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**30 JULY 2001**

**Meeting No 1335**

**MINUTES** of an Extraordinary meeting of the Council of the City of Sydney held in the Finance Committee Room at the Sydney Town Hall, commencing at 4.50pm on 30 July 2001 pursuant to Notice 13/1335 dated 26 July 2001.

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### PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor  
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 4.50pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The Acting General Manager and Director Corporate & Legal Services were also present.

#### **ITEM 1. REVISION OF 2001/02 BUDGET BY CARRYING FORWARD 2000/01 INCOMPLETE PROJECTS (S015503)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner-

That arising from consideration of a report by the Finance Manager to the Extraordinary meeting of Council on 30 July 2001 on Revision of 2001/02 Budget by Carrying Forward 2000/01 Incomplete Projects, it be resolved that the matter be deferred to the next meeting of Council on 6 August 2001.

Carried.

#### **Order of Business**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, the order of business be altered such that the remaining items on the agenda be dealt with in the following order:

7. Tender no. 0114 - Street Trees Maintenance Contract
6. Tender no. 0113 - Parks and Open Spaces Maintenance Contract
5. Tender for the Provision of Recreation and Community Services

8. Report of the Priorities and Outcomes Committee - Tender for the Management and Maintenance of Civil Infrastructure Assets
2. Land at SW Corner Druitt Street and Sussex Street, Sydney - Compulsory Acquisition
3. St Peters Miscellaneous Matters
4. 4-16 Campbell Street, St Peters
9. Interim Organisational Changes and Delegations of Authority

Carried.

### **Closed meeting**

At 5.02 pm the Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of

Section 10A (2)(c) of the Local Government Act 1993 to discuss Items 2 and 4 on the agenda as these matters comprised discussion of commercial information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and

Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Items 3, 5, 6, 7 and 8 on the agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

Section 10A(2)(a) of the Local Government Act 1993 to discuss Item 9 on the agenda as this matter comprised discussion of personnel matters concerning particular individuals;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

### **ITEM 2. LAND AT SW CORNER DRUITT STREET AND SUSSEX STREET, SYDNEY - COMPULSORY ACQUISITION (\$015488)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a report by the Senior Property Manager to the Extraordinary meeting of Council on 30 July 2001, on Land at SW corner Druitt Street and Sussex Street, Sydney – Compulsory Acquisition, it be resolved that approval be given to:-

- (A) The granting of owner's consent to the compulsory acquisition of that part of Lot 10 DP 861767 as shown hatched on plan S7A268/599 required to accommodate the Park Royal Hotel's new substation building, subject to the Acting General Manager being satisfied with the quality of the design of the substation;
- (B) The execution of all relevant documents by Council's Attorney.

Carried unanimously.

**ITEM 3. ST PETERS MISCELLANEOUS MATTERS (S016341)**

Note - Council resolved that the terms of the resolution on Item 3 remain confidential.

**ITEM 4. 4 -16 CAMPBELL STREET, ST PETERS (S016831)**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report from the Manager Property Strategy to Council on 30 July 2001 in relation to 4 – 16 Campbell Street, St Peters, it be resolved that approval be given to the General Manager to implement the recommendation as set out in paragraph 8 of the subject report.

The motion was carried on the following show of hands -

Ayes (6) - the Chairman (the Lord Mayor), Councillors Coulton, Greiner, Ho, Marsden and Turnbull

Noes (1) - Councillor Farr-Jones

Motion carried.

**ITEM 5. TENDER FOR THE PROVISION OF RECREATION AND COMMUNITY SERVICES – RECOMMENDATION TO COUNCIL (S015377)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from the consideration of a report by the Project Manager, Contracts and Asset Management to the Extraordinary meeting of Council on 30 July 2001, on Tender for the Provision of Recreation and Community Services, it be resolved that:

- (A) The tender for the operation and management of the City's recreation and community Services be awarded to Living City Services, subject to the negotiation of a feasible and practicable profit/gain share arrangement as approved by the Lord Mayor;
- (B) In finalising the Business Plan for 2001/02, the City negotiate with Living City Services to enhance the marketing and promotion component within the current tender price;
- (C) a briefing of Councillors be held on all profit and gain share provisions contained in competitive tendering contracts.

Carried unanimously.

**ITEM 6. TENDER NO 0113 - PARKS AND OPEN SPACES MAINTENANCE CONTRACT (S016118)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That arising from consideration of a report by the Acting Project Coordinator to the Extraordinary Meeting of Council on 30 July 2001 on Parks and Open Spaces Maintenance Contract, it be resolved that

- (A) the tender submitted by Total Landscape Care be accepted;
- (B) the City of Sydney enter into an agreement with Total Landscape Care for Parks and Open Spaces Maintenance Contract;
- (C) all relevant documents be executed by Council's attorney.

The motion was carried on the following show of hands -

Ayes (6) - the Chairman (the Lord Mayor), Councillors Coulton, Farr-Jones, Ho, Marsden and Turnbull

Noes (1) - Councillor Greiner

Motion carried.

