

Council

Meeting No 11

Monday 26 October 2020

Notice No 11/1622

Notice Date 22 October 2020

minutes

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Present

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

Members Deputy Lord Mayor - Councillor Jess Scully, Councillor Craig Chung, Councillor Christine Forster, Councillor Robert Kok, Councillor Jess Miller, Councillor Professor Kerryn Phelps AM, Councillor Linda Scott, Councillor Professor Philip Thalys and Councillor Angela Vithoukias.

At the commencement of business at 5.04pm, those present were:-

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

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director City Projects and Property, Director City Services, Director City Planning, Development and Transport, Director Legal and Governance and Director City Life were also present.

Remote Meeting

The Chair (the Lord Mayor) advised that the meeting of Council was being held via audio visual links, with Councillors (and relevant staff) attending the meeting remotely. This is in accordance with section 747A of the Local Government Act 1993.

Opening Prayer and Acknowledgement of Country

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

Webcasting Statement

The Chair (the Lord Mayor), advised that in accordance with the City of Sydney Code of Meeting Practice, Council meetings are recorded and webcast live on the City of Sydney website. The Chair (the Lord Mayor) asked that courtesy and respect be observed throughout the meeting and advised those in attendance to refrain from making defamatory statements.

Due to unforeseen circumstances, the Council meeting is able only to be audio recorded and webcast while the Council is unable to meet in person.

Oder of Business

Council agreed that the order of business be altered such that Item 16.13 be brought forward and dealt with prior to Item 5, due to the urgent nature of the item.

Councillor Christine Forster left the meeting of Council at 7.00pm, prior to discussion on Item 6.5, and returned at 7.01pm, after the vote on Item 6.5. Councillor Forster was not present at the meeting of Council, which was held remotely, during discussion or voting on Item 6.5.

Item 1 Confirmation of Minutes

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

That the Minutes of the meeting of Council of Monday, 21 September 2020, as circulated to Councillors, be confirmed subject to the following amendment at Item 7.2 – Project Scope – George Street South Pedestrianisation:

**Note – Councillor Forster did not indicate a vote and is taken to have abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillor Forster is taken to have voted against the motion.*

Carried unanimously.

Item 2 Disclosures of Interest

Councillor Christine Forster disclosed a significant, non-pecuniary interest in Item 6.5 on the agenda, as she is employed as the Senior Media Advisor in the Corporate Affairs department of Woodside Energy, the largest Australian natural gas production company. Councillor Forster stated that she would leave the meeting and would not be voting on this item.

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

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

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

Item 3 Minutes by the Lord Mayor**Item 3.1 Moore Park Golf Course Proposal****Minute by the Lord Mayor**

To Council:

Moore Park is public land that is part of the original Governor Macquarie 1811 Sydney Common bequest for the benefit of the people of Sydney.

Moore Park Golf Course could be reconfigured to provide a publicly accessible park as well as a 9-hole Golf Course for the increasing inner-city community.

The need for increased publicly accessible parkland in Moore Park is a result of the change in land use over the last century.

The area adjacent to Moore Park was primarily industrial when the Moore Park Golf Course was established in 1913, but the area of Redfern, Waterloo and Green Square is undergoing a process of urban renewal and is becoming the densest residential area in Australia - with an expected residential population of up to 70,000 people and 22,000 workers by 2031.

As well, the NSW Government's Land and Housing Corporation is undertaking a program of redevelopment of its property in Redfern and Waterloo. The proposed Waterloo Estate alone will see an additional 15 to 20,000 people. By 2040 up to 90,000 additional people could be living within a catchment less than 2km from Moore Park.

Projects such as the Eastern Distributor, the light rail and the Tibby Cotter Bridge have also eroded Moore Park, as has event parking, which has taken over more than five hectares of parkland.

City planners are working with Green Square developers to create forty urban parks and playgrounds as part of urban renewal. However, small parks do not provide the opportunity to stride out, de-stress and recharge or renew and commune with nature for people living in high density apartments. They need this opportunity for their mental and physical wellbeing.

Today, 31 million people visit Centennial Parklands while just 60,000 rounds of golf are played on the Moore Park Golf Course each year.

Ausplay sport and recreation participation data reveals that walking is consistently popular across a broad spectrum of park user groups, which highlights the importance of large parks for recreation. The data also shows a declining participation in golf.

The City's Open Space, Sport and Recreational Needs Study 2016 recommended the Centennial Parklands Trust review the layout of the golf course to improve community access. It suggested reducing the course from 18-holes to 9 or 12-holes, to make available an area of parkland to provide for a range of uses rather than for the exclusive use of one sport.

Golf is well catered for in the Sydney metropolitan area. Within a 10km radius of Moore Park there are twelve 18-hole golf courses of which six are accessible to the general public.

The pandemic has also highlighted how valuable parkland is for people to gain respite, exercise and connect with nature.

Moore Park Golf Course should no longer be fenced off for the benefit of just one group.

The City's progress on a proposal

In May 2020, Council resolved to support my Minute about creating more space for people in a post Covid-19 city.

As part of that work, we asked the Chief Executive Officer to develop a proposal to create public parkland through reconfiguring part of Moore Park Golf Course from an 18-hole course to a 9-hole course, for a submission to the Minister for Planning and Public Spaces.

The City developed two potential options involving reconfiguration of the existing golf course from an 18-hole to a 9-hole facility. Both options retain the popular driving range facility, club house, and maintenance depot and require only minimal reconfiguration of the fairway and greens.

Option One proposes public parkland along the western side of the park, north of Dacey Avenue. Option Two proposes public parkland south of Dacey Avenue. Both these options would create a public parkland area of between 18 to 20 hectares.

On 14 September 2020, I briefed the Minister for Planning and Public Spaces on the City's options. The Minister has asked the Greater Sydney Parklands Trust to consider the proposal.

It is now time for Council to undertake community consultation on these options.

Recommendation

It is resolved that:

(A) Council note that:

- (i) in May 2020, in response to a Lord Mayoral Minute about creating more space for people in a post-Covid-19 city, Council resolved to request the Chief Executive Officer to develop a proposal to convert part of Moore Park Golf Course into a public park by reducing the golf course from an 18-hole course to a 9-hole course for a submission to the Minister for Planning and Public Spaces;
- (ii) the City has developed two potential options for reconfiguring the existing golf course from an 18-hole to a 9-hole facility;
- (iii) the proposal is supported by compelling reasons for a reconfiguration of the Moore Park Golf Course because:
 - (a) a changing land use context – the residential area of Redfern, Waterloo and Green Square adjacent to Moore Park has evolved from a predominantly industrial area in the 1900s to an area with an expected population of up to 70,000/90,000 people by 2031;
 - (b) increasing residential population - By 2040, there will be up to 90,000 additional people living in Green Square, Redfern and Waterloo within 2km of Moore Park;
 - (c) existing golf course provision – within a 10km radius of Moore Park there are twelve existing 18-hole golf courses of which six are accessible to the public;
 - (d) consistency with State Government Directions - the appointment of a Minister for Public Spaces exemplifies the Government's recognition and importance of parks and open space;

- (e) City Strategic Directions - the City's Open Space, Sport and Recreational Needs Study 2016 suggests the course is reduced from 18 holes to 9 or 12 holes to free up a larger area of green open space to provide for a range of uses, rather than for the exclusive use of one sport; and
- (f) recreation trends - Ausplay sport and recreation participation data reveals a national decline in golf club membership and participation compared to walking which is consistently popular among park users;
- (iv) Moore Park is public land that is part of the original Governor Macquarie 1811 Sydney Common bequest for the benefit of the people of Sydney. The NSW Government has stewardship over this gift; and
- (v) the Minister for Planning and Public Spaces has requested the Greater Sydney Parklands Trust consider the proposal;
- (B) the Chief Executive Officer be requested to develop and implement a community consultation plan for the options identified in Attachment A to the subject Minute; and
- (C) Council approve up to \$50,000 to undertake community consultation on the two options to be funded from 2020/21 General Contingency.

COUNCILLOR CLOVER MOORE

Lord Mayor

Attachments

Attachment A. Moore Park Golf Course Options

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

That the Minute be endorsed and adopted.

