

**INQUIRY INTO ENROLMENT CAPACITY IN INNER CITY  
PUBLIC PRIMARY SCHOOLS**

**Name:** City of Sydney  
**Date received:** 16 September 2016

---

Partially  
Confidential

**ATTACHMENT 01:**

Chronology of correspondence and key actions between the City of Sydney and Department of Education and Communities (June 2014 - December 2015)

13 June 2014	<b>Letter from Anthony Perrau</b> (ED, Asset Management) confirming the Fig and Wattle site was the preferred site for relocation; that the Department and Council had independently valued the site at \$100million; and costing the remediation at \$25million
6 August 2014	<b>Letter to Michelle Bruniges</b> (Secretary, Dept Education) requesting that the issue of remediation cost be resolved and outlined three alternative options for consideration. (response to letter 13 June)
6 August 2014	<b>Email from</b> (Director, Property & Facilities Management, Dept Education) outlining the Department's offer that included "as you would have noted from the contamination report by Douglas Partners, the site remediation accost is not far off that \$25 million that the Department has put on the table in previous meetings"
8 August 2014	<b>Letter from Anthony Perrau</b> – response to 6 August letter – reconfirming the Department's offer and noting that "I am advised that, in support of this offer, the Department has commissioned an independent expert report into the level of contamination on the site and cost to remediate ... [and that] officers from Council and the Department are in discussions on this matter". The letter also stated the Department's commitment to open a new school by the start of the 20174 school year.
13 August 2014	<b>Letter to Anthony Perrau</b> – response to 8 August letter – outlining the City's ongoing concerns about the remediation costs and requesting additional information by 14 August to enable the City to respond to the Department by 15 August, in accordance with the Department's request to advance negotiations.
15 August 2014	<b>Email to Anthony Perrau</b> informing that the additional information had not been received and the City was unable to provide a final answer to the Department and asking for the information early the following week. (information received 18 August)
22 August 2014	<b>Letter to Michelle Bruniges</b> providing an update on the status of negotiations; expressing concern at the significant difference in remediation costs and requesting a meeting between City and Department staff and the independent consultants to confirm agreement on the estimated cost for remediation or agree where the gaps exist and the action to progress resolution.
27 August 2014	<b>Letter from Anthony Perrau</b> – response to 22 August letter – acknowledging our shared concerns and confirming a meeting between NSW Public Works, Douglas Partners and Council.
29 August 2014	<b>Meeting with</b> City staff, Department staff, and independent environmental experts – Douglas Partners, JBS&G Environmental and quantity surveyors (Dept of Public Works NSW & Altus Page Kirkland)
9 Sept 2014	<b>Email from Tony McCabe</b> (Director, Capital Works) advising the Department has reconsidered the agreed process and wished to propose an alternate approach. Sought the City's acceptance of the costing for the remediation strategy (assessed by the Dept of Public Works NSW) of \$22.54 million
19 Sept 2014	<b>Letter to Anthony Perrau</b> follow up from 29 August meeting and restating the City's offer of \$82.5 million (including a reduction of \$9.5 million for remediation & \$8 million for a childcare centre)