**ITEM 7. TENDER NO 0114 - STREET TREES MAINTENANCE CONTRACT (S016114)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Marsden -

That arising from consideration of a report by the Acting Project Coordinator to the Extraordinary Meeting of Council on 30 July 2001, on Street Trees Maintenance Contract, it be resolved that Council:

- (A) Reject all tenders;
- (B) Request the Acting General Manager to undertake negotiations with suitable service providers;
- (C) Decline to invite fresh tenders as it is unlikely a more satisfactory result would be achieved by inviting fresh tenders as it is doubtful that a new tender with the same service level specification would attract additional tenderers and achieve greater cost savings for Council; and
- (D) Delegate authority to the Lord Mayor to approve service levels, any budget variations and the contract for Street Tree Maintenance, on the advice of the Acting General Manager.

Carried.

**ADDITIONAL MATTER FOR EXTRAORDINARY MEETING OF COUNCIL**

FILE NO:

DATE: 30/7/01

**MINUTE BY THE LORD MAYOR**

To Council:

A meeting of the Priorities and Outcomes Committee was held this afternoon, Monday 30 July 2001. The only item on the Agenda was a confidential report on -

- Tender for the Management and Maintenance of Civil Infrastructure Assets

I bring forward the report of today's meeting of the Priorities and Outcomes Committee for the consideration of Council.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

**ITEM 8. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 30 JULY 2001**

PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor  
(Chairman)

Councillors - Dixie Coulton, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 2.25 pm, those present were -

The Lord Mayor, Councillors Coulton, Marsden and Turnbull.

**Closed meeting**

At 2.26pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item 8.1 on the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 2.42 pm.

Report of the Committee

Moved by the Chairman (the Lord Mayor), seconded by Councillor Coulton -

That the Report of the Priorities and Outcomes Committee of its meeting of 30 July 2001 be received and noted, and the recommendation set out below for Item 8.1 be adopted.

Carried.

### **Closed meeting**

At 2.26 pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(i) of the Local Government Act 1993 to discuss Item 8.1 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

The Committee recommended the following:-

### **TENDER FOR THE MANAGEMENT AND MAINTENANCE OF CIVIL INFRASTRUCTURE ASSETS (S015749)**

#### **8.1**

That arising from consideration of a report by the Senior Contract Coordinator, Contracts and Asset Management to the Priorities and Outcomes Committee on 30 July 2001 on Tender for the Management and Maintenance of Civil Infrastructure Assets, it be resolved that:

- (A) all tenders for the management and maintenance of civil infrastructure assets be rejected;
- (B) all tenders to Living City Services from subcontractors be rejected;
- (C) the Acting General Manager, in consultation with the Lord Mayor, be authorised to negotiate with unsuccessful tenderers, and in doing so shall have regard to -
  - (1) staffing levels,
  - (2) unit rates,
  - (3) comparable rates,
  - (4) which services are sub-contracted by the tenderer, and
  - (5) the scope and cost of works undertaken in the last six months

and shall utilise an independent quantity surveyor in assessing the negotiated arrangements;

- (D) Council decline to invite fresh tenders as it is unlikely a more satisfactory result would be achieved by inviting fresh tenders in view of the advertising of the tender

and the significant period of 5 weeks provided to interested parties to lodge a tender;

- (E) authority be delegated to the Acting General Manager, with the concurrence of the Lord Mayor, to conclude an agreement with the tenderer for the management and maintenance of civil infrastructure assets;
- (F) authority be delegated to the Acting General Manager to conclude agreements with subcontractors which are consistent with the agreement to be entered into under clause (E);
- (G) the Acting General Manager, with the concurrence of the Lord Mayor, be authorised to extend the existing contract for an interim period as necessary;
- (H) Council's attorney be authorised to execute all documentation.

The motion was carried on the following show of hands -

Ayes (5) - the Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

#### **ADDITIONAL MATTER FOR COUNCIL**

At this stage of the meeting, the Chairman (the Lord Mayor) introduced a confidential Minute by the Lord Mayor.

At this stage of the meeting, all staff left the meeting.

#### **ITEM 9. INTERIM ORGANISATIONAL CHANGES AND DELEGATIONS OF AUTHORITY**

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 30 July 2001, on Interim Organisational Changes and Delegations of Authority, it be resolved that:

- (A) Council endorse the Interim Organisation Changes announced on 23 July 2001;
- (B) Council alter the Delegations of Authority to the Lord Mayor as follows:
  - (1) by deleting the words "for serious causes" after the words "at short notice" in Delegation 5(g);



- (2) by creating a new delegation 5(m) which reads “To appoint and replace an Acting General Manager from time to time, as might be required by the absence of the General Manager for any reason”.
- (C) the Lord Mayor be authorised to make minor changes to the organisational structure;
- (D) only this resolution be printed in the minutes of Council, and not the full Minute by the Lord Mayor.

The motion was carried on the following show of hands -

Ayes (5) - the Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

At 6.00pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 6 August 2001 at which  
meeting the signature herein was subscribed.