

Item 10

Questions on Notice with Answers

1. Potential Savings Forecast

By Councillor Jarrett

Question

In the Quarter 4 Review, the City of Sydney has a proposed forecast of \$10 million in potential savings in the budget forecast of the City of Sydney.

1. What is the breakdown of the proposed forecast of \$10 million as to each project and where have these potential savings occurred, and what is the amount forecast to be saved on each project?
2. What is each project's respective scope where there is a potential saving?
3. What are the reasons for each potential saving within the breakdown of \$10 million in potential savings?

X086666

Answer by the Chief Executive Officer

The table below represents the top 10 projects which amounts to \$7.0M of the \$10.0M potential savings. The remaining \$3.0M is across a further 33 projects.

Project Name	Potential Saving (\$'M)	Reason for potential saving
Joynton Avenue Stormwater Drainage Upgrade	2.1	Additional flood modelling has shown that the scope can be significantly reduced and still meet the flood mitigation objectives. Revised scope being documented.
King St Cycleway - Stage 2	1.1	Construction contract pricing was less than estimated. Project now complete
Drying Green Park	1.0	Project savings from not all of the contingency being required.
City of Sydney Creative Studios	0.9	Actual pricing of various fit out contracts was less than estimated. Project now complete
Pitt Street Cycleway	0.4	Construction contract pricing was less than estimated. Project now complete
Urban Skate Park - Sydney Park	0.4	Project savings from not all of the contingency being required.

Project Name	Potential Saving (\$'M)	Reason for potential saving
Crowded Place Protection	0.3	George Street South Pedestrianisation project uses street furniture to meet crowded place protection requirements. Savings from dual purpose design.
Perry Park - Stage 2 Basketball Court	0.3	Project savings from not all of the contingency being required.
Wilson and Burren St cycleway	0.2	Project savings from not all of the contingency being required.
Chalmers Cycleway Link	0.2	Construction contract pricing was less than estimated. Project now complete

**The top 10 projects have been provided which detail 70 per cent of the overall variances in this category, noting that the explanations for the remainder of the savings/adjustments for projects of lesser value, would follow a very similar pattern.*

2. Minor Adjustments Forecast Breakdown

By Councillor Jarrett

Question

In the Quarter 4 Review, the City of Sydney has a proposed forecast of \$35 million in minor adjustments in the budget forecast including 197 individual projects.

1. What is the breakdown of each minor adjustment for each of the 197 individual projects respectively?
2. What is each project's respective scope where there is a potential saving?
3. What are the reasons for the minor adjustment for each individual project within the breakdown of \$35 million in individual adjustments.

X086666

Answer by the Chief Executive Officer

The table below represents 16 of the 197 projects at a value \$15.0M.

Note that the total variance for minor adjustments (\$35M) includes the \$3.0M balance of unspent capital works contingency.

Project Name	Variance \$'M (minor adjustment)	Reason for the variance
Future Capital Projects - Open Space Renewal - Provisional	1.5	Provisional amount was not required for FY22
Street Trees Planting Program	0.9	Extensive wet weather limited site access, particularly park tree planting. Stock supply was also impacted by flooding in northern NSW, delayed the palm tree planting program.
Wilcox Mofflin - Heating and Cooling Upgrades	0.9	Delay to completing RFT documentation as needed to re-do BMS specification. QS estimate of previous BMS specification was in excess of \$1M for the BMS scope alone. The team needed to engage a specialist BMS design consultant.
Renewable Energy Fund - Solar Panels and Batteries Projects	0.8	Variance relates to savings associated to phase one solar roll-out. These funds will be used in future years to explore how these solar assets can integrate with battery technology.
343 George Street - Facade Remediation	0.8	Underspend due to program delays with Covid, extended tender period & timeframes for planning approvals and laneway access deed agreement with adjacent building owner
Alexandra Canal Depot Workspace Relocation	0.7	Underspend as contractor construction works were delayed with Covid and other factors.
Zetland Avenue (West) - Paul Street to Portman Street	0.7	Underspend is due to works being delayed to meet developer access requirements as part of VPA conditions
City Recital Hall Base Building Works	0.7	Underspend due to delays in consultant design development impacting construction spend.
Synthetic Sports Field - Crescent Park	0.7	Underspend and program delay due to prolonged DA planning assessment and Transport for NSW approvals.
Parks General - Minogue Crescent Reserve	0.7	Variance is from delays due to reject and negotiate of tender.

