

## Item 11

### Questions on Notice with Answers

#### Reopening Waterloo Library

1. By Councillor Phelps

##### Question

On 27 September 2020, the Sydney Morning Herald published an article detailing Sydney public libraries that have not yet reopened following the Covid-19 lockdown earlier this year.

The Waterloo Library was listed as one of these libraries.

Could the Chief Executive Officer please advise when the Waterloo Library will resume services?

S129272

##### Answer by the Chief Executive Officer

On Monday 19 October 2020, the City's Library service extended to include:

- Five libraries open for browsing (Green Square, Customs House, Darling Square, Surry Hills, Kings Cross) and three links open for Reserve and Collect (Pyrmont, St Helen's whilst Glebe is under refurbishment, Newtown)
- Hours are 11am to 6pm at browsing sites
- 2-hour access to public computers and study spaces
- Weekend opening at Green Square, Customs House and Darling Square

Each open library site is subject to a legislatively required Covid-19 Safe plan to meet Public Health Order guidelines. The libraries that are now operating have been able to open due to their size and the facilities within, including capacity to meet physical distancing rules, adequate staff facilities including break space and space to quarantine returned items.

Current Covid-19 Safe plans have meant that a higher number of staff are required to be allocated to each open site to manage additional cleaning and hygiene, contact tracing check in requirements, the safe flow and physical distancing of people through spaces and the quarantining of items. Library staff who usually work at branches yet to reopen, including Waterloo, are working in the larger branches that have safely reopened.

While closed, Waterloo Library is being used by library collections staff to receive and process deliveries of new collection items and complete outstanding collections management work that was unable to be completed during shutdown.

Community members can return items through the chute at Waterloo, which is open 24/7. Borrowing and access to public computers and study space is available at the nearby Green Square and Surry Hills libraries.

## Patyegarang Statue

2. By Councillor Phelps

### Question

On 2 July 2020, City of Sydney Council voted 6 to 3 to amend and defer Councillor Dr Kerryn Phelps' motion to commission a statue of Gadigal language teacher Patyegarang.

The motion was submitted in response to the Metropolitan Local Aboriginal Land Council's desire to see a First Nations' statue in the City of Sydney.

There are more than two dozen statues in Sydney commemorating colonial figures such as Cook, Governor Arthur Phillip, Lachlan Macquarie, Queen Victoria, explorer Matthew Flinders and even his cat Trim but not one commemorating our First Nations' people.

This would have been the first publicly funded statue in central Sydney to feature an Indigenous person.

Ultimately, Deputy Lord Mayor Scully asked that Metropolitan Local Aboriginal Land Council Chief Executive Officer Nathan Moran forward his request for a Patyegarang statue to the Aboriginal and Torres Strait Islander Advisory Panel and report back to the council on their discussions.

Could the Chief Executive Officer please advise:

1. What was the outcome of the request to the Aboriginal and Torres Strait Islander Advisory Panel?
2. Have Citizens' Juries ever been used by the City of Sydney when investing in public art, such as Eora Journey projects?
3. When will Council be updated on the progress of Metropolitan Local Aboriginal Land Council Chief Executive Officer Nathan Moran's request for a Patyegarang statue in the City of Sydney?

S129272

### Answer by the Chief Executive Officer

1. The Aboriginal and Torres Strait Islander Advisory Panel have been provided with information on the Metropolitan Local Aboriginal Land Council request, and the Metropolitan Local Aboriginal Land Council have been invited to present this request at the next Panel meeting on Wednesday 2 December 2020.
2. No.
3. Council will be updated on progress following the December meeting of the Aboriginal and Torres Strait Islander Panel.

## Cycling in the City Budget

3. By Councillor Phelps

### Question

Could the Chief Executive Officer please advise:

1. How much do the City of Sydney's guided bike tours and courses, including the Free 1-on-1 Bike Buddies guided rides, Free 1-on-1 cycling skills courses, Rusty Riders course and all the Cycling Confidence Courses in the City's various villages, cost the City of Sydney? Please provide costs broken down by year and usage, i.e. how many people have enrolled.
2. How much the City of Sydney's Bike Tune Ups and Bike Care and Maintenance courses have cost the City of Sydney? Please provide costs broken down by year and usage, i.e. how many people have enrolled.
3. How much does the City of Sydney's The Big Bike Film Night 2020 cost the City of Sydney?
4. How much does the City of Sydney's Sydney Rides festival cost the City of Sydney? Please provide costs broken down by year and participation, i.e. how many people have signed up for an event.
5. How much have the Self-guided rides cost the City of Sydney? Please provide costs broken down by year, type (sporting sights, parks and gardens, Inner-East, markets, quirky Sydney) and usage, i.e. how many people have enrolled
6. How much has the City of Sydney spent to create, publish, review and distribute the Sydney Cycling Map?
7. How much has been spent by the City of Sydney to create, publish and distribute the Business Bicycle Fleet Toolkit?
8. How much has been spent by the City of Sydney to create, publish and distribute the Bike Hire, Shops and Sumps Map?
9. Are there any other activities included in the City of Sydney's Cycling budget that haven't been identified in the previous questions? What are these activities? How much have they cost the City of Sydney?

S129272

### Answer by the Chief Executive Officer

Council adopted the *Cycling Strategy and Action Plan 2018-2030* in November 2018 and it has actions under four priority areas:

- connecting the bike network
- supporting people to ride
- supporting businesses
- and leadership and advocacy

These are consistent with the actions from Sustainable Sydney2030 listed in the Operational Plan. Research by Transport for NSW and by the City shows that safety and lack of confidence is the main barrier to enabling more people to choose healthy, sustainable active transport, so many of our activities aim to address safety.

