

## Item 11

### Questions on Notice with Answers

#### 1. Potholes in the City of Sydney

By Councillor Jarrett

##### Question

Following the La Nina flooding events in the City of Sydney throughout 2022, many roads have been damaged, and potholes have appeared. With further La Nina rainfall predicted for summer 2022-2023, it is likely that further potholes will occur on City of Sydney roads.

1. Are annual and/or quarterly audits of potholes in the City of Sydney carried out?
2. If an audit of potholes has been carried out for 2021, will Council be presented with this data and information?
3. Will an audit of potholes in the City of Sydney occur by the end of 2022?
4. If an audit of potholes will be occurring between now and the end of 2022, will the data and information collected be presented to the Council?
5. Can a report be prepared to include what work needs to be carried out and the timetable for the work?

X086666

##### Answer by the Chief Executive Officer

City staff continuously inspect and repair potholes as they are identified. Regular, area-based inspections of the City's roads and footways are undertaken across the Local Government Area. Identified issues, including potholes, are logged with the City's Infrastructure Maintenance team for repair.

Potholes identified through routine inspection of City assets are reported directly to the City's Infrastructure Maintenance team for repair.

The City's road network is managed in accordance with the City's Resourcing Strategy. The strategy can be found on the City's website at:

<https://www.cityofsydney.nsw.gov.au/strategies-action-plans/resourcing-strategy>

During the peak period of wet weather in March/April 2022, a targeted program of roadway inspections, and associated maintenance, was undertaken by City staff.

Issues identified from routine inspections are logged with the City's Infrastructure Maintenance team for repair as they are identified.

Maintenance works are prioritised by condition (e.g., safety risk). Potholes are typically made-safe on the same day the hazard is identified in high-traffic/high-risk locations and for significant damage that presents a safety risk.

Locations are monitored and may be made-safe more than once (if required) before permanent repairs can be scheduled. The timing of permanent repairs is dependant on weather conditions and the location of the potholes.

## 2. Domain Cultural Precinct

By Councillor Jarrett

### Question

On Wednesday 7 September 2022, the Sydney Morning Herald outlined an arts precinct proposal for the Domain. This article was seen by the City of Sydney Council.

1. Was the matter of an arts precinct for the Domain proposed to the City of Sydney Council?
2. If the matter of an arts precinct for the Domain was proposed to the City of Sydney Council, when did this occur, who attended the presentation, and what was the outcome of the presentation?
3. If the matter of an arts precinct for the Domain was not proposed to the City of Sydney Council, who within the City of Sydney received the briefing that led the City of Sydney Council to be included in the Sydney Morning Herald article from 7 September 2022?

X086666

### Answer by the Chief Executive Officer

There were three meetings held with City staff regarding rezoning in Riley Street Darlinghurst, at a fourth meeting, Grimshaw promoted the idea of the Domain as an entertainment/performance venue. It was unfunded. Grimshaw said it could be partly funded by developer contributions through the expanded idea of rezoning Woolloomooloo and part of Darlinghurst to medium and high-rise development.

Grimshaw's Domain proposal had been shown to the Committee of Sydney at which City staff were not invited. Grimshaw later showed the presentation to three city staff – the City Architect / Executive Manager City Design and Public Art, the Manager Cultural Strategy and the Director City Planning, Development and Transport on 3 November 2021. No copy was provided. Although different aspects of the proposal were presented, a formal briefing on a Domain arts/entertainment precinct was never provided to Council.

Proponents often request to meet with the Director City Planning, Development and Transport and relevant City staff to discuss and develop proposals before they are formally submitted.

The following meetings occurred prior to the Domain proposal noted above:

- 19 February 2018

Initial meeting with Cahill Property Group to discuss a planning proposal for Wilson car park site in Riley Street, Darlinghurst.

- 30 June 2020

A further meeting with Cahill Property Group to specifically discuss a rezoning proposal by Grimshaw for 8 sites at 70 and 91-107 Riley Street Darlinghurst.

