

Minutes of the Corporate, Finance, Properties and Tenders Committee - 5 December 2022

Members Lord Mayor - Councillor Clover Moore (Chair), Deputy Lord Mayor - Councillor Sylvie Ellsmore, Councillor HY William Chan, Councillor (Waskam) Emelda Davis, Councillor Sylvie Ellsmore, Councillor Lyndon Gannon, Councillor Shauna Jarrett, Councillor Robert Kok, Councillor Linda Scott, Councillor Jess Scully (Deputy Chair) and Councillor Yvonne Weldon.

At the commencement of business at 2.10pm those present were -

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

Hybrid Meeting Arrangements

The Chair (the Lord Mayor) advised that Councillor (Waskam) Emelda Davis and Councillor Linda Scott were attending the meeting of the Corporate, Finance, Properties and Tenders Committee remotely, via audio visual link, pursuant to the provisions of clause 4.20 of the Code of Meeting Practice.

Apologies

Councillor Jess Scully extended her apologies for her inability to attend the meeting of the Corporate, Finance, Properties and Tenders Committee.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.59pm.

Item 1

Confirmation of Minutes

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

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 14 November 2022, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2

Statement of Ethical Obligations and Disclosures of Interest

No Councillors disclosed any pecuniary or non-pecuniary interests in any matters on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 3

Investments Held as at 30 November 2022

It is resolved that the Investment Report as at 30 November 2022 be received and noted.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.)

X020701

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 4

Conduct of the 2024 Local Government Election

It is resolved that:

- (A) pursuant to s296(2) and (3) of the Local Government Act 1993, that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of Council;
- (B) pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a council poll arrangement be entered into by contract for the NSW Electoral Commissioner to administer all council polls of Council;
- (C) pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a constitutional referendum arrangement be entered into by contract for the NSW Electoral Commissioner to administer all constitutional referenda of Council;
- (D) authority be delegated to the Chief Executive Officer to negotiate and execute the contract with the NSW Electoral Commissioner; and
- (E) the means of voting at the 2021 election will be retained for the 2024 election (that is, a combination of attendance and postal voting).

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Chan, and carried unanimously.)

X001937

Item 5

Post Exhibition - Naming Proposal - Two Lanes at 180 George Street, Sydney

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 12 December 2022.

Officer's Recommendation

The officer's recommendation to the Corporate, Finance, Properties and Tenders Committee was as follows -

It is resolved that:

- (A) Council approve the name "Ah Toy Lane" for the northeast-southwest aligned lane;
- (B) Council approve the name "Sai Ying Lane" for the east-west aligned lane; and
- (C) an application be made to the Geographical Names Board for the naming of the lanes as approved in (A) and (B), in accordance with the Geographical Names Act 1996.

Officer's Report

The officer's report on this matter can be found at Item 5 on the agenda of the meeting of the Corporate, Finance, Properties and Tenders Committee on 5 December 2022.

X086317

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 6

Sale of City Owned Land - Proposed Lot 22, Part 19-21 Lachlan Street, Waterloo

It is resolved that:

- (A) Council endorse the sale of proposed lot 22 in an as yet unregistered plan of subdivision of 19-21 Lachlan Street, Waterloo, being Lot 18 in Deposited Plan 610311, at the price agreed to by both parties and supported by independent valuation as detailed in Confidential Attachment C to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise all negotiations and enter into a Contract for Sale and any other documentation required to complete the sale.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried on the following show of hands –

Ayes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Jarrett and Kok

Noes (2) Councillors Scott and Weldon.

Carried.)

X020058

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 7

Project Scope and Contract Variation - Hyde Park Lighting

It is resolved that:

- (A) Council endorse the project scope as outlined in the subject report and shown in Attachment A to the subject report, to proceed with design, documentation, and tender for construction of the Hyde Park lighting works;
- (B) Council note the indicative costs and financial implications detailed in Confidential Attachment C to the subject report;
- (C) Council approve the additional project budget for the Hyde Park Lighting project as outlined in Confidential Attachment C to the subject report;
- (D) Council approve the additional contract contingency for the consultancy contract with AECOM Australia as outlined in Confidential Attachment C to the subject report;
- (E) Council note that the total new total contract sum including contingency for the existing head design consultants contract is outlined in Confidential Attachment C to the subject report; and
- (F) authority be delegated to the Chief Executive Officers to negotiate, execute, and administer the variation of the contracts with the head consultants.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Ellsmore, and carried unanimously.)