Transport for NSW is currently funding the City's behaviour change projects, because they value the City's success and value for money in this field.

Transport for NSW is currently covering the cost of guided bike tours, bike buddies, cycling courses (including Rusty Riders and 1-on-1 courses), bike maintenance courses and bike tune-ups. The cost to the City for these projects currently is \$0. A recent survey of the participants in the 1-on-1 courses and bike buddies found 100 per cent of them said it improved their confidence to ride in Sydney.

### **Cycling Courses**

The number of adults who have completed cycling courses is reported to Councillors in the Operational Plan report twice a year. The purpose of the cycling courses is to ensure people have road rule and route planning knowledge, the skills to ride safely and courteously and comply with the road rules. Courses deliver on Strategy Action 2.2 and Operational Plan Action 4.3. During last financial year, at a cost of \$150,000:

Many people are concerned about food delivery rider safety and concerned about their lack of skills and knowledge which results in illegal footpath riding. We don't have the budget to put food delivery riders through cycle training, but we are providing advice to UNSW who is hoping to provide cycle training to their international students working as food delivery riders.

### **Share the Path onsite education**

The number of free tune-ups is reported to Councillors in the Cycling Advisory Committee three times a year. During the last financial year, we ran 81 Share the Path onsite education sessions, including 1,048 free tune-ups and attaching 805 bells. The purpose of Share the Path sessions is to speak with people riding (and walking) about safe, courteous and considerate shared path behaviour. We use the tune-ups to attract and detain people to give us time for these conversations. The face-to-face talk about the behaviour we expect, using the reciprocity from the tune-up, have proved to be the most effective way of improving safety on shared paths. The additional benefit is the safety check of the bicycles, especially those for new riders and food delivery riders, and an opportunity to give route and other safety advice. Share the Path delivers on Strategy Action 2.9 and Operational Plan Action 4.3. Last financial year, \$2,500 was spent on bike bells and \$1,430 spent on a coffee cart to capture people walking and riding for conversations during winter. The cost of bike mechanic services was \$18,662, the safety advisor \$14,625 and the removal services to deliver the setups was \$21,000.

### **Sydney Rides Festival**

Not run this year due to Covid. Last financial year it cost \$360,000 and the 33 events over three months were attended by around 20,000 people. The purpose of Sydney Rides Festival is to give people who might not normally ride a chance to have a positive experience in a safe environment. Sydney Rides Festival delivers on Strategy Action 2.8 and Operational Plan Actions 4.3 and 5.2.

### **Big Bike Film Night 2020**

This is a community event at no cost to the City (Strategy Action 2.8).

**Self-guided rides**

This is a community program at no cost to the City. These rides were developed for the City by a volunteer, to show people in the community good, safe places to ride, as per Strategy Action 2.3 and Operational Plan Action 4.3. They are self-guided rides, so there are no enrolments. It has been an extremely popular page of the City's website, showing very strong demand from the community.

**Sydney Cycling Guide and Map**

Printing of the Sydney Cycling Guide and Map cost \$13,800 last year, and \$527 in distribution costs. Providing good route information is very important for safety. We distributed 23,464 maps during the year fulfilling Strategy Action 2.3 and Operational Plan Action 4.3.

**Business Bicycle Fleet Toolkit**

This was at no cost to the City and was originally done inhouse in 2016. It is consistent with Strategy Actions 3.1, 3.4 and 3.5 and Operational Plan Action 4.4.

**Map of bike services**

This was developed inhouse at no cost to the City and supports Strategy Action 3.7.

Other expenditure incurred by the Walking and Cycling Team can be found in the biannual Operational Plan reports to Council.

**El Alamein Fountain Works**

4. By Councillor Forster

**Question**

The El Alamein Fountain located in Kings Cross is currently empty and surrounded by cyclone fencing.

1. What works are being undertaken to the fountain?
2. What is the total cost of these works?
3. When will these works be complete?

S129269

**Answer by the Chief Executive Officer**

1. The El Alamein Fountain is undergoing routine maintenance. Contractors are repointing the coping stone and applying silicone waterproof sealant.
2. The cost is \$24,000.
3. The work is scheduled to be completed by 30 October 2020.

## City of Sydney Covid-19 Relief Grants

5. By Councillor Forster

### Question

1. How many of the recent City of Sydney Covid-19 Relief Grants were awarded to tourism accommodation operators?
2. Which tourism accommodation operators were awarded these grants?
3. Where are these operators located?

S129269

### Answer by the Chief Executive Officer

Eleven of Covid-19 relief grants were awarded to organisations specifically operating in the tourism and accommodation sectors, valued at \$110,000.

All were approved through the Small Business Grant and received \$10,000 each.

Organisation Name	Project Village Location
Bonza Bike Tours Pty Ltd	CBD and Harbour
Sydney Harbour Bed and Breakfast	CBD and Harbour
Sydney Harbour Boat Tours	CBD and Harbour
Ultimately Sydney Experiences Pty Ltd	CBD and Harbour
World Blue Pty Ltd	CBD and Harbour
Fast Cover Pty Ltd	Macleay Street and Woolloomooloo
Unyoked	Crown and Baptist Streets
Five Shooting Stars Pty Ltd T/as Boomers Bike Tours	Crown and Baptist Streets, Oxford Street
Manian Pty Ltd ATF I and A Hall Family Trust	Macleay Street and Woolloomooloo
Sydney Boutique Hotel	Oxford Street
Points of Difference Travel & Events	Redfern Street

## **Macleay Street Detailed Plans**

6. By Councillor Forster

### **Question**

Can the Chief Executive Officer please provide updated detailed design plans for the Macleay Street Upgrade?