- 4 May 2021

A further meeting with Cahill Property Group to specifically discuss a rezoning proposal by Grimshaw for three towers including twin 50 storey towers in the Riley Street Precinct, Darlinghurst.

City attendees at these three meetings were the Director City Planning Development and Transport and the Executive Manager Strategic Planning and Urban Design.

### **3. Implementing Gender Equity and Development**

By Councillor Ellsmore

#### **Question**

1. What are the main or key Council policies, procedures and rules currently in place, which outline Council's commitment to promoting gender equity, ending discrimination on the basis of gender, and promoting women's rights?
2. What Council policies, procedures and rules are currently to promote safe, inclusive and discrimination-free streets, public spaces, businesses and venues in the City?
3. What are the key planning processes and instruments currently in place, which guide what kinds of venues can be opened or operated in the City?
4. What planning processes, instruments or other rules protect against venues being operated in the City which discriminate against people on the basis of gender?
5. What planning processes, instruments or other rules determine whether exclusive, men's only clubs – also known as 'Gentlemen's Clubs' - can be opened or operated in the City?

X086664

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

1. A City for All, the City's Social Sustainability Policy and Action Plan outlines a number of key principles and the City's strategic commitment to gender equality, ending discrimination and promoting women's rights.

In 2022, in partnership with ACON, the City delivered six Silver Sessions for LBTIQA+ women over 55. The sessions provided information and raised awareness around healthy relationships and healthy ageing.

The City provides compassion training for workers and community to respond to disclosures or incidents of harassment and assault, while bystander training is delivered to residents to improve reporting of domestic and family violence and appropriate and safe bystander responses. The City also provides “Your Body Your Choice” factsheets in 11 community languages to students to help them understand consent and provide support for those who have experienced sexual assault.

We provide ethical bystander training to volunteers who work at festivals, events and in the night-time economy to prevent violence against women and assist with compassionate responses to disclosures of sexual assault. We work with peer-based sex worker organisations to improve the safety of women working in the adult entertainment industry, and with advocates such as She’s A Crowd to ensure women’s experiences of the built environment and transport can inform projects and design.

The City is a signatory to the Greater Sydney Commission’s Women’s Safety Charter, which aims to bring together businesses, government agencies, peak groups and not-for-profit organisations to take collective action that improves the safety of women and girls in Greater Sydney. We also host a quarterly interagency on domestic and family violence and sexual assault with specialist services, community organisations, legal services, health services and NSW Police. A CEO Update on the forum hosted on 6 September 2022 will be provided soon.

The City offered a range of programs and events to support the recent United Nations 16 days of activism against gender-based violence, along with programming and events for Domestic and Family Violence Prevention month to build community capacity to respond and prevent domestic and family violence.

On 20 July 2022 the City supported Domestic Violence NSW and Wirringa Baiya Aboriginal Women’s Legal Service to deliver a forum at Customs House on coercive control and NSW Legislation. This event provided domestic violence specialists, legal professionals and policy makers with an opportunity to discuss the nuances and complexities of the proposed legislation and offer solutions to make the victim-survivors of domestic and family violence safer.

Relevant corporate Policies and Plans are:

- Equal Employment Opportunity and Anti-Discrimination Policy
- Harassment and Bullying Policy
- Recruitment and Selection Policy
- Domestic and Family Violence Policy
- EEO, Diversity and Inclusion Action Plan.

2. The City conducts safety audits using crime prevention through environmental design principles to respond to safety issues identified in public spaces. We are working with Surry Hills Police Command and community to develop an Oxford Street Precinct Safety Plan, and with the Office of the 24-hour Economy Commissioner on implementing the Purple Flag accreditation scheme which rewards excellence in night-time economy management and aims to create safe and thriving locations at night for all users.