Project Name	Variance \$'M (minor adjustment)	Reason for the variance
CBD Recycled Water Project	0.6	Funds pushed to future years based on market feedback. Market affected by Covid.
343 George Street, Fitout of Vacant Suites	0.6	Design completed in FY22, with construction in FY23.
COVID Clean Air Measures	0.6	Air cleansing units rolled out. Underspend due to delays in consultant design development.
Pittsway Arcade Food Court Refurbishment and Upgrade	0.6	Underspend due to contractor's program with long lead time items, due to Covid impacted supply lines.
Bay St Depot - Renewal and Upgrade	0.6	Most preliminary investigation works undertaken inhouse. Project renamed Bay Street East Depot Redevelopment and EOI is currently out for Design Services.
Automated Public Toilet - Sydney Place (Woolloomooloo)	0.6	Development application under assessment. Design and Prototype already approved.

**The top 16 projects, and information on unspent capital works contingency have been provided which detail over 40 per cent of the overall variances in this category, noting that the explanations for the remainder of the savings/adjustments for projects of lesser value, would follow a very similar pattern.*

3. Council and Public Spaces – Free Storage Space for Non-Profit Organisations and Community Organisations

By Councillor Ellsmore

Question

1. Does the City of Sydney currently have any venues which would be suitable for the use by community or not for profit organisations to store items that have been donated to them? If yes, please provide details.
2. Does the City of Sydney have any programs or grants to enable community organisations or non-profit organisations to access and use under-utilised City of Sydney venues for the storage for items that have been donated to them? If yes, please provide details.

X086664

Answer by the Chief Executive Officer

1. The City does not have any venues that are considered suitable solely for this purpose.
2. Organisations can apply through the City's Accommodation Grants Program (AGP) to use our spaces. This competitive grants program includes a diverse range of buildings and spaces that vary in size, location and function. The grants support community groups, organisations and services that encourage community development and enhance social, cultural and environmental programs, support services and address community opportunities and needs. It provides opportunities for these organisations to operate in facilities they could not otherwise afford to meet their organisational goals and maximise community benefits through use of space. Organisations could apply through this program for storage purposes, noting however, applications would be compared to other applicants and their proposed use of the space. Organisations could also apply for grant funding to cover the costs of storage, however as noted above, all applications would be compared to other applicants and their proposed use of funds.

4. Leave Accrual Error

By Councillor Weldon

Question

1. Has Council been briefed by the Chief Executive Officer or staff in regards to a leave accrual error that, as I understand, was identified in 2021 and dates back to a 2018 system upgrade after which leave continued to accrue at the standard rate for employees on leave with half pay?
2. If the answer to 1 is yes, on what date(s) and in what form(s) was an initial briefing and any subsequent updates provided?
3. If the answer to 1 is no, why have Council not been informed?
4. How many staff were impacted by this leave accrual error and to what extent were these staff impacted?
5. What consultation was undertaken with employees who were impacted?
6. What steps have been taken to resolve the incorrect accrual of leave?
7. At any point since the onset of the leave accrual error, were any impacted staff required or instructed to take leave as a result of having excess annual leave?
8. Have any concessions been made to staff who, as a factor of the leave accrual error, were required or instructed to take leave that they would not otherwise have been required or instructed to take?
9. Are there any ongoing disputes with current or former staff who were impacted?
10. Has the City engaged with the relevant union(s) for those employees who were impacted by this error?

11. Has the City been made aware of any complaints to the Industrial Relations Commission of NSW?

X086670

Answer by the Chief Executive Officer

The City experienced a technical issue when its Human Resources system (Chris 21) was upgraded. As a result of the upgrade, the system incorrectly calculated leave accruals for employees who took half pay leave. This led to some employees accruing more leave than they were entitled to.

All impacted employees were personally contacted to let them know what had occurred and that their leave balances would be corrected in the system. The relevant unions were also advised.

A few employees requested the option of having the adjustments made over a 12-month period as they had leave planned and these requests were accommodated.

The system has been re-configured to prevent any further over accruals.

The City's external Auditors conducting the Payroll and Chris 21 Audit were advised of the error, and this was included in the 2022 audit review.

Councillors were not advised as IT systems and payroll matters are administrative and fall under the functions of the Chief Executive Officer to conduct the management of the council.

5. Temporary Cycleways in City of Sydney

By Councillor Weldon

Question

1. On 29 May 2020 did then Minister for Planning the Hon Rob Stokes sign the Environmental Planning and Assessment (COVID-19 Development Temporary Cycleways) Order 2020 as part of the NSW Government's emergency response to Covid-19 under section 10.17 of the Environmental Planning and Assessment Act 1979?
2. Were cycleways erected during 2020 as temporary cycleways under the Environmental Planning and Assessment (Covid-19 Development Temporary Cycleways) Order 2020 in Moore Park Road, Dunning Avenue, Pitt Street, Bridge Road, Fitzroy Street, and Sydney Road?
3. Was a condition specified for the development for the purposes of a temporary cycleway (including construction, installation and work for those purposes) that the development must not remain in place for more than two months after the expiration of the "prescribed period"?
4. Was the "prescribed period" defined in Section 10.17 as ending six months after the commencement of the section or on a later day not more than 12 months after the commencement as specified by the Regulations?
5. Was the "prescribed period" later amended to be 31 March 2022.