Amendment. Moved by Councillor Phelps, seconded by Councillor Chung –

It is resolved that:

- (A) Council note:
 - (i) in 2017, the NSW Government undertook extensive community consultation on the Moore Park Masterplan. The future of the Moore Park Golf Course was included as part of this consultation;
 - (ii) this consultation resulted in the decision to retain the 18-hole golf course instead of reducing it to 9 holes; and
 - (iii) Greater Sydney Parklands and the NSW Government have jurisdiction over the Moore Park Golf Course; and
- (B) the Chief Executive Officer be requested to refer the issue of the Moore Park Golf Course to the NSW Government if further consultation on the future of the Moore Park Golf Course is required.

The amendment was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Phelps and Vithoulikas

Noes (6) The Chair (the Lord Mayor), Councillors Kok, Miller, Scott, Scully and Thalís.

The Minute was carried on the following show of hands –

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

Noes (2) Councillors Chung and Forster.

Minute carried.

S051491

Points of Order

During discussion of this item, Councillor Chung raised a point of order, referring to Clause 7.6 of the Code of Meeting Practice. Councillor Chung stated that the Moore Park Golf Course does not fall under the jurisdiction of Council and that Council does not have official knowledge of the matter.

The Chair (the Lord Mayor) did not uphold the point of order.

Councillor Scully later raised a point of order, stating that Councillor Chung had impugned the motives of Councillors.

The Chair (the Lord Mayor) upheld the point of order.

Councillor Scully again raised a point of order, stating that Councillor Chung had impugned the motives of Councillors.

The Chair (the Lord Mayor) upheld the point of order.

At a later stage of the discussion, Councillor Phelps raised a point of order, stating that Councillor Thalís had impugned the motives of Councillors.

The Chair (the Lord Mayor) upheld the point of order. Councillor Thalís then clarified his comments and the Chair (the Lord Mayor) noted that she accepted the clarification.

Adjournment

At this stage of the meeting, at 6.26pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting be adjourned for approximately 15 minutes.

Carried unanimously.

All Councillors were present at the resumption of the meeting at 6.43pm.

Item 4 Memoranda by the Chief Executive Officer

Item 4.1 Proposed Schedule of Meetings and Briefings for 2021

Memorandum by the Chief Executive Officer

To Council:

This memorandum requests that Council approve the draft schedule of meetings and briefings for 2021.

The draft Schedule of Meetings and Briefings for 2021 (Attachment A) has been prepared on the basis of a three-week meeting cycle (Councillor Briefings, Committees and Council), consistent with the meeting arrangements adopted by Council in previous years. The draft schedule proposes nine meeting cycles for 2021.

Section 365 of the Local Government Act 1993 states that "the council is required to meet at least 10 times each year, each time in a different month", with "year" meaning the period from 1 July to the following 30 June (the financial year).

To ensure compliance with the provisions of section 365, the draft Schedule of Meetings and Briefings for the calendar year 2020 provides for:

- (a) four meetings in the first half of 2021 (making a total of 10 meetings for the 2020/21 financial year, inclusive of the six meetings of Council which will have been held in the second half of 2020); and
- (b) five meetings of Council held in the second half of 2021 (making a total of 10 meetings for the 2021/22 financial year, on the basis that a further five meetings of Council will be scheduled for the first half of 2022).

It is noted that:

- (a) in drafting the schedule, the Local Government Elections scheduled for 4 September 2021 have been taken into account (with an extraordinary meeting of Council to take place following the Elections);
- (c) the 2021 Annual Conference of Local Government NSW will be held from 16 to 18 November 2021;
- (d) briefings will be on the Tuesday in June and October 2021 due to public holidays falling on the relevant Monday; and
- (e) if considered necessary, additional "tentative" briefings dates, intended to accommodate such matters as external presentations, workshops and other non-meeting agenda items, will be separately distributed to Councillors, following approval of the draft schedule.

It would be appropriate for Council to now determine a program of meetings for next year to enable all interested parties to plan their commitments.

Recommendation

It is resolved that Council adopt the draft schedule of meetings and briefings for 2021, as shown at Attachment A to the subject memorandum.

MONICA BARONE

Chief Executive Officer

Attachments

Attachment A Draft Schedule of Meetings and Briefings for 2021

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

It is resolved that Council adopt the draft schedule of meetings and briefings for 2021, as shown at Attachment A to the subject memorandum.

Carried unanimously.

S063444

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2021	
DATE	MEETING
SCHOOL HOLIDAYS – Monday 23 December 2020 to Tuesday 26 January 2021, inclusive	
MONDAY 1 FEBRUARY	• RECESS
MONDAY 8 FEBRUARY	• BRIEFINGS
MONDAY 15 FEBRUARY	• COMMITTEES
MONDAY 22 FEBRUARY	• COUNCIL
MONDAY 1 MARCH	• RECESS
MONDAY 8 MARCH	• RECESS
MONDAY 15 MARCH	• BRIEFINGS
MONDAY 22 MARCH	• COMMITTEES
MONDAY 29 MARCH	• COUNCIL
SCHOOL HOLIDAYS – Friday 2 April to Friday 16 April 2021, inclusive	
FRIDAY 2 APRIL	• (Good Friday Public Holiday)
MONDAY 5 APRIL	• RECESS (Easter Monday Public Holiday)
MONDAY 12 APRIL	• RECESS
MONDAY 19 APRIL	• RECESS
MONDAY 26 APRIL	• RECESS
MONDAY 3 MAY	• BRIEFINGS
MONDAY 10 MAY	• COMMITTEES
MONDAY 17 MAY	• COUNCIL
MONDAY 24 MAY	• RECESS
MONDAY 31 MAY	• RECESS

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2021	
DATE	MEETING
MONDAY 7 JUNE	<ul style="list-style-type: none"> • RECESS
MONDAY 14 JUNE	<ul style="list-style-type: none"> • Queen's Birthday Public Holiday
TUESDAY 15 JUNE	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 21 JUNE	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 28 JUNE	<ul style="list-style-type: none"> • COUNCIL
SCHOOL HOLIDAYS - Monday 28 June to Friday 9 July 2021, inclusive	
MONDAY 5 JULY	<ul style="list-style-type: none"> • RECESS
MONDAY 12 JULY	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 19 JULY	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 26 JULY	<ul style="list-style-type: none"> • COUNCIL
MONDAY 2 AUGUST	<ul style="list-style-type: none"> • BRIEFINGS
MONDAY 9 AUGUST	<ul style="list-style-type: none"> • Start of Caretaker Period (commences 4 weeks prior to the date of an ordinary election - Reg 393B)
MONDAY 9 AUGUST	<ul style="list-style-type: none"> • COMMITTEES
MONDAY 16 AUGUST	<ul style="list-style-type: none"> • COUNCIL
MONDAY 23 AUGUST	<ul style="list-style-type: none"> • RECESS
MONDAY 30 AUGUST	<ul style="list-style-type: none"> • RECESS
SATURDAY 4 SEPTEMBER	<ul style="list-style-type: none"> • LOCAL GOVERNMENT ELECTIONS
MONDAY 6 SEPTEMBER	<ul style="list-style-type: none"> • RECESS
MONDAY 13 SEPTEMBER	<ul style="list-style-type: none"> • RECESS
MONDAY 20 SEPTEMBER	<ul style="list-style-type: none"> • RECESS
MONDAY 20 SEPTEMBER – FRIDAY 30 SEPTEMBER	<ul style="list-style-type: none"> • TENTATIVE EXTRAORDINARY COUNCIL (Post Election) / Councillor Induction

SCHEDULE OF MEETINGS AND BRIEFINGS FOR 2021	
DATE	MEETING
MONDAY 27 SEPTEMBER	• RECESS
SCHOOL HOLIDAYS - Monday 20 September to Monday 4 October 2021, inclusive	
MONDAY 4 OCTOBER	• Labour Day Public Holiday
TUESDAY 5 OCTOBER	• BRIEFINGS
MONDAY 11 OCTOBER	• COMMITTEES
MONDAY 18 OCTOBER	• COUNCIL
MONDAY 25 OCTOBER	• RECESS
MONDAY 1 NOVEMBER	• BRIEFINGS
MONDAY 8 NOVEMBER	• COMMITTEES
MONDAY 15 NOVEMBER	• COUNCIL
TUESDAY 16 NOVEMBER	• LGNSW CONFERENCE
WEDNESDAY 17 NOVEMBER	• LGNSW CONFERENCE
THURSDAY 18 NOVEMBER	• LGNSW CONFERENCE
MONDAY 22 NOVEMBER	• RECESS
MONDAY 29 NOVEMBER	• BRIEFINGS
MONDAY 6 DECEMBER	• COMMITTEES
MONDAY 13 DECEMBER	• COUNCIL
MONDAY 20 DECEMBER	• RECESS
SCHOOL HOLIDAYS – Monday 20 December 2021 to Wednesday 27 January 2022, inclusive	

The recess continues until the first Committee meetings of 2022.