The City marks Transgender Day of Remembrance, Transgender Day of Visibility and Wear It Purple Day each year with a suite of programs, events and other initiatives including marketing campaigns and supports ACON's LGBTIQ Welcome Here Project. The City's community centres and aquatic leisure centres are part of this project and welcome all members of the community every day. The Welcome Here Project supports businesses and services throughout Australia to create and promote environments that are visibly welcoming and inclusive of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) communities.

People of diverse sexualities and genders are welcome at all City facilities. Two LGBTIQ+ volleyball clubs use the Perry Park Recreation Centre, while the King George V Recreation Centre in The Rocks is working with Pride in Sport to promote the centre's Wednesday night women's competition as an inclusive competition for anyone who identifies as female. Tennis Sydney, one of Australia's largest LGBTIQ+ tennis clubs, use the City community tennis facilities for their events.

City staff are developing a position on inclusive changerooms, toilets and facilities to ensure that they are safe, inclusive and can be accessed by the community with dignity.

Further information will be provided to Council via CEO Updates as these projects are realised.

3. The Sydney Local Environmental Plan 2012 (LEP) includes land use zones which describe the uses that can be carried out with consent or are prohibited. The LEP has standard definitions set by the NSW Government. The planning system generally does not prescribe who may run a business or occupy a building.
4. None. Discriminatory activities are regulated in NSW under the Anti-Discrimination Act 1977 and nationally under the Age Discrimination Act 2004, Australian Human Rights Commission Act 1986, Disability Discrimination Act 1992, Racial Discrimination Act 1975, and the Sex Discrimination Act 1984.
5. None. The LEP permits 'registered clubs' with consent in certain zones. The standard definition of a registered club does not differentiate between types of clubs or their operation. Registered Clubs are separately regulated under the Registered Clubs Act 1976, and it is generally unlawful for a registered club to treat a person in a discriminatory manner. The Anti-Discrimination Act 1997 (NSW) allows registered clubs to restrict membership in some circumstances.

### 3. Macleay Street Upgrade

By Councillor Gannon

#### Question

The Macleay Street Upgrade has been a long ongoing capital works project.

1. When did works commence?
2. What was its original completion date?
3. When is it predicted to be completed?
4. How many days, weeks and months is it overdue?
5. What was its original budget?
6. Is it over budget?
7. If so, by how much is it over budget?
8. How many complaints have been received?
9. Has there been a review of the community communication strategy?

X086665

#### Answer by the Chief Executive Officer

1. Works commenced on 5 October 2020, with a Council endorsed completion date of October 2022 following approval of additional scope in March 2021.
2. The original completion date was April 2022 (18 months from commencement). Based on community requests, Council endorsed additional scope from Challis Avenue to Macdonald Street on 29 March 2021. This extended the completion date to October 2022.
3. The project is on track for completion in October 2022.
4. The project is on track for completion in October 2022, despite Covid-19 related lockdowns, severe weather impacts in early 2022 and other breaks introduced to accommodate community needs and events such as Shop Late Potts Point coordinated by the Potts Point Partnership.
5. The original project budget was \$11M. The additional scope endorsed by Council on 29 March 2021 increased the overall budget to \$12.3M.
6. No.
7. Not applicable as the project is not over budget.
8. The City's contractor received 42 complaints and 65 were made directly to the City. The project has also received 41 compliments.

9. The current communication strategy involves City and contractor websites to provide up to date information; inclusion of a dedicated community liaison officer; weekly community stakeholder updates and notification letters provided to stakeholders throughout construction.

There have been over 4000 communications interactions via email, phone and face-to-face (when possible). Three business surveys were undertaken to better inform the program and accommodate business needs.

#### **4. Street Furniture Upgrade**

By Councillor Gannon

##### **Question**

The Street Furniture Upgrade has been a long ongoing capital works project.

1. When was it due for completion?
2. When will it be completed?
3. How many days, weeks and months is it overdue?
4. How many complaints has the City received?
5. How much has it cost the City?
6. Has its delay resulted in additional costs for the City?

