

Council

Meeting No 3

Monday 11 March 2024

Notice No 3/1661

Notice Date 7 March 2024

minutes

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Present

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

Members Deputy Lord Mayor - Councillor Robert Kok, Councillor HY William Chan, Councillor (Waskam) Emelda Davis, Councillor Sylvie Ellsmore, Councillor Lyndon Gannon, Councillor Shauna Jarrett, Councillor Linda Scott, Councillor Yvonne Weldon AM and Councillor Adam Worling.

At the commencement of business at 5.01pm, those present were:

The Lord Mayor, Councillors Kok, Chan, Davis, Ellsmore, Gannon, Scott, Councillor Weldon and Worling.

The Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Director City Planning, Development and Transport, Director Legal and Governance, Director City Life, Director Strategic Development and Engagement, Chief Technology and Digital Services Officer and Director City Services were also present.

Acknowledgement of Country and Opening Prayer

The Lord Mayor opened the meeting with an Acknowledgement of Country and opening prayer.

Webcasting Statement

The Chair (the Lord Mayor), advised that in accordance with the City of Sydney Code of Meeting Practice, Council meetings are audio visually 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.

Councillor Jarrett arrived at the meeting of Council at 5.21pm, during discussion and before the vote on Item 3.2.

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, 19 February 2024, and of the extraordinary meeting of Council of Monday, 4 March 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2 Statement of Ethical Obligations and Disclosures of Interest

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 3.2 on the agenda, in that she is the President of the Australian Local Government Association (ALGA). Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there will be no decisions required relating to ALGA, rather, noting information.
- a less than significant, non-pecuniary interest in Item 14.2 on the agenda, in that she is the President of the ALGA, and ALGA is a signatory to the National Housing Accord. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because there will be no decisions required relating to ALGA, rather, noting information.
- a less than significant, non-pecuniary interest in Item 14.3 on the agenda, in that her children attend the school where Getiela Park is used. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as she applies her judgement to the decisions as a Councillor for the City of Sydney.
- a less than significant, non-pecuniary interest in Item 14.4 on the agenda, in that she and her family live in close proximity to the Newtown High School. Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as she applies her judgement to the decisions as a councillor for the City of Sydney.

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

Item 3 Minutes by the Lord Mayor

Item 3.1 Wentworth Park

Minute by the Lord Mayor

To Council:

The City of Sydney has long opposed greyhound racing, and advocated for the return of Wentworth Park to the community as public open space.

Last month in Parliament, both the Minister for Lands and Property, Steve Kamper, and the Minister for Gaming and Racing, David Harris, acknowledged they are considering supporting the Greyhound Breeders, Owners and Trainers Association's proposal to extend its lease at Wentworth Park after it expires in 2027.

I am extremely concerned that the NSW Government is considering reversing a commitment made to the community and to the City that Wentworth Park would be returned to the public once the Greyhound Breeders, Owners and Trainers Association's lease expired to meet the open space requirements of the adopted Pymont Peninsula Place Strategy.

Open Space for Density

Wentworth Park sits in the middle of one of the most densely populated neighbourhoods in Australia. Ultimo/Pymont has one of our highest residential densities at 14,000 people per square kilometre.

The City's Local Housing Strategy aims to provide an additional 56,000 dwellings between 2016 and 2036, with over 30,000 dwellings built or in the pipeline, including in areas around Wentworth Park such as Blackwattle Bay.

We welcomed the former Government's commitment to return Wentworth Park under the Pymont Peninsula Place Strategy. It is critical that this parkland is returned to support the additional residential and commercial uses planned in the area.

The City has already conducted early consultation and begun a new masterplan for parkland use of this prime inner-city land, and we have included an allowance for embellishment works for the parkland in the Draft Ultimo Pymont Local Infrastructure Contributions Plan 2023.

Overwhelmingly, the community supported removing the greyhound racing track to create more public parkland as part of the consultation. The early engagement also told us the community want to connect to nature, as well as a place for exercise and play, a place that supports social activity and a place that is easy to move through.

It would be bitterly disappointing if the NSW Government reneged now, which would indicate the greyhound industry is more important than the communities of Pymont, Ultimo and Glebe and this would potentially jeopardise the development in Pymont, as the returned parkland was part of the negotiations to increase housing and other development as part of the Pymont Peninsula Place Strategy.

Greyhound Racing

Wentworth Park is currently dominated by a greyhound racing track. This parkland should be for the benefit of the community, not an industry that has admitted to killing up to 17,000 healthy dogs each year, has been shown to live-bait, and causes people with a gambling problem real suffering. Reforms introduced by previous NSW Governments have not improved animal welfare.

Since 2020, 17 dogs have been killed and 1,262 injured at Wentworth Park. The number of dogs killed does not include the many who are put down as a result of their injuries. This year alone, two dogs have been killed and 83 dogs injured at Wentworth Park. This is truly heartbreaking and needless. The greyhound racing track at Wentworth Park currently records the fourth highest number of injuries in Australia in 2024.

Council has passed several resolutions condemning greyhound racing and I have written to successive NSW Governments opposing the cruel practice.

On 5 March 2024, I wrote to the Minister for Lands and Property, Minister for Planning and Public Spaces, and Minister for Gaming and Racing expressing serious concern and disappointment that the NSW Government may overturn a previous commitment to the community to remove greyhound racing from Wentworth Park.

Given the NSW Government has already met with Greyhound Racing NSW about this matter, I have sought an urgent meeting with the Ministers to discuss the future of Wentworth Park.

With plans to increase housing, particularly around Blackwattle Bay, Pyrmont and Ultimo, we cannot expect people to thrive in higher densities without improved public amenity, including access to adequate parkland and recreational space.

A community-led petition started by a Glebe resident urges the NSW Government to end the Greyhound Breeders, Owners and Trainers Association's lease and return the land to the local community. The petition notes redevelopment in the area and that where the racetrack is should be green space and used for outdoor recreation.

The Animal Justice Party NSW has also started a petition to End the Tragedy at Wentworth Park Greyhound Track, which I support.

The NSW Government must commit to removing greyhound racing from Wentworth Park when the Greyhound Breeders, Owners and Trainers Association's lease expires in 2027, so it can be returned to the existing and future residents, workers and visitors in this area. This commitment must be made in line with NSW Government directions to increase density.

Recommendation

It is resolved that:

- (A) Council reaffirm its opposition to the cruel practice of greyhound racing;
- (B) Council express disappointment in Minister Kamper and Minister Harris' comments in Parliament suggesting they are considering reversing the previous commitment to the community to return Wentworth Park to public open space by extending the Greyhound Breeders, Owners and Trainers Association's lease beyond 2027;
- (C) Council note the Lord Mayor recently wrote to the Minister for Lands and Property, Minister for Planning and Public Spaces, and Minister for Gaming and Racing, urging the NSW Government to formally commit to removing greyhound racing from Wentworth Park;
- (D) Council note the [community-led petition](#) calling for a stop to the NSW Government's plan to keep greyhound racing in Wentworth Park, endorse its promotion through the City's various communication channels and encourage the community to write to the NSW Government urging Wentworth Park to be returned to the community as public open space when the Greyhound Breeders, Owners and Trainers Association's lease ends in 2027;
- (E) Council endorse the requests in the [petition by the Animal Justice Party NSW](#) to End the Tragedy at Wentworth Park Greyhound Track; and
- (F) the Chief Executive Officer be requested to report back to Council via the CEO Update with the outcomes of the City's early consultation and progress on the City's masterplan for a consolidated Wentworth Park when the Greyhound Breeders, Owners and Trainers Association's lease ends in 2027.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Moved by the Chair (the Lord Mayor) –

That the Minute by the Lord Mayor be endorsed and adopted.

Amendment. Moved by Councillor Scott, seconded by Councillor Weldon –

That the Minute be amended such that clause (C) read as follows –

- (C) Council note the Lord Mayor and Councillor Scott recently wrote to the Minister for Lands and Property, Minister for Planning and Public Spaces, and Minister for Gaming and Racing, urging the NSW Government to formally commit to removing greyhound racing from Wentworth Park;

The amendment was lost on the following show of hands –

Ayes (4) Councillors Ellsmore, Gannon, Scott and Weldon

Noes (5) The Chair (the Lord Mayor), Councillors Chan, Davis, Kok and Worling.

Amendment lost.

Substantive Minute carried unanimously.

S051491

Item 3.2 Cost Shifting onto Local Government

Minute by the Lord Mayor

To Council:

This Minute requests that Council join with other NSW Councils in requesting the NSW Government to address the unrelenting growth of cost shifting to Local Government.

Cost shifting occurs when one level of government transfers a function to another level of government. This includes provision of services, programs or capital works and regulatory compliance. Legislation passed by the NSW Parliament may also impose additional costs on Local Government. Such cost shifting, coupled with rate pegging, is increasingly eroding any possibility of financially sustainable local government. Many Councils risk losing the capacity to deliver tailored, grassroots services to their communities and properly deliver and maintain vital local infrastructure.

Local Government NSW (LGNSW) has been conducting periodic surveys of the extent of cost shifting by the Federal and State Governments on to NSW local government for several years. In the 2006/2007 financial year, \$380 million in costs were shifted onto local government. The most recent report, produced for Local Government NSW by independent consultants Morrison Low, found that \$1.36 billion had been passed onto NSW Councils in the 2021/2022 financial year. This is an increase of \$540 million since the last report from the 2017/2018 financial year. On average, this represents an additional cost of \$460.67 for every NSW ratepayer across the state, effectively a hidden tax to other levels of government.

The Morrison Low Report, "How State Costs Eat Council Rates", is shown at Attachment A to the subject Minute.

Impact on the City of Sydney

Other levels of government shift costs onto City of Sydney ratepayers in various ways, including through the imposition of waste and emergency services levies; reducing or ceasing funding for vital services and programs, such as Meals on Wheels; and compliance with regulations such as those related to companion animals and noxious weeds.

The City bears other costs by filling service gaps such as contributing to crime prevention through our CCTV network, providing homelessness services and providing a community sharps bins service. We are denied the opportunity to raise additional revenue due to rate exemptions for government owned properties, certain non-government properties and community housing.

The total costs that were shifted onto the City of Sydney in the 2021/2022 financial year is estimated to exceed \$48 million.

There are other areas where the actual costs being shifted are unknown, such as the costs associated with Crown Land being transferred to the City, undergrounding electricity cables and aerial bundling of wires.

Meeting these myriad costs impacts on our capacity to provide the services, programs and infrastructure to our communities and fulfill our responsibilities in meeting the needs of Australia's leading international city.

A copy of cost shifting examples onto the City of Sydney for the financial year 2021/2022 that was provided to Local Government NSW is shown at Attachment B to the subject Minute.

Prior to the 2023 NSW state election, the then Minns Labor Opposition wrote to Local Government NSW acknowledging that cost shifting had undermined the financial sustainability of the local government sector. It is now time for the Minns Labor Government to move beyond mere acknowledgement and urgently address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

Addressing cost shifting must be part of the wider issue of Local Government funding. The United Services Union has advised that it has secured an agreement with the NSW and Commonwealth Government for Parliamentary Inquiries into this issue. The Union seeks the support of all councils for both Inquiries.