S129269

### **Answer by the Chief Executive Officer**

The full set of design plans for the Macleay Street Upgrade is available on the City's website <https://www.cityofsydney.nsw.gov.au/improving-streets-public-spaces/macleay-street-potts-point-improvement-works> and at <https://community.sydneycivil.com/macleay-street-upgrade>. As work progresses adjustments may need to be made to accommodate latent underground conditions.

## **Legal Matters Costs and Progress Update**

7. By Councillor Chung

### **Question**

Could the Chief Executive Officer please provide:

1. An update of all court proceedings that Council is currently engaged in broken down by Court and type of matter (eg but not limited to class 1-5 appeals, local court prosecutions, NCAT proceedings, supreme court proceedings, IRC proceedings).
2. In table form, a summary of each court matter, costs to date, proceedings number and parties to the matter and status of each matter.
3. Year to date costs for each type of matter broken down by costs for consultants, external lawyers and other costs.
4. 2019/20 and year to date summary of matters finalised by matter including outcome and costs for each matter.

S129268

### **Answer by the Chief Executive Officer**

This information will take some time to compile and will be provided via the CEO Update.

## Bridge Road Safety Audit Advice

8. By Councillor Phelps

### Question

On 18 May 2020, the Lord Mayor moved a Minute announcing that the NSW Government would be providing \$3,680,000 to deliver six new temporary cycleways in partnership with the City of Sydney, in a number of locations throughout the local government area, including Bridge Road and Pyrmont Bridge Road (between Lyons Road and Wattle Street).

An independent safety audit of the pop-up cycleway on Bridge Road commissioned and paid for by residents in the Glebe/Forest Lodge area identified 26 safety issues, including several dangers that were so serious that the risk to road users was "intolerable."

This report was tabled before the City of Sydney's council meeting on 21 September 2020 with the resulting resolution that the Chief Executive Officer liaise with Transport for NSW about the audit and urgently seek to resolve the risks identified.

Could the Chief Executive Officer please advise:

1. What advice has the City of Sydney sought since the independent safety audit of the pop-up cycleway on Bridge Road was tabled?
2. What advice was given about the 26 safety issues, including several dangers that were so serious that the risk to road users was "intolerable," identified in the independent safety audit of the pop-up cycleway on Bridge Road in Glebe?

S129272

### Answer by the Chief Executive Officer

City staff have reviewed the community tabled Road Safety Audit (RSA) of Transport for NSW'S pop-up cycleway on Bridge Road Glebe. They commented that:

- the Road Safety Audit had been done in advance of project completion;
- the auditor had misjudged or made unbalanced assessments of the scale of the risks (for example: "intolerable" safety risks are more usually and appropriately used for a motorway bridge collapsing, than for a missing shared path sign);and
- most of the issues could be resolved through additional signage.

City staff, including our Roads Safety Officer (with Road Safety qualifications) inspected each item raised in the tabled Road Safety Audit report. We sent some additional recommendations to Transport for NSW – some arising from shortfalls in the report from using outdated and incorrect Google street view images. We have subsequently followed up with Transport for NSW and undertaken additional site inspections (including with Transport for NSW staff) to strongly encourage that corrective actions either have been or will be put in place.

## Library Funding

9. By Councillor Scott

### Question

Noting that the NSW Public Libraries Association cite a diminished State Government funding contribution to public libraries from 25 per cent in 1980 to 7 per cent in 2019, and that local governments are left to fund the gap, I ask the following:

1. What has the City's total budget, broken down by financial year, from 2003/04 to 2022/21, been for libraries? Please detail the City's contribution separately from the NSW Government contribution.
2. Please detail the actual spend that occurred over the same period, broken down by financial year? Please detail the City's contribution separately from the NSW Government contribution.
3. What is the budget breakdown of this total spend on libraries over the same period, broken down by year, on staffing, infrastructure/maintenance, and new library resources (e.g. books, e-books, subscriptions, etc)?
4. With the announcement of additional public library funding totalling \$60M from the State Government over the forward estimates to 2022/23, what, if any, readjustment of the City's library spend will result from this additional spend? Please detail the City's contribution separately from the NSW Government contribution.
5. Broken down by year, what public benefits has the additional State Government budget spend on libraries delivered for City communities? What will it deliver until 2022/23? For example, please detail the additional numbers of books, services, subscriptions, etc.
6. Does the City of Sydney plan to charge library fines in 2020/2021?

S129275

### Answer by the Chief Executive Officer

1. The City of Sydney library service has changed significantly since 2003/04, impacted by amalgamation, opening of new sites and closure of others, including moving from Town Hall to Customs House, Green Square at the Tote to Green Square Library and Plaza, and Haymarket to Darling Square. This period also saw an increase in technology available in libraries, with investment in computers and internet services, investment in eresources, shelf ready materials and RFID infrastructure. The figures able to be captured in this timeframe are from 2010/2011 financial year.

Year	Total Spend (including capital spend)
2010/11	\$12,336,034
2011/12	\$12,820,717
2012/13	\$13,360,693
2013/14	\$14,660,015

Year	Total Spend (including capital spend)
2014/15	\$15,815,337
2015/16	\$15,551,147
2016/17	\$15,457,818
2017/18	\$20,906,102
2018/19	\$61,209,301
2019/20	\$19,491,298

2.

Year	Total net operational and Plant and Asset spend*	State Government Subsidy
2010/11	\$6,756,642	\$443,335
2011/12	\$6,915,926	\$457,843
2012/13	\$7,390,053	\$465,873
2013/14	\$6,728,578	\$471,544
2014/15	\$7,235,695	\$482,194
2015/16	\$7,904,351	\$494,058
2016/17	\$8,647,000	\$515,915
2017/18	\$9,437,237	\$526,260
2018/19	\$9,768,237	\$541,631
2019/20	\$9,980,073	\$644,773

\*net cost = total cost minus library income and State Library grant

3.