X086665

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

1. Initial completion date was end August 2022.
2. All assets, excluding public toilets, have an estimated completion date of January 2023. The replacement of public toilets is estimated for completion by June 2023.
3. 14 days overdue from the original completion date (as at 14 September 2022).
4. There have been approximately 250 enquiries since September 2021.
5. The Street Furniture contract will deliver a new suite of seats, bins, kiosks, communication panels and automated public toilets at no cost to the City.

Bus shelters previously owned by JCDecaux are removed and replaced at no cost to the City. There are 50 City owned bus shelters removed at the City's cost, with 50 new shelters to be installed by the new contractor at no cost to the City. There has been \$200,000 spent to date on the removal of these shelters.

As a result of the QMS rollout delays \$185,000 of additional cleaning costs to ensure appropriate service delivery during transition has been incurred.

6. The delay resulted in an additional cost of \$185,000, for the cleaning cost of the furniture to maintain service levels during the transition.

## 6. Actioning the Success of the Jobs and Skill Summit

By Councillor Scott

### Question

1. Broken down by year since 2006, how many apprentices has the City hired per year?
2. Broken down by year since 2006, what has been our annual expenditure on apprentice wages?
3. Broken down by year since 2006, how many trainees has the City hired per year?
4. Broken down by year since 2006, what has been our annual expenditure on trainee wages?
5. Broken down by year since 2006, how many graduates has the City hired per year?
6. Broken down by year since 2006, what has been our annual expenditure on graduate wages?

X086668

### Answer by the Chief Executive Officer

Since 2006, the City has hired or hosted 31 apprentices, 97 trainees, and 33 graduates in designated roles.

1. Apprentices hired per financial year 2006-07 to 2021-22

| Financial Year | New Hires |
|----------------|-----------|
| 2006/07        | 1         |
| 2007/08        | 2         |
| 2008/09        | 1         |
| 2009/10        | 1         |
| 2010/11        | 4         |
| 2011/12        | 3         |
| 2012/13        | 1         |
| 2013/14        | 2         |
| 2014/15        | 5         |
| 2015/16        | 2         |
| 2016/17        | 0         |
| 2017/18        | 3         |



| Financial Year | New Hires |
|----------------|-----------|
| 2018/19        | 0         |
| 2019/20        | 3         |
| 2020/21        | 0         |
| 2021/22        | 3         |
| <b>TOTAL</b>   | <b>31</b> |

2. Wages paid to Apprentices per financial year 2006-07 to 2021-22

| Financial Year | Total Wages        |
|----------------|--------------------|
| 2006/07        | \$58,163           |
| 2007/08        | \$79,471           |
| 2008/09        | \$81,603           |
| 2009/10        | \$82,834           |
| 2010/11        | \$114,784          |
| 2011/12        | \$207,810          |
| 2012/13        | \$196,148          |
| 2013/14        | \$252,097          |
| 2014/15        | \$217,390          |
| 2015/16        | \$253,261          |
| 2016/17        | \$284,613          |
| 2017/18        | \$222,06           |
| 2018/19        | \$230,677          |
| 2019/20        | \$118,621          |
| 2020/21        | \$78,349           |
| 2021/22        | \$109,114          |
| <b>TOTAL</b>   | <b>\$2,586,998</b> |

3. Trainees hired per financial year 2006-07 to 2021-22

Note "Trainees" also includes Cadets, Interns and Undergraduates

| Financial Year | New Hires |
|----------------|-----------|
| 2006/07        | 1         |
| 2007/08        | 3         |
| 2008/09        | 1         |
| 2009/10        | 3         |

| <b>Financial Year</b> | <b>New Hires</b> |
|-----------------------|------------------|
| 2010/11               | 9                |
| 2011/12               | 2                |
| 2012/13               | 5                |
| 2013/14               | 8                |
| 2014/15               | 8                |
| 2015/16               | 8                |
| 2016/17               | 5                |
| 2017/18               | 8                |
| 2018/19               | 11               |
| 2019/20               | 5                |
| 2020/21               | 2                |
| 2021/22               | 5                |
| <b>TOTAL</b>          | <b>84</b>        |