I propose that the City of Sydney participate in both Inquiries when they are announced with the aim of ensuring that an appropriate modern and sustainable financial funding model for all councils is achieved.

Recommendation

It is resolved that:

- (A) Council receive and note the findings of the Local Government NSW Cost Shifting Report - How State Costs eat Council Rates, for the 2021/2022 financial year as shown at Attachment A to the subject Minute;
- (B) a copy of the cost shifting report be placed on the City of Sydney website so that our communities can access it;
- (C) the Lord Mayor be requested to write to the NSW Premier, the NSW Treasurer and the NSW Minister for Local Government requesting them to urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding;
- (D) Council welcome the agreement achieved with the Commonwealth and NSW Governments to hold Parliamentary Inquiries into Local Government funding; and
- (E) the Chief Executive Officer be requested to prepare submissions to both Inquiries when their Terms of Reference are announced.

COUNCILLOR CLOVER MOORE AO

Lord Mayor

Attachments

Attachment A. How State Costs Eat Council Rates

Attachment B. Cost Shifting Examples onto the City of Sydney for the Financial Year 2021/2022

Attachment C. United Services Union Letter Relating to Proposed Parliamentary Inquiries into Local Government Funding

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

That the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.

S051491

Item 4 Memoranda by the Chief Executive Officer

There were no Memoranda by the Chief Executive Officer for this meeting of Council.

Item 5 Matters for Tabling

5.1 Disclosures of Interest

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

It is resolved that the Disclosures of Interest returns be received and noted.

Carried unanimously.

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

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Deputy Lord Mayor Councillor Robert Kok

(Deputy Chair)

Councillors HY William Chan, (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Linda Scott, Yvonne Weldon AM and Adam Worling.

At the commencement of business at 2.20pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott, Weldon and Worling.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.32pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 4 March 2024 be received, with Items 6.1 and 6.2 being noted, and the recommendations set out below for Items 6.3 to 6.9 inclusive being adopted in globo.

Carried unanimously.

Item 6.1

Confirmation of Minutes

Moved by Councillor Kok, seconded by Councillor Davis –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 12 February 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 6.2

Statement of Ethical Obligations and Disclosures of Interest

No 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 6.3

Investments Held as at 29 February 2024

It is resolved that the Investment Report as at 29 February 2024 be received and noted.

Carried unanimously.

X020701

Item 6.4

Lease Approval - Mandible Street, Alexandria Properties

It is resolved that:

- (A) Council approve a three-year lease renewal from 9 October 2024 to 8 October 2027 to Murrays Australia Pty Limited ABN 65 008 468 666 for 30 and 33-39 Mandible Street, Alexandria for the amount outlined in Confidential Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise the terms of this proposal and to negotiate, execute and administer the lease relating to the proposal in accordance with the Confidential Attachment A to the subject report.

Carried unanimously.

X039615

Item 6.5

Lease Approval - 343 George Street, Sydney

It is resolved that:

- (A) Council note the lease proposal information for 343 George Street included in Confidential Attachment A to the subject report;
- (B) Council approve the granting of a lease for 343 George Street in accordance with the essential lease terms and conditions contained within Confidential Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease, including in relation to the exercise of the option, in accordance with the essential terms and conditions contained within Confidential Attachment B to the subject report.

Carried unanimously.

S096173.016

Item 6.6

Tender - T-2023-1033 and Contract Variation - 343 George Street Façade Remediation Stage 2

It is resolved that:

- (A) Council accept the tender of Tenderer B for 343 George Street Façade Remediation and Lighting Project - Stage 2 for the price and contingency outlined in Confidential Attachment A to the subject report;
- (B) Council note that the total contract sum and contingency for the 343 George Street Façade Remediation and Lighting Project - Stage 2 is outlined in Confidential Attachment A to the subject report;
- (C) Council approve additional contract contingency for the Head Design Consultancy Contract for additional design services during the construction stage of 343 George Street Façade Remediation and Lighting Project - Stage 2 as outlined in Confidential Attachment A to the subject report;
- (D) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender and contract variation for 343 George Street Façade Remediation and Lighting Project - Stage 2; and
- (E) Council approve the additional funds required for the delivery of 343 George Street Façade Remediation and Lighting Project - Stage 2 as outlined in Confidential Attachment A to the subject report.

Carried unanimously.

X011030.001

Item 6.7

Exemption from Tender and Contract Variation - Green Square Water Reuse Scheme

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for the contract to Sydney Water Corporation for the operation and maintenance of the Green Square Water Reuse Scheme (GSWRS);
- (B) Council note the reasons a satisfactory outcome would not be achieved by inviting tenders is due to the following extenuating circumstances:
 - (i) operators of water infrastructure and suppliers of water in NSW must hold relevant licences under the Water Industry Competition Act 2006 specific to the particular scheme, which take an estimated two years to obtain;
 - (ii) Sydney Water Corporation is the current operator of the Green Square Water Reuse Scheme and, as a nominated public water utility in the Water Industry Competition Act 2006, is exempt from the requirement to obtain licences for this scheme; and
 - (iii) it is not possible to procure an alternative operator prior to the exhaustion of the current total value, meaning the only other option is to cease operating the scheme;
- (C) Council approve the variation to increase the total contract value of the contract with Sydney Water Corporation for the operation and maintenance of the Green Square Water Reuse Scheme, as detailed at Confidential Attachment A to the subject report;
- (D) Council note that the revised total contract value for this contract is outlined in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to finalise, execute and administer the variation to the contract to give effect to the resolutions above.

Carried unanimously.

X094239.001

Item 6.8

Exemption from Tender - IT Licence, Subscription, Maintenance and Support Contracts

It is resolved that:

- (A) Council approve an exemption from tender for the provision of the maintenance, support, subscription and licencing of the software applications, platforms and hardware appliances upon the expiry of the current agreements, for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report, noting that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory outcome would not be achieved by inviting tenders differ for each application, platform or appliance and include:
 - (i) high costs and/or extensive business disruption associated with a transition to a new provider;
 - (ii) upgrades or changes to service requirements are planned to be implemented within the next five years;
 - (iii) cost to take the arrangement to market would be disproportionate to the potential value of change; and
 - (iv) a lack of availability of alternative suppliers;
- (C) Council note that the detailed reasons as to why a satisfactory result will not be achieved by inviting tenders are outlined further in Confidential Attachment A to the subject report;
- (D) Council enter into the subscription, licencing, maintenance and support agreements with the suppliers upon the expiry of the current agreements for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to finalise, execute and administer (including exercising options, if appropriate) the subscription, licencing, maintenance and support agreements with the relevant suppliers as listed in Confidential Attachment A to the subject report.

Carried unanimously.

S064539

Item 6.9

Exemption from Tender and Contract Variation - Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals to extend the term of the existing contract to 30 June 2027 (37 months and 13 days) with an optional further 12-month extension (30 June 2028);
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) the Commonwealth Government's funding model announcement (expected July 2027) is likely to have significant changes in how grant funding is allocated (post July 2027);
 - (ii) significant uncertainty will continue in the market until the funding model changes are implemented; and
 - (iii) market testing has indicated a lack of suppliers capable of meeting the City's requirements;
- (C) Council approve a contract variation for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals to:
 - (i) increase the contract value to accommodate an increased need to procure meals through the life of the contract, as shown in Confidential Attachment A to the subject report;
 - (ii) extend the contract by a further three years one month and 13 days to 30 June 2027 to align with the Commonwealth Home Support Grant and enable a tender process to take place in line with any changes to funding provided by the Commonwealth;
 - (iii) include a 12-month option (1 July 2027 to 30 June 2028) as a contingency should the Commonwealth's aged care reforms be further delayed; and
 - (iv) include a five per cent contingency on the extended contract value to allow the service to meet increased community need;
- (D) Council note the total contract sum and contingency for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals is outlined in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute, administer the variation to the contract and enter into any necessary documentation with the current supplier to give effect to the resolutions above.

Carried unanimously.

S074367

Item 7 Report of the Environment Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Adam Worling

(Deputy Chair)

Deputy Lord Mayor Councillor Robert Kok, Councillors HY William Chan, (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Linda Scott, and Yvonne Weldon AM.

At the commencement of business at 2.33pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott, Weldon and Worling.

The meeting of the Environment Committee concluded at 2.52pm.

Report of the Environment Committee

Moved by Councillor Worling, seconded by Councillor Kok –

That the report of the Environment Committee of its meeting of 4 March 2024 be received, with Items 7.1 and 7.2 being noted, the recommendations set out below for Items 7.3 to 7.4 inclusive being adopted in globo.

Carried unanimously.

Item 7.1

Confirmation of Minutes

Moved by Councillor Worling, seconded by Councillor Kok –

That the Minutes of the meeting of the Environment Committee of Monday 12 February 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 7.2

Statement of Ethical Obligations and 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 7.3

Project Scope - Dixon Street Upgrade

It is resolved that Council:

- (A) endorse the scope of works for Dixon Street upgrade as describe in the subject report and as generally indicated at Attachment B to the subject report for progression to detailed design, documentation and construction of works; and
- (B) note the financial implications as outlined in Confidential Attachment D to the subject report.

Carried unanimously.

X097162

Speaker

Kevin Cheng (Soul of Chinatown) addressed the meeting of the Environment Committee on Item 7.3.

Item 7.4

Revised Project Scope - Sydney Park Brick Kilns Precinct Renewal

It is resolved that Council:

- (A) endorse the revised scope of works to Sydney Park Brick Kilns Precinct Renewal as described in the subject report and shown in Attachment A to the subject report, for progression of tendering and construction; and
- (B) note the financial implications as outlined in Confidential Attachment B to the subject report.

Carried unanimously.

X082505.008

Item 8 Report of the Housing For All Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO

(Chair)

Councillor Sylvie Ellsmore

(Deputy Chair)

Deputy Lord Mayor Councillor Robert Kok, Councillors HY William Chan, (Waskam) Emelda Davis, Lyndon Gannon, Shauna Jarrett, Linda Scott, Yvonne Weldon AM and Adam Worling.

At the commencement of business at 2.53pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott, Weldon and Worling.

The meeting of the Housing For All Committee concluded at 3.50pm.

Report of the Housing For All Committee

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

That the report of the Housing For All Committee of its meeting of 4 March 2024 be received, with Items 8.1 and 8.2 being noted, and Items 8.3 and 8.4 being dealt with as shown immediately following those items.

Carried unanimously.

Item 8.1

Confirmation of Minutes

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

That the Minutes of the meeting of the Housing For All Committee of Monday 6 November 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 8.2

Statement of Ethical Obligations and Disclosures of Interest

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

The Housing For All Committee recommended the following:

Item 8.3

Grants and Sponsorship - Affordable and Diverse Housing Fund - William Booth House Redevelopment, Surry Hills

Note – the recommendation of the Housing For All Committee was not adopted. The following alternative recommendation was adopted (as contained the in the Information Relevant To Memorandum dated 8 March 2024 from the Chief Operating Officer, circulated prior to the meeting).