Year	Staffing	Periodicals/Materials (incl database subscriptions)	Plant and Asset (incl Book Vote and Electronic Vote)	Other costs	Total*
2010/11	\$5,330,930	\$450,719	\$1,084,130	\$447,900	<b>\$7,313,679</b>
2011/12	\$5,532,756	\$367,162	\$1,170,568	\$368,498	<b>\$7,438,984</b>
2012/13	\$5,700,418	\$437,246	\$1,342,031	\$416,676	<b>\$7,896,371</b>
2013/14	\$5,448,214	\$408,500	\$1,096,853	\$288,179	<b>\$7,241,746</b>
2014/15	\$5,974,239	\$494,080	\$853,899	\$352,130	<b>\$7,674,348</b>

Year	Staffing	Periodicals/Materials (incl database subscriptions)	Plant and Asset (incl Book Vote and Electronic Vote)	Other costs	Total*
2015/16	\$6,308,328	\$452,345	\$1,208,797	\$377,146	<b>\$8,346,616</b>
2016/17	\$6,642,849	\$434,374	\$1,647,000	\$310,661	<b>\$9,034,884</b>
2017/18	\$6,930,048	\$484,764	\$2,047,982	\$397,517	<b>\$9,860,311</b>
2018/19	\$7,791,166	\$580,420	\$1,575,015	\$321,171	<b>\$10,267,772</b>
2019/20	\$8,358,591	\$642,365	\$1,084,884	\$491,979	<b>\$10,577,819</b>

4. An increase in public library funding was announced in August 2018, totalling \$60M over four years to 2022/23 across all NSW public libraries.

Public Library funding consists of Per Capita Subsidies, Subsidy Adjustments to balance the requirements of larger and smaller local government areas, the Outback Letterbox Library and the Public Library Infrastructure Grants.

The per capita subsidy for all libraries will increase annually from the 2018/19 amount of \$1.85 to \$2.85 per head of resident population by 2022/23 as outlined below:

Year	Per capita amount
2019/20	\$2.45
2020/21	\$2.55
2021/22	\$2.65
2022/23	\$2.85

The per capita subsidy forms part of the Libraries and Learning operational budget and contributes to continual improvements to infrastructure, collections and services within libraries. In 2019/20 and 2020/21 this includes increased budgets for periodicals and subscriptions to public access databases as well as upgrades of tablets and 3D printers.

Planned increases to book and eresource budgets in 2020/21 have been impacted by Covid-19 financial management readjustments.

The subsidy adjustment grant requires that a minimum of 30 per cent is put towards local priority projects, as detailed below.

5. In 2019/20, the City of Sydney received a total of \$644,773, made up of \$588,561 per capita subsidy, and \$56,212 subsidy adjustment.

In 2020/21, the City of Sydney will receive a total of \$684,337, made up of \$628,175 per capita subsidy, and \$56,212 subsidy adjustment.

For 2020/21 of the \$56,212 subsidy adjustment amount, the City of Sydney library has committed 50 per cent to accessible service delivery including online programming, accessible equipment and accessible online collections. The other 50 per cent is committed to an online technology learning portal to provide learning content on software, creative, personal development and business skills. Both of these projects have been developed to support the Community Recovery Plan.

In consultation with the State Library, the 2019/20 subsidy adjustment funding of \$56,212 was reallocated from identified research projects to increasing e-content in response to Covid-19 lockdown. This provided library members access to additional ebooks, eaudiobooks and movie streaming services at a time when access to the library's physical collection was unavailable.

24,000 more items were added to the library collection in 2019/20 than in the previous year. This supplemented the expansion of services in the opening of Darling Square as well as the renewal of the collection across the library network.

Additional subscriptions and online platforms were also added to the library collection since the funding increase, including movie streaming, children's learning resources and online readers advisory tools.

6. In 2017 approval was given to continue the 12-month trial of the abolition of library overdue fines for the next four financial years to 30 June 2021.

A review of this arrangement and its objectives will be undertaken to inform whether no fines will continue, with consideration given to Community Recovery Plan objectives.

## Small Parks Upgrades

10. By Councillor Scott

### Question

1. Since 2012, broken down by year, how many of the City's small parks have now been upgraded?
2. Since 2012, broken down by year, which of the City's small parks have been upgraded and at what cost for each?
3. Broken down by year, how many of the City's small parks are projected to be upgraded over the forthcoming four years?
4. Broken down by year, which of the City's small parks are projected to be upgraded over the forthcoming four years?
5. Broken down by year, what is the projected cost for upgrading each of the City's small parks over the forthcoming four years?
6. In 2020, please detail which City parks are rated 1, 2, 3, 4 or 5 under the City's annual park assessment process?
7. Which City parks were proposed to be ungraded since 2015, but will now not be ungraded?

8. Which of the remaining City small parks will remain to be upgraded, outside the list of those covered in the responses to the above questions?
9. What is the proposed timeframe for budgeting and carrying up these remaining small park upgrades?

S129275

#### Answer by the Chief Executive Officer

The park renewal program is a rolling annual asset renewal program aimed at renewal of parks to ensure they are safe, in good condition, are well presented and meet the needs of the community. All parks require renewal at the end of their asset lifecycle to ensure the City maintains its assets to a high standard. The City has 286 small pocket parks and nearly 100 playgrounds.