4. Wages paid to Trainees per financial year 2006-07 to 2021-22

| <b>Financial Year</b> | <b>Total Wages</b> |
|-----------------------|--------------------|
| 2006/07               | \$138,756          |
| 2007/08               | \$100,424          |
| 2008/09               | \$58,765           |
| 2009/10               | \$90,992           |
| 2010/11               | \$174,542          |
| 2011/12               | \$156,420          |
| 2012/13               | \$173,993          |
| 2013/14               | \$214,458          |
| 2014/15               | \$283,534          |
| 2015/16               | \$517,390          |
| 2016/17               | \$427,565          |
| 2017/18               | \$315,063          |
| 2018/19               | \$495,357          |
| 2019/20               | \$491,674          |
| 2020/21               | \$416,573          |
| 2021/22               | \$267,004          |
| <b>TOTAL</b>          | <b>\$4,322,509</b> |

## 5. Graduates hired per financial year 2006-07 to 2021-22

Note: Refers to graduates in designated Graduate roles

| Financial Year | New Hires |
|----------------|-----------|
| 2006/07        | 0         |
| 2007/08        | 2         |
| 2008/09        | 2         |
| 2009/10        | 0         |
| 2010/11        | 1         |
| 2011/12        | 2         |
| 2012/13        | 2         |
| 2013/14        | 2         |
| 2014/15        | 2         |
| 2015/16        | 2         |
| 2016/17        | 3         |
| 2017/18        | 5         |
| 2018/19        | 5         |
| 2019/20        | 2         |
| 2020/21        | 0         |
| 2021/22        | 3         |
| <b>TOTAL</b>   | <b>33</b> |

## 6. Wages paid to Graduates per financial year 2006-07 to 2021-22

| Financial Year | Total Wages |
|----------------|-------------|
| 2006/07        | \$167,930   |
| 2007/08        | \$117,403   |
| 2008/09        | \$148,007   |
| 2009/10        | \$187,030   |
| 2010/11        | \$189,068   |
| 2011/12        | \$168,120   |
| 2012/13        | \$277,129   |
| 2013/14        | \$331,224   |
| 2014/15        | \$257,040   |
| 2015/16        | \$309,300   |
| 2016/17        | \$342,347   |

| Financial Year | Total Wages        |
|----------------|--------------------|
| 2017/18        | \$275,824          |
| 2018/19        | \$385,400          |
| 2019/20        | \$622,436          |
| 2020/21        | \$388,398          |
| 2021/22        | \$431,504          |
| <b>TOTAL</b>   | <b>\$4,598,161</b> |

In addition, further trainees were hired by third party training providers and hosted by the City:

- 6 ArtsReady Trainees started in 2017/18
- 4 (3 ArtsReady, 1 AFL SportsReady) Trainees started in 2018-19
- 3 ArtsReady Trainees started in 2021/22.

## 7. Council Vehicles

By Councillor Scott

### Question

1. Broken down by year since 2006, and ownership type, what is the petrol bill for the outsourced, leased and council owned vehicles?
2. Broken down by year since 2006, what are the total accumulated emissions by outsourced, leased and council owned vehicles?

X086668

### Answer by the Chief Executive Officer

1. Fuel costs for City of Sydney (leased/owned) vehicles

| Financial Year        | City of Sydney<br>(leased/owned) |
|-----------------------|----------------------------------|
| 2005/06<br>(baseline) | \$1,276,033                      |
| 2006/07               | \$1,228,007                      |
| 2007/08               | \$1,287,938                      |
| 2008/09               | \$1,385,356                      |
| 2009/10               | \$1,147,630                      |
| 2010/11               | \$1,320,265                      |

| Financial Year | City of Sydney<br>(leased/owned) |
|----------------|----------------------------------|
| 2011/12        | \$1,325,476                      |
| 2012/13        | \$1,508,340                      |
| 2013/14        | \$1,448,735                      |
| 2014/15        | \$1,285,063                      |
| 2015/16        | \$1,071,613                      |
| 2016/17        | \$1,002,435                      |
| 2017/18        | \$853,148                        |
| 2018/19        | \$954,771                        |
| 2019/20        | \$773,230                        |
| 2020/21        | \$589,232                        |
| 2021/22        | \$703,338                        |