X019620

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 8

Exemption from Tender and Contract Negotiation Outcome - Domestic, Cleansing (Putrescible) and Parks Waste Receipt, Processing and Disposal Services

It is resolved that:

- (A) Council note the outcome of the City's contract negotiation process with Cleanaway Pty Ltd (Cleanaway) to reset the contract terms and integrate the following two processing agreements into one contract:
 - (i) Alternative Resource Recovery Processing Agreement for the processing of domestic waste; and
 - (ii) Cleansing Waste (Putrescible) Receipt and Processing Services Agreement contract for the processing of public place and parks waste;
- (B) Council approve an exemption from tender for Domestic, Cleansing and Parks (Putrescible) Waste Receipt, Processing and Disposal Services in accordance with section 55(3)(i) of the Local Government Act 1993;

- (C) Council note that a satisfactory result would not be achieved by inviting tenders because the market of suitable suppliers is extremely limited, with only two suppliers, one of which is at capacity and the other which is the current City supplier;
- (D) Council approve the contract with Cleanaway for the receipt, processing and disposal of domestic, cleansing and parks (putrescible) waste for:
- (i) the price, schedule of rates and contingency outlined in Confidential Attachment B to the subject report; and
 - (ii) an initial term of three years (1 January 2023 to 31 December 2025) with three optional one-year contract extensions which can be ended early if Cleanaway implements new technology or changes the use of the processing facilities, and the parties cannot agree to subsequent variations required to the contract; and
- (E) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contract and to exercise the options referred to in clause (D)(ii), if appropriate.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.)

X085362.008

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 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 by 12 months;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders because:
- (i) the Commonwealth Government's funding model announcement (expected July 2023) is likely to have significant changes in how grant funding is allocated (post July 2024); and
 - (ii) extending the current meal provision contract will allow sufficient time for the City to research and develop new operational strategies to align with the proposed reforms;
- (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; and
 - (ii) extend the contract by 12 months to 18 May 2024 to enable a tender process to take place in line with any changes to funding provided by the Commonwealth;
- (D) Council note the total contract sum and contingency for Meals on Wheels Pre-Packed/Cooked Individual Chilled and Frozen Meals 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.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.)

S074367

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 10

Tender - T-2021-616 - Reject and Negotiate - Revitalisation of Perry Park: Park Upgrade, Synthetic Sportsfield, Amenities and Associated Works and Contract Variation - Head Design Consultant

It is resolved that:

- (A) Council decline to accept the tender offers for Revitalisation of Perry Park: Park Upgrade, Synthetic Sportsfield, Amenities and Associated Works, for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender;
- (E) Council be informed of the successful contractor via the CEO Update;
- (F) Council approve a variation to the existing contract for Aspect Studios Pty Ltd for Head Design Consultant services on the terms contained in Confidential Attachment A to the subject report;
- (G) Council approve the increased amount and increased contingency to the existing head design consultants' contract as outlined in Confidential Attachment A to the subject report; and
- (H) Council approve additional project funding as outlined in Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried on the following show of hands –

Ayes (7) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok and Scott
Noes (2) Councillors Ellsmore and Weldon*.

Carried.

*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 motion.)

X020986.001

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 11

Tender - T-2021-615 - Construction of North Rosebery Park and Green Link

It is resolved that:

- (A) Council accept the tender offer of Tenderer B for the Construction of North Rosebery Park and Green Link 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 Construction of North Rosebery Park and Green Link as outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (D) Council approve additional funds for the project as outlined in Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Chan, and carried unanimously.)

X022419.001

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 12

Cancellation of Tender - Alexandra Canal Depot Workspace Relocation Stage 2 Construction

It is resolved that Council:

- (A) decline to accept the tender offer for Alexandra Canal Depot Workspace Relocation Stage 2 Construction;
- (B) cancel the tender for the Alexandra Canal Depot Workspace Relocation Stage 2 Construction for the reasons outlined in Confidential Attachment A to the subject report; and

- (C) note that a proposed adjustment of scope and procurement method will be developed for the Alexandra Canal Depot Workspace Relocation Stage 2 Construction.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.)

X038195.022

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 13

Public Access IT Refresh Project

It is resolved that:

- (A) Council note the outcome of the Public Access IT Refresh project tender as set out in Confidential Attachment A to the subject report, following negotiations with suppliers; and
- (B) Council approve additional funds for this project budget, to be transferred from Council's capital works contingency, as outlined in Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by the Chair (the Lord Mayor), seconded by Councillor Kok, and carried unanimously.)

X039997.001