Procedural Motion

At this stage of the meeting, it was moved by Councillor Scott, seconded by Councillor Chung –

That the Order of Business be altered such that Item 13.16 be brought forward and dealt with before Item 5, due to the urgent nature of the item.

Carried unanimously.

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

It is resolved that Council note that Disclosures of Interest returns will be received following the resumption of in-person meetings.

Carried unanimously.

5.2 Petitions

(a) Save Our Suburb

The following Petition (containing 93 signatures) was tabled by the Chair (the Lord Mayor).

In recent months you may have noticed our suburb changing through the rise of two storey houses that do not follow the intent of the one hundred-year-old covenant protecting the character of the Rosebery estate for maintaining low density, single storey dwelling with setbacks, front gardens and no overshadowing.

Sign the Petition to get the Sydney City Council to do their job and protect our wonderful suburb.

Dear Lord Mayor, we the undersigned residents of the Rosebery Estate require you to undertake the role of enforcement of approvals in developments in the Rosebery Estate to protect its single storey streetscape character which has been created by the legally binding Covenant.

(b) Let's fight to keep our suburbs from being over-developed because of lax regulatory laws

The following Petition (containing 265 signatures) was tabled by the Chair (the Lord Mayor).

Please help us save Rosebery from further urban degradation caused by regulatory laziness. The NSW State government has developed a plan for dual dwellings on current residential blocks of land.

This regulation overrides local councils and requires no DA. Added to this, regulators and developers act with impunity to the special Covenant (which mandates only single storey houses) that Rosebery has in place, which was developed by Stanton the original developer in 1912.

Rosebery has had extensive development over the last ten years. These developments have added to the human load of Rosebery with very little infrastructure (apart from one bike path that is being put in place).

This is a special suburb with a very unique allotment pattern and many houses that showcase the classic California Bungalow. Please help us save Roseberry. If we don't get together on this, then the regulatory authorities will undoubtedly continue to act with impunity, not just in Rosebery, but everywhere.

Regardless of whether you reside in Rosebery or not, we need the collective voice of all of us who are experiencing any sort of degradation of their suburbs by lax property development laws, and to stand up in solidarity against the laziness and potential greed of developers.

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

It is resolved that the Petitions be received and noted.

Carried unanimously.

S044250

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

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Deputy Lord Mayor Councillor Jess Scully

(Deputy Chair)

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

At the commencement of business at 2.04pm those present were -

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

Councillor Forster left the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.22pm, prior to discussion on Item 6.5, and returned at 3.26pm, after the vote on Item 6.5. Councillor Forster was not present at the meeting of the Corporate, Finance, Properties and Tenders Committee, which was held remotely, during discussion or voting on Item 6.5.

Adjournment

At 3.31pm, it was moved by the Chair (the Lord Mayor) seconded by Councillor Scully –

That the meeting of the Corporate, Finance, Properties and Tenders Committee be adjourned for approximately 15 minutes.

Carried unanimously.

At the resumption of the meeting of the Corporate, Finance, Properties and Tenders Committee at 3.48pm, all Councillors were present.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 19 October 2020 be received, with Item 6.1 being noted, the recommendations set out below for Items 6.2, 6.3, 6.4, 6.6, 6.9, and 6.11 being adopted in globo, and Items 6.5, 6.7, 6.8, and 6.10 being dealt with as shown immediately following those items.

Carried unanimously.

Item 6.1

Disclosures of Interest

Councillor Christine Forster disclosed a significant, non-pecuniary interest in Item 6.5 on the agenda, as she is employed as the Senior Media Advisor in the Corporate Affairs department of Woodside Energy, the largest Australian natural gas production company. Councillor Forster stated that she would not be voting on that item.

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

The Corporate, Finance, Properties and Tenders Committee recommended the following:

Item 6.2

Presentation of the 2019/20 Financial Statements and Audit Reports to Council

It is resolved that Council:

- (A) receive the Financial Statements for City of Sydney for the year ended 30 June 2020, as shown at Attachment A to the subject report;
- (B) authorise the Lord Mayor, Councillor Jess Scully (member – Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the General Purpose Financial Statements;
- (C) authorise the Lord Mayor, Councillor Jess Scully (member – Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the Special Purpose Financial Statements;
- (D) receive the auditor's reports on the 2019/20 Annual Financial Statements; and
- (E) authorise that notice be given, through Sydney Your Say, of public presentation of the audited 2019/20 Financial Statements for the City of Sydney at the Council meeting on 16 November 2020.

Carried unanimously.

X025180

Speakers

Ms Margaret Crawford (Auditor General) and Ms Caroline Karakatsanis (Audit Office of NSW), addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.2.

Item 6.3

Audit Risk and Compliance Committee Annual Report to Council 2019/20

It is resolved that Council note the Audit Risk and Compliance Committee's 2019/20 Annual Report, as shown as Attachment A to the subject report.

Carried unanimously.

S083523

Speaker

Ms Elizabeth Crouch (Chair of the Audit Risk and Compliance Committee) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

Item 6.4

Investments Held as at 30 September 2020

It is resolved that the Investment Report as at 30 September 2020 be received and noted.

Carried unanimously.

X020701

Item 6.5

Review of the Investment Policy and Strategy for the Management of Councils Surplus Funds

Moved by Councillor Scully, seconded by Councillor Thalís -

It is resolved that Council adopt the revised Investment Policy and Investment Strategy for the management and investment of Council's surplus funds, as shown in Attachments A and B to the subject report.

Carried unanimously.

X020701

Item 6.6**Proposed Land Classification - 506-518 Gardeners Road, Alexandria**

It is resolved that Council:

- (A) endorse public notification of the proposed resolution: "It is resolved to classify proposed Lot 2 in Deposited Plan 1231238 being land proposed to be transferred to Council for future public purposes as road at 506-528 Gardeners Road Alexandria, as operational land in accordance with section 31 of the Local Government Act 1993"; and
- (B) note that a further report to Council, to inform of the outcomes of public notification and recommendation of land classification, will follow the notification period.

Carried unanimously.

X038472

Item 6.7**Exemption from Tender - George Street South Pedestrianisation**

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

It is resolved that:

- (A) Council approve an exemption from tender for the detailed design and construction of the 'George Street South Pedestrianisation' project, noting that because of extenuating circumstances, a satisfactory result would not be achieved by inviting new tenders;
- (B) Council note that a satisfactory result would not be achieved by inviting new tenders for the subject project because:
 - (i) the works involved for the 'George Street South Pedestrianisation' project are the same types of streetscape works envisaged under existing schedule of rates Contract 1840-A;
 - (ii) there is insufficient time to undertake a new tender without impacting on the time sensitive response to the Covid-19 pandemic through the provision of more space for pedestrians;
 - (iii) value for money is achieved by using the existing schedule of rates contract, as per the assessment and evaluation report in Confidential Attachment C to the subject report. To the extent that existing rates cannot be used, an independent quantity surveyor has confirmed that the rates quoted by the existing contractor represent market rates and provide value for money for Council;
 - (iv) going to tender would not deliver a better outcome as the market has already been tested for the same types of streetscape works through a previous tender and a schedule of rates contract exists; and
 - (v) the existing schedule of rates contract will assist the City to better manage costs and other contract risks;

- (C) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any documentation required to give effect to this exemption from tender in order to deliver the 'George Street South Pedestrianisation' project; and
- (D) Council approve the contingency and additional project budget as outlined in Confidential Attachment A to the subject report.

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

Ayes (5) The Chair (the Lord Mayor), Councillors Kok, Miller, Scully, and Thalís

Noes (5) Councillors Chung, Forster, Phelps, Scott, and Vithoukás.

The Chair (the Lord Mayor) exercised her casting vote in favour of the motion.

The motion was declared carried.

2020/433827

Extension of Time

During discussion on this matter, pursuant to the provisions of clause 8.35 of the Code of Meeting Practice, it was –

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

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

Carried unanimously.