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

It is resolved that:

- (A) Council approve a \$3,000,000 (excluding GST) cash grant to The Trustee for the Salvation Army (NSW) Social Work to support the redevelopment of William Booth House located at 56-58 Albion Street, Surry Hills for the purposes of residential rehabilitation services as outlined in Attachment A to the subject report, and subject to the following conditions:
 - (i) Council reserves the right to withdraw the grant offer:
 - (a) if the project changes from the current proposal for residential rehabilitation services so that, in the City's view, it is no longer consistent with the project outlined in Attachment A or otherwise no longer complies with the City's Grants and Sponsorship Guidelines; or
 - (b) if The Trustee for the Salvation Army (NSW) Social Work is not able to demonstrate that funding is available to the agreed value of the project within 18 months of Council approval of this grant;
 - (ii) the grant funds are only to be paid when all of the following are satisfied:
 - (a) no sooner than 1 July 2024;when a Construction Certificate for the project has been issued; and
 - (a) when the covenant referred to in (A)(v) below has been registered on title of the land;
 - (iii) the City reserves the right to require the grant to be repaid in full indexed annually by CPI if:
 - (b) The Trustee for the Salvation Army (NSW) Social Work does not achieve practical completion of the development by 27 June 2028; or
 - (c) the project changes from the current proposal for residential rehabilitation services so that, in the City's view, it is no longer consistent with the project as outlined in Attachment A or otherwise no longer complies with the City's Grants and Sponsorship Guidelines;

- (iv) the property supported though this grant will remain crisis accommodation or hostel use (as defined in the Sydney LEP 2012) into the future to fulfil the aims of the Affordable and Diverse Housing Fund, unless Council exercises a right under paragraph (i) or (iii) above; and
 - (v) the City will require a covenant to be registered on the land title to protect the land use referred to in paragraph (iv) unless the grant funds are repaid in accordance with paragraph (iii); and
- (B) authority be delegated to the Chief Executive Officer to finalise negotiations, execute and administer a grant agreement with The Trustee for the Salvation Army (NSW) Social Work relating to the project described and on the terms described in (A).

Carried unanimously.

S117676

Speakers

Andrew Hill (Salvation Army) and Matt Fisher (Salvation Army) addressed the meeting of the Housing For All Committee on Item 8.3.

Item 8.4

City of Sydney Affordable Housing Contributions Distribution Plan

Note - The Housing For All Committee decided that consideration of this matter shall be deferred to the meeting of Council on 11 March 2024.

At the meeting of Council, the Officer's Recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok -

It is resolved that:

- (A) Council approve the City of Sydney Affordable Housing Contributions Distribution Plan, shown at Attachment A to the subject report, noting it will come into effect on 1 July 2024;
- (B) Council repeal the City of Sydney Affordable Housing Contributions Interim Distribution Plan, that was adopted by Council in June 2023, but that has not yet come into effect; and
- (C) authority be delegated to the Chief Executive Officer to make minor variations to the City of Sydney Affordable Housing Contributions Distribution Plan to correct any minor errors prior to finalisation.

Amendment. Moved by Councillor Ellsmore, seconded by Councillor Scott –

That the motion be amended such that clause (A) read as follows –

- (A) Council approve the City of Sydney Affordable Housing Contributions Distribution Plan, shown at Attachment A to the subject report, noting it will come into effect on 1 July 2024, with the following amendments:
- (i) the Distribution Plan is to be reviewed after two years;
 - (ii) noting that the current considerations for the review include the existing affordable housing development pipeline, adding the following considerations for the review:
 - (a) opportunities to prioritise housing delivered directly by, or in partnership with, Aboriginal housing providers; and
 - (b) opportunities to maximise delivery of the number and diversity of dwellings; and
 - (iii) expand the Expression of Interest for the future Distribution Plan to include Community Housing Providers who operate in the City of Sydney area.

A show of hands on the amendment resulted in an equality of voting as follows –

Ayes (5) Councillors Ellsmore, Gannon, Jarrett, Scott and Weldon

Noes (5) The Chair (the Lord Mayor), Councillors Chan, Davis, Kok and Worling.

Pursuant to the provisions of clause 10.3 of the Code of Meeting Practice, the amendment was declared lost.

Substantive motion carried unanimously.

X100083

Speakers

Leonie King (City West Housing), Robin Fletcher (St George Community Housing), Andrew Brooks (St George Community Housing), and Simone Parsons (Bridge Housing) addressed the meeting of the Housing For All Committee on Item 8.4.

Item 9 Report of the Cultural and Creative Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO
(Chair)

Councillor Lyndon Gannon
(Deputy Chair)

Deputy Lord Mayor Councillor Robert Kok, Councillors HY William Chan, (Waskam) Emelda Davis, Sylvie Ellsmore, Shauna Jarrett, Linda Scott, Yvonne Weldon AM and Adam Worling.

At the commencement of business at 3.51pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott, Weldon and Worling.

The meeting of the Cultural and Creative Committee concluded at 4.05pm.

Report of the Cultural and Creative Committee

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

That the report of the Cultural and Creative Committee of its meeting of 4 March 2024 be received, with Items 9.1 and 9.2 being noted, and the recommendation set out below for Item 9.3 being adopted in globo.

Carried unanimously.

Item 9.1

Confirmation of Minutes

Moved by Councillor Gannon, seconded by Councillor Worling –

That the minutes of the meeting of the Cultural and Creative Committee of Monday 6 November 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 9.2

Statement of Ethical Obligations and 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 Creative Committee.

The Cultural and Creative Committee recommended the following:

Item 9.3

Grants and Sponsorship - Accommodation Grant Program - Museum of Chinese in Australia

It is resolved that:

- (A) Council approve a new subsidy level for Museum of Chinese in Australia Limited at 744 George Street, Haymarket for Option Year 1 and Option Year 2 of its current lease (which commenced 21 April 2021) on the following rental subsidy:

Lease year	Period	Market Rent	Subsidy Level	Subsidy Amount	Rent payable
Option Year 1	April 2024	\$639,729	100%	\$639,729	\$0
Option Year 2	April 2025	\$658,921	100%	\$658,921	\$0

- (B) authority be delegated to the Chief Executive Officer to enter into any documentation required to vary the lease for Option Year 1 and Option Year 2 to reflect the new rental subsidy;
- (C) Council approve an Accommodation Grant for Museum of Chinese in Australia Limited at 744 George Street Haymarket for five years from April 2026 to April 2030 with an option for a further term of five years;
- (D) Council note that the rent and subsidy level of the lease term and option commencing in April 2026 cannot be calculated now, but the amount of the Accommodation Grant in the form of a rental subsidy will be a maximum of:

	Maximum subsidy
Year 1	\$658,328
Year 2	\$678,078
Year 3	\$698,420
Year 4	\$719,373
Year 5	\$740,954
Year 6	\$763,182
Year 7	\$786,078

	Maximum subsidy
Year 8	\$809,660
Year 9	\$833,950
Year 10	\$858,969

- (E) authority be delegated to the Chief Executive Officer to finalise the Accommodation Grant to Museum of Chinese in Australia Limited provided that the maximum subsidy is no more than the amounts set out at (D);
- (F) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the lease agreement for years 2026 to 2030 with an option for a further five-year term with the Museum of Chinese in Australia Limited for 744 George Street, Haymarket;
- (G) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipients will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution; and
- (H) Council note that at expiry of option term, there is opportunity for future renewal according to the usual Accommodation Grants program process.

Carried unanimously.

X035101

Speaker

Daphne Lowe Kelley (Museum of Chinese in Australia) addressed the meeting of the Cultural and Creative Committee on Item 9.3.

Item 10 Report of the Transport, Heritage, Environment and Planning Committee

PRESENT

The Lord Mayor Councillor Clover Moore AO
(Chair)

Councillor HY William Chan
(Deputy Chair)

Deputy Lord Mayor Councillor Robert Kok, Councillors (Waskam) Emelda Davis, Sylvie Ellsmore, Lyndon Gannon, Shauna Jarrett, Linda Scott, Yvonne Weldon AM and Adam Worling.

At the commencement of business at 4.05pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott, Weldon and Worling.

The meeting of the Transport, Heritage and Planning Committee concluded at 4.08pm.

Report of the Transport, Heritage and Planning Committee

Moved by Councillor Chan, seconded by Councillor Kok –

That the report of the Transport, Heritage and Planning Committee of its meeting of 4 March 2024 be received, with Items 10.1 and 10.2 being noted and the recommendation set out below for Item 10.3 being adopted in globo.

Carried unanimously.

Item 10.1

Confirmation of Minutes

Moved by Councillor Chan, seconded by Councillor Worling –

That the Minutes of the meeting of the Transport, Heritage and Planning Committee of Monday 12 February 2024, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 10.2

Statement of Ethical Obligations and 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.

The Transport, Heritage and Planning Committee recommended the following:

Item 10.3

Fire Safety Reports

It is resolved that Council note:

- (A) the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) the inspection reports by Fire and Rescue NSW, as shown at Attachments B to F to the subject report;
- (C) the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 10-24 Flinders Street, Darlinghurst;
- (D) the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 6/4 Huntley Street, Alexandria at this time;
- (E) the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 316 Elizabeth Street, Surry Hills at this time;
- (F) the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 208-218 Riley Street, Surry Hills at this time; and
- (G) the contents of Attachment F and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 20-28 Maddox Street, Alexandria at this time.

Carried unanimously.

S105001.002

Item 11 Grants and Sponsorship – Ad Hoc Grant - Support for Sundays at Qtopia Sydney

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

It is resolved that:

- (A) Council approve a \$100,000 (excluding GST) cash grant to Qtopia Ltd as shown in Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the grant agreement with Qtopia Ltd on appropriate terms and conditions in relation to acquittal of grant funds and pre-conditions to payment of grant tranches, including as outlined in Attachment A to the subject report;
- (C) Council note that this grant forms one of the actions arising from the Lord Mayor's LGBTIQA+ Safety Summit held in February 2024 and further actions arising from the Lord Mayoral Minute of 19 February 2024 are being developed for Council consideration; and
- (D) authority be delegated to the Chief Executive Officer to correct minor changes to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Carried unanimously.

X101031

Item 12 Questions on Notice**1. Parking Inspections in the City of Sydney**

By Councillor Scott

Question

On 22 February 2024, 7NEWS reported that City of Sydney documents titled 'Parking Ranger Goals' expected parking inspectors to be 'highly productive' in issuing fines, and that the City of Sydney had given a statement to 7NEWS that parking inspectors had 'targets' with monthly productivity reports.

2. How many tickets does a City of Sydney parking inspector have to issue per month to meet their 'productivity target'?
3. What financial quantum of tickets does a City of Sydney parking inspector have to issue per month to meet their 'productivity target'?
4. What consequences are there for City of Sydney parking inspectors who do not meet their 'productivity target'?
5. Are any financial or non-financial incentives offered to encourage City of Sydney parking inspectors to meet or exceed their 'productivity target'?
6. Over the past five years, have any City of Sydney parking inspectors been disciplined, demoted or otherwise penalised for failing to meet their 'productivity target'?
7. What safeguards are in place to ensure City of Sydney parking inspectors, under pressure to meet their 'productivity target', do not issue tickets for trivial or marginal infringements?
8. Over the past 12-months, how many parking tickets issued by City of Sydney parking inspectors have been challenged or appealed?
9. Over the past 12-months, how many challenges or appeals against parking tickets issued by City of Sydney parking inspectors have been successful?
10. Broken down by financial year, what is the total income the City has received from parking tickets in each of the past twenty financial years?