\*Note no data available for contractors (outsourced) fuel costs

## 2. Vehicle emissions (tCO<sub>2</sub>e)

| Financial Year        | City of Sydney<br>(leased/owned) | Contractors<br>(outsourced) | Total        |
|-----------------------|----------------------------------|-----------------------------|--------------|
| 2005/06<br>(baseline) | 2,669                            | 1,150                       | <b>3,819</b> |
| 2006/07               | 3,022                            | 1,315                       | <b>4,336</b> |
| 2007/08               | 2,954                            | 1,407                       | <b>4,361</b> |
| 2008/09               | 3,212                            | 1,548                       | <b>4,760</b> |
| 2009/10               | 3,225                            | 1,378                       | <b>4,603</b> |
| 2010/11               | 3,175                            | 1,253                       | <b>4,429</b> |
| 2011/12               | 2,710                            | 1,241                       | <b>3,952</b> |
| 2012/13               | 2,373                            | 995                         | <b>3,367</b> |
| 2013/14               | 2,417                            | 1,097                       | <b>3,514</b> |
| 2014/15               | 2,293                            | 1,261                       | <b>3,554</b> |
| 2015/16               | 2,244                            | 1,265                       | <b>3,509</b> |
| 2016/17               | 2,156                            | 1,256                       | <b>3,412</b> |
| 2017/18               | 2,245                            | 1,261                       | <b>3,506</b> |

| Financial Year | City of Sydney<br>(leased/owned) | Contractors<br>(outsourced) | Total        |
|----------------|----------------------------------|-----------------------------|--------------|
| 2018/19        | 2,081                            | 1,269                       | <b>3,350</b> |
| 2019/20        | 1,614                            | 1,819                       | <b>3,433</b> |
| 2020/21        | 1,591                            | 2,055                       | <b>3,646</b> |

\*Emissions figures verified each year as part of our carbon neutral program.

\*Note emissions data provided up to 2020/21, the most recent verified emissions year.

## 8. Proposal to Allow Two-Way Bike Traffic on Some One-Way Streets

By Councillor Weldon

### Question

1. What is the public consultation period for the proposal to allow two-way bike traffic on some one way streets?
2. Which groups have Council identified as being impacted by this proposal?
3. What are the processes by which these groups can provide their feedback on this proposal?
4. What was the process for deciding which residents, business organisations and others potentially impacted received a flyer notifying them of the proposal to allow two-way bike traffic on some one-way streets?
5. What dates were flyers delivered across the Local Government Area informing residents of the proposal to allow two-way bike traffic on some one-way streets?
6. How many flyers were delivered?
7. Was the URL link on the flyer to provide feedback via the Council website correct?
8. If the answer to 7 is no, is it proposed to reissue the flyer?
9. Has Council informed or consulted with the Minister for Roads and the Minister for Metropolitan Roads prior to developing the proposed changes to allow two-way bike traffic on some one-way streets?
10. Has Council informed or consulted with the Minister for Police or the Police Commissioner on the proposal to allow two-way bike traffic on one-way streets?
11. Have road safety investigations been conducted on each of the laneways and streets where it is proposed to allow two-way bike traffic on one-way streets.

12. If the answer to 11 is yes:
- (a) What are the names of safety experts/organisations who have conducted safety investigations on the laneways and streets where it is proposed to allow two-way bike traffic on one-way streets?
  - (b) When were these investigations conducted?
  - (c) What are the names of the streets/laneways in the Local Government Area which have had safety investigations conducted?
  - (d) Will the Chief Executive Officer provide the reports conducted by safety experts/organisations available to Councillors via the CEO Update?
  - (e) Will the Chief Executive Officer arrange for the public to be informed of the reports conducted by safety experts/organisations to assist their consideration of the impact of the proposed changes to allow two-way bike traffic on one way streets.