Item 6.8

Exemption from Tender and Contract Variation - Head Design Consultant – Perry Park Stage 2

Moved by Councillor Scully, seconded by Councillor Thalís -

It is resolved that:

- (A) Council approve an exemption from tender for Perry Park Stage 2 for additional contract contingency to allow for extended construction and post construction stage services;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because the consultant is already engaged, and work is well underway; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer/vary the contracts relating to Perry Park Stage 2.

Carried unanimously.

X021328

Item 6.9**Exemption from Tender and Contract Variation - Construction Services - Joynton Avenue and Zetland Avenue**

It is resolved that:

- (A) Council approve an exemption from tender for the provision of construction services and approve the increase of contract contingency for the Joynton Avenue and Zetland Avenue, Zetland project due to extenuating circumstances;
- (B) Council note the reasons a satisfactory outcome would not be achieved by inviting tenders are:
 - (i) a contractor for the construction works has already been appointed in accordance with the City's procurement processes; and
 - (ii) the additional cost required to establish another contractor on site is not considered value for money;
- (C) Council approve a transfer of surplus funds from the Zetland East budget to cover a shortfall in the Joynton Avenue budget, noting these two projects have been combined into a single construction contract; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer any documentation required for the purpose of effecting the increase to the contract contingency referred to in (A) above.

Carried unanimously.

X009530

Item 6.10

Contract Variation - Major Properties Efficiency Improvements (MPEP) - Energy Efficient Lighting Upgrades

Note - The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 26 October 2020.

At the meeting of Council, the Officer's Recommendation was moved by Councillor Scully, seconded by Councillor Miller -

It is resolved that:

- (A) Council note that Stage 1 energy efficient lighting upgrades, including stimulus works, at five Major Properties Efficiency Project sites have been completed satisfactorily by Kerfoot Pty Ltd;
- (B) Council endorse the award of the tender for Energy Efficient Lighting Upgrades to Kerfoot Pty Limited;
- (C) Council approve a variation to the contract with Kerfoot Pty Ltd to deliver the remaining energy efficient lighting upgrades to achieve the environmental targets under the Schedule of Rates contract up to the approved budget for each year, as detailed at Confidential Attachment A to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer/vary the contracts relating to Major Properties Efficiency Project - Energy Efficient Lighting Upgrades.

Carried unanimously.

X026529.010

Item 6.11

Cancellation of Tender - Event Infrastructure, Structures and Equipment for 2020/21 Major Events and Festivals - Part 7

It is resolved that:

- (A) Council decline to accept the tender offers for Event Infrastructure, Structures and Equipment for 2020/21 Major Events and Festivals – Part 7 – Site Vehicles;
- (B) Council cancel the tender for Event Infrastructure, Structures and Equipment for 2020/21 Major Events and Festivals – Part 7 – Site Vehicles; and
- (C) Council note that additional market research will be conducted to identify suitable suppliers, followed by a new procurement process with a revised scope of work.

Carried unanimously.

X031267.004

Item 7 Report of the Environment Committee

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Jess Miller
(Deputy Chair)

Deputy Lord Mayor Councillor Jess Scully, Councillors Craig Chung, Christine Forster, Robert Kok, Prof Kerryn Phelps AM, Linda Scott, Prof Philip Thalys and Angela Vithoulkas.

At the commencement of business at 4:31pm those present were -

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

The meeting of the Environment Committee concluded at 4:53pm.

Report of the Environment Committee

Moved by Councillor Miller, seconded by Councillor Scully –

That the report of the Environment Committee of its meeting of 19 October 2020 be received, with Item 7.1 being noted, the recommendations set out below for Items 7.2 and 7.3 inclusive being adopted in globo, and Items 7.4 and 7.5 being dealt with as shown immediately following those items.

Carried unanimously.

Item 7.1**Disclosures of Interest**

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

The Environment Committee recommended the following:

Item 7.2

Project Scope - Woolloomooloo Playground Upgrade

It is resolved that Council:

- (A) endorse the scope of work for improvements to Woolloomooloo Playground as described in the subject report and shown in the concept design as Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (B) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X025400

Item 7.3

Project Scope - Minogue Crescent Reserve Upgrade, Forest Lodge

It is resolved that:

- (A) Council endorse the scope of work improvements to the park and playground at Minogue Crescent Reserve, Forest Lodge, as described in the subject report and shown in the Revised Concept Plan as Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, noting tender and construction pending favourable resolution of a signed agreement with the Land and Housing Corporation;
- (B) authority be delegated to the Chief Executive Officer to liaise with the Land and Housing Corporation and Sydney Water to reach agreement on the use of land before any works commence; and
- (C) Council note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X025396

Item 7.4**Project Scope - Park on Lyons Road, Camperdown (Western Block) Upgrade**

Moved by Councillor Miller, seconded by Councillor Thalís –

It is resolved that Council:

- (A) endorse the scope of work improvements to the Park on Lyons Road, Camperdown, as described in the subject report and shown in the Revised Concept Plan as Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (B) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X025409

Item 7.5**Project Scope - Tote Park Playground Upgrade, Zetland**

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

It is resolved that Council:

- (A) endorse the scope of work improvements to the playground at Tote Park, Zetland, as described in the subject report and shown in the Revised Concept Plan at Attachment B to the subject report, for progression to relevant approvals, preparation of construction documentation, tender and construction; and
- (B) note the estimated project forecast as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X025418

Item 8 Report of the Cultural and Community Committee

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Councillor Linda Scott
(Deputy Chair)

Deputy Lord Mayor Councillor Jess Scully, Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerryn Phelps AM, Prof Philip Thalys and Angela Vithoukias.

At the commencement of business at 4:54pm those present were -

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

Sub-Committee

The Healthy Communities Sub-Committee, with Councillor Scott as Deputy Chair, commenced at 4:55pm.

The meeting of the Cultural and Community Committee and its Sub-Committee concluded at 5:08pm.

Report of the Healthy Communities Sub-Committee

Moved by Councillor Scott, seconded by Councillor Thalys -

That the report of the Healthy Communities Sub-Committee of its meeting of 19 October 2020 be received, with Item 8.1 being noted and Items 8.2 and 8.3 being dealt with as shown immediately following those Items.

Carried unanimously.

Item 8.1

Disclosures of Interest

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

The Healthy Communities Sub-Committee recommended the following:

Item 8.2

Grants and Sponsorship - Accommodation Grants Program - Beaconsfield Community Centre

Moved by Councillor Scott, seconded by Councillor Thalís –

It is resolved that:

- (A) Council approve an Accommodation Grant for Bicycle Garden Incorporated pertaining to Beaconsfield Community Centre, 169 Victoria Street, Beaconsfield for five years on the following rental subsidy:

	Market Rental Value	Grant Subsidy	Grant Amount	Rent to be paid	Conditions
Year 1	\$26,500	100%	\$26,500	\$0	DA approval for operating day, times and activity
Year 2	\$27,295	100%	\$27,295	\$0	
Year 3	\$28,114	85%	\$23,897	\$4,217	
Year 4	\$28,957	85%	\$24,614	\$4,344	
Year 5	\$29,826	85%	\$25,352	\$4,474	

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the lease to Bicycle Garden Incorporated on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Carried unanimously.

S117676

Item 8.3

Public Exhibition - Markets Policy

Moved by Councillor Scott, seconded by Councillor Kok –

It is resolved that Council endorse the public exhibition of the draft Markets Policy as shown at Attachment A to the subject report for a period of 28 days.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chung, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás.

Noes (1) Councillor Forster.

Motion carried.

S121629.056

Speaker

Ms Louise Ward addressed the meeting of the Cultural and Community Committee (Healthy Communities Sub-Committee) on Item 8.3.

Item 9 Report of the Transport, Heritage and Planning Committee

PRESENT

The Lord Mayor Councillor Clover Moore

(Chair)

Councillor Prof Philip Thalís

(Deputy Chair)

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

At the commencement of business at 5.08pm those present were -

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

The meeting of the Transport, Heritage and Planning Committee concluded at 5.18pm.

Report of the Transport, Heritage and Planning Committee

Moved by Councillor Thalís, seconded by Councillor Scully –

That the report of the Transport, Heritage and Planning Committee of its meeting of 19 October 2020 be received, with Item 9.1 being noted, and the recommendations set out below for Items 9.2 to 9.4 inclusive being adopted in globo.

Carried unanimously.