Parks are prioritised for renewal based on asset condition, remaining useful life, wear, defects and risks. The City undertakes routine defect inspections and an annual asset condition assessment of all parks. In addition, an annual comprehensive playground inspection is undertaken by an independent play auditor which evaluates compliance with Australian Standards and remaining useful life of playground assets. Together these assessments are used to prioritise parks/assets for renewal and have been used to develop an indicative ten-year program for park renewals and inform the asset renewal plan which forms part of the City's Resourcing Strategy. The 10-year program is reviewed, adjusted and updated annually to reflect the current condition assessments. Prioritisation is also influenced by interdependencies with broader upgrade projects being undertaken by the City or other agencies. Renewal of South Sydney Rotary Playground and the delay of Cook and Phillip Park Playground have occurred due to interdependencies with other projects.

Budgets are developed based on benchmark rates with small park renewals typically delivered over a two to three-year period covering design, consultation and construction.

Since 2012, the City has undertaken full park/playground renewed of the following small parks and playgrounds (minor renewal and softfall replacements have been excluded):

Year completed	Suburb		Locations	Cost
<b>2020</b>				
	Forest Lodge	Renewal	Ross St Playground	\$698,994
	Surry Hills	Renewal	Shannon Reserve Playground	\$1,628,001.93
	Ultimo	Renewal	Fig Lane Park Playground	\$589,060
	Darlinghurst	Renewal	Womerah Gardens	\$564,298
	Darlinghurst	Renewal	Kings Lane Reserve	\$349,999.99
	Pymont	Renewal	Maybanke Reserve	\$219,121

Year completed	Suburb		Locations	Cost
<b>2019</b>				
	Rosebery	Renewal	Crete Reserve	\$265,582
	Erskineville	Renewal	Les White Reserve	\$161,937
<b>2018</b>				
	Erskineville	Renewal	Kirsova Playground 2	\$218,392
	Rosebery	Renewal	Kimberley Grove Playground	\$224,000
<b>2017</b>				
	Redfern	Renewal	Elizabeth McCrea Reserve	\$531,357
	Alexandria	Renewal	Bowden Playground	\$114,676
	Erskineville	Renewal	Jack Shuttleworth Playground	\$108,251
	Erskineville	Renewal	Amy Street Reserve	\$117,653
	East Sydney	Renewal	East Sydney Community and Arts Centre Reserve	\$1,701,790
	Surry Hills	Renewal	Foveaux Street Reserve	\$40,000
<b>2016</b>				
	Ultimo	Renewal	Quarry Green	\$1,255,772
	Erskineville	Renewal	Renwick Street Reserve	\$370,040
<b>2015</b>				
	Redfern	Renewal	Chelsea Playground	\$773,076
	Forest Lodge	Renewal	John Street Remediation and Wall	\$883,196
	East Sydney	Renewal	East Sydney Small Parks	\$638,071
	Redfern	Renewal	Reconciliation Park	\$843,774
<b>2014</b>				
	Rosebery	Renewal	Janet Beirne Reserve	\$685,649
	Rushcutters Bay	Renewal	Bayswater Road Open space	\$350,000

Year completed	Suburb		Locations	Cost
	Glebe	Renewal	St James Reserve	\$2,414,924
	Kings Cross	Renewal	Fitzroy Gardens Playground	\$2,525,383
<b>2013</b>				
	Glebe	Renewal	Jubilee Playground	\$986,239
<b>2012</b>				
	Newtown	Renewal	Goddard Playground	\$224,260
	Waterloo	Renewal	Waterloo Playground	\$319,182

Small parks and playground projects currently underway for renewal over the next four years:

Forecast completion Year	Locations	Budget
<b>2021</b>		
	Daniel Dawson Playground	1,431,303.66
	James Hilder Reserve	1,235,458.41
	Beaconsfield Park Playground	1,385,658.90
	Strickland Park	592,746.95
	Ernest Pederson Reserve	654,913.15
	Hollis Park Playground	934,372.36
	Fig Lane Park Playground	589,060.17
	Bridge St Rest Area	165,000.00
	Cardigan reserve	1,056,000.00
	Womerah Gardens	564,298.15
	Wattle and Broadway Rest area	233,845.00
	Vine Street	140,000.00
<b>2022</b>		
	Peace Park	900,000.59
	Tote Park	523,848.85
	Minogue Crescent Reserve	1,066,811.21

	Woolloomooloo Playground	1,919,999.53
	Clyne Reserve	1,223,373.92
	Viaduct Area 4 wash away	1,472,440.29
	The Western Block	1,140,000.07
	Chelsea Street Playground Heritage Wall	250,000.00
<b>2023</b>		
	Blackwattle Playground	648,000.00
	James Watkinson Reserve	1,836,000.00
	Michael Kelly Reserve	419,040.00
	Ernest Wright Playground	231,120.00
	Harry Noble Reserve	1,344,000.00
	Ethel Street Playground	412,800.00
	Robyn Kemmis Reserve	956,160.00
	Edgely St Reserve	784,800.00
	Little Cleveland St	326,160.00
	Cricket Infrastructure	300,000.00
	Alexandria Park - McKell Playground, interface work, fitness	1,620,000.00
<b>2024</b>		
	To be confirmed this year based on current asset condition.	

**Shop #9, The Rex Centre, Potts Point**

11. By Councillor Phelps

**Question**

On 16 September 2020, the Kings Cross Community Centre (KXCC) opened a “pop-up shop” in Shop 9 in The Rex Centre, which has not been in use for considerable time.

The Kings Cross Community Centre submitted an offer but were not provided a chance to counter-offer before the lease was agreed with a commercial entity.