X086670

**Answer by the Chief Executive Officer**

1. From 24 August 2022 to 29 September 2022 (36 days).
2. Properties in surrounding streets were notified.  
  
Impacts are negligible as there are no changes to parking, motor vehicle access or trees, just some line marking and signage.
3. By email, a survey on Sydney Your Say, by post or by phone.
4. Properties in surrounding streets were sent a flyer.
5. Flyers were printed and lodged for posting on 30 August 2022. Delivery into mailboxes would have occurred from 2 September 2022.
6. 22,653.
7. Yes, the QR code and URL are correct (however the URL was broken for a short period).  
  
The QR code has had 187 scans and the website has had 1454 page views as of 13 September 2022.
8. Answer to part 7 is yes, so not applicable.
9. The City consulted with Transport for NSW.
10. NSW Police have a representative on the Local Pedestrian, Cycling and Traffic Calming Committee, to which the proposal will be referred after community consultation.

11. Each of the streets proposed has been reviewed from a safety perspective by four City staff plus Transport for NSW staff, over the period March 2020 to March 2022.

The names of the streets are listed on the City's website

<https://www.cityofsydney.nsw.gov.au/proposed-works-maintenance/proposal-two-way-bike-traffic-one-way-streets> and in the CEO Update circulated on 12 August 2022.

The proposal arose from the recommendation in the Transport for NSW Technical Direction 2014/002 that councils assess their existing one-way streets for suitability for contra-flow bicycle facilities. This Technical Direction was developed by Transport for NSW after they commissioned a study into the safety of contra-flow facilities on one-way streets.

The Austroads Guide to Traffic Management Part 8 (7.5.3) suggests one-way streets can increase opportunities for dedicated facilities for bicycle riders and may improve bicycle safety. It recommends the use of contra-flow bicycle lanes, which permit two-way bicycle movements on roads that are one-way for other vehicles.

12. Answer provided in part 11.

## **9. Temporary Cycleways in City of Sydney – Legal Advice**

By Councillor Weldon

### **Question**

I refer to my question on 22 August 2022 “Temporary Cycleways in City of Sydney” and to the response by the Chief Executive Officer.

“Transport for NSW and the City of Sydney delivered seven pop up cycleways in the City of Sydney under the Environmental Planning and Assessment (COVID-19 Development- Temporary Cycleways) Order 2020. The original Order required that pop-up cycleways be removed within two months of the expiry of the prescribed period unless they are approved through the usual planning processes under Part 5 of the Environmental Planning and Assessment Act 1979. On 25 March 2021, the NSW Government extended the prescribed period for temporary planning measures until 31 March 2022”

1. What provision of the Order allowed pop up cycleways to remain if they were approved under Part 5 of the Environmental Planning and Assessment Act 1979?
2. In providing the answer to my Question on Notice did the Chief Executive Officer have the benefit of legal advice?
3. If so, who provided this legal advice?
4. If the Chief Executive Officer did not have the benefit of legal advice will the Chief Executive Officer obtain legal advice?



5. If the legal advice is that her previous answer was incorrect, will she correct her previous answer?

X086670

**Answer by the Chief Executive Officer**

A confidential CEO Update was provided to Councillors on 16 September 2022 in response to this Question on Notice as it involved the provision of legal advice.

**10. QMS Advertising**

By Councillor Scott

**Question**

1. What are the dimensions of the new QMS advertising signs in comparison to the old ones? (width, height and depth)
2. What has been the revenue garnered by the signs by each respective year since 2015?
3. Has the City applied Environmental, Social, and Governance (ESG) considerations to the signs? Will the advertisement of smoking, coal mining or gambling be permitted?

