

PRESENT

The Lord Mayor Councillor Clover Moore
(Chair)

Deputy Lord Mayor Councillor Jess Scully
(Deputy Chair)

Councillors Craig Chung, Christine Forster, Robert Kok, Jess Miller, Prof Kerry Phelps AM, Prof Philip Thalys and Angela Vithoukias.

At the commencement of business at 2.03pm those present were -

The Lord Mayor, Councillors Chung, Forster, Kok, Miller, Scully, Thalys and Vithoukias.

Apologies

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

Councillor Phelps arrived at the meeting of the Corporate, Finance, Properties and Tenders Committee at 2.10pm during discussion and before the vote on Item 6.2.

Sub-Committees

The Economic Development and Business Sub-Committee, with Councillor Kok as Deputy Chair, commenced at 2.32pm.

The meeting of the Corporate, Finance, Properties and Tenders Committee and its Sub-Committee concluded at 2.52pm.

Report of the Corporate, Finance, Properties and Tenders Committee

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

That the report of the Corporate, Finance, Properties and Tenders Committee of its meeting of 21 June 2021 be received, with Item 6.1 being noted, the recommendations set out below for Items 6.3 to 6.8 inclusive being adopted in globo, and Item 6.2 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.1

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 recommended the following:

Item 6.2

Adoption - Integrated Planning and Reporting Program and Budget 2021/22

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

It is resolved that:

- (A) Council note the submissions received from the community on the exhibited suite of the 2021 Integrated Planning and Reporting documents as included in Attachment A to the subject report;
- (B) Council adopt the suite of the draft 2021 Integrated Planning and Reporting documents as endorsed by Council on 17 May 2021, and as amended, including the Operational Plan 2021/22 as shown at Attachment B to the subject report;
- (C) Council adopt the draft Operating and Capital Budget, and future years' forward estimates, reflected in the Operational Plan 2021/22 and Resourcing Strategy 2021, subject to amendments in Attachment B to the subject report;
- (D) Council note that the 2021/22 budgets include:
 - (i) Operating income of \$624.5M, operating expenditure before depreciation of \$514.5M for an Operating Result of \$110.0M, and a Net Operating Surplus of \$27.3M after allowing for interest income, depreciation and capital contributions;
 - (ii) Capital Works expenditure of \$236.3M; including a capital contingency of \$8.0M;
 - (iii) Plant and Assets net expenditure of \$9.2M;
 - (iv) Information/Technology/Digital Capital Works of \$18.3M; and
 - (v) Net Property Acquisitions of \$131.9M;
- (E) Council adopt the proposed Rating structure and policies, Domestic Waste Management Charges, Stormwater Charges and User Fees and Charges reflected in the Operational Plan 2021/22, endorsed by Council on 17 May 2021, as set out in the body of the subject report;
- (F) authority be delegated to the Chief Executive Officer to approve the 2021 Resourcing Strategy as exhibited, including relevant amendments to the Long Term Financial Plan; and
- (G) authority be delegated to the Chief Executive Officer to approve any minor editorial corrections prior to publication and authorise the relevant staff to implement any such corrections.

Amendment. Moved by Councillor Chung, seconded by Councillor Forster –

It is resolved that:

- (A) Council note the submissions received from the community on the exhibited suite of the 2021 Integrated Planning and Reporting documents as included in Attachment A to the subject report;
- (B) Council adopt the suite of the draft 2021 Integrated Planning and Reporting documents as endorsed by Council on 17 May 2021, and as amended, including the Operational Plan 2021/22 as shown at Attachment B to the subject report;
- (C) Council adopt the draft Operating and Capital Budget, and future years' forward estimates, reflected in the Operational Plan 2021/22 and Resourcing Strategy 2021, subject to amendments in Attachment B to the subject report;
- (D) Council note that the 2021/22 budgets include:
 - (i) Operating income of \$624.5M, operating expenditure before depreciation of \$514.5M for an Operating Result of \$110.0M, and a Net Operating Surplus of \$27.3M after allowing for interest income, depreciation and capital contributions;
 - (ii) Capital Works expenditure of \$236.3M; including a capital contingency of \$8.0M;
 - (iii) Plant and Assets net expenditure of \$9.2M;
 - (iv) Information/Technology/Digital Capital Works of \$18.3M; and
 - (v) Net Property Acquisitions of \$131.9M;
- (E) Council adopt the proposed Rating structure and policies, Domestic Waste Management Charges, Stormwater Charges and User Fees and Charges reflected in the Operational Plan 2021/22, endorsed by Council on 17 May 2021, as set out in the body of the subject report;
- (F) authority be delegated to the Chief Executive Officer to approve the 2021 Resourcing Strategy as exhibited, including relevant amendments to the Long Term Financial Plan;
- (G) authority be delegated to the Chief Executive Officer to approve any minor editorial corrections prior to publication and authorise the relevant staff to implement any such corrections; and
- (H) Council adopt the following changes:
 - (i) adopt Income Statement Alternative Scenario 2 as detailed in Attachment B;
 - (ii) fees for footway licenses be waived for the 2021/22 and 22/23 financial years;
 - (iii) noting that the City employs 49.5 FTE communications and media relations staff, costing the City \$6.5 million per annum, the communications and media staff be consolidated into a single unit of the Office of the CEO, and be reduced to a number equivalent to the number