Could the Chief Executive Officer please advise:

1. What was the classification of the space when it was first built?
2. Has there been a change in classification from community to commercial space? If so, when did this change happen?
3. Why the Community Centre was not given the opportunity to counteroffer?
4. Why the Community Centre was not given the requested feedback on the offer when notified of being unsuccessful?
5. Why were the Kings Cross Community Centre informed that there were several interested parties when the letting agent informed them there was only one other offer and then suggested they submit an offer?
6. Can the City confirm the premises have been leased to a developer?

S129272

**Answer by the Chief Executive Officer**

The land was classified as operational land under the Local Government Act 1993 by the former South Sydney Council in 2002.

There has been no change to the land classification and for noting classification under the Local Government Act 1993 is either community land or operational land.

In July 2020, the Community Centre made an offer to the City to use Shop 9 rent free. In September 2020, the City received a commercial offer for Shop 9 at market rates. Following this offer, the City received a counteroffer from the Community Centre with a significantly lower financial return. This offer was rejected. The City advised the Community Centre an alternative offer had been received; however, the details of the offer is commercial in nature and could not be disclosed. The City received three offers in total for the use of Shop 9. The City has instructed its leasing agent to proceed with the commercial offer.

Shop 9 is part of the City’s commercial portfolio and has historically been leased at commercial market rates.

The Kings Cross Community Centre, along with two other tenants, already have a City of Sydney space within the premises provided free of charge through the accommodation grant program.

## **Gunyama Park and Aquatic Centre**

12. By Councillor Scott

### **Question**

In 2005, the City of Sydney announced plans to build a public swimming pool in Green Square.

In 2014, architects were selected, and a budget of \$50 million was allocated, with construction to begin in 2017 and the pool due to open in 2019. Construction began in 2018, with the pool reportedly due to open in 2020.

1. What is the status of the development of the Gunyama Park and Aquatic Centre in Green Square?
2. How much of the estimated \$50 million budget cited in 2014 when Andrew Burges Architects in association with Grimshaw and TCL won the international design competition has been expended to reach the current stage? Please detail expenditure, broken down by year.
3. When will the Gunyama Park and Aquatic Centre open to the public?
4. Will the creche and its outdoor and indoor play areas open at the same time? If not, when will the creche be open?
5. Will the hydrotherapy pool, and the gym open at the same time as the Centre? If not, when will they be open to the public?
6. What is the status of Bangala, the public artwork by Aunty Julie Freeman and Jonathan Jones?

S129275

*\*For clarity and consistency, the two Questions on Notice referring to Gunyama Park Aquatic and Recreation Centre have been reordered and answered below.*

## **Gunyama Park Aquatic and Recreation Centre**

13. By Councillor Phelps

### **Question**

Could the Chief Executive Officer please advise:

1. What were the estimated costs associated for the construction of the Gunyama Park Aquatic and Recreation Centre in 2007 when it was first presented to Council?
2. How much was budgeted for the construction of the Gunyama Park Aquatic and Recreation Centre from present to its inception, broken down year by year?
3. What has actually been spent on the construction of the Gunyama Park Aquatic and Recreation Centre from the present to its inception, broken down year by year?

4. If there has been a difference in predicting costs, what was the cause of this shortfall?

S129272

**Answer by the Chief Executive Officer**

Construction of the Gunyama Park and Recreation Centre is forecast for completion in November 2020. Belgravia Leisure commenced their contract to operate the facility at the end of September. The planned opening date for the centre is 1 February 2021, subject to construction completion before Christmas 2020. Indoor and outdoor leisure water areas, the creche hydrotherapy pool and gym will open for customers at the same time the centre opens. The public artwork has been installed and tested onsite this month.

The 2007 cost estimate to Council was \$116.5M. This included:

- Aquatic Centre 50m pool: \$46.5M (This did not include provisions for the synthetic sport field and park)
- Sport – Health and Fitness Facility: \$21M
- Support Wellness Centre: \$14M
- Decontamination Allowance: \$15M
- Stormwater Management, Site and Streetscape Works: \$20M

The City included provision for the project in Long Term Financial Plans, but amounts are not finalised until a tender process is undertaken noting that the project has changed since conception.

In October 2017, Council accepted a tender offer and approved the project budget of \$102,855,998 for the construction of Gunyama Park Aquatic and Recreation Centre.

Due to project scope and timeframe amendments since 2017, including impacts related to Covid-19, the current total project budget is \$106.5M. This includes \$2.5M to improve the efficiency of the plant room and reduce emissions through the improvement to the heating system.

## **Controls over Outsourced Providers**

14. By Councillor Scott

### **Question**

The City of Sydney has a range of external providers who provide services to our communities and our council, including operating our pools, gyms, waste and recycling services.

1. Please detail the City's legal obligations to ensure compliance with the activities of our external providers, including but not limited to Working with Children checks, compliance with the Fair Work Act, the Local Government Act, and a range of other legal requirements.

2. Please detail the controls the City of Sydney council has in place to ensure that those external providers undertake activities that comply with the City's legal, industrial and policy obligations.
3. Please detail the reporting mechanisms the City of Sydney has in place so that when noncompliance in external providers is established, via the City of Sydney's monitoring, the Council and regulators are appropriately notified.
4. Broken down by year since 2004, and by regulator, please detail the number of reports to external regulators the City of Sydney has made, as a result of the activities of our external providers.

S129275

### **Answer by the Chief Executive Officer**

A broad range of legislative obligations apply to the City's external service providers depending on the nature of the service provided.

Our contracts impose obligations on service providers to comply with all laws relevant to the service they are providing, together with particular obligations if there are specific requirements we need a service provider to comply with, but it depends on the nature of the service provided as to what obligations are imposed.

Generally, the City has rights to investigate potential breaches of legal obligations by service providers, including having an independent audit undertaken, and to terminate contracts for non-compliances or for convenience. Again, the type of rights depends on the nature of the service being provided. There is not a specific process or mechanism for reporting, but rather if the City becomes aware of a breach that is reportable to a particular agency, the City will make that report.

