

## Relevant Information for Council

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**FILE:** X034972.014 **DATE:** 11 December 2020

**TO:** Lord Mayor and Councillors

**FROM:** Kirsten Morrin, Director Legal and Governance

**THROUGH:** Monica Barone, Chief Executive Officer

**SUBJECT:** Information Relevant To Item 9 – Al Fresco City - Acceleration of Covid-19 Recovery - Implementation Update and Delegations

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### Alternative Recommendation

It is resolved that:

- (A) Council temporarily amend the Instrument of Delegations to the Chief Executive Officer dated 21 September 2020 to enable the Chief Executive Officer to approve the occupation and use of public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council in respect of approvals relating to a temporary use of public land or crown land (including parks and open spaces) for a period not exceeding 75 days between 1 January and 1 April 2021, where it is consistent with a Council resolution to activate public spaces;
- (B) authority be delegated to the Chief Executive Officer to exercise the functions under Section 356 of the Local Government Act 1993 to grant financial assistance to persons as part of the Covid-19 Recovery Grants Program (CBD Activation Grant, Cultural Sector Innovation Grant and Community Services Grant), up to 22 February 2021 in accordance with the Operational Plan, as amended from time to time, noting that:
  - (i) all grant approvals must be made in accordance with the assessment criteria and guidelines; and
  - (ii) all grants approved and not approved for funding must be reported back to Council by CEO Update;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy;

- (D) Council temporarily waive outdoor and event activation fees, including application, venue hire, and power and road closure fees (where applicable) for the use of City land for the Covid-19 Recovery Grants Program recipients, and any contractors engaged by the City to deliver any part of the City's AI Fresco City program until 31 October 2021;
- (E) ~~subject to the commencement of the relevant provisions of the Liquor Amendment (Night-time Economy) Act 2020 amending the Roads Act 1993~~, Council adopt the revised temporary City of Sydney Outdoor Dining Guidelines, November 2020, at Attachment A to the subject report, noting that public consultation has not been possible given the circumstances;
- (F) ~~subject to the commencement of the relevant provisions of the Liquor Amendment (Night-time Economy) Act 2020 to insert a new Part 12 in the Liquor Act 2007~~, Council temporarily amend the Instrument of Delegations to the Chief Executive Officer dated 21 September 2020 to insert a new delegation to enable the Chief Executive Officer to, by notice on the City's website, approve the use of roads, footways and public open spaces for outdoor dining, extension of foyer space and performance space under Part 12 of the Liquor Act 2007 in accordance with the requirements of that Act, with such delegation to apply until 31 October 2021 unless revoked earlier; and
- (G) authority be delegated to the Chief Executive Officer to make any necessary temporary changes to the City of Sydney Outdoor Dining Guidelines and develop any necessary further guidelines to enable the implementation of AI Fresco City objectives as outlined in this report, with such changes to be reported by way of the CEO Update and to apply only until 31 October 2021 unless revoked earlier.

Deletions shown in ~~strike through~~.

## **Purpose**

To update the recommendation to Council following the commencement of the relevant legislative provisions on 11 December 2020.

## **Background**

As part of the AI Fresco City program, Council resolutions have been identified as being required to ensure all aspects of the program are realised in a safe, coordinated and timely fashion.

Since the time of the previous report, a significant package of legislative reforms has been passed by the NSW Parliament. The Liquor Amendment (Night-time Economy) Act 2020 (previously known as the Liquor Amendment (24-hour Economy) Bill 2020) was assented to on 27 November 2020. The relevant parts of this legislation were commenced by proclamation on 11 December 2020. As a result, amended resolutions are proposed to reflect the current state of the legislation. This legislation and subsequent Council resolutions will facilitate delivery of a number of aspects of the AI Fresco City program.

Prepared by: Kirsten Morrin, Director Legal and Governance

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Approved

A handwritten signature in black ink, appearing to read 'P.M. Barone', with a long horizontal flourish extending to the right.

**MONICA BARONE**

Chief Executive Officer