan Initiatives
7. **Report of the Environment Committee**
 - 7.1 Disclosures of Interest
 - 7.2 Knowledge Exchange Sponsorship - 2018 Australian Pavilion, Venice Architecture Biennale
8. **Report of the Cultural and Community Committee**
 - 8.1 Disclosures of Interest

Healthy Communities Sub-Committee

 - 8.2 Knowledge Exchange Sponsorship - Affordable Housing Conference 2018

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- 8.3 Social Sustainability Action Plan
- 9. Report of the Transport, Heritage and Planning Committee**
 - 9.1 Disclosures of Interest
 - 9.2 Policy - Neighbourhood Parking Policy
 - 9.3 Policy - Pre-exhibition - Energy and waste amendment 2018 - Sydney Development Control Plan 2012
 - 9.4 Fire Safety Reports
- 10. Grant - 2018 Anzac Day March - Increased Security and Hostile Vehicle Mitigation Measures**
- 11. Questions on Notice**
- 12. Supplementary Answers to Previous Questions**
- 13. Notices of Motion**
 - 13.1 Lenton Parade Vehicle Management
 - 13.2 Alexandria Local Area Transport Management Study
 - 13.3 Overweight Vehicle Enforcement – Maddox Street Alexandria
 - 13.4 Pedestrian Safety
 - 13.5 Delegations to Staff on Traffic Matters
 - 13.6 Skateboarding Facilities in the City
 - 13.7 Fees for Paper Bills and Statements
 - 13.8 Illegal Bill Posting
 - 13.9 Public Forums
 - 13.10 Audit, Risk and Compliance Committee Charter Amendments

Agenda

- 13.11 Pedestrian Representative Appointment to the Local Pedestrian, Cycling and Traffic Calming Committee
- 13.12 Metro Cinema (Formerly Minerva Theatre) NSW State Heritage Listing

Item 1.

Confirmation of Minutes

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

Meeting of 19 March 2018

Item 2.

Disclosures of Interest

(a) Section 451 of the Local Government Act 1993

Pursuant to the provisions of section 451 of the Local Government Act 1993, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting of Council.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of Council in accordance with the relevant clauses of the Code of Conduct – February 2016.

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

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

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

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

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 ("the Act") requires the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

Item 3.

Minutes by the Lord Mayor

Any Minutes by the Lord Mayor will be circulated prior to or at the meeting of Council.

Item 4.

Memoranda by the Chief Executive Officer

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

Item 5

Matters for Tabling

Disclosures of Interest

Disclosure of Interest returns that have been lodged in accordance with sections 449(1) and 449(3) of the Local Government Act 1993 will be laid on the table.

Recommendation

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

Item 6

Report of the Corporate, Finance, Properties and Tenders Committee - 9 April 2018

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.

The Committee recommends the following:-

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.

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

X011299

The Committee recommends the following:-

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.

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

S098590

The Committee recommends the following:-

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.

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

S118164.022

The Committee recommends the following:-

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.

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

S084740

The Sub-Committee recommends 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.

(Note - At the meeting of the Corporate, Finance, Properties and Tenders Committee this recommendation was moved by Councillor Vithoukias, seconded by Councillor Scully, and 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 - 9 April 2018

Item 7.1

Disclosures of Interest

Councillor Philip Thalys 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.

The Committee recommends the following:-

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.

(Note - At the meeting of the Environment Committee, this recommendation was moved by Councillor Miller, seconded by Councillor Scott, and carried unanimously.)

S088044

Item 8.

Report of the Cultural and Community Committee - 9 April 2018

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.

The Healthy Communities Sub-Committee recommends the following:-

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.

(Note – At the meeting of the Cultural and Community Committee, this recommendation was moved by Councillor Scott, seconded by Councillor Miller, and carried unanimously.)

S112458.002

Speakers

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

The Healthy Communities Sub-Committee recommends the following:-

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.

(Note – At the meeting of the Cultural and Community Committee, this recommendation was moved by Councillor Scott, seconded by the Chair (the Lord Mayor) and 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 - 9 April 2018

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.

The Committee recommends the following:-

Item 9.2

Policy - Neighbourhood Parking Policy

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

(Note – This matter was dealt with by the Transport, Heritage and Planning Committee as follows –

Moved by Councillor Thalís, seconded by Councillor Miller –

That the recommendation contained in the officer's report to the Transport, Heritage and Planning Committee be adopted.

Following discussion, the motion was withdrawn and, by consent, the Transport, Heritage and Planning Committee decided that consideration of this matter be deferred to a future meeting.)

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.

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 Councillor Thalís, seconded by Councillor Scott -

That Ms Palmer be granted an extension of time to speak on this matter.

Carried.

The Committee recommends the following:-

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.

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

X004692.002

The Committee recommends the following:-

Item 9.4

Fire Safety Reports

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at 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.

(Note – At the meeting of the Transport, Heritage and Planning Committee, this recommendation was moved by Councillor Thalís, seconded by Councillor Miller, and carried unanimously.)

S105001.002

Item 10

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

Document to Follow

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?

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?

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?

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?

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?

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.

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?

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?

\$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?

Item 12.

Supplementary Answers to Previous Questions

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

Item 13.1

Notices of Motion

Lenton Parade Vehicle Management

By Councillor Chung

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.

Item 13.2

Notices of Motion

Alexandria Local Area Transport Management Study

By Councillor Chung

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.

Item 13.3**Notices of Motion****Overweight Vehicle Enforcement – Maddox Street Alexandria**

By Councillor Chung

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.

Item 13.4**Notices of Motion****Pedestrian Safety**

By Councillor Scott

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.

Item 13.5**Notices of Motion****Delegations to Staff on Traffic Matters**

By Councillor Scott

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.

Item 13.6**Notices of Motion****Skateboarding Facilities in the City**

By Councillor Scott

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.

Item 13.7**Notices of Motion****Fees for Paper Bills and Statements**

By Councillor Scott

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.

Item 13.8

Notices of Motion

Illegal Bill Posting

By Councillor Forster

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.

Item 13.9

Notices of Motion

Public Forums

By Councillor Forster

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.

Item 13.10

Notices of Motion

Audit, Risk and Compliance Committee Charter Amendments

By Councillor Phelps

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.

Item 13.11**Notices of Motion****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.

Item 13.12

Notices of Motion

Metro Cinema (Formerly Minerva Theatre) NSW State Heritage Listing

By Councillor Phelps

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 Environment 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 Environment 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.