

## Item 9

### Questions on Notice with Answers

#### Pymont Peninsula Place Strategy

1. By Councillor Scott

##### Question

1. Please provide the membership and terms of reference for the Pymont Peninsula Place Strategy Steering Committee.
2. Please provide the minutes for these meetings.
3. Please detail the policies of the City that guide this work.
4. Please detail the City's policies on the appropriate consent authority for the Pymont Peninsula, with respect to place strategies, zoning and other planning approvals that guide this work.

S129275

##### Answer by the Chief Executive Officer

1. Publication of the membership and terms of reference Pymont Peninsula Place Strategy Steering Committee is a matter for the NSW Department of Planning, Industry and Environment as the convener of the committee.
2. Publication of the minutes of the Pymont Peninsula Place Strategy Steering Committee is a matter for the NSW Department of Planning, Industry and Environment as the convener of the committee.
3. City staff are specifically guided by Sustainable Sydney 2030, City Plan 2036: Local Strategic Planning Statement and the Draft Central Sydney Planning Strategy when engaging with the NSW Government on the place strategy. These documents are referenced in Appendix A of the Draft Pymont Place Strategy. Other City strategies such as the Housing Strategy, Environmental Action 2017-2021 and City for All: Social Sustainability Strategy also guide staff.
4. The Local Strategic Planning Statement's Planning Priority 'G1 Open, accountable and collaborative planning' includes the following actions:
  - Action G1.3: Advocate for greater, genuine and effective collaboration on State Significant Precincts, development enabled by transport infrastructure and other precincts and corridors identified to boost growth and investment including through governance arrangements that identify roles and responsibilities, resourcing and accountability, and review processes and monitoring of infrastructure delivery.

- Action G1.4: Work with the NSW Government to reintegrate selected precincts and sites into the City's planning framework.

The City's submission will make specific recommendations on the 'considerations' for a unified planning system in Pyrmont outlined in Section 12 Implementation of the Draft Place Strategy.

## **Federal Funding for a Permanent Moore Park Road Cycleway**

2. By Councillor Phelps

### **Question**

There has been significant community opposition to the City of Sydney and Transport for NSW proposal for a temporary cycleway along Moore Park Road and Fitzroy Street between Lang Road, Paddington and Bourke Street, Surry Hills due to the adverse impact the pop-up cycleway will have on the local community, including a mass loss of parking spaces and a lack of consultation before construction began on the temporary cycleway.

In June 2017, Council unanimously resolved to endorse the concept design and scope of works for the Bondi Junction to City Walking and Cycling Improvements project that included a separated cycleway along Moore Park Road. This proposal, which involved no loss of parking, was widely supported by local residents, and its construction is dependent on funding by the NSW Government.

Councillors have subsequently been informed that the cycleway is unlikely to proceed.

Residents were recently informed by the Lord Mayor's office that "The City has applied to the Federal Government to fund the permanent cycleway that would restore parking along the length of Moore Park Road, which we have consulted on and which the community supported."

Could the Chief Executive Officer please advise:

1. When was the application for federal funding for the proposed permanent Moore Park Road cycleway submitted? Please provide Councillors with a copy of that application.
2. Under what funding plan was this application submitted?
3. What consultation has been undertaken with Transport for NSW about this funding application and proposal?
4. What is the expected time frame for processing the federal funding application?
5. If the application is approved, what is the expected timeframe to receive the funding?
6. What is the City's plan if the funding is not approved?
7. An affirmation of the City's commitment that the agreed cycleway project from 2017 is the one that would be built?
8. What is the expected delivery timeline for the cycleway?

9. If the legislative period requiring removal of the pop-up cycleway expires prior to funding being received for the proposed permanent cycleway, will the City be reinstating the cycleway and parking on Moore Park Road or any part of it?

S129272

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

A Council of Capital City Lord Mayors (CCCLM) application for federal funding was submitted in June 2020 to the Department of Infrastructure, Transport, Regional Development and Communications. No timeframes have been provided in respect to the application. Application details were provided to Councillors via the 5 June 2020 CEO Update.

To date the City has held preliminary discussions with Transport for NSW about the application.

This cycleway is on the NSW Government's Principal Bike Network, so the City would continue to request funding by the NSW Government if the CCCLM application is not successful. The timeline for delivery of the cycleway would be dependent on funding.

The pop-up cycleway was implemented by Transport for NSW to supplement public transport during the Covid-19 pandemic. Transport for NSW has not yet confirmed their intentions for the Moore Park Road pop-up cycleway beyond the expiry of the current planning order.

### **Rats in the City of Sydney**

3. By Councillor Phelps

#### **Question**

Public health relies on the provision of safe and clean public spaces by Council and is one of the City's core responsibilities.

The presence of rats and other vermin pose a threat to public health by acting as reservoir hosts for Leptospira bacteria, passing to other organisms in their urine.