of communications and media staff for NSW Government Ministers, for the quarter preceding each Council term;

- (iv) the general contingencies fund be discontinued, noting that projects and individual departments have contingencies built in to each project. All Councillor and Lord Mayor resolutions must identify a specific line item of expenditure other than “general contingencies”;
- (v) the staffing levels of the Office of the Lord Mayor be aligned with the average number of staff for NSW Government Ministers for the quarter preceding each Council term;
- (vi) all expenditure associated with the Lord Mayor and Office of the Lord Mayor be detailed by individual items and specific line items published in the CEO Update each quarter;
- (vii) Council note that \$2,215,709 has been spent since Cloud Arch was first proposed and that the latest budget is an uncapped sum of \$22 million;
- (viii) Council abandon the Cloud Arch project;
- (ix) noting that \$199,138 has been spent on the Pavilion project, that the Pavilion project be permanently abandoned;
- (x) in consultation with the community, a new Masterplan be developed for Historic Chinatown, to include a 10-year public domain renewal and upgrade budget to be presented to Council for adoption in the Integrated Planning and Reporting Program and Budget 2022/23; and
- (xi) in consultation with the community, a new Masterplan be developed for Kings Cross and Potts Point, and the process commence by releasing the Council funded report, “A Vision for Kings Cross”, completed in 2020 by the Committee for Sydney, with any budget implications to be presented to Council for adoption in the Integrated Planning and Reporting Program and Budget 2022/23.

The amendment was lost on the following show of hands –

Ayes (4) Councillors Chung, Forster, Phelps and Vithoukias

Noes (6) The Chair (the Lord Mayor), Councillors Kok, Miller, Scott, Scully and Thalys.

Amendment lost.

The substantive motion was carried unanimously.

X025796

Point of Order

After some discussion, Councillor Scott raised a point of order, reminding the Chair that one of her questions had not been answered.

Extension of Time

During discussion on this matter, pursuant to the provisions of clause 8.35 of the Code of Meeting Practice, it was –

Moved by Councillor Forster, seconded by Councillor Phelps –

That Councillor Chung be granted an extension of time to speak on the amendment.

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

Ayes (5) Councillor Chung, Forster, Phelps, Scott and Vithoukias

Noes (5) The Chair (the Lord Mayor), Councillors Kok, Miller, Scully and Thalís.

The Chair (the Lord Mayor) exercised her casting vote in favour of the motion and the extension of time was declared carried.

Councillor Chung then concluded his comments.

Point of Order

During discussion, Councillor Scully raised a point of order, stating that Councillor Phelps did not have the floor.

The Lord Mayor upheld the point of order, and called Councillors Phelps and Scully both to order.

Item 6.3

Investments Held as at 31 May 2021

It is resolved that the Investment Report as at 31 May 2021 be received and noted.

Carried unanimously.

X020701

Item 6.4

Lease Approval - Nita McCrae Park - 17 Argyle Street, Millers Point

It is resolved that:

- (A) Council approve the City entering into a lease with Transport for NSW for Nita McCrae Park (17 Argyle Street, Millers Point, Folio Identifier 1/1175372) for a term of 99 years; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease in accordance with Attachment B to the subject report.

Carried unanimously.