6. Was this amendment to Section 10.17 made by the COVID 19 Recovery Act 2021 No 5, assented to on 25 March 2021?
7. As of 1 June 2022, which temporary cycleways have been removed in City of Sydney in compliance with the condition specified for their development?
8. As of 1 June 2022, are any temporary cycleways in City of Sydney being maintained in contravention of a condition which had been specified for their development?
9. If the answer to 6 is yes, please advise the locations of temporary cycleways being maintained in contravention of the condition they must not remain in place for more than two months after the expiration of the prescribed period.
10. If the answer to 6 is yes, by what authority are these temporary cycleways being maintained?
11. If the answer to 6 is yes, is it the intention of Council to remove these temporary cycleways?

X086670

Answer by the Chief Executive Officer

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

On 17 May 2021, Council approved the process to retain all the pop-up cycleways on council-controlled roads under Part 5 of the Environmental Planning and Assessment Act 1979, as follows:

- **Dunning Avenue pop-up cycleway** - The [report](#) to council in May 2021 detailed the planning process to keep the Dunning Avenue pop-up cycleway in place for another two years. The report summarised the community consultation as follows

“The City received a total of 164 submissions including 145 survey responses and 19 email submissions. Of the total submissions 14 are in support of the proposal, 14 opposing and 136 with qualified responses and suggestions. Many of the suggestions reflected matters identified through earlier consultation processes and have been addressed in the Review of Environmental Factors following earlier engagement.”

The full engagement report is available on council's [website](#).

- **Pitt Street pop-up cycleway** - The [report](#) to council in May 2021 was for approval to proceed with the permanent design for the cycleway on Pitt Street, to replace the pop-up cycleway. The report summarised the community consultation as follows:

“The City received a total of 89 submissions comprising 75 survey responses and 14 email submissions. 47 responses were supportive, 7 responses were in opposition and 35 were qualified responses with suggestions.”

The full engagement report is available on council's [website](#):

- **Ashmore to Eveleigh pop-up cycleway** - The [report](#) to council in May 2021 was for approval to proceed with the permanent design for the cycleway on Henderson Road, Railway Parade and Bridge Street, to replace the pop-up cycleway. The report summarised the community consultation as follows:

“There were 453 submissions specifically in response to the Henderson Road, Railway

Parade and Bridge Street proposal with 347 objecting to the proposal, 65 comments with mixed support and design suggestions, and 41 supporting the proposal.

Submissions supporting the proposal believed that the changes would improve safety and cycle access through the area and reduce vehicle speeds. Some of the concerns raised related to the narrowing of the adjacent traffic lanes and loss of parking.

A large number of submissions opposed the Railway Parade one-way closure as it has resulted in increased traffic in Park Street. In response the City has developed a proposal for traffic calming measures in Park Street, with input from Park Street residents, and has sought community feedback on this proposal from 24 February 2021 to 3 March 2021. Engagement activities have included letterbox drops, drop-in sessions at Solander Park and email correspondence. Residents supported the changes and temporary work is now complete. Permanent work will commence in May 2021.

In response to concerns about increased traffic on Park Street, the project for the permanent cycleway will also redesign Railway Parade back to two-way traffic but with additional traffic calming measures.”

The full engagement report is available on council's [website](#):

- **Moore Park Road and Fitzroy Street pop-up cycleways** - The [report](#) to council in May 2021 detailed the planning process to keep the Moore Park Road and Fitzroy Street pop-up cycleways in place for another two years while Transport for NSW build a replacement cycleway on Oxford Street between Centennial Park and Taylor Square. The report summarised the community consultation as follows:

“For Moore Park Road, the City received a total of 123 submissions, including 102 survey responses and 21 email submissions, with 41 responses in support of the proposal, 37 opposing and 45 with qualified responses and suggestions.

For Fitzroy Street, the City received a total of 49 submissions, including 42 survey responses and 7 email submissions, with 14 responses in support of the proposal, 6 opposing and 29 with qualified responses and suggestions.”

The full engagement reports are available on council’s website for [Moore Park Road](#) and [Fitzroy Street](#).

This information can be found on the City’s website, under the agenda for the [Environment Committee on 10 May 2021](#) and has also been previously provided to Councillors via a CEO Update on 11 March 2022 (in response to a Notice of Motion considered by Council on 21 February 2022).

Any questions about the Transport for NSW pop-up cycleways, on Bridge Road or Sydney Park Road, can be directed to Transport for NSW for the latest information. A CEO Update circulated on 14 February 2022 reported that Transport for NSW has announced it will make the cycleway on Bridge Road permanent. Sydney Park Road works are part of the Transport for NSW Sydney Park Gateway Project.