

Item 12

Questions on Notice with Answers

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.

1. How many tickets does a City of Sydney parking inspector have to issue per month to meet their 'productivity target'?
2. What financial quantum of tickets does a City of Sydney parking inspector have to issue per month to meet their 'productivity target'?
3. What consequences are there for City of Sydney parking inspectors who do not meet their 'productivity target'?
4. Are any financial or non-financial incentives offered to encourage City of Sydney parking inspectors to meet or exceed their 'productivity target'?
5. 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'?
6. 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?
7. Over the past 12-months, how many parking tickets issued by City of Sydney parking inspectors have been challenged or appealed?
8. Over the past 12-months, how many challenges or appeals against parking tickets issued by City of Sydney parking inspectors have been successful?
9. 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

(\$M)	Revenue	
	Gross revenue	Net revenue
FY-2015	32.6	10.7
FY-2016	30.5	9.3
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 CARINGHA 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

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
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
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 SURREY HILLS NSW 2010	Inner Sydney High School SSD-7610 Mod 6	23/02/2024

Type	Application Number	Owner Name	Applicant Name	Address	Description	Lodgement Date
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
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

1. What is the plan for on-street dining past 2025?
2. What is the annual cost of the hired crash street barriers?
3. Have investigations been made to find alternate solutions to these crash barriers?
4. What investigations have been made to replace the temporary crash barriers with semi-permanent or permanent solutions?
5. If a business installs decking on an on-street dining space, does the City contribute towards this cost?
6. After the expiry of the on-street dining entitlement in 2025, who is responsible for removing the decking?
7. 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.