**Note – Councillor Chung did not indicate a vote and is taken to have abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillor Chung is taken to have voted against the motion.*

Item 9.1**Disclosures of Interest**

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

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

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

The Transport, Heritage and Planning Committee recommended the following:

Item 9.2

Public Exhibition - Planning Proposal - 92-98 Brougham Street, Potts Point - Sydney Local Environmental Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal – 92-98 Brougham Street, Potts Point shown at Attachments A1 to A12 to the subject report, for submission to the Department of Planning, Infrastructure and Environment with a request for a Gateway Determination;
- (B) Council approve the Planning Proposal – 92-98 Brougham Street, Potts Point shown at Attachments A1 to A12 for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning, Infrastructure and Environment to exercise the delegation of functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect Planning Proposal – 92-98 Brougham Street, Potts Point; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – 92-98 Brougham Street, Potts Point following receipt of the Gateway Determination.

Carried unanimously.

X037821

Speakers

Mr Stephen Gouge and Mr Philip George addressed the meeting of the Transport, Heritage and Planning Committee on Item 9.2.

Item 9.3**Amendment to Award of Heritage Floor Space - Corporation Building, Haymarket**

It is resolved that:

- (A) Council approve the Corporation Building Conservation Management Plan, prepared by Urbis Pty Ltd, dated 13 August 2019, as required by the Sydney Local Environmental Plan 2012 and provided at Attachment D to the subject report;
- (B) Council approve the award of 744.75 square metres of heritage floor space (60 per cent of the total heritage floor space that could be awarded), subject to:
 - (i) placing covenants on title, as required by the Sydney Local Environmental Plan 2012, to ensure that no development can occur on the site that either:
 - (a) increases the gross floor area of the heritage building, or
 - (b) increases the height of the heritage building;
 - (ii) placing covenants on title that ensure the continued maintenance and conservation of the building in line with the Corporation Building Conservation Management Plan, prepared by Urbis Pty Ltd, dated 13 August 2019. This covenant must include a requirement for ongoing provision of adequate insurance and a maintenance fund, as required by the Sydney Development Control Plan 2012;
- (C) Council approve the award of the balance of the total heritage floor space being 496.5 square metres (40 per cent of the total heritage floor space that could be awarded) upon the completion of the conservation works set out in Attachment C (as amended) to the subject report. These works must be completed and verified by a suitably qualified person prior to registration of the heritage floor space in the Heritage Floor Space Register, and within 18 months of the registration of the initial award; and
- (D) authority be delegated to the Chief Executive Officer to confirm the calculation of the final award and finalise the deed and required covenants in accordance with clauses (B) and (C) above.

Carried unanimously.

X023843

Item 9.4

Fire Safety Reports

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection report by Fire and Rescue NSW, as shown at Attachment B of the subject report;
- (C) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Officer to address the identified fire safety deficiencies at 327-329 Pitt Street, Sydney as detailed in Attachment B to the subject report.

Carried unanimously.

S105001.002

Item 10 AI Fresco City

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

It is resolved that:

- (A) Council approve a \$20 million joint funding partnership to boost the city centre economy, support businesses and creatives and invite the public safely back into the city, particularly during the summer months, with the NSW Government contributing up to \$15 million and the City contributing up to \$5 million towards AI Fresco City initiatives as outlined in the subject report;
- (B) Council note that the City is working with the NSW Government to facilitate any necessary changes to regulations and planning controls and exemptions to applicable public health orders, and to obtain any necessary approvals to deliver the initiatives set out in the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and enter into any necessary agreements with the NSW Government relating to the funding and implementation of the AI Fresco City program as outlined generally in the subject report and in Confidential Attachment C to the subject report;
- (D) Council note that the City's \$5 million contribution is largely funded by savings as a result of the NSW Government taking over delivery of Sydney New Years' Eve, as well as other operational savings within the City Life budget due to cancellation of events during this time. If savings are not achieved additional budget may be required from General Contingency;

Outdoor Dining

- (E) Council continue support for small business, community and the cultural sector until 31 October 2021 by waiving footway dining fees and security deposits in accordance with the Covid-19 fee waiver category in the Schedule of Fees and Charges;
- (F) Council adopt the temporary City of Sydney Outdoor Dining Guidelines, October 2020, at Attachment A to the subject report, noting that public consultation has not been possible given the circumstances;
- (G) the Chief Executive Officer be requested to urgently develop all necessary criteria and processes to implement the recommendations in the subject report in relation to outdoor dining;

Grants and Sponsorship

- (H) the Chief Executive Officer be requested to urgently prepare and exhibit a revision to the Grants and Sponsorship section of the 2020/21 Operational Plan to incorporate the proposed amended grants program outlined in the subject report;
- (I) Council note the relevant Covid-19 Recovery Grants and Sponsorship Guidelines Summary at Attachment B to the subject report;

Outdoor Summer Cultural Experience

- (J) Council approve an exemption from tender for the provision of technical services and event personnel for the performance stage forming part of the outdoor summer cultural experience program; and

- (K) authority be delegated to the Chief Executive Officer to negotiate, execute and administer these contracts referred to in clause (J), noting the reasons a satisfactory result would not be achieved by inviting tenders are:
- (i) there is an immediate need to have this program in place for summer, to occur at a time when the weather conditions suit outdoor performances, and provide the urgent and necessary support required by businesses and creatives;
 - (ii) there is insufficient time to undertake the usual competitive tender process and still deliver the program in time for the program to have its desired impact this summer;
 - (iii) there are limited providers in the market capable of providing the required technical services, and experienced event personnel, of the required scope; and
 - (iv) value for money for Council will be achieved by conducting a competitive procurement process, as outlined in Confidential Attachment D to the subject report.

Variation. At the request of Councillor Vithoukas, and by consent, the motion was varied, such that the words "\$20 million" were removed from clause (A).

Adjournment

At this stage of the meeting, at 8.11pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Scully –

That the meeting be adjourned for approximately 10 minutes.

The motion was carried on the following show of hands –

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

Noes (2) Councillors Chung and Forster.

Motion carried.

All Councillors were present at the resumption of the meeting of Council at 8.23pm.

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

X034972.014

Item 11 Questions on Notice**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 resources, 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
2014/15	\$15,815,337
2015/16	\$15,551,147
2016/17	\$15,457,818

Year	Total Spend (including capital spend)
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	\$7,313,679
2011/12	\$5,532,756	\$367,162	\$1,170,568	\$368,498	\$7,438,984
2012/13	\$5,700,418	\$437,246	\$1,342,031	\$416,676	\$7,896,371
2013/14	\$5,448,214	\$408,500	\$1,096,853	\$288,179	\$7,241,746
2014/15	\$5,974,239	\$494,080	\$853,899	\$352,130	\$7,674,348
2015/16	\$6,308,328	\$452,345	\$1,208,797	\$377,146	\$8,346,616
2016/17	\$6,642,849	\$434,374	\$1,647,000	\$310,661	\$9,034,884
2017/18	\$6,930,048	\$484,764	\$2,047,982	\$397,517	\$9,860,311
2018/19	\$7,791,166	\$580,420	\$1,575,015	\$321,171	\$10,267,772

Year	Staffing	Periodicals/Materials (incl database subscriptions)	Plant and Asset (incl Book Vote and Electronic Vote)	Other costs	Total*
2019/20	\$8,358,591	\$642,365	\$1,084,884	\$491,979	\$10,577,819

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 soffit replacements have been excluded):

Year completed	Suburb		Locations	Cost
2020				
	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
2019				
	Rosebery	Renewal	Crete Reserve	\$265,582
	Erskineville	Renewal	Les White Reserve	\$161,937
2018				
	Erskineville	Renewal	Kirsova Playground 2	\$218,392

Year completed	Suburb		Locations	Cost
	Rosebery	Renewal	Kimberley Grove Playground	\$224,000
2017				
	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
2016				
	Ultimo	Renewal	Quarry Green	\$1,255,772
	Erskineville	Renewal	Renwick Street Reserve	\$370,040
2015				
	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
2014				
	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
2013				
	Glebe	Renewal	Jubilee Playground	\$986,239
2012				
	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
2021		
	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
2022		
	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
2023		
	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

2024		
	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 appropriate 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.