X086668

Answer by the Chief Executive Officer

1. The City does not use the number of tickets as a productivity target.
2. There are no individual financial targets.
3. There are no targets. Like all employees, Rangers' work performance is managed according to the City's Performance and Development policy.
4. No.

5. Rangers are expected to meet their work obligations in accordance with their job descriptions and work and development plans. Additional coaching and mentoring are offered to staff who need assistance to meet their goals. Where a Ranger continuously demonstrates that they are unable or not willing to meet work expectations, then on rare occasions disciplinary action has been taken.
6. Rangers are authorised officers and have authority to work autonomously. Supervision and auditing of tickets issued are undertaken on a regular basis.
7. Revenue NSW as an independent review authority administers penalty reviews on the City's behalf. Between 1 March 2023 and 29 February 2024, 270,534 fines were issued with 18,344 requests for review which equates to 6.8 per cent of the total fines issued.
8. Of the 270,534 fines issued, 1,451 were withdrawn equalling 0.54 per cent.
9. The City recognised an average annual gross revenue of approximately \$32.3 million for infringements each year over the past 20 years. After allowing for operating expenses such as salaries and wages for City Rangers, expenses paid to the NSW Government for infringement processing fees and profit share with the Minister for Police, the average annual net revenue is approximately \$10.6 million for the City. Both Gross and Net revenue fell significantly during the pandemic.

Over the past 20 years, the City has paid \$182 million to the NSW Government relating to infringement processing fees and a profit share arrangement with the Minister for Police.

The requested breakdown of revenue by financial year as below:

(\$M)	Revenue	
	Gross revenue	Net revenue
FY-2004	19.1	7.2
FY-2005	28.5	10.9
FY-2006	31.6	12.4
FY-2007	33.0	13.3
FY-2008	36.3	14.3
FY-2009	38.4	14.3
FY-2010	38.6	12.9
FY-2011	36.8	11.9
FY-2012	34.6	11.1
FY-2013	35.5	12.3
FY-2014	32.7	10.5
FY-2015	32.6	10.7
FY-2016	30.5	9.3

(\$M)	Revenue	
	Gross revenue	Net revenue
FY-2017	31.8	10.5
FY-2018	37.9	15.0
FY-2019	36.5	11.3
FY-2020	28.9	5.6
FY-2021	29.9	7.1
FY-2022	20.5	2.4
FY-2023	33.2	8.9
Total	647.0	212.1
Average	32.3	10.6

2. Asbestos

By Councillor Scott

Question

1. Please detail, for all City parks where asbestos has been found, the date which asbestos was laid.
2. Please detail, for all City parks where asbestos has been found, the date which asbestos was tested for.
3. Please detail, for all City parks where asbestos has been found, the date and time when asbestos was discovered.
4. Please detail, for all City parks where asbestos has been found, the date and time when the discovery of asbestos was communicated to:
 - (a) the Lord Mayor;
 - (b) Councillors;
 - (c) the media; and
 - (d) the public.
5. Please detail, for all City parks where asbestos has been found, what investigations the City has undertaken to trace the source of the mulch?
6. What investigations has the City undertaken to identify why we were not aware that contaminated mulch had entered the City's supply chain? In the past, the City has bugged our waste to investigate where it is being sent. Were similar steps taken with our mulch? If not, why not?

7. Given the NSW Environmental Protection Authority (EPA) has announced they are investigating possible asbestos contamination in mulch from a second supplier, what steps have been taken to ascertain which City facilities mulch from the second supplier has been used at?
8. Given recent reports that asbestos contaminated-mulch has been found has been found at a Queensland supplier, indicating the contamination crisis is far more wide-spread than initially believed, what steps has the City taken to identify all suppliers for all mulch used at City facilities?
9. Given the potential for the contamination of mulch with asbestos to have occurred at a much earlier date than originally thought, at which City facilities has mulch from either affected supplier been used within the last 12 months?
10. Has the City set up any measures to investigate the contamination?
 - (a) If yes, what is the composition of that team in FTE positions and at what level and what roles?
 - (b) If no, how many staff across the City are engaged in responding to the asbestos contamination crisis, in FTE positions and at what level and with what roles?
11. Given reports that the contaminated mulch included inappropriate building residue like plastic and metal as well as asbestos, what quality control measures did the City have to ensure rate-payers are getting safe and value-for-money product when the City purchases mulch, prior to the discovery of asbestos?
12. What quality control measures has the City now put into place to ensure no future contaminated mulch is used at City facilities?
13. Over the past 12-months, how many different suppliers have been engaged in the provision of mulch to City facilities?
14. What steps has the City taken to meet our duty-of-care to employees and contractors who have been potentially exposed to asbestos at City facilities over the past six months (or potentially longer) and who may well need long-term health monitoring?
15. What provisions have been made available for any future claim against the City?
16. What provisions have been made for testing?
17. What provisions have been made for staff time to manage the City's asbestos crisis?
18. What provisions have been made by the City's contractors for any future claim against them or the City?
19. What provisions have been made by the City's contractors for testing?
20. What provisions have been made by the City's contractors for staff time to manage the City's asbestos crisis?
21. What random testing has the City done, outside that recommended by the EPA?
22. Why has the City chosen to test the parks we have tested? Please list the parks and other sites tested, and on what date, with results.
23. How has the City triaged the sites to be tested?

24. The Lord Mayor provided an inaccurate measure of time and cost for testing all parks to Council on 4 March 2024. Did City staff provide this advice to her office? If not, where did these incorrect figures come from? If not, will staff undertake to provide corrected figures to Council?

X086668

Answer by the Chief Executive Officer

1. The City has not laid any asbestos in City parks. Refer to the 4 March 2024 report to Council - The City's Response to Contaminated Mulch that details how some of the City's parks were found to have contaminated mulch
2. Testing involves visual inspection, sampling, laboratory analysis, development of a report and receipt of the report. Once the City receives the report and it has been assessed the City's website is updated. Please refer to the City's website for further information.
3. The City's website lists the parks where asbestos has been found.
4. The Lord Mayor and Councillors have been provided daily updates. Refer to the 4 March 2024 report to Council - The City's Response to Contaminated Mulch that details how the City has communicated with the media and the public.
5. The NSW Environment Protection Authority (EPA) is presently undertaking a significant investigation as advised at the Council meeting of 4 March 2024, including in relation to potential criminal offences.
6. This is the responsibility of the EPA.
7. The EPA has not publicly named the second supplier. The City is responding to all requests for information received as part of the EPA's investigations.
8. The City of Sydney is acting in accordance with the information and advice provided by the EPA.
9. The potentially contaminated mulch was delivered to City of Sydney sites between 21 June 2023 and 12 December 2023.
10. Refer to answers above.

The City has established the Asbestos Incident Management Team. It is chaired by the Director City Services and consists of representatives from City Greening and Leisure, Security and Emergency Management, Media and Communications, Work, Health and Safety, Risk and Governance, Infrastructure Delivery, Legal, Customer Service and City Life. Members of the Team are authorised to seek the necessary support from other members of their Teams as required. The Director City Services reports daily to the Chief Executive Officer to provide information and seek advice and also reports regularly to the Executive.

11. The City's contract with its contractor stipulates the type of mulch required. It must comply with relevant Australian Standards, Resource Recovery Orders and Exemptions made under the Protection of the Environment Operations (Waste) Regulation 2014 (including Mulch Order and Mulch Exemptions). The City is able to request compliance certificates at any time which would usually be prompted by a known concern.
12. The following measures have been implemented where appropriate:
 - compliance certificates for mulch to be submitted quarterly for all major supply and service contracts;

- contractual obligations in relation to mulch supply and compliance with legislative requirements (POEA, mulch orders, mulch exemptions) and standards is being discussed in contract meetings and has been discussed with contract managers (all major supply and service contracts);
 - contractor and City standard operating procedures for installing mulch is being reviewed and updated; and
 - pre-start check to be undertaken by operational staff including a visual inspection for foreign material/unexpected finds on site.
13. The City has identified 13 suppliers. Provision of mulch in City parks can also come from developers and the public (footpath gardeners, community gardeners).
14. The City has communicated with workers about the contaminated mulch situation via email communications. Our employees do not work directly with the contaminated mulch, and we do not store this mulch at our depots.
- The asbestos monitoring regime in Work Health and Safety (WHS) legislation is directed at workers who are completing licensed asbestos removal work or other asbestos related work. It does not apply to workers who may have worked in the vicinity of asbestos.
15. Any future claim for a work related injury as a result of this situation would be considered according to workers compensation legislation.
16. The City is meeting the cost of testing from existing budget allocations.
17. Not required.
18. This is a matter for the contractor.
19. This is a matter for the contractor.
20. This is a matter for the contractor.
21. Nil.
22. Refer to the 4 March 2024 report to Council - The City's Response to Contaminated Mulch that details how some of the City's parks were found to have contaminated mulch. The City's website lists the parks and street gardens involved in the investigation, including where no asbestos has been found.
23. The City has used a similar methodology to that described in the 4 March 2024 report to Council - The City's Response to Contaminated Mulch Council in relation to remediation to determine the priority for testing.
24. We are not aware of any inaccurate figures.

3. Plaques

By Councillor Scott

Question

1. What is the City's annual expenditure or budget for the creation and installation of plaques with the Lord Mayor's name and/or signature on them, broken down by financial year since 2004?
2. Please list, broken down by year, since 2004, where City plaques with the Lord Mayor's name and/or signature on them, have been installed.
3. Please include photos of all plaques.
4. Please detail the process for the selection of sites for the installation of plaques.
5. Please list, broken down by year, since 2004, where City plaques with any Lord Mayor's name and/or signature on them, have been removed. If any, please detail the cost.

X086668

Answer by the Chief Executive Officer

Plaques are installed where a City project is officially opened at completion of the project. Existing plaques / memorial stones etc. are generally incorporated within the new works.

Plaques are fabricated at time of project delivery and generally will be installed within six months of the official opening taking place.

There have been a number of projects where the official plaques were not installed immediately after opening – these plaques have been progressively installed.

The cost of plaques is approximately \$2,500 depending on the location.

It is not an effective use of staff resources to collect photos of all plaques.

4. Status of Public Housing Redevelopment in the City of Sydney as at 11 March 2024

By Councillor Ellsmore

Question

1. In answers to Questions on Notice tabled at the November 2023 Council meeting, Council advised the following development applications, modification applications and/or other planning proposals relating to public housing in the City of Sydney Local Government Area are proposed or underway:

- (a) 17-31 Cowper Street Glebe;
- (b) 14-36 Wentworth Park Road, Glebe;
- (c) 82 Wentworth Park Road, Glebe;
- (d) 600 Elizabeth Street Redfern; and
- (e) Explorer Street South, Eveleigh.