9 October 2014	<b>Letter from Anthony Perrau</b> and further advise from Department on 10 October that it was considering its position and they “hoped to update the City shortly”
24 October 2014	<b>Letter to Minister Piccoli</b> requesting help to finalise the agreement on the sale of the City’s site and that a member of the Inner City Schools Working Party had advised that the Department has cancelled all meetings of this group for the rest of the year.
3 Nov 2014	<b>Lord Mayor Minute</b> - Council unanimously endorsed a LMM proposing the City sell the former depot site to the Department of Education
5 Nov 2014	<b>Letter to Minister Piccoli</b> with a copy of the Minute asking that the outstanding matters be resolved and an agreement finalised
13 Nov 2014	<b>Met with Minister Piccoli</b> and agreed that senior staff from both the Department and City would meet to try and reach an agreement
17 Nov 2014	<b>Letter to Minister Piccoli</b> following up from meeting and confirming matters discussed
25 Nov 2014	The City’s CFO and COO arrived to <b>meet with Department</b> staff only to be told that the offer for the site was being withdrawn and ended negotiations. City staff were told that following a meeting with the Government and NSW Treasury, the Department no longer considered the purchase of the land a value proposition and were looking at alternative options. <b>City staff were not given the opportunity to present and discuss any options - this meeting lasted 10 minutes.</b>
26 Nov 2014	<b>Letter to the Minister</b> again asking him to detail what actions he intended to take to provide a needed new local school in Ultimo by 2017.
2 Dec 2014	Attempted to speak with the Minister by phone, but did not take the call and referred the City to the Department.
4 Dec 2014	<b>Letter to the Minister</b> proposing that the City and State reach an agreement put putting in \$4.25M each to bridge the gap between the Departments offer and that of Council’s
8 Dec 2014	<b>Lord Mayor Minute</b> - New offer to Council via a Lord Mayor Minute, urged the Minister to direct the Department to re-open negotiations and reinforced the Council’s commitment to work with the State Government to achieve a joint venture that provides the Ultimo and Pyrmont area with a new primary school and new child care.  Liberal Cllr, Edward Mandla put forward an amendment for consideration that <b>“Council sell to the NSW Department of Education and Communities for their best price of \$74 million which accounted for the clean-up cost to remediate the site to a level that meets regulatory requirements”</b> Cllr Mandla’s amendment was accepted and the Minute was endorsed unanimously.
12 Dec 2014	<b>Letter from Minister Piccoli</b> confirming the Department’s acceptance of the proposed purchase price of \$74 million with conditions, including that they are given <b>“full access to the site as soon as possible before 31 July 2015 to commence decontamination works”</b> .
18 Dec 2014	<b>Letter to Minister Piccoli</b> confirming the City’s acceptance of the conditions set out in the 12 December letter and to outline the conditions for early access (to be included in the sale agreement).
23 January 2015	<b>Letter from Anthony Perrau</b> (ED, Asset Management) acknowledging the City’s sale conditions and stated “the Department is currently considering these options [access arrangements] and will contact your office shortly to finalise the matter.

3 February 2015	The City received a letter confirming the Department's acceptance of the City's offer to the transfer of title (settlement) and payment of the first installment in July 2015.
5 February 2015	City issues a response to the Department's 3 February letter
3 March 2015	Department requested access to the site for both non-invasive (surveys & studies) and invasive (bore holes) works.
18 March 2015	City issues a draft license agreement for access and early works
24 March 2015	City staff email Department requesting an update on when feedback will be provided on the draft license agreement
31 March 2015	Department provides the proposed on-site investigations program and indicative bore hole locations. City staff raise concerns with Mike Millar, McLachlan Lister (Dept's project manager) about the impacts of the proposed invasive works on the July settlement due date
1 April 2015	City issues a final draft license agreement
2 April 2015	The Department's solicitors were issued a draft sale of contract
9 April 2015	The Department's solicitors were issued the childcare facility development deed structure
10 April 2015	The Department solicitors return draft license document
15 April 2015	The City further raised concerns with _____, Director Property and Facilities Management, Assets Management (Department of Education & Communities) about the impacts of the proposed invasive works on the July settlement due date.
24 April 2015	<p><b><i>The City and Department legal representatives meet.</i></b> City staff propose an exchange and settlement in mid-late June following vacant possession – <b><i>the Department agreed with this position.</i></b></p> <p><u><i>Acknowledgement by both parties that early access for invasive works would risk vacant possession and settlement.</i></u></p> <p>Feedback on the draft documents was significantly below expectation and agreed to extend the period by an additional 7 days for feedback.</p>
27 April 2015	The Department's solicitors issue the City with a revised draft license agreement
5 May 2015	City responds to the Department's solicitors on the revisions.
14 May 2015	<p><b><u>Email to</u></b> _____ (Director, Property &amp; Facilities Management, Dept Education) requesting that the Department's solicitors provide feedback on the sale documents. Email to Department solicitors:</p> <ul style="list-style-type: none"> <li>• Can you pls let me know when we will received a response to the revised access license issued to you last week?</li> <li>• I understand access for the non-invasive works was urgently required, so am not sure why negotiations have now stalled at a point where the license terms for the non-invasive works should be agreed?</li> <li>• Have you received instructions on the revised license?</li> <li>• In the interest of finalizing the license as soon as possible, we could discuss any outstanding matters by phone after you have reviewed the license?</li> </ul>