Item 12 Supplementary Answers to Previous Questions

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

Item 13 Notices of Motion

Item 13.1 Advocacy for a Public Ballot for NYE Fireworks 2020

Moved by Councillor Scott, seconded by Councillor Vithoulkas -

It is resolved that:

- (A) Council note:
 - (i) the NSW Government has assumed control of and responsibility for the New Year's Eve fireworks display for 31 December 2020 from the City of Sydney;
 - (ii) the Premier and Treasurer have announced a 10-minute display at midnight only, with no 9pm fireworks for families; and
 - (iii) private venues such as restaurants and office buildings will be allowed to hold ticketed events;
- (B) Council recognise that in the past, including in 2019, the NSW Government approved private, sectioned off areas of the Royal Botanic Gardens available only to those who could pay \$350 or more plus booking fee per person. This is in contradiction of the gardens being designated public space since 1816;
- (C) further to this, Council recognise other public spaces used in the same manner for New Year's Eve, including Barangaroo Reserve at \$41.80 per head to enter for the fireworks display, Goat Island, Shark Island and Cockatoo Island;
- (D) Council strongly advocate to the NSW Government that any public access to the 2020 NYE fireworks display be by way of a public ballot and free of cost to those entering or successfully in receipt of a ticket for the event; and
- (E) the Lord Mayor be requested to write to the Premier to seek her support for reinstating 9pm fireworks for families, and to the Prime Minister and the Premier seeking their support for a free public ballot to allow free access for the public to Federal or NSW Government, or City of Sydney public spaces, on NYE 2020.

The motion was lost on the following show of hands –

Ayes (2) Councillors Scott and Vithoulkas

Noes (8) The Chair (the Lord Mayor), Councillors Chung, Forster, Kok, Miller, Phelps, Scully, and Thalys.

Motion lost.

S129266

Item 13.2 Solar Our Schools

Moved by Councillor Phelps, seconded by Councillor Scully –

It is resolved that:

(A) Council note:

- (i) the World Economic Forum describes climate change as the number-one threat to the world economy, and the World Health Organization warns of the many health threats that climate change poses to humans;
- (ii) the past five years were the hottest five years since the National Oceanic and Atmospheric Administration (NOAA) began keeping records 139 years ago. Higher temperatures are causing more frequent and extreme weather events, including bushfires, storms, droughts, floods and cyclones;
- (iii) the Australian Parents for Climate Action (AP4CA), which has over 6,000 members across every state and territory, is calling on Prime Minister Scott Morrison to Solar Our Schools by funding solar and batteries for every school and early childhood centre in Australia (with means-tested grants for privately-owned schools and for-profit early learning centres); and
- (iv) Solar Our Schools is the perfect way to stimulate our economy. It will:
 - (a) create at least 6,870 renewable energy jobs in all regions of Australia;
 - (b) slash school energy bills which frees up more funds for learning resources, saving large schools \$114,000 in energy bills per year and small schools \$12,700 per year (Beyond Zero Emissions); and
 - (c) save millions of tonnes of carbon emissions per year; and

(B) the Chief Executive Officer be requested to liaise and collaborate with Australian Parents for Climate Action to identify and investigate ways the City of Sydney can support the Solar Our Schools campaign.

Carried unanimously.

S129263

Item 13.3 Removing Barriers to Solar Our Schools

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

It is resolved that:

(A) Council note:

- (i) Australian Parents for Climate Action (AP4CA) are a network of 14,000 parents across the country working to reduce the carbon footprints and power bills of Australian schools and early childhood centres through the ‘Solar Our Schools’ campaign (“the campaign”);
- (ii) the campaign calls on the Federal Government to provide economic-stimulus, infrastructure investment and batteries for all schools and early childhood centres that do not yet have them. The campaign is also requesting that the state governments come to an agreed position in allowing all schools and early childhood centres to take part in a “virtual power plant” (VPP) so they can trade their excess solar power with the community. In order for schools to become VPPs, they first need the financial and capacity support to get solar and battery systems installed, and often they need administrative and practical barriers removed;
- (iii) research conducted by Beyond Zero Emissions and provided by the Australian Parents for Climate Action suggests that these initiatives would deliver significant energy and cost savings, as well as new employment opportunities. The research indicates that large schools and centres would save over \$100,000 in annual energy bills and the initiative would create more than 7,000 jobs in the solar and battery industries plus an estimated 4,000 jobs would be created in schools;
- (iv) current state and territory grant programs only fund some state schools to get solar and batteries and preclude these schools from getting solar on lease or finance model. Furthermore, these grant programs don’t provide funding for non-government schools;
- (v) the City of Sydney is a participating member of Solar My School, a program founded by Randwick, Waverley and Woollahra Council which supports schools in accessing solar to schools in Sydney on behalf of Ausgrid. A number of schools in our local government area have received assistance through the Solar My School program, however none have progressed to completion. Access to finance is only one of the several barriers that schools in the local government area are experiencing when it comes to implementing solar;
- (vi) these barriers prevent our schools from being able to decarbonise and reduce their costs and undermine the realisation of the Australian Parents for Climate Action campaign. Some of the barriers that have been identified by schools in the local government area include:
 - (a) heritage buildings with electrical or building issues which require Department of Education support to be resolved prior to solar being installed;
 - (b) renewables not being prioritised in budgets for school redevelopments led by the Department of Education and School Infrastructure NSW, or where provision has not been made for solar by way of roofing design and materials; and
 - (c) school communities experiencing challenges in fundraising to cover costs or in navigating the installation of solar; and

- (vii) in June 2019, the City of Sydney declared a Climate Emergency. The Climate Emergency response, endorsed in February 2020, sets out a series of principles, goals and priorities to reduce the impacts and increase the resilience of our communities to climate change. These include:
- (a) Goal 7: Support the community to take further action to address the climate emergency;
 - (b) Goal 8: Help the community access onsite and offsite renewables, including 100 per cent Green Power; and
 - (c) Goal 11: Collaborate with allies to drive change to state and federal policies and regulations to transition to a zero-carbon economy, and ensure sustainable waste and water policies;
- (B) the Lord Mayor be requested to invite the NSW Minister for the Environment and the Minister for Education and Early Childhood Learning to meet with the representatives of the City of Sydney Parents and Citizens Associations and representatives from the Australian Parents for Climate Action, to discuss the barriers which prevent schools from implementing renewable energy initiatives and to identify potential solutions for overcoming these barriers;
- (C) the Chief Executive Officer be requested to contact eligible schools in the City of Sydney Local Government Area, to provide information on accessing grant opportunities and navigating pathways to implement renewables, such as Solar My Schools; and
- (D) Council endorse the objectives of the Solar Our Schools campaign, and promote the campaign through the relevant channels.

Carried unanimously.

S129264

Item 13.4 Sustainable and Energy Efficient Infrastructure in Heritage Conservation Areas

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

It is resolved that:

(A) Council note:

- (i) the City of Sydney is home to 75 Heritage Conservation Areas, which cover 38 per cent of our local area. They house approximately 84,000 people and provide workplaces for almost 60,000 people. Places like Potts Point, Woolloomooloo, Darlinghurst, Surry Hills, Redfern, Chippendale, Glebe and Forest Lodge are among the 10 most populous areas in Greater Sydney and consist predominantly of conservation areas;
- (ii) Heritage Conservation Areas are valued for their special character, drawing on their history and built form. This character is supported through our planning controls, which have protections in place for certain development in these areas. These controls sometimes affect how easy it is to install renewable energy infrastructure in heritage dwellings, impacting the capacity of individual households to reduce their carbon footprint, increase their efficiency or capture water;
- (iii) when developing the City of Sydney's community strategic plan, Sustainable Sydney 2030, 97 per cent of the community told us they wanted action on climate change. One of the key recommendations of the 2019 Citizens Jury, a key element of our 2050 consultation process, was for a Regenerative Economy, and that the City of Sydney should be a "a leader in reversing climate change and restoring the natural environment by giving back more than what the city takes";
- (iv) in February 2020, Council endorsed the Local Strategic Planning Statement which sets out the 20-year vision for land use planning in the city. The planning statement sets 13 priorities and a series of actions to achieve the vision and guide future changes to our planning controls, including "To develop buildings and places that will be net zero energy by 2050" by "using less energy and increasing the use of renewable energy" and "reviewing solar panel and battery storage controls, to increase implementation opportunities";
- (v) in June 2019, the City of Sydney declared a Climate Emergency. The Climate Emergency response, endorsed in February 2020, sets out a series of principles, goals and priorities to reduce the impacts and increase the resilience of our communities to climate change. These include:
 - (a) Goal 5: Use the planning system to deliver on climate emergency priorities;
 - (b) Goal 7: Support the community to take further action to address the climate emergency;
 - (c) Goal 8: Help the community access onsite and offsite renewables, including 100 per cent Green Power; and
 - (d) Goal 11: Advocate for legislative and regulatory change (e.g. building codes and planning controls, energy regulations, rating tools, and disclosure and compliance regimes) at all levels of government to achieve net zero carbon buildings; and

- (vi) by shifting the City's operations to 100 per cent renewable energy, we are now on track to meet our 2030 emissions target in 2024 - six years early; and
- (B) the Chief Executive Officer be requested to investigate planning policy changes which encourage greater uptake of sustainable and energy efficient infrastructure for dwellings, by giving due consideration to the principles of the Climate Emergency Response balanced with the City's heritage protection measures.

