

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

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

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

EI Alamein Fountain Works

4. By Councillor Forster

Question

The EI 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

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

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

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

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 Pymont 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

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 2020/21?

S129275

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

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

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

Controls over Outsourced Providers

13. 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 2009, the Local Government Act 1993, and a range of other legal requirements.
2. Please detail the controls the City of Sydney council has in place to ensure that those external providers undertake activities that comply with the City's legal, industrial and policy obligations.
3. Please detail the reporting mechanisms the City of Sydney has in place so that when noncompliance in external providers is established, via the City of Sydney's monitoring, the Council and regulators are appropriately notified.
4. Broken down by year since 2004, and by regulator, please detail the number of reports to external regulators the City of Sydney has made, as a result of the activities of our external providers.

S129275

Cleanaway Negative Leave

14. 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

NSW EPA Inspections on Cleanaway Waste Facilities

15. 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, and 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

Disclosure of Faulty Cleanaway Facility Weight Scales

16. By Councillor Scott

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

Appointment of New Audit, Risk and Compliance Committee Chair

17. 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

Metro Minerva Theatre Feasibility Study

18. 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

Exemptions from Tender

19. 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

Gunyama Park Aquatic and Recreation Centre

20. 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

Hazardous Waste Disposal

21. By Councillor Scott

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