19 May 2015	<b>Email from Dept's solicitors to City's solicitors</b> – Department's solicitors confirm with the City's solicitors that they are waiting on instructions from the Department of Education in relation to the development deed scaffold and the contracts and will provide you with our comments on those upon receipt of same. Also confirming the Department's availability regarding the proposed meeting and will revert as soon as possible.
20 May 2015	<b>Email to Tony McCabe</b> (Director, Capital Works) seeking his intervention to progress the contract – to date the City has not received a response.
01 June 2015	<b>Email to Tony McCabe</b> (Director, Capital Works) seeking his intervention to progress the contract – to date the City has not received a response.
<b>No further emails were received from the Department or their solicitors on this matter.</b>	
9-10 June 2015	Multiple attempts by the CEO to speak with Dr Michelle Bruniges, (Secretary, Dept Education)
12 June 2015	The City received a letter from the Department advising that they were rescinding their offer and that: <i>"following advice from the Department's project manager and engineer consultants, the Department is of the view that due to the serious soil and water contamination on the site, the only way to guarantee the safety of future students, staff and visitors is by fully remediating the site. The Department has advice that the costs associated with fill remediation of the site could be as high as \$53 million which will make the relocation proposal unviable".</i> CEO spoke with Anthony Perrau (ED, Asset Management, Dept Education)
17 June 2015	Ultimo Primary School P&C Extraordinary meeting attended by LM, DLM, CEO and City staff. Department representatives were also present. Of particular concern was that the Department representative could not say when the redevelopment of the school would start, where the children would be educated during the redevelopment of the existing site and he gave varying answers about how long the redevelopment would take.
25 June 2015	The Department of Education released via its website the MacLauchlan Lister Hill International Remediation report. City staff and our expert Dr Greg DAsey conducted an initial review and made the following comments: <ul style="list-style-type: none"> <li>• No further testing has been conducted since July 2014, well before the Minister agreed to the purchase price in December 2014;</li> <li>• McLachlan Lister have assumed that all of the material requires offsite disposal, when it is clear that this would not be required and large amounts of the existing material would be suitable to stay on site; AND</li> <li>• The report provides no justification for the recommended 3 metre depth for excavation or that it be 'across the entire site'.</li> </ul>
29 June 2015	<b>LMM Item 3.3 Ultimo public School Backflip</b> Amended motion carried.
29 June 2015	Alex Greenwich and Jamie Park requested the Auditor-General to review the Education Department's decision about Ultimo Primary School.
14 Sept 2015	Council Meeting - Item 13.8 – Notices of Motion - Ultimo Public School - alternative motion carried unanimously

26 Oct 2015	Council Meeting - Item 12.8 – Notices of Motion - Fig & Wattle Depot Contamination - alternative motion carried unanimously.
18 Nov 2015	<p>Ultimo Public School P&amp;C Association meeting held at the school. Dr Sylvia Corish (SC), Director Public Schools NSW, Port Jackson Principals Network attended to answer questions. Kevin Langdon (P&amp;C member) emailed the Office of the Lord Mayor, City of Sydney his summary notes from the meeting as follows:</p> <ul style="list-style-type: none"> <li>• Dr Cornish said the preferred Ultimo primary school 'temporary relocation' site of the Project Reference Group is <u>Wentworth Park</u>, and that the Head of Asset Management (Anthony Perrau, Executive Director Asset Management, Department of Education) is in favour of utilising the current site of the <u>Annandale Campus of Petersham TAFE</u>, owned by the Department of Education.</li> <li>• Dr Corish indicated twice that the Annandale site may still go ahead as a school relocation site regardless of the Wentworth Park decision outcome, so that it may be available for the 'temporary relocations' of other inner city schools.</li> <li>• Dr Corish said that if we (the community) speak up now against Dept planning that it could make it harder for the Wentworth Park site to be approved. Dr Corish said that if Annandale is chosen, the Department will look to provide free Opal Cards to Ultimo primary students for light rail transport.</li> <li>• Dr Corish and Mary Casey (Project Manager, McLachlan Lister) said that contamination checks will be performed on the relocation site <b>after</b> it is chosen.</li> <li>• Dr Corish stated that the relocation decision is expected to be made in January 2016, then decontamination and construction work on this site in May 2016, and for the children to begin attendance at this site in January 2017.</li> <li>• At the end of the meeting a number of parents indicated they would enrol their children in a different school (reluctantly) if the rebuild on the current small site goes ahead, and the 'temporary' school relocation site is not in Wentworth Park. Concern was raised about whether other local public schools would accept Ultimo/Public School children.</li> </ul>
14 Dec 2015	Council Meeting - Item 13.8 - Notices of Motion - Ultimo Public School – alternative motion carried unanimously