Are there updates on the status of these projects?

2. In relation to 82 Wentworth Park Road, Glebe, please provide information on the timeline for demolition and construction.
3. Has there been conversations with the NSW Government regarding the future use of the old Glebe Fire Station at 113 Mitchell Street, Glebe? If so, please provide details.
4. Since November 2023, have any public housing sites in other parts of the Local Government Area been identified for potential planning changes, arising from other City of Sydney's strategic planning processes or reviews? If yes, please provide details.
5. Since November 2023, is the City of Sydney aware of any further proposals for the development of public housing in the Local Government Area (other than those noted above), that are not yet lodged but in early stages of planning, including consultation pre lodgement?

This includes expressions of interest for public housing sites which are the rezoning of the former NSW Government's public call for rezoning proposals for public housing sites.

6. Have there been any discussions between Council and the NSW Government in relation to changes to Council planning controls in relation to public housing in the Local Government Area generally (i.e. not related to one specific site) in the last three months? If yes, please provide details.

Answer by the Chief Executive Officer

1.

- (a) 17-31 Cowper Street Glebe - Development application modification: D/2021/493/C to amend the basement, ground floor layout, make changes to façade materials and widen window openings, reduce internal and external areas of apartments, and provide a water meter room to the Park Lane elevation of the south building, was approved by the City on 15 November 2023. No further development application of modifications for this site have been lodged.
- (b) 14-36 Wentworth Park Road, Glebe - the City and the Land and Housing Corporation have discussed the site, but no development application has been lodged with the City to date.
- (c) 82 Wentworth Park Road, Glebe - development application: D/2023/21 for demolition of existing buildings, tree removal, and construction of a four-storey residential flat building for 43 affordable housing dwellings for use as social housing, was granted deferred commencement approval by the Local Planning Panel on 13 December 2023.
- (d) 600 Elizabeth Street, Redfern - a design competition has been held for the site and the Director City Planning, Development and Transport was a Jury member. Being State Significant Development, an application has not yet been received by the NSW Government, who will be the consent authority.
- (e) Explorer Street South, Eveleigh - the Department of Planning, Housing and Infrastructure are continuing their post exhibition assessment of the proposed rezoning. New planning controls for the site are expected to be in place by the middle of 2024.

2. The City does not have access to the project schedule.

3. No.

4. No.

5. No.

6. No.

5. Status of NSW Government Redevelopment and Rezoning on Public Land in the City of Sydney as at 11 March 2024

By Councillor Ellsmore

Question

1. In answers to Questions on Notice tabled at the November 2023 Council meeting about current state significant planning proposals within the City of Sydney Local Government Area, a detailed table was provided. Since the answers to Questions on Notice in November 2023, could the Chief Executive Officer please advise:
 - (a) Are there updates on the status of these projects?
 - (b) Are there any additional development applications, modifications, or other form of planning proposals?If yes, please provide details or updates in text or in the form of an updated table.
2. Since November 2023, have City staff had any further discussions with any NSW Government representatives about new, future or additional applications or state significant projects on public land in the Local Government Area, including pre-DA discussions?
3. If yes:
 - (a) Which NSW Government agencies or representatives sought information or attended meetings?
 - (b) Which sites were discussed?
 - (c) What did the NSW Government advise regarding its intentions in relation to each site?
 - (d) What advice or information did Council provide?

X086664

Answer by the Chief Executive Officer

1. Of the 59 development applications previously reported, eight remain under assessment. There are currently 37 development applications under assessment where a NSW Government agency or representative is either the landowner or applicant. Refer to below table.

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
Development Application	D/2023/97	THE COUNCIL of THE CITY of SYDNEY and TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES	THE TRUSTEE FOR LANDREAM PYRMONT UNIT TRUST	14-26 Wattle Street PYRMONT NSW 2009	Detailed design proposal for the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works, and subdivision. The proposal is Integrated Development under the Water Management Act 2000, requiring approval from the Department of Planning & Environment - Water. The application is being assessed concurrently with concept modification D/2019/649/B.	16/02/2023
Development Application	D/2023/819	WATERWAYS AUTHORITY	BLACKWATTLE BAY MARINE OPERATIVES	1B Bank Street PYRMONT NSW 2009	Excavation and installation of conduits to facilitate the upgrade of power to the Marina at 37 Bank Street, Pyrmont.	11/09/2023
Development Application	D/2023/849	LANDCOM	MIRVAC GREEN SQUARE PTY LTD	960A Bourke Street ZETLAND NSW 2017	Site preparation, remediation, excavation and construction of a mixed use development comprising residential, commercial and retail uses across three (3) buildings, basement parking, landscaping and public domain works. The proposal is Integrated Development under the Water Management Act 2000, requiring the approval of WaterNSW.	26/09/2023
Development Application	D/2023/886	NEW SOUTH WALES LAND AND HOUSING CORPORATION	SHAKEUP ARCHITECTURE	23-25 Pyrmont Bridge Road CAMPERDOWN NSW 2050	Alterations and additions to residential development involving the demolition of the existing staircase and replacement with a lift and new staircase.	05/10/2023
Development Application	D/2023/960	PLACE MANAGEMENT NSW	Miss Sophie Wilson	130-144 Cumberland Street THE ROCKS NSW 2000	Subdivision of the Longs Lane Precinct Area into 18 lots	24/10/2023

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
Development Application	D/2023/995	NSW GOVERNMENT	LIBRARY COUNCIL of NEW SOUTH WALES	1 Shakespeare Place SYDNEY NSW 2000	Increase occupancy of the 'Library Bar' premises to 300 patrons and 20 staff, change of use of premises from small bar to a licensed food and drink premises, and extend operating hours to 12pm - 12am Midnight Monday to Sunday and until 2am New Year's Day.	31/10/2023
Development Application	D/2023/1136	TRUSTEES of ROYAL BOTANIC GARDENS & DOMAIN TRUST	ROYAL BOTANIC GARDENS & DOMAIN TRUST	4 Macquarie Street SYDNEY NSW 2000	Addition of a fume cupboard exhaust, fan and flute at the Robert Brown Building, Botanical Gardens. The application is integrated development requiring approval of the NSW Heritage Council under the Heritage Act 1977.	07/12/2023
Development Application	D/2023/1145	PLACE MANAGEMENT NSW	KNIGHT FRANK AUSTRALIA PTY LIMITED	201-239 Sussex Street SYDNEY NSW 2000	Use of premises for an educational establishment. Proposed operating hours are 8.30am - 21.00pm, Mondays to Fridays inclusive and 8.30am - 17.30pm Saturdays and Sundays.	14/12/2023
Development Application	D/2023/1156	INFRASTRUCTURE NSW	JAPU790 PTY LTD	100 Barangaroo Avenue BARANGAROO NSW 2000	Continuation of use as a restaurant including solid-fuel cooking. Proposed indoor hours of operation are 10.00am – 12.00am, Monday to Saturday and 10.00am – 11.00pm on Sundays. Proposed outdoor hours of operation are 10.00am – 10.00pm, Monday to Sunday.	14/12/2023
Development Application	D/2024/43	CENTENNIAL PARK & MOORE PARK TRUST	SOAPBOX EVENTS PTY LTD	116 Lang Road MOORE PARK NSW 2021	One-off music event 'Ministry of Sound Classical'. For one day on Saturday 16 March 2024 - 2:00pm-10:00pm.	19/01/2024
Development Application	D/2024/19	THE STATE of NEW SOUTH WALES	THE COUNCIL of THE CITY of SYDNEY	2 Watson Road MILLERS POINT NSW 2000	Use of all three buildings (known as 'Harry Jensen Community Centre', 'Abraham Mott Hall' and 'Abraham Mott Community Space' as a community facility. Hours of operation of the community facility spaces are 7.00am to 12 midnight, Monday to Sunday.	30/01/2024
Development Application	D/2024/86	THE STATE of NEW SOUTH WALES and DEPARTMENT of PUBLIC WORKS	USM EVENTS PTY LTD	2A College Street SYDNEY NSW 2000	Use of Cathedral Square, Hyde Park North and Queens Square for temporary event, and installation of temporary marquee and signage.	08/02/2024

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
Development Application	D/2024/94	BARANGAROO DELIVERY AUTHORITY and INFRASTRUCTURE NSW and LENDLEASE MILLERS POINT PTY LTD	LENDLEASE (MILLERS POINT) PTY LTD	51A Hickson Road BARANGAROO NSW 2000	Alterations and additions including installation of umbrellas at ground plane level.	14/02/2024
Development Application	D/2024/138	PLACE MANAGEMENT NSW	BROAD ENCOUNTERS	50A Pirrama Road PYRMONT NSW 2009	Temporary use of Pyrmont Bay Park for Maho Magic Bar	27/02/2024
Development Application	D/2024/129	TRANSPORT FOR NSW	QMS MEDIA PTY LTD	116-126 Erskineville Road ERSKINEVILLE NSW 2043	Installation of one new Automated Public Toilet and signage	28/02/2024
Development Application	D/2024/139	CENTENNIAL PARK & MOORE PARK TRUST	THE TRUSTEE FOR CARSINGHA INVESTMENTS UNIT TRUST	116 Lang Road MOORE PARK NSW 2021	Use of flexible events space to host other events in The Entertainment Quarter	01/03/2024
Development Application	D/2024/149	PROPERTY NSW	THE EVENTS SPACE	52-56 Martin Place SYDNEY NSW 2000	Construction of a temporary structure on Elizabeth Street shop front for 4 days for product launch.	01/03/2024
Local Heritage Exemption	HWC/2024/42	NEW SOUTH WALES LAND AND HOUSING CORPORATION	COMMON EQUITY NSW LTD	52-62 John Street ERSKINEVILLE NSW 2043	Solar panels	23/02/2024
Outdoor Dining	FA/2024/65	PLACE MANAGEMENT NSW	HICKSON HOUSE DISTILLING CO	70-84 George Street THE ROCKS NSW 2000	Renew use of 22.4sqm of the reallocated roadway for outdoor dining in association with 'Hickson House Distilling Co'. Hours of operation are between 12.00pm and 10.00pm, Monday to Sunday.	20/02/2024
Outdoor Dining	FA/2024/90	MINISTER ADMIN TECH FURTHER EDUCATION COM ACT 1990	AZ BEST INVESTMENTS PTY LTD	827-837 George Street HAYMARKET NSW 2000	New application for outdoor dining on footpaths and other public land	22/02/2024