X086668

**Answer by the Chief Executive Officer**

1. Communications Pylons:
  - JCDecaux - 2770 height x 1400 width x 260mm depth
  - QMS – 2800 height x 1420 width x 254mm depth

Bus Shelter Advertising Panels:

- JCDecaux – 1915 height x 1320 width x 195mm depth
- QMS - 2400 height x 1423 width x 254mm depth

2.

| Year    | Revenue |
|---------|---------|
| 2014/15 | \$4.9M  |
| 2015/16 | \$5.2M  |
| 2016/17 | \$6.0M  |
| 2017/18 | \$9.5M  |
| 2018/19 | \$10.4M |
| 2019/20 | \$6.0M  |
| 2020/21 | \$5.2M  |

| Year    | Revenue |
|---------|---------|
| 2021/22 | \$2.5M  |

3. QMS is powering the advertising signs with 100 per cent green electricity.

Advertising standards are dealt with in clause 70.3 of the QMS contract:

QMS must ensure that all its advertising:

- Complies with all law
- Complies with industry codes, standards and other regulatory requirements applicable to the advertising industry or the products or services being advertised. This includes telecommunications products and services, motor vehicles or therapeutic goods; and
- Does not contain material that is prohibited, which is listed to be content that:
  - Infringes intellectual property rights or moral rights
  - Resembles or is capable of confusion with directional or informational signs
  - Adversely comments on, mocks or denigrates the City or its activities
  - Poses a risk to public safety
  - Is inconsistent with law enforcement operations, safety and security signage or public safety or security arrangements applicable to a location
  - Breaches any other reasonable requirement notified by the City to QMS.

The City has notified QMS that it will not permit wagering or gambling advertising (other than lotto advertising). Advertising related to alcohol and tobacco is dealt with through industry codes and regulatory requirements.

The City has the right to direct QMS to remove any advertising that breaches the above, and QMS must remove it within 24 hours of the City directing QMS.

City staff are working through the request arising from the Notice of Motion on Fossil Fuel Advertising in the City, endorsed by Council on 22 August 2022.

In addition, QMS has advised that:

- They have not had to date any fossil fuel advertisements on their Out of Home sites; and
- If they were to receive an application for fossil fuel advertisements in the future, QMS would contact the City before any consideration of commissioning.

## 11. Use of Glyphosate within the City of Sydney

By Councillor Scott

### Question

1. Where do we use products containing glyphosate and for what purpose?
2. How much money do we spend a year on those products containing glyphosate?
3. Has the City investigated the possibilities of using alternative products?

X086668

### Answer by the Chief Executive Officer

1. The City has an integrated weed management program which uses a range of products and techniques including hand pulling. Herbicides containing glyphosate are used only in specific instances where alternative techniques or products are unsuitable.

Glyphosate is used for:

- biosecurity management in bush restoration areas, through cut and paint method.
- managing weeds smaller than 50mm x 50mm in hardstand and selective garden beds across parks and the public domain, through targeted spot spray and/or wick applicators.

Herbicides containing glyphosate are not used for weed management in and around playgrounds, early childhood education centres, turf and sports fields, community gardens, water ways, water sensitive urban design features, City Hotspot Register sites and EPA designated "Sensitive Sites".

2. The City spent approximately \$1,200 on herbicides containing glyphosate in 2021/22.
3. The City has been conducting a review of weed management over the last three years, investigating available products and technologies with the objective of replacing glyphosate.

The review encompassed international research and has involved consultation with councils, universities, industry groups, and the NSW and Australian Governments. There is currently no available form of weed control of lower toxicity that meets the City's service levels, operational needs, legislative requirements, and community expectations. The review will continue to investigate the market annually until glyphosate can be replaced safely and effectively.

The City is aware of the risks of using herbicides and is committed to ensuring that herbicide use is safe, responsible, justified, and minimised. This is reflected in the City's active reduction of glyphosate use by 93 per cent since 2016.