A CEO Update will be provided in relation to numbers of reports to external regulators.

### **Cleanaway Negative Leave**

15. By Councillor Scott

#### **Question**

In an article in the Australian Financial Review published on 30 September 2020, it was revealed that Cleanaway Waste Management changed its IT systems in March this year to allow employees to be pushed into 'negative' accrued annual leave.

The publication reported that front-line drivers would be restricted from overtime by Cleanaway, ensuring drivers only work eight-hour shifts as well as putting drivers on Rostered Days Off (RDOs) to reduce accruals.

In addition, Cleanaway purportedly reduced driver invoices by 5 per cent from April to June 2020, meaning that truck drivers would lose 5 per cent of any revenue earned during that time. Drivers were asked to sign a contract variation to allow for this deduction.

The AFR reported that some Cleanaway employees have had to work during their instructed annual leave to meet the demands of the company, and that many were pushed into negative leave balances.

1. Is the City aware of whether Cleanaway's negative leave strategy is in breach of the Fair Work Act 2009?
2. Has the reported restriction in access to overtime affected in any way the waste removal service Cleanaway is contracted to deliver to the City?
3. Has anyone from the City entered into discussions with, or asked questions of Cleanaway on the issues raised above? If so, please detail how many meetings and on what dates.
4. What action Sydney City has taken since the various reports in the Financial Review?
5. Does the City have an obligation to report to regulators as a result of the information revealed in the AFR? If so, has this been done?

S129275

**Answer by the Chief Executive Officer**

The allegations in relation to Cleanaway's management of employee leave conditions is an industrial matter for Cleanaway.

Cleanaway continues to meet its contractual obligations for the collection of the City's domestic waste. Reports of daily missed services are decreasing, while the number of booked services and overall tonnages collected has significantly increased. Further detailed information will be provided via a CEO Update.

The Chief Executive Officer and Director City Services have had and continue to have discussions with Cleanaway in relation to the City's contract.

The City does not have an obligation to report allegations raised in the media to regulators.

**NSW EPA Inspections on Cleanaway Waste Facilities**

16. By Councillor Scott

**Question**

Recently the Australian Financial Review reported that as a result of NSW Environment Protection Authority (EPA) inspections of Cleanaway facilities across 27 locations on 29 June this year following two chemical spills at the company's Queanbeyan site, a number of issues were identified including inappropriate chemical storage, poor maintenance of stormwater controls.

1. Does any of the City's waste end up in this Queanbeyan site? If not, which of the 27 sites does the City's waste go to?
2. Does the City have an obligation to report to the EPA or any other environmental regulator as a result of this information?
3. Has the City discussed Cleanaway with the NSW EPA since the AFR reports of this matter? If so, please detail dates.

4. Has the City discussed with Cleanaway the issues arising from the June EPA inspections? If so, please detail dates.
5. How does the City independently monitor whether Cleanaway's disposal of its waste complies with City sustainability policies and waste targets, and our own legal and environmental obligations?
6. Since 2004, broken down by year, please detail the City funding provided to Cleanaway.
7. What other firms were involved in a tender process when the contract was extended?
8. Has the City has engaged with Comcare or NSW WorkSafe in relation to Cleanaway? If so, please detail dates.

S129275

**Answer by the Chief Executive Officer**

The City of Sydney's red, yellow, green and household bulky is not sent to Cleanaway's Queanbeyan site. The City's various domestic waste streams are distributed and processed as follows

**Red Bin General Waste** – Transported to SUEZ transfer stations in Rockdale and Artarmon with end processing destinations at UR3R (located at Eastern Creek) and SAWT (located at Eastern Creek);

**Commingled Recycling**- Transported to Visy transfer station (currently located in Alexandria) with end sorting and processing destinations in Visy's Smithfield facility;

**Dry and Garden Waste**- Transported to Veolia Botany and Banksmeadow transfer stations with end processing/landfilling destinations at Downer, ANL and Veolia landfill at Horsley Park.

Cleanaway has an operational depot in Botany to service the City's local government area. No waste is transported to or processed at this site.

Additionally, the City uses Cleanaway services via an EPA Agreement to process liquids and hazardous waste (chemicals and paint) in their EPA licenced facility located at St Marys.

The City is not required to report to the EPA or any other environmental regulator in relation to the allegations raised in the media.

The Chief Executive Officer and Director City Services have had and continue to have discussions with Cleanaway in relation to the City's contract.

Cleanaway is contracted by the City for waste collection only, not waste disposal or processing.

The City has other individual contracts for the processing of general waste with SUEZ; Commingled Recyclables with Visy; and Dry Waste and Garden Organics with Veolia. The City's contracted waste processors are required to report against the City's sustainability and waste targets.

The City monitors waste processing compliance through daily and monthly weighbridge reports, monthly diversion reports and monthly reconciliations of Cleanaway's invoicing against waste processing companies' reports.

Since the commencement of the contract on 1 July 2019 the City has been invoiced by Cleanaway the following amounts for the collection of the City's domestic waste: -

FY 2019/20	\$13,837,615
FY 2020/21 (Q1)	\$3,379,279

Besides Cleanaway, the other organisations that submitted an expression of interest during the competitive tender process in 2018 for the City's waste collection service commencing 1 July 2019 included:

- Bingo Commercial Pty Ltd
- Citywide Service Solutions Pty Ltd
- SUEZ Recycling Recovery Australia
- United Resource Management Pty Ltd
- Veolia Environmental Services Australia Pty Ltd

## **Disclosure of Faulty Cleanaway Facility Weight Scales**

17. By Councillor Scott

### **Question**

The Australian Financial Review reported on 23 September 2020 that Cleanaway Waste Management stopped charging excess weight fees to clients after a federal government investigation found they were using faulty weight scales on their trucks but had failed to inform some of their largest customers that Cleanaway had potentially wrongly charged them.