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
Part 5 Infrastructure Assessment	IA/2024/1	THE STATE of NEW SOUTH WALES	CITY of SYDNEY	110 Elizabeth Street SYDNEY NSW 2000	C29063 - Hyde park Lighting	04/03/2024
S4.55 Modification	D/2020/1415/A	PLACE MANAGEMENT NSW	PERIOD 9 PTY LTD	70 Hay Street HAYMARKET NSW 2000	S4.55(2) - Modification of consent to extend the indoor and outdoor trading hours for tenancy SW08 (Holy Basil licensed restaurant). The proposed indoor and outdoor trading hours are between 7.00am and 1.00am the following day Monday to Sunday inclusive.	04/12/2023
S4.55 Modification	D/2018/517/S	LANDCOM and THE OWNERS - STRATA PLAN NO 107026	MIRVAC GREEN SQUARE PTY LTD	77-93 Portman Street ZETLAND NSW 2017	Section 4.55(1A) modification of consent	03/01/2024
S4.55 Modification	D/2016/173/E	BARANGAROO DELIVERY AUTHORITY and LENDLEASE MILLERS POINT PTY LTD and INFRASTRUCTURE NSW	Mario Mourad	51A Hickson Road BARANGAROO NSW 2000	Section 4.55(2) modification to trading hours including for outdoor dining areas	03/01/2024
S4.55 Modification	D/2021/795/B	THE STATE of NEW SOUTH WALES	QMS MEDIA PTY LTD	2001 Martin Place SYDNEY NSW 2000	Section 4.55(2) modification of consent to slightly relocate kiosk KL-1014	13/02/2024
S4.55 Modification	D/2018/517/U	LANDCOM	Julia McDonnell	77-93 Portman Street ZETLAND NSW 2017	Section 4.55(1) modification of consent	19/02/2024
S4.55 Modification	D/2021/1560/D	PLACE MANAGEMENT NSW	Giovanni Cirillo	47A Argyle Street THE ROCKS NSW 2000	Section 4.55(2) modification of consent	27/02/2024
S4.55 Modification	D/2018/517/V	LANDCOM	MIRVAC GREEN SQUARE PTY LTD	77-93 Portman Street ZETLAND NSW 2017	Section 4.55(1A) modification of consent	01/03/2024

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
S4.55 Modification	D/2021/1379/B	LANDCOM	MIRVAC GREEN SQUARE PTY LIMITED	77-93 Portman Street ZETLAND NSW 2017	Section 4.55(1A) modification of consent	01/03/2024
S4.55 Modification	D/2022/945/A	ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION	DESTINATION NSW	183-185 Clarence Street SYDNEY NSW 2000	Section 4.55(1A) modification of consent to	01/03/2024
SSD Advice	R/2016/36/M	BARANGAROO DELIVERY AUTHORITY and NEWCASTLE PORT CORPORATION and INFRASTRUCTURE NSW	LEND LEASE	4 Towns Place BARANGAROO NSW 2000	Barangaroo Building R4B SSD 6965 Mod 8 RTS	06/02/2024
SSD Advice	R/2020/13/I	BARANGAROO DELIVERY AUTHORITY and INFRASTRUCTURE NSW and LENDLEASE MILLERS POINT PTY LTD	LEND LEASE	51A Hickson Road BARANGAROO NSW 2000	Amending SSDA Barangaroo South Building R4B – SSD 8892218 – MOD 6 RTS	07/02/2024
SSD Advice	R/2016/15/I	GREEK ORTHODOX ARCHDIOCESE of AUSTRALIA and MINISTER FOR EDUCATION & TRAINING	NSW DEPARTMENT of EDUCATION & TRAINING	242 Cleveland Street SURRY HILLS NSW 2010	Inner Sydney High School SSD-7610 Mod 6	23/02/2024
Subdivision certificate application	S/2023/7	TRANSPORT ASSET HOLDING ENTITY of NEW SOUTH WALES	BROOKFIELD OFFICE PROPERTIES ONE CARRINGTON	3 Wynyard Lane SYDNEY NSW 2000	Subdivision of land into 1 lot DP1214642 Lot 16	12/04/2023

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
Subdivision certificate application	S/2023/19	DEPARTMENT of HEALTH and HER MOST GRACIOUS MAJESTY QUEEN ELIZABETH THE 2ND	LAND TITLE SOLUTIONS PTY LIMITED	42-50 Parramatta Road FOREST LODGE NSW 2037	Torrens title subdivision	09/08/2023
Subdivision certificate application	S/2023/23	NEW SOUTH WALES LAND AND HOUSING CORPORATION	NEW SOUTH WALES LAND AND HOUSING CORPORATION	2A-2D Wentworth Park Road GLEBE NSW 2037	Torrens title 4 lot subdivision road widening	31/08/2023
Subdivision certificate application	S/2024/5	SYDNEY METRO	WL DEVELOPER PTY LTD	49 Botany Road WATERLOO NSW 2017	Stratum 2 lot subdivision	16/02/2024

2. Regarding pre development applications where the owner or applicant is a NSW Government agency or representative; since November 2023, there has been eight pre development applications lodged, seven have been completed. One pre-development application is under assessment for the Art Gallery of NSW.

3. Refer to table below.

Application No.	Applicant Name	Owner Name	Address	Description	Lodgement Date	status
PDA/2024/7	ART GALLERY of NEW SOUTH WALES	ART GALLERY of NEW SOUTH WALES TRUST	2-4 Raper Street SURRY HILLS	Proposed upgrade (alterations and additions) to the Brett Whiteley Studio and public domain works	22/01/2020	COMP
PDA/2024/41	ART GALLERY of NEW SOUTH WALES	ART GALLERY of NEW SOUTH WALES	2B Art Gallery Road SYDNEY	A new and refurbished arbour roof, , stormwater infrastructure, lighting, artworks, and landscaping works.	04/03/2024	
PDA/2023/220	CITY of SYDNEY	THE STATE of NEW SOUTH WALES	191 Hay Street HAYMARKET	Demonstration project in Belmore Park - Safer Cities Her Way Program	15/11/2023	COMP
PDA/2023/225	SEAGRASS BOUTIQUE HOSPITALITY GROUP	PLACE MANAGEMENT NSW	7-27 Circular Quay West THE ROCKS	Modification to allow background music to be played in outdoor dining area.	17/11/2023	COMP
PDA/2023/240	BUILT DEVELOPMENT PTY LTD	ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION	183-185 Clarence Street SYDNEY	Modification in relation to hours of operation, capacity and acoustic requirements	01/12/2023	COMP
PDA/2023/245	PATCH PLANNING	CENTENNIAL PARK & MOORE PARK TRUST	116 Lang Road MOORE PARK	Use of the Show Ring, the Entertainment Quarter for 1 licensed Cirque du Soleil event each year	13/12/2023	COMP
PDA/2024/4	INDUSTRY BEANS (SYDNEY) PTY LTD	SYDNEY METRO	8 Castlereagh Street SYDNEY	Fitting out tenancy in 1 Elizabeth St, above the Martin Place Metro tunnel station.	12/01/2024	COMP
PDA/2024/5	NSW GREYHOUND BREEDERS, OWNERS AND TRAINERS' ASSOC and ECON BUILDING SERVICES	THE STATE of NEW SOUTH WALES	5 Wentworth Park Road GLEBE	Track extension and new driveway	18/01/2024	COMP

6. Asbestos Contamination in City of Sydney Parks

By Councillor Jarrett

Question

1. Did the tender documents and contracts for the provision and laying of mulch in any City of Sydney public space, include the requirement to comply with the appropriate Australian Standards and state laws?
2. Did those tender documents, and therefore, the contract for supply, and laying of mulch, in fact comply with both the Australian Standards and NSW law, with regards contamination with asbestos products?
3. If there is no specific requirement that the supply and installation of garden mulch must comply with the Australian Standards and the provisions of NSW environmental law in the tender documents or the City of Sydney's contract with the mulch supplier, why was that essential requirement not included?
4. What compliance actions were undertaken by the City of Sydney, before the contracts were certified as being complete and payment for their completion was authorised?
5. What compliance actions were undertaken by the City of Sydney to ensure compliance was maintained throughout the duration of its contract with the mulch supplier/s?
6. Why has there been no public comment from the City of Sydney on what investigations have been or are going to be conducted to determine the legality of the City's compliance with Australian Standards and NSW environmental law in regards to the finding of asbestos in our parks?
7. Under the terms of the *Local Government Act 1993*, all such unrealised liabilities must be reported in the Council's annual financial reports, and specific provision made for their potential. Has the City of Sydney identified the upper potential limits of its potential future legal liabilities from the potential breaches of state law and, made those potential liabilities public, and, if not, why not?
8. Is the asbestos incident covered by the council's public liability insurance and what impact on the future cost of that cover is made by any potential illegal action, or potential incompetence, of council undertaking their duties in this specific case?
9. Can ratepayers, and the general public using City of Sydney public spaces, be certain that this incident does not also extend to every garden bed installed and therefore maintained by City, in any footpath and along any road and in front of their homes within the City of Sydney Local Government Area, and if not, why not?

X086666

Answer by the Chief Executive Officer

Refer to detailed answers to Question on Notice 2 above.

The City's contract with its contractor stipulates the type of mulch required. It must comply with relevant Australian Standards, Resource Recovery Orders and Exemptions made under the Protection of the Environment Operations (Waste) Regulation 2014 (including Mulch Order and Mulch Exemptions), which includes a requirement for mulch to be free of asbestos. The City is able to request compliance certificates at any time which would usually be prompted by a known concern.

The EPA is undertaking a significant investigation into this matter, including in relation to the possibility that criminal offences have been committed, and the City is providing information as requested. As outlined in the report to Council on 4 March 2024, the final financial and other implications of this incident will be impacted by the outcome of that investigation.

7. Costs of the 4 March 2024 Extraordinary Council Meeting

By Councillor Gannon

Question

1. What was the cost of hosting the extraordinary Council meeting on Monday 4 March?
2. How many staff hours were dedicated to the meeting, including in producing briefing materials? What is the estimated cost of this?
3. Were any external guests paid to attend the extraordinary Council meeting or briefing session beforehand, including Carolyn Walsh or Dr Jeremy McNulty?
4. What was the additional cost of catering the meeting and briefing session?
5. How many senior staff attended the briefing session and Extraordinary Council Meeting? What is the estimated lost productivity of their attendance?
6. How many staff monitored the Council meeting remotely?

X086665

Answer by the Chief Executive Officer

There was no nominal cost of hosting the extraordinary Council meeting. The provision of the extraordinary Council meeting, attendance and preparation by relevant staff was undertaken within their standard duties and functions.

External guests were not paid for their attendance at the meeting and briefing session.

There were no additional catering costs for the meeting and briefing session.

Relevant and senior staff attended the extraordinary Council meeting in-person or monitored via the live stream. Approximately 300 people viewed the livestream on Monday 4 March 2024 (this number includes views for 4 March 2024 Council Committees). It is not possible to differentiate between staff and members of the public viewing the livestream.

8. On-Street Dining

By Councillor Gannon

Question

What is the plan for on-street dining past 2025?

1. What is the annual cost of the hired crash street barriers?
2. Have investigations been made to find alternate solutions to these crash barriers?
3. What investigations have been made to replace the temporary crash barriers with semi-permanent or permanent solutions?
4. If a business installs decking on an on-street dining space, does the City contribute towards this cost?
5. After the expiry of the on-street dining entitlement in 2025, who is responsible for removing the decking?
6. What communication has been made to businesses about the expiry of on-street dining entitlements in 2025?