It is known that Leptospirosis, a bacterial infection which causes a systemic inflammatory response and organ failure that was never before been seen in the Sydney area prior to 2019, can prove lethal to dogs and humans and is transmitted via rat urine.

As of 10 August 2020, a Newtown dog has become the first confirmed case of Leptospirosis this year near our Local Government Area.

Could the Chief Executive Officer please:

1. Provide an update on Sydney's rat and other vermin control efforts.
2. Advise the frequency and process by which vermin bait traps are checked, cleaned and maintained.
3. Advise how often Council-owned on-street rubbish bins are emptied, and how often litter surrounding the bins is cleaned up, as these often contribute to attracting rats and other vermin.
4. What is the protocol for cleansing footpaths at Council-owned outdoor dining sites?

S129272

**Answer by the Chief Executive Officer**

1. Please refer to the 21 August 2020 CEO Update.
2. Please refer to the 21 August 2020 CEO Update.
3. Council-owned street litter bins are serviced by the City's Cleansing team during all three of the Cleansing team's shifts which cover a daily 24-hour period. Street litter bins are serviced based on the on the requirements of the area and can be serviced up to twice during the same shift for high traffic areas. When street litter bins are serviced, the bins are emptied and any litter surrounding the bin is removed.

The Cleansing team also have a bin cleaning roster which includes all street litter bins in the local government area. Cleansing staff will replace dirty, broken or damaged bin liners as well as cleaning and deodorising the bin housing.

4. Areas in the local government area that have high foot traffic and are used for outdoor dining are pressure cleaned and disinfected by the City's Cleansing team. This is carried out during the night shift when dining areas are not in use and foot traffic is minimal. This is not specific to Council-owned outdoor dining sites but all high foot traffic areas which are used for outdoor dining.

## Capital Works

4. By Councillor Scott

### Question

The City's capital works for 2019/20 were budgeted to be \$294.5M, but only \$156.3M was expended.

Please list the City's capital works projects, due for capital works funding in 2019/20, where the total funding allocated in 2019/20 is not reallocated to the 2020/21 Budget, where the sum of the budget allocation is over \$50,000. Please also detail the reasons for the delay.

S129275

### Answer by the Chief Executive Officer

For 2019/20 there were two projects greater than \$50,000 which were not carried forward:

- Annex Kellet Street – Repair / Rebuild – works were completed under the lease agreement.
- Automated Public Toilet - Requires further investigation on the location of the Automated Public Toilets and alignment with the new street furniture contract.

## Aboriginal Native Title Claims

5. By Councillor Scott

### Question

The 1983 NSW Aboriginal Land Rights Act provides the mechanism for compensating the Aboriginal People of NSW for the loss of their land. This historic piece of legislation took the first step for NSW and for Australia towards redressing the injustice and neglect of Aboriginal needs since colonisation.

Unfortunately since 1983, obtaining the right to crown lands in NSW for Aboriginal claimants has been a lengthy and often delayed process.

Crown lands cover approximately 42 per cent of NSW.

In late 2019 the Minister for Water, Property and Housing, Melinda Pavey MP, commissioned Ms Chris Ronalds SC to review the operation of the Land Negotiation Program which was in turn established in response to the recommendations arising from the Crown Land Management Act Review in 2012. This program has seen seven Local Aboriginal Land Councils and NSWALC pilot Aboriginal Land Agreement negotiations with the NSW Government and relevant local governments.

At present there is a backlog of 38,000 Aboriginal land claims in NSW. Of the 1,500 claims determined in the past year, most were rejected. Aboriginal Land Councils claim that the Land Negotiation Program is highly problematic with claims published recently in the Sydney Morning Herald of Crown Lands staff demanding land councils forgo future claims over land in some regions, including in metropolitan Sydney in return for parcels identified through unacceptable negotiations. NSWALC the peak body believes institutional racism is to blame for a program that has been designed to prevent Aboriginal people from achieving land rights parity and access to Crown lands estates.

Could the Chief Executive Officer please advise the following:

1. What is the total number of Aboriginal land claims that have been lodged for Crown lands that fall within Council's Local Government Area?
2. What is the total number of Aboriginal land claims that have been resolved for Crown lands that fall within Council's Local Government Area?
3. What is the total number of these that were resolved with a positive outcome for the Aboriginal claimants?
4. What is the total number of these that were resolved with a negative outcome for the Aboriginal claimants?
5. How many Aboriginal land claims that have been lodged for Crown lands that fall within Council's Local Government Area remain outstanding?
6. What is the range of time these outstanding claims have been lodged, from most amount of time to least amount of time?
7. What is the longest time period for the oldest outstanding Aboriginal land claim for Crown lands that fall within Council's Local Government Area?
8. How many existing land claims are Council opposing?
9. How many existing land claims are Council supportive of?
10. How many resolved or withdrawn land claim was Council opposed to?
11. How many resolved or withdrawn land claims was Council supportive of?
12. Can a map of existing Aboriginal land claims in the Sydney Local Government Area be provided to Councillors?
13. Can a map of previous resolved or withdrawn Aboriginal land claims in the Sydney Local Government Area be provided to Councillors?