X073061

Item 6.5

Tender - T2020-09 - SSROC - Sustainable Pavements - Road Construction Materials and Related Services

It is resolved that:

- (A) Council accept the tender offer of Tenderers 5, 11, 12 and 24 from the list of Tenderers in Table 2 of Attachment B to the subject report for the provision of Sustainable Pavements - Road Construction Materials and Related Services for the schedule of rates outlined in Confidential Attachment C to the subject report for a period of three years, with the option of a further two extensions of one year each, subject to satisfactory performance;
- (B) Council note that the quantity and value of works undertaken will be subject to the maintenance and individual project funding included in the City's Operating and Capital Works budgets and future year forward estimates;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (D) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

X080459

Item 6.6

Exemption from Tender and Contract Variation - Customer Relationship Management Services for the National CitySwitch Green Office Program

It is resolved that:

- (A) Council approve an exemption from tender to extend the term of the existing contract for Customer Relationship Management Services for the National CitySwitch Green Office Program by reason of extenuating circumstances, noting that a satisfactory result for the City would not be achieved by inviting tenders at this time;
- (B) Council note the reasons that a satisfactory result would not be achieved by inviting tenders for this work are:
 - (i) the goods or services can be provided by a supplier already engaged on the specific project with existing knowledge and experience working with national partners;
 - (ii) continuity of services by an existing supplier will provide certainty and confidence to our funding partners during a time of transition to a new program coordinator; and

- (iii) the underlying system has been heavily customised to provide the CitySwitch Customer Relation Management service. Due to this level of customisation, if a new supplier is required to host, support and maintain the system, they would first need to re-build the system and spend a significant amount of time and effort in verifying and familiarising themselves with the current system to ensure that they could provide effective support and maintenance services;
- (C) Council approve a variation of the contract for Customer Relationship Management Services for the National CitySwitch Green Office Program with Jaythom Pty Ltd to extend the terms of the contract by 12 months with the option of a further extension of 12 months if appropriate;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the contract with Jaythom Pty Ltd; and
- (E) authority be delegated to the Chief Executive Officer to exercise the option referred to in (C), if appropriate, and negotiate the price to extend the contract accordingly.

Carried unanimously.

X018227.008

Item 6.7

Exemption from Tender and Contract Variations – Catering Services – Compass Group (Restaurant Associates)

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 to extend the duration of the existing contract to 2 July 2023 on the terms set out in Confidential Attachment A to the subject report, for the management of the City's Catering Services, by reason of extenuating circumstances, noting that a satisfactory result for the City would not be achieved by inviting tenders at this time;
- (B) Council note the reason that a satisfactory result for the City would not be achieved by inviting tenders is the high levels of uncertainty and risk in the market as a result of the ongoing Covid-19 pandemic, which will not result in value for money;
- (C) Council note that the financial arrangements under the existing contract were temporarily modified by the Chief Executive Officer in 2020 in accordance with the City's Covid-19 recovery response to accommodate the effects of the Covid-19 pandemic as further detailed in Confidential Attachment A to the subject report;
- (D) Council approve a variation to the contract for Catering Services to vary the financial arrangements as further detailed in Confidential Attachment A to the subject report for the period 1 July 2020 until 2 July 2023; and

- (E) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any necessary documentation to give effect to the resolutions above.

Carried unanimously.

X079066

Item 6.8

Contract Variations - Event Infrastructure, Structures and Equipment for Major Events and Festivals

It is resolved that Council:

- (A) note that due to the ongoing Covid-19 pandemic, the City has been required to accommodate changes to the event season as well as deliver Sunset Piazza, Al Fresco activities, Covid overlay costs and other event season program changes resulting in significantly increased contract expenditure;
- (B) approve contact variations for Event Infrastructure, Structures and Equipment for Major Events and Festivals as follows:
- (i) Part 1 - Portable Toilets and Part 2 - Temporary Site Offices and Site Equipment - Coates Hire Operations Pty Ltd;
 - (ii) Part 3 - Fencing and Part 5 - Smart Infrastructure - The Trustee for Michael Reginald Scarce Family Trust (trading as Camden Hire Pty Ltd);
 - (iii) Part 4 - Generators, Lighting Towers and Power Distribution - Eventpower Solutions NSW Pty Ltd;
 - (iv) Part 6 - Forklifts and Access Equipment - Botany Access Pty Ltd; and
 - (v) Part 8 - Structures, Furniture and Event Equipment - Pillingers Hiring Service Pty Ltd;

for the for the revised estimated contract values outlined in Confidential Attachment A to the subject report and in accordance with the previously approved schedule of rates;

- (C) Council approve the additional funds sought from the 2021/22 General Contingency Fund as outlined in Confidential Attachment A to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer/vary the contracts relating to Event Infrastructure, Structures and Equipment for Major Events and Festivals.