X086665

Answer by the Chief Executive Officer

The on-street dining program is currently in place until 31 December 2024. The outdoor dining fee waiver is in place until 30 June 2025. The City is considering extending the current on-street dining arrangements with concrete barriers to 30 June 2025 whilst City staff continue to investigate the feasibility of the provision of permanent on-street dining arrangements beyond Crown Street in Surry Hills.

The ongoing costs associated with keeping the current barriers in place, including hire fees, installation and maintenance are approximately \$1.3 million a year. Currently there are 141 businesses operating with on-street dining.

An internal working group has been established to assess which sites would be suitable for permanent on-street dining arrangements. To date, a desktop assessment has been undertaken of all sites to determine the feasibility of both temporary and permanent arrangements. The assessment considered impacts such as traffic and parking, precinct character and business mix, public domain and infrastructure impacts, hours and shared use, and the interest of businesses in maintaining on-street dining for the size and staffing of their business. City staff will provide recommendations on this matter to Council later this year.

City staff have advised businesses with current on-street dining sites that the current program will expire on 31 December 2024, and that we are investigating the feasibility of permanent on-street dining arrangements. A survey with businesses participating in the on-street dining program was conducted in November 2023. The feedback provided by businesses will inform the recommendations to be made to Council on this matter later this year.

The City's Outdoor Dining Guidelines provide guidance to businesses on conducting outdoor dining on footways or other public places, including the installation of decking. The Guidelines state that the decking is to be temporary only and that the associated costs are to be covered by the business. A copy of the Guidelines is available on the City's website at <https://www.cityofsydney.nsw.gov.au/council-governance-administration/outdoor-dining-guidelines>.

9. Cost of Removal, Relocation and Review of QMS Street Furniture

By Councillor Weldon

Question

1. What costs have the City of Sydney incurred as a result of the removal, relocation and review of QMS street furniture?
2. What additional costs are expected as a result of the removal, relocation and review of QMS street furniture?
3. Will the City of Sydney incur a loss of future revenue as a result of the removal, relocation and review of QMS street furniture?

X086670

Answer by the Chief Executive Officer

1. The City has incurred costs of \$325,000 plus GST.
2. Nil.
3. The City has not reduced revenue forecasts and budgeted revenue as a consequence of these works.

Item 13 Supplementary Answers to Previous Questions

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

Item 14 Notices of Motion

Item 14.1 Share the Dignity – Promotion 2024 Survey on Period Poverty

Moved by Councillor Ellsmore, seconded by Councillor Worling –

It is resolved that:

(A) Council note:

- (i) Share the Dignity is a national charity that promotes improved awareness of the economic, social and cultural issues associated with period management, and which works with institutions, girls and women to overcome them;
- (ii) Share the Dignity conducts a survey on period poverty called the 'Bloody Big Survey' every three years. The survey gathers information on menstrual management and guides its strategies and advocacy for improving menstrual equity;
- (iii) the 2021 'Bloody Big Survey' reached 125,000 people, making it one of the world's most extensive collections of menstruation data;
- (iv) findings from the 2021 survey and the related *Period Pride Report* found that period poverty disproportionately affects LGBTQIA+ and First Nations peoples. It reported that: 22 per cent of respondents had to improvise on period products due to cost; 48 per cent reported that they 'at least sometimes' missed class due to their periods; 65 per cent had missed sport due to their periods; 40 per cent 'at least sometimes' called in sick to work due to their periods; and 51 per cent missed out on socialising with their friends because of their periods; and
- (v) the 2021 results were noted by the City of Sydney Council at its 18 September 2023 meeting, with Council noting the impact of period poverty and considering opportunities to address it;

(B) Council also note:

- (i) Share the Dignity has written to Councils requesting that Councils assist in promoting the 2024 'Bloody Big Survey'. The 2024 survey will be open from 1 March to 31 May 2024; and
- (ii) specifically, assistance is sought to distribute the survey link internally among Council staff, and externally to relevant organisations working with people who may experience period poverty and through Council's public communication channels for the community; and

(C) the Chief Executive Officer be requested to:

- (i) arrange for dissemination of the 'Bloody Big Survey' 2024 through appropriate internal and external Council networks, including to the general community through Council's online platforms where appropriate; and
- (ii) liaise with Share the Dignity to ensure that the results of the Bloody Big Survey 2024, once known, are shared with Councillors and relevant Council staff, to help inform the Council's future work to address period poverty.

Carried unanimously.

X086659

Item 14.2 Impact of Planning Reforms on Housing Affordability

Moved by Councillor Ellsmore, seconded by Councillor Scott -

It is resolved that:

(A) Council note that:

- (i) the NSW Government has announced proposed planning changes to encourage more low and mid-rise housing near stations or centres. The proposed changes would apply to approximately 80 per cent of the City of Sydney Local Government Area;
- (ii) the changes would work, in part, by overriding existing council planning controls;
- (iii) the NSW Government has announced that key aims of the proposed reforms are to improve housing affordability and supply;
- (iv) in response to the NSW Department of Planning, Housing and Infrastructure's release of an 'Explanation of Intended Effects: Changes to create low and mid-rise housing', the City of Sydney Council endorsed a submission at its 19 February 2024 meeting;
- (v) the City of Sydney's submission outlines that the City of Sydney has achieved significant increases in density through rezoning and existing targets in recent years, is facilitating further growth in housing and supports National Housing Accord growth targets; and
- (vi) however, the City of Sydney's submission identified that the proposed reforms are likely to have perverse outcomes, including:
 - (a) impacting supply by slowing down approvals; and
 - (b) impacting Council's ability to deliver affordable housing outcomes. Affordable housing requirements are not included in the low and mid-rise planning reforms;

(B) Council further note that:

- (i) the NSW Government has not released modelling or data on how much their proposed reforms are likely to increase land values and the cost of housing;
- (ii) when land is rezoned or greater height or density is permitted, it increases the value of land. A significant perverse outcome of the proposed planning reforms is that they will likely increase the land values and housing prices for those people who already own housing;
- (iii) this has been demonstrated in areas where land in the City has been rezoned to allow more height and density – even noting that the City has in place provisions to capture some of that value and redirect it to affordable housing - provisions would be bypassed under the proposed planning changes;
- (iv) residents in the City of Sydney have already begun to receive inquiries from property developers offering to buy their properties at or above market values, demonstrating that the announcement of the proposed reforms has already increased the risk of further increasing property prices;

- (v) depending on the projected increase in land and housing values from the reforms, any potential affordability gains from increasing supply could be dwarfed by increase in land and housing values stimulated by the reforms;
 - (vi) this outcome would also have the effect of widening the gap in housing inequality between existing home owners and investors, and those who do not own their own home; and
 - (vii) the NSW Upper House agreed to establish an inquiry into the planning reforms, following a motion by Greens MLA Sue Higginson on 23 February 2024;
- (C) the Chief Executive Officer be requested to:
- (i) if practical, include supplementary information to the City's submission about the potential impact on land values from the proposed reforms; and
 - (ii) provide a submission or otherwise participate in the NSW Parliament 'Inquiry into the Development of the Transport Oriented Development Program'; and
- (D) the Lord Mayor be requested to write to the Premier, the Treasurer and the Minister for Planning and Public Spaces to request the release of any modelling they have done regarding the effects of the proposed planning changes on land and house prices.

Variation. At the request of Councillor Scott, and by consent, the motion was varied by the addition of a clause (A)(vii) to read as follows –

- (vii) at the recent Planning Minister meeting in February 2024, Councillor Scott attended and secured commitments “that in jurisdictions where planning powers reside with local governments, states and territories continue to develop transparent housing plans in collaboration with local government and support local governments to meet housing supply targets through local government planning policies and instruments”;

Amendment. Moved by Councillor Scott, seconded by Councillor Weldon –

That the motion be amended by the addition of a clause (C)(iii) as follows –

- (iii) ensure the City is undertaking work to develop plans for future growth of City of Sydney's housing, guaranteeing the City of Sydney will maintain planning powers;

A show of hands on the amendment resulted in an equality of voting as follows –

Ayes (5) Councillors Ellsmore, Gannon, Jarrett, Scott and Weldon

Noes (5) The Chair (the Lord Mayor), Councillors Chan, Davis, Kok and Worling.

Pursuant to the provisions of clause 10.3 of the Code of Meeting Practice, the amendment was declared lost.

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

X086659

Item 14.3 Getiela Park – Ongoing Issues

Moved by Councillor Jarrett, seconded by Councillor Gannon –

It is resolved that:

(A) Council note:

- (i) Getiela Synthetic Sportsfield, consisting of basketball courts and sports fields, is a shared-use recreation facility developed by the Department of Education and the City of Sydney;
- (ii) at the 26 June 2023 Council meeting, Councillor Jarrett moved a Notice of Motion asking Council to investigate the current operation of Getiela Synthetic Sportsfield. This Notice particularly asked the Chief Executive Officer to 'commission an external sound consultant to conduct acoustic testing at Getiela Synthetic Sportsfield on:
 - (a) a weekday evening during training on the field;
 - (b) the weekend during a men's football match;
 - (c) the basketball courts on a weekday evening; and
 - (d) the basketball courts on the weekend

to ensure that the noise level and pollution is not exceeding residential noise limits and to determine whether the installation of a noise mitigation sound barrier wall would be beneficial for the residents surrounding the area'. This request was not carried;

- (iii) this Motion was amended and carried unanimously calling on the Chief Executive Officer to 'investigate residents concerns about noise, lighting, fence height, hours of use, after-hours access, and lack of toilets at Getiela, and report back to Council via the CEO Update on actions taken';
- (iv) in the 18 August 2023 CEO Update the investigations of Getiela Park's current operation concluded that 'staff have taken proactive measures including writing to and meeting with key hire groups to reinforce the need to comply with the conditions of use, including the need to respect the amenity of the neighbourhood. City staff have worked with the clubs and sporting associations to relocate the noisiest teams and continued breached may result in cancellation of the hire agreement';
- (v) at the December 2023 Council meeting, after continued numerous complaints about the unsustainable and unbearable extreme noise still coming from Getiela, Councillor Jarrett presented a Question on Notice which asked the Chief Executive Officer if the City had conducted an acoustic report or an investigation of a similar nature;
- (vi) the response from the Chief Executive Officer stated 'the City does not undertake acoustic testing of its parks and recreation facilities and has no plans to undertake acoustic testing at Getiela sportsfield. The City's after hours call service shows that one to two calls per month were received in the last six months regarding after hours noise at Getiela. The City's security service visits the site three times per night to close and monitor the facility';