1. How does the City independently audit waste weights, which drives pricing of payments from the City to Cleanaway? Please detail how often this occurs.
2. Has the City established any evidence for faulty weigh scales on Cleanaway trucks and any weight-based fees the council may have been wrongly charged?
3. When the City became aware of the issues with faulty scales on Cleanaway vehicles, what actions were undertaken?
4. Has the City made enquiries into faulty weigh scales on Cleanaway trucks and any weight-based fees the council may have been wrongly charged? If so, please detail dates.
5. Has the City been reimbursed, or advised of a forthcoming reimbursement as a result of faulty weight scales used on Cleanaway vehicles for the City contract with them?

6. If so, what is the total dollar amount of the reimbursement either paid to date, or due to be paid?
7. If no contact has been made with Cleanaway to date, when is this planned to take place?

S129275

**Answer by the Chief Executive Officer**

The City of Sydney remunerates Cleanaway monthly, based on the number of scheduled bins collected and the frequency of service.

The City does not remunerate Cleanaway based on any waste weights.

The Chief Executive Officer and Director City Services have had and continue to have discussions with Cleanaway in relation to the City's contract.

**Appointment of New Audit, Risk and Compliance Committee Chair**

18. By Councillor Phelps

**Question**

In the 16 October 2020 CEO Update, Councillors were informed that at 30 June 2021, the appointed independent Chair for the Audit Risk and Compliance Committee's appointment will end. Upon consultation with the current independent Chair and the Lord Mayor, an offer was made to a current independent member of the Audit Risk and Compliance Committee to take on the role of Chair.

Councillors were also informed that this member has accepted the offer of appointment as the new independent Chair and will commence from 1 July 2021 and will continue to 30 June 2025.

Could the Chief Executive Officer please advise:

1. What was the process involved in the selection of the new Chair of the Audit, Risk and Compliance Committee?
2. What is the remuneration for the position of Chair of the Audit, Risk and Compliance Committee?
3. Why was there no external selection process?

S129272

**Answer by the Chief Executive Officer**

1. In accordance with the Audit, Risk and Compliance Committee charter, appointments are made by the Lord Mayor in consultation with the Chief Executive Officer.
2. The remuneration for this role is \$20,000 plus GST which is in accordance with NSW Government remuneration fees for roles of this nature.

3. The independent members of the Audit, Risk and Compliance Committee will be replaced with new external appointments gradually over coming years to maintain continuity of knowledge. Ideally, the City will use the NSW Government's prequalification scheme for audit committee members once the Office of Local Government makes that scheme available to councils as part of its proposed new mandatory internal audit and risk framework.

## **Metro Minerva Theatre Feasibility Study**

19. By Councillor Phelps

### **Question**

On 24 August 2020, after a proposal from the Minister for the Arts, the Hon. Don Harwin MP, Council endorsed the contribution of up to \$10,000 towards the cost of a feasibility study into restoring the Metro/Minerva Theatre for live performance and entertainment as discussed in the relevant Lord Mayoral Minute.

The Metro/Minerva Theatre has recently been listed for sale via expressions of interest.

Given the Metro/Minerva has been listed for sale, could the Chief Executive Officer please provide an update on the progress of the aforementioned feasibility study?

S129272

### **Answer by the Chief Executive Officer**

City staff have met with Create Infrastructure and entered into an agreement for the feasibility study to investigate potential options for the Minerva Theatre. Create Infrastructure will engage and manage consultants to undertake the study.

## **Exemptions from Tender**

20. By Councillor Phelps

### **Question**

Could the Chief Executive Officer please advise which City of Sydney projects over the value of over \$150,000 have been exempted from tender, year by year since 2016? Please list by date, the name of the project, its value, and the contractor.

S129272

### **Answer by the Chief Executive Officer**

All exemption from tender processes above the legislated threshold amount are reported to Council. Please refer to the relevant Committee papers and Council minutes.

## Hazardous Waste Disposal

21. By Councillor Scott

### Question

I note the Australian Financial Review report from 18 October this year on the City's waste removal contractor, Cleanaway Waste Management, allowing Victorian workers to transfer medical waste from bins into larger tubs without protective wear, despite OH&S policy which is counter to the practice of decanting bins due to the regular presence of sharps in soft clinical waste bins.

In August, the NSW EPA was critical of Cleanaway's nominated "zero harm" safety philosophy and the approach and knowledge of employees about environmental safety, following inspections of 26 sites that revealed issues in all but one location.

1. Is removal of hazardous waste matter part of the City's contract with Cleanaway?
2. Has the City approached Cleanaway to confirm that the company's standards and policies on safety for their staff / contractors meets the City's standards? If so, please detail the dates of meetings.
3. Have any breaches or questionable practices been uncovered in relation to the City's contracted work undertaken by Cleanaway?
4. If so, what obligations does the City have to act?
5. If so, has any action been taken by the City to rectify the situation with Cleanaway?
6. If so, what reports have been made to regulators?

S129275

### Answer by the Chief Executive Officer

The City's contract with Cleanaway is for the collection of domestic waste and does not include the collection of hazardous medical waste.

Under the current contract, Cleanaway is required to provide its policies in relation to workforce and safety standards. As required by the contract monthly reports provided by Cleanaway track operational and safety performance against the City's and Cleanaway's agreed standards.

No breaches or questionable practices been uncovered in relation to the City's contracted work undertaken by Cleanaway.