Carried unanimously.

S129264

Item 13.5 Fair Access to Our Pools

Moved by Councillor Phelps, seconded by Councillor Kok –

It is resolved that –

(A) Council note:

- (i) the Covid-19 pandemic has required a review of how many City-owned public facilities such as libraries, community centres and pools are operated;
- (ii) as the weather begins to warm, more and more constituents will be looking to use City-owned pools to cool off;
- (iii) currently, there does not exist a universal online booking system for all City-owned public pools, nor does there exist a time limit for patrons using the pool, enabling some to spend an entire day using the facilities, while others only stay for an hour or less; and
- (iv) it is important that the City is able to provide everyone with fair and equal access to City-owned facilities, particularly when the demand for them increases; and

(B) the Chief Executive Officer be requested to:

- (i) investigate the possibility of implementing an online booking system for patrons looking to access City-owned pools;
- (ii) investigate possible options for enforcing a time limit for patrons using the pool facilities so that there can be fair and equitable access to our pools for all; and
- (iii) report back to Councillors via the CEO Update.

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

It is resolved that:

(A) Council note:

- (i) the Covid-19 pandemic has required a review of how many City-owned public facilities such as libraries, community centres and pools are operated;
- (ii) as the weather begins to warm, more and more constituents will be looking to use City-owned pools to cool off;
- (iii) it is important that the City is able to provide everyone with fair and equal access to City-owned facilities, particularly when the demand for them increases;
- (iv) the City is reviewing its facilities' Covid-19 Safety Plan to give people better access to our pools;
- (v) the City is investigating whether we need to implement a booking system;
- (vi) from 24 to 25 October 2020 the maximum number of swimmers per lane will increase to 10 for a fifty-metre lane, and five for a 25-metre lane;
- (vii) this will allow 80 swimmers in the water for general lap swimming;
- (viii) a 'free play/recreation' lane for families will be also introduced from this time;

- (ix) as of December, weekend operating hours will be extended from a 4pm close to 7pm through daylight saving;
 - (x) with the increased capacity, it is expected that a booking system with time limits will not be required; and
 - (xi) if demand still exceeds increased capacity, Belgravia Leisure will continue to work to having a booking option with time limits ready for the summer; and
- (B) the Chief Executive Officer be requested to:
- (i) investigate the possibility of implementing a booking system for patrons looking to access City-owned pools if demand exceeds capacity;
 - (ii) investigate possible options for enforcing a time limit for patrons using the pool facilities if required, so that there can be fair and equitable access to our pools for all; and
 - (iii) report back to Councillors via the CEO Update.

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

S129263

Item 13.6 Privacy Protection for Councillors and other Politicians

Moved by Councillor Phelps, seconded by Councillor Vithoukas -

It is resolved that:

(A) Council note:

- (i) no legislation prohibiting the publication of federal, state or local politicians' addresses currently exists;
- (ii) there have been a number of high-profile politicians, both at local and state level, whose addresses of their private residence have been published; and
- (iii) this poses a safety and privacy risk to politicians and has the potential to be weaponised; and

(B) the Lord Mayor be requested to:

- (i) write a letter to the Prime Minister, the Hon. Scott Morrison MP, and the Attorney-General, the Hon. Christian Porter MP, requesting the introduction of legislation banning the publication of the private addresses of politicians at all levels of government; and
- (ii) provide Councillors with a copy of this letter and its reply via the CEO update.

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

It is resolved that:

(A) Council note there are limited protections in place regarding the publication of local government Councillors private addresses; and

(B) the Chief Executive Officer be requested to:

- (i) write to the Office of Local Government requesting information about the privacy protections for local government Councillors and consideration of additional protections; and
- (ii) provide Councillors with a copy of this letter and its reply via the CEO Update.

The amendment was carried on the following show of hands –

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

Noes (3) Councillors Chung, Phelps, and Vithoukas.

Amendment carried.

The amended motion was carried on the following show of hands –

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

Noes (1) Councillor Phelps.

Motion carried.

S129263

Item 13.7 Protecting Cyclists

Moved by Councillor Phelps, seconded by Councillor Forster -

It is resolved that:

(A) Council note:

- (i) the implementation of a safe cycling network throughout the City of Sydney has significant public benefits in terms of exercise, public health and transport;
- (ii) it is a public duty of the City of Sydney to ensure that any cycleway (including a pop-up cycleway) is safe before it is opened, encouraging cyclists to use it in the reasonable expectation that all safety issues have been fully assessed;
- (iii) during Covid-19 restrictions six pop-up cycleways have been installed for use in the City of Sydney local government area;
- (iv) a Report of the Safety Audit undertaken on 6 September 2020 by Traffic Engineering Centre Pty Ltd, commissioned and paid for by residents, established that the Bridge Road Glebe/Forest Lodge cycleway was critically unsafe for cyclists to use;
- (v) a number of cyclists have been injured in accidents on the Bridge Road pop up cycleway since it officially opened on 21 September 2020 and the safety audit undertaken by Traffic Engineering Centre Pty Ltd identified that there is a high risk of more accidents with potentially catastrophic consequences including death and serious injury;
- (vi) at the Council meeting on 21 September 2020, Council was informed that safety assessments will not be conducted until after a pop up cycleway is installed;
- (vii) the Bridge Road Cycleway was designed and installed without adequate planning or safety assessment;
- (viii) no response has been provided by Council or Transport for NSW to the findings in the Report of the Safety Audit on Bridge Road commissioned by the residents which was tabled at the Council meeting on 21 September 2020;
- (ix) due to a lack of proper planning and consultation, the Bridge Road pop up cycleway created many adverse consequences for residents including:
 - (a) residents, their friends and family and service providers experience difficulties accessing residences, especially those with no rear lane access;
 - (b) profound anxiety and upset for residents from accidents that have occurred on the cycleway and may be expected to occur in the future;
 - (c) profound anxiety for residents arising from concern about accidents happening due to lack of appropriate traffic management during garbage collection;
 - (d) significantly increased costs of delivery/removal of goods imposed by Council due to permits required for delivery vehicles; and
 - (e) removal of disabled parking space then relocation of the space to Jarocin Avenue, a dangerous and inconvenient location for people who live on Bridge Road and use the disabled parking space; and

- (x) that Council has a responsibility to ensure that all cycleways, both pop-up and permanent, meet a minimum safety standard as required by s10.2.1 of the Cycling Aspects of Austroads Guides (2017); and
- (B) the Chief Executive Officer be requested to:
- (i) undertake a complete review (including obtaining all documents) relating to the design, planning and safety assessment conducted for each pop up cycleway installed in 2020;
 - (ii) provide a report of the findings of this review (which includes copies of all documents) to Councillors;
 - (iii) ensure that every proposed cycleway in the City of Sydney Local Government Area - temporary or permanent - must have a safety assessment conducted during the design phase and prior to opening;
 - (iv) ensure that every cycleway under construction in the City of Sydney Local Government Area - temporary or permanent - is clearly identified as not in operation until construction is complete;
 - (v) provide recommendations to ensure that no temporary cycleway is made permanent and that no cycleway is ever again considered or installed without proper planning and safety processes being adopted and followed; and
 - (vi) provide an update to Councillors via the CEO update.

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

The motion was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Phelps and Vithoukás

Noes (6) The Chair (the Lord Mayor), Councillors Kok, Miller, Scott, Scully and Thalís.

Motion lost.