- (vii) for the past few months email responses from the Chief Executive Officer have directed residents that “for any noise during Monday to Friday 6pm-10pm hours of use please email getielasyntheticfield@cityofsydney.nsw.gov.au. Or call 9265 9182 (which is Perry Park)”. This bypasses the City’s after-hours service and completely undermines the City’s current complaint figures for Getiela Park;
 - (viii) whilst the local residents support the use of Getiela Synthetic Sportsfield and basketball courts, they have extreme concerns about the current conduct and operation of the facilities during the usage of the field and courts particularly regarding:
 - (a) the current noise levels and anti-social behaviour exhibited by many of the current sports teams hiring the use of the field and using the courts; and
 - (b) the City’s lack of enforceability of its Conditions of Use for noisy hirers and whistle usage;
 - (ix) the residents surrounding Getiela Park have now taken it upon themselves to keep an acoustic noise level log whereby at 7:30pm on Friday 19 January 2024 a men’s soccer game reached 80dB which clearly breaches the accepted 50-55dB range for urban neighbourhoods;
 - (x) it is clear that despite the plethora of noise mitigation solutions available to the City that would not impact the ongoing use of the Sportsfield, the City does not consider the wellbeing and liveability of nearby residents a priority or a concern; and
 - (xi) it has now been almost 12 months since Getiela residents first raised this issue with Council and it is blatantly evident that the City has once again prioritised profits and ideology rather than the real mental, emotional and physical wellbeing of those proximate residents; and
- (B) the Chief Executive Officer be requested to:
- (i) commission an external sound consultant to conduct acoustic testing consistently over a period of two months at Getiela Synthetic Sportsfield on:
 - (a) a weekday evening during training on the field;
 - (b) the weekend during a men’s football match;
 - (c) the basketball courts on a weekday evening; and
 - (d) the basketball courts on the weekend;to ensure that the noise level and noise pollution is not exceeding residential noise limits;
 - (ii) if the above acoustic report finding determines that the noise levels and noise pollution from the use of Getiela Sportsfield during any one of those accounts exceeds residential noise limits, investigate the installation of a noise mitigation sound barrier wall;
 - (iii) streamline the advice provided to residents on which points of contact affected residents should use to lodge complaints and receive assistance from the City and circulate this to all previous complainants;

- (iv) write and issue an apology to the residents of Buckland Street for the City's severely delayed response in investigating all forms of appropriate noise mitigation options and for the severely negative effects the noise produced from the usage of Getiela has had on their mental, emotional and physical wellbeing;
- (v) review and amend the City of Sydney's Gatiela Synthetic Sportsfield Conditions of the Use to reflect the findings of the above recommendations; and
- (vi) report back to Council on all investigations mentioned above in a timely manner via CEO Update.

Amendment. Moved by Councillor Worling, seconded by Councillor Kok –

It is resolved that:

(A) Council note:

- (i) Getiela Synthetic Sportsfield, consisting of basketball courts and sports fields, is a shared-use recreation facility developed by the Department of Education and the City of Sydney;
- (ii) at the 26 June 2023 Council meeting, Councillor Jarrett moved a Notice of Motion asking Council to investigate the current operation of Getiela Synthetic Sportsfield. This Notice particularly asked the Chief Executive Officer to 'commission an external sound consultant to conduct acoustic testing at Getiela Synthetic Sportsfield on:
 - (a) a weekday evening during training on the field;
 - (b) the weekend during a men's football match;
 - (c) the basketball courts on a weekday evening; and
 - (d) the basketball courts on the weekend
 to ensure that the noise level and pollution is not exceeding residential noise limits and to determine whether the installation of a noise mitigation sound barrier wall would be beneficial for the residents surrounding the area'. This request was not carried;
- (iii) this Motion was amended and carried unanimously calling on the Chief Executive Officer to 'investigate residents concerns about noise, lighting, fence height, hours of use, after-hours access, and lack of toilets at Getiela, and report back to Council via the CEO Update on actions taken';
- (iv) in the 18 August 2023 CEO Update the investigations of Getiela Park's current operation concluded that 'staff have taken proactive measures including writing to and meeting with key hire groups to reinforce the need to comply with the conditions of use, including the need to respect the amenity of the neighbourhood. City staff have worked with the clubs and sporting associations to relocate the noisiest teams and continued breached may result in cancellation of the hire agreement';

- (v) since June 2023, the City has made significant efforts to address the residents' concerns including:
 - (a) visited Getiela Park to observe the activities at different times and days and found it to be consistent with our other sports fields;
 - (b) met with and wrote to sporting clubs asking them to reduce noise levels and be respectful of neighbours;
 - (c) reduced the sports field and court lighting levels;
 - (d) worked with the Department of Education, who has raised the height of the boundary fence along Park Road, to discourage after-hours access and reduce late evening noise;
 - (e) added two additional security patrols at 11pm and 1am, every night;
 - (f) organised for additional access to the unisex toilet within the school, in addition to the public toilet that is open next to the sportsfield until 10pm; and
 - (g) have allocated more of the available hours in the upcoming season to junior and women's teams, who are reportedly less noisy;
- (vi) in the update to all Councillors on 18 August 2023, the Chief Executive Officer also committed to reviewing the hours of use, and consider reducing weekday training from 10pm to 9pm, following the conclusion of the winter season 2024;
- (vii) at the December 2023 Council meeting, after continued numerous complaints about the unsustainable and unbearable extreme noise still coming from Getiela, Councillor Jarrett presented a Question on Notice which asked the Chief Executive Officer if the City had conducted an acoustic report or an investigation of a similar nature;
- (viii) the response from the Chief Executive Officer stated 'the City does not undertake acoustic testing of its parks and recreation facilities and has no plans to undertake acoustic testing at Getiela sportsfield. The City's after hours call service shows that one to two calls per month were received in the last six months regarding after hours noise at Getiela. The City's security service visits the site three times per night to close and monitor the facility';
- (ix) for the past few months email responses from the Chief Executive Officer have directed residents that "for any noise during Monday to Friday 6pm-10pm hours of use please email: getielasyntheticfield@cityofsydney.nsw.gov.au. Or call 9265 9182 (which is answered by City staff who manage Perry Park and the hire of Getiela Park)";
- (x) whilst the local residents support the use of Getiela Synthetic Sportsfield and basketball courts, they have extreme concerns about the current conduct and operation of the facilities during the usage of the field and courts particularly regarding:
 - (a) the current noise levels and anti-social behaviour exhibited by many of the current sports teams hiring the use of the field and using the courts; and
 - (b) the City's lack of enforceability of its Conditions of Use for noisy hirers and whistle usage;

- (vii) the residents surrounding Getiela Park have now taken it upon themselves to keep an acoustic noise level log whereby at 7:30pm on Friday 19 January 2024 a men's soccer game reached 80dB which clearly breaches the accepted 50-55dB range for urban neighbourhoods; and
 - (xi) the City needs to balance the needs and wellbeing of the broader community by providing access to sports and recreation facilities at Getiela park with the wellbeing and liveability of nearby residents a priority or a concern; and
- (B) the Chief Executive Officer be requested to:
- (i) provide an update on the outcome of the review of the hours of use following the 2024 winter season;
 - (ii) clarify the advice provided to residents on which points of contact affected residents should use to lodge complaints and receive assistance from the City and circulate this to all previous complainants;
 - (iii) review the City of Sydney's Getiela Synthetic Sportsfield Conditions of Use and make any necessary changes to ensure hirers of the facilities at Getiela are made fully aware of their responsibilities and obligations including not causing any nuisance or disturbance to any other users or neighbours of the premises; and
 - (iv) report back to Council on all investigations mentioned above in a timely manner via CEO Update.

The amendment was carried on the following show of hands –

Ayes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Kok, Scott and Worling.

Noes (3) Councillors Gannon, Jarrett and Weldon*.

*Note – Councillor Weldon abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Weldon is taken to have voted against the amendment.

Amendment carried.

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

Ayes (8) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Kok, Scott, Weldon and Worling.

Noes (2) Councillors Gannon and Jarrett.

Amended motion carried.

X086657

Extension of Time

During discussion of this matter, pursuant to the provisions of clause 9.29 of the Code of Meeting Practice, it was –

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

That Councillor Jarrett be granted an extension of time of two minutes to speak on this matter.

Carried unanimously.

Item 14.4 Shared Use Agreement with Newtown High School of the Performing Arts

Moved by Councillor Scott, seconded by Councillor Gannon –

It is resolved that:

- (A) Council note that the City's Open Space and Sporting Recreation Needs Study (2016):
- (i) identified that by 2021 an additional 14 fields would have been required to address current field supply issues (such as overuse) and to service the increasing resident and worker population;
 - (ii) identified that by 2031 an additional 20 fields will be required to address current field supply issues (such as overuse) and to service the increasing resident and worker population;
 - (iii) identified 91 outdoor, publicly accessible, full-sized sports courts located in the City of Sydney, 66 courts are marked for tennis, 26 courts marked for basketball, and 22 courts for netball, alongside 10 netball courts replaced by construction of a synthetic sporting field in Moore Park in 2016;
 - (iv) identified that the current supply of outdoor sports courts in the City is insufficient for tennis, basketball and netball;
 - (v) identified an additional 17 to 18 additional outdoor multi-use courts and four tennis complexes (four courts) are recommended to be provided by 2031; and
 - (vi) identified making better use of underutilised resources such as sporting fields and spaces on school grounds was an avenue to continue to explore;
- (B) Council note:
- (i) the City's successful shared use agreements with Newtown Public School, Alexandria Park Community School and Inner Sydney High School, which have delivered significant public benefit to City of Sydney school children and broader City communities;
 - (ii) that additional fields at Moore Park, Crescent Lands (half-field), Gunyama Park in Green Square, and Perry Park in Alexandria have been or are in the process of being delivered, but this does not meet forecast demand identified by the City's own study;
 - (iii) that additional multipurpose courts at Perry Park have been or are in the process of being delivered, but this does not meet forecast demand identified by the City's own study; and
 - (iv) that the school leadership and P&C of Newtown High School of the Performing Arts have approached the City to seek support for a possible shared use agreement, covering their outdoor oval, basketball and other possible open space; and
- (C) the Chief Executive Officer be requested to explore possibilities for the City to enter into a shared use agreement with the Newtown High School of the Performing Arts, and bring any recommended items for funding back to Council as part of the future budget processes.

Carried unanimously.

X086655

Item 14.5 Brown Street Community Hall Accessibility

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

(A) Council note:

- (i) following Covid and long lock-down periods, isolation and loneliness is at an all-time high, with local community gatherings often being a great form of social interaction and sense of community;
- (ii) Brown Street Community Hall is a hall the City advertises as ‘suitable for small community meetings, training courses and discussion groups’ located in Newtown;
- (iii) Brown Street Community Hall has the capacity for 80 people and provides: tables and chairs, a kitchenette with sink, air-conditioning, heater, carpeted floor and instant hot water tap;
- (iv) the City state on their website that Brown Street Community Hall is not accessible to people with disability. The venue has none of the following:
 - (a) onsite mobility parking;
 - (b) accessible toilets;
 - (c) lift;
 - (d) ambulant toilets; and
 - (e) level access entrance; and
- (v) advice received from City staff in February outlined that due to Brown Street Community Hall’s constrained building nature and heritage listing, ensuring full accessibility will be significantly more difficult; and

(B) the Chief Executive Officer be requested to:

- (i) outline the steps required to include the Brown Street Community Hall in a future whole-of-building upgrade program to ensure full compliance with current accessibility standards and to abide by the current heritage listing; and
- (ii) report back to Councillors via the CEO Update on the above.

Carried unanimously.

X086655

At 6.47 pm the meeting concluded.

Chair of a meeting of the Council of the City of Sydney held on Monday 8 April 2024 at which meeting the signature herein was subscribed.