Carried unanimously.

X031267.003

Report of the Economic Development and Business Sub-Committee

Moved by Councillor Kok, seconded by Councillor Scully -

That the report of the Economic Development and Business Sub-Committee of its meeting of 21 June 2021 be received, with Item 6.9 being dealt with as shown immediately following that item.

Carried unanimously.

Item 6.9

Grants and Sponsorship - Round One 2021/22 - Economic Grants

Moved by Councillor Kok, seconded by Councillor Scully –

It is resolved that:

- (A) Council approve the cash recommendations for the Business Support - Live Music and Performance Grant Program as per Attachment A to the subject report;
- (B) Council note the applicants who were not successful in obtaining a cash grant for the Business Support - Live Music and Performance Grant Program as per Attachment B to the subject report;
- (C) Council approve the cash recommendations for the Business Support - Night Time Diversification Grant Program as per Attachment C to the subject report;
- (D) Council note the applicants who were not successful in obtaining a cash grant for the Business Support - Night Time Diversification Grant Program as per Attachment D to the subject report;
- (E) Council approve the cash recommendations for the Business Support - Place and Industry Grant Program as per Attachment E to the subject report noting that all applications are recommended;
- (F) Council note that all grants amounts are exclusive of GST;
- (G) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (H) 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 recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Amendment. Moved by Councillor Chung, seconded by Councillor Forster –

It is resolved that:

- (A) Council approve the cash recommendations for the Business Support - Live Music and Performance Grant Program as per Attachment A to the subject report;

- (B) Council note the applicants who were not successful in obtaining a cash grant for the Business Support - Live Music and Performance Grant Program as per Attachment B to the subject report;
- (C) Council approve the cash recommendations for the Business Support - Night Time Diversification Grant Program, excluding the Moon Festival events by Lendlease Property Management and Sydney's Highest Tower by Sydney Tower, as per Attachment C to the subject report;
- (D) the City write to the relevant community groups encouraging them to apply for an ad hoc grant to celebrate the Moon Festival in historic Chinatown;
- (E) Council note the applicants who were not successful in obtaining a cash grant for the Business Support - Night Time Diversification Grant Program as per Attachment D to the subject report;
- (F) Council approve the cash recommendations for the Business Support - Place and Industry Grant Program as per Attachment E to the subject report noting that all applications are recommended;
- (G) Council note that all grants amounts are exclusive of GST;
- (H) authority be delegated to the Chief Executive Officer to negotiate, execute and administer agreements with any organisation approved for a grant or sponsorship under terms consistent with this resolution and the Grants and Sponsorship Policy; and
- (I) 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 recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

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

Ayes (5) Councillors Chung, Forster, Phelps, Scott and Vithoukas

Noes (5) The Chair (the Lord Mayor), Councillors Kok, Miller, Scully and Thalís.

The Lord Mayor exercised her casting vote against the amendment. The amendment was declared lost.

Amendment lost.

Amendment. Moved by Councillor Phelps, seconded by Councillor Chung –

That the Item under discussion (Item 6.9 Grants and Sponsorship - Round One 2021/22 - Economic Grants), be deferred.

The amendment was lost on the following show of hands –

Ayes (3) Councillors Chung, Phelps and Vithoukas

Noes (7) The Chair (the Lord Mayor), Councillors Forster, Kok, Miller, Scott, Scully and Thalís.

Amendment lost.

The substantive motion was carried unanimously.

S117676

Speaker

Mr Clive Lochner addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.9.

Adjournment

At this stage of the meeting, at 8.31pm, it was moved by the Chair (the Lord Mayor), seconded by Councillor Thalís –

That the meeting be adjourned for approximately 15 minutes.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Forster, Miller, Kok, Phelps, Scott, Scully, Thalís and Vithoukás

Noes (1) Councillor Chung.

Motion carried.

All Councillors were present at the resumption of the meeting of Council at 8.50pm.