Moved by Councillor Thalís, seconded by Councillor Miller –

It is resolved that:

- (A) Council note:
- (i) the implementation of a safe cycling network throughout the City of Sydney has significant public benefits in terms of exercise, public health and transport;
 - (ii) six pop-up cycleways have been installed in the City of Sydney local government area, three were delivered by the City and three by Transport for NSW;
 - (iii) the NSW Government ordered these cycleways through the Ministerial Order Covid-19 Legislation Amendment (Emergency Measures) Bill 2020 to respond to the Covid-19 pandemic;
 - (iv) the aim of the temporary cycleways is to encourage more people to cycle safely between workplaces, schools, services and the city centre, reducing pressure on public transport and roads;

- (v) Transport for NSW chose Bridge Road as it forms an important link between the city centre and the inner west. It provides access to health services and education institutions, including Royal Prince Alfred Hospital, Sydney Secondary College's Blackwattle Bay campus and the University of Sydney. This cycleway is also an alternative for commuters who would usually use Parramatta Road bus services;
 - (vi) assessing and mitigating risk is integral to the City's transport planning and staff prioritise safety throughout all phases of a project;
 - (vii) the City completes a design safety assessment and a road safety audit for every project that it is responsible for delivering:
 - (a) a Design Safety Assessment (DSA) identifies design risks to all users and documents how they were mitigated and why design decisions were made. These are live documents that are updated at various stages throughout the design, they require in-principle approval from Transport for NSW and endorsement from the Local Pedestrian Cycling and Traffic Calming Committee (based on Traffic Management Plan documentation of the project); and
 - (b) a Road Safety Audit (RSA) is conducted by an independent team of qualified road safety auditors, which is then reviewed by a City team and responses to the issues raised are documented. It follows a transparent process, that includes the creation of a road safety audit brief, selection of audit team, an inception meeting, an audit of drawings and designs, and onsite review post-construction and a completion meeting;
 - (vii) a Corrective Action program to address identified risks then remains open until actions in the program are implemented;
 - (viii) the City helps to identify risks on projects that Transport for NSW is responsible for delivering and advocates to Transport for NSW for safety measures;
 - (ix) the City monitors the road environment and takes action to improve safety throughout the lifetime of a project;
 - (x) pre-opening Road Safety Audits of the Pyrmont Bridge Road pop-up cycleway have been conducted by DC Engineering and Traffic Engineering Centre;
 - (xi) the DC Engineering Road Safety Audit noted that even though conflict points have been created by the pop-up cycleway, in the pre-existing situation cyclists were exposed to collisions along the entire length of the road, it also notes that the cycleway has removed the issue of cyclists being hit when parked vehicles open their doors;
 - (xii) Transport for NSW has responded to both with Corrective Action Responses that detail how each issue will be addressed. These were circulated to Councillors on Friday 23 October 2020; and
- (B) the Chief Executive Officer be requested to:
- (i) provide Councillors with a briefing on how safety is considered and managed throughout the life of a cycleway project in the City;
 - (ii) invite Transport for NSW to provide Councillors with a briefing on how safety is considered and managed throughout the life of a cycleway project at Transport for NSW;

- (iii) provide Councillors with all documents relating to the design, planning and safety assessments conducted for pop-up cycleways that the City has been responsible for delivering;
- (iv) request Transport for NSW to provide all documents relating to the design, planning and safety assessments conducted for pop-up cycleways that it has been responsible for delivering;
- (v) ensure that every cycleway that the City is responsible for delivering is clearly identified as not in operation until construction is complete;
- (vi) request Transport for NSW to ensure that every cycleway that it is responsible for delivering is clearly identified as not in operation until construction is complete; and
- (vii) provide regular updates to Councillors via the CEO Update on how Transport for NSW are progressing with the actions outlined in the Corrective Action Responses documents they have provided until all issues have been rectified.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chung, Forster, Kok, Miller, Scott, Scully, Thalís and Vithoukás

Noes (1) Councillor Phelps.

Motion carried.

S129263

Misrepresentation

During discussion of Item 13.7 Councillor Phelps stated that she had been misrepresented in respect to comments made by Councillor Thalís and clarified her position accordingly.

During discussion of Item 13.7 Councillor Thalís stated that he had been misrepresented in respect to comments made by Councillor Phelps and clarified his position accordingly.

Point of Order

During discussion of Item 13.7 the Chair (the Lord Mayor) called Councillor Phelps to order stating that she was not showing appropriate respect to Councillor Thalís.

Item 13.8 Fitzroy Gardens Playground Safety Audit

Moved by Councillor Phelps, seconded by Councillor Forster -

It is resolved that:

(A) Council note:

- (i) Fitzroy Gardens is a heritage park, essential to the character of Kings Cross and Potts Point and a vital open space for the local community. The Council website states that "this enclosed playground is suitable for children of all ages";
- (ii) however, the design of the playground and the surrounding fence have areas where the safety of the children is a concern. These include:
 - (a) gaps between the bars in the fence being wide enough for a child to fit through;
 - (b) high drops with no fencing or safety measure to prevent falls; and
 - (c) a large pothole in the middle of the playground where a tree was removed, which provides a risk of injury and fall; and
- (iii) it is the Council's responsibility to ensure all council-owned facilities are safe; and

(B) the Chief Executive Officer be requested to:

- (i) conduct an urgent safety audit of the Fitzroy Gardens Playground;
- (ii) rectify any safety issues; and
- (iii) provide a report on the results to Councillors.

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

It is resolved that:

(A) Council note:

- (i) it is the Council's responsibility to ensure all council-owned facilities are safe;
- (ii) the City undertakes, daily, quarterly and annual safety and condition assessments of its playgrounds to identify risks, and to make sure that they comply with Australian Standards;
- (iii) quarterly audits and annual inspections are completed by an independent playground assessor;
- (iv) a comprehensive inspection of Fitzroy Gardens was done in March 2020, and a quarterly operational inspection was done in June 2020;
- (v) no safety risks were identified, and minor routine repairs were made;
- (vi) the playground, including fall heights and softfall, complied with Australian Standards at the time of construction, and continues to comply with current standards; and

(vii) another quarterly independent safety inspection of the Fitzroy Gardens Playground is scheduled for the end of October 2020; and

(B) the Chief Executive Officer be requested to:

(i) report the results of the next audit for of the Fitzroy Gardens Playground via CEO Update; and

(ii) rectify any safety issues.

The amendment was carried on the following show of hands:

Ayes (9) The Chair (the Lord Mayor), Councillors Forster, Kok, Miller, Phelps, Scott, Scully, Thalís and Vithoukás

Noes (1) Councillor Chung.

Amendment carried.

The motion was carried unanimously.

S129263

Item 13.16 Anti-Vaccination-Risks Network Bus Tour Ban

Moved by Councillor Scott, seconded by Councillor Phelps –

It is resolved that:

- (A) Council note:
- (i) the bus tour currently underway around NSW by the Anti-Vaccination-Risks Network;
 - (ii) the stand taken by Newcastle City Council to ban any events at local shopping centres or other locations in the local government area;
 - (iii) the Mayor of Newcastle has written to the NSW Police Commissioner and the NSW Health Minister requesting they use the full force of their powers to ban any events from Newcastle and NSW;
 - (iv) the dissemination of dangerous misinformation about public health matters challenges the gains made over the twentieth century to eradicate diseases such as smallpox, measles and polio; and
 - (v) to achieve herd-immunity, 95 per cent of the population must be vaccinated to protect those vulnerable people who cannot – such as newborn babies. Anti-vaccination campaigns put at risk those vulnerable members of our community;
- (B) Council acknowledge that Covid-19 has provided a salient example of how dangerous a disease can be with a vaccine;
- (C) Council agree that science must be put first and misinformation about vaccines must be countered with balanced information that does not prey on parental fear, especially when so many people are anxious about the Covid-19 pandemic; and
- (D) the Lord Mayor be requested to write immediately to the Federal and NSW Attorney General, Federal and NSW Health Minister and the NSW Police Commissioner requesting they take all available steps to ban any such events from publicly owned facilities or land.

Carried unanimously.

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Note – Following Item 13.8, at 10:04pm, the Lord Mayor stated that, as it was now after 10.00pm, and in accordance with clause 16.3(a) of the Code of Meeting Practice, the remaining items of business on the agenda (Items 13.9 to 13.15 inclusive) would be deferred to the next ordinary meeting of Council.

At 10.04pm the meeting concluded.

Chair of a meeting of the Council of the City
of Sydney held on Monday 16 November 2020 at which
meeting the signature herein was subscribed.