S129275

**Answer by the Chief Executive Officer**

Aboriginal Land Claims can be lodged against claimable Crown land. They are assessed on a set of criteria as defined in the Aboriginal Land Rights Act 1983.

The assessment and determination of Aboriginal Land Claims is a process wholly managed by Crown Lands.

Over the last 34 years, a total of 21 Aboriginal Land Claims have been lodged within the City of Sydney local government area, half of which occur on Crown land in which the City is a custodian.

Many of these claims have taken several years to resolve or remain undetermined.

## **New Year's Eve Celebrations**

6. By Councillor Forster

### **Question**

1. What discussions have City staff had with the NSW Government regarding the 2020 New Year's Eve celebrations in light of the ongoing Covid-19 pandemic?
2. What was the outcome of any discussions that have taken place?
3. When will the City of Sydney make a final call as to whether celebrations, including any firework displays, will go ahead on New Year's Eve?

S129269

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

City staff have been meeting with the Department of Premier and Cabinet and the Events Coordination Group. The matter has not been resolved to date.

## **King Street Gateway Project**

7. By Councillor Forster

### **Question**

According to a CEO Update dated 22 June 2020, the City of Sydney has been working proactively and in collaboration with Roads and Maritime Services, now Transport for NSW (TfNSW), and Inner West Council (IWC) to develop and agree on an acceptable design for the King Street Gateway Project, which is aimed at the reallocation of road space from vehicles, to people walking and cycling on Sydney Park Road and King Street south, in preparation for the opening of the new M8 motorway.

Can the Chief Executive Officer please provide the most up to date detailed plans for the King Street Gateway Project?

S129269

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

Plans were provided via the 21 August 2020 CEO Update.

## Building Enforcement Action

8. By Councillor Scott

### Question

1. Please advise the City's action taken to enforce heritage protection, broken down by:
  - (a) Year – 2016, 2017, 2018, 2019, 2020.
  - (b) Suburb.
2. What is the total number of resolved enforcement claims?
3. What is the total number of current enforcement claims being investigated?
4. How many resident complaints about a lack of enforcement resulted in Fair Trading being involved in resolving the situation?
5. Please provide the City's action regarding single storey streetscape regulation as stipulated by the Rosebery covenant. Please advise how many developments have been authorised as exempt from the Rosebery Estate covenant building restrictions.

S129275

### Answer by the Chief Executive Officer

Heritage compliance matters are resolved in a number of ways such as negotiation, correspondence and enforcement action. Records are not broken down in the format requested and cannot be retrieved.

Between 2016 and now, the City has referred seven matters to NSW Fair Trading regarding the conduct of private certifiers, none of which relate to heritage protection. Residents can also refer certifiers to NSW Fair Trading. NSW Fair Trading investigate and take disciplinary action against certifiers; however, they do not have powers to resolve development issues.

Development applications have been exempt from the operation of the Rosebery Estate covenant since the early 1990s with the introduction of the South Sydney LEP and this exemption continues under Sydney LEP 2012. While individual records of development applications exempted from the covenant dating back to the 1990s are available it is not practical to extract these records and determine the exact number of applications exempted from the covenant.

## **40km/h Zones in the Sydney Local Government Area**

9. By Councillor Phelps

### **Question**

At a recent meeting of Councillors, the Lord Mayor made reference to 40km/h zones in the City of Sydney and discussions with Transport for NSW.

Could the Chief Executive Officer please advise:

1. What discussions has the Lord Mayor had on 40km/h speed zones in the City of Sydney and with whom?
2. What streets are being considered for 40km/h zone speed limits?
3. When will this matter come to Council for consideration?
4. Provide Councillors with any meeting notes regarding this issue.

S129272

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

The Lord Mayor and City staff have met with the Minister for Transport and Transport for NSW to discuss 40km/h zones in the City of Sydney. The Minister has committed to extend 40km/h zones and all streets across the local government area are being assessed for 40km/h zones.

## **Beirut Blast Tribute**

10. By Councillor Phelps

### **Question**

On 4 August 2020, there was a devastating blast in the city of Beirut.

On 11 August 2020, the Sydney Town Hall was lit in the colours of the Lebanese flag.

Could the Chief Executive Officer please advise why some Councillors were informed of this tribute while other Councillors had to find out about it on social media?

S129272

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

Staff have now put in place protocols to advise the Chief Executive Officer about requests and tributes of this nature. The Chief Executive Officer will then inform Councillors. The Chief Executive Officer was also unaware of this particular tribute.