

Item 6

Report of the Corporate, Finance, Properties and Tenders Committee - 19 July 2021

Item 6.1

Disclosures of Interest

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Item 6.6 on the agenda, in that Mr Graham Brecht made a non-reportable donation to the City of Sydney Labor team in 2016 of \$100, and has also previously been a candidate for the Labor team for the City of Sydney Council. Councillor Scott stated that Mr Brecht has resided in a property adjacent to Edie Ward Park, but has not met or spoken with her about this item.
- a less than significant, non-pecuniary interest in Item 6.6 on the agenda, in that she has received representations from residents of Olivia Gardens, the property that was forcibly acquired by the State Government, regarding Wimbo Park and the surrounding areas in the past.

Councillor Christine Forster disclosed a pecuniary interest in Item 6.7 on the agenda, in that she is employed as the Senior Media Advisor in the Corporate Affairs department of Woodside Energy, the largest Australian natural gas production company. Councillor Forster stated that she would not be participating in the vote on this item.

No other 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 6.2

Investments Held as at 30 June 2021

It is resolved that the Investment Report as at 30 June 2021 be received and noted.

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

X020701

Item 6.3**Public Exhibition - Naming Proposal - Dr Margaret Harper Avenue**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 26 July 2021.

Following the Corporate, Finance, Properties and Tenders Committee, Item 6.3 was withdrawn in order to further consider the matters raised.

X082506

Speakers

Ms Yvonne Weldon (Chair – Metropolitan Local Aboriginal Land Council) and Mr Nathan Moran (Chief Executive Officer – Metropolitan Local Aboriginal Land Council) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.3.

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

Item 6.4

Lease Approval - Part Ground Floor and Part Forecourt, Customs House, 31 Alfred Street, Sydney

It is resolved that:

- (A) Council approve the granting of a five-year lease with a five-year option to AVC Operations Pty Limited for Part Ground Floor and Part Portico Customs House, 31 Alfred Street, Sydney;
- (B) Council approve the granting of a five-year licence to AVC Operations Pty Limited for the eastern and western parts of the Customs House Forecourt area; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease and licence in accordance with Confidential Attachment A to the subject report.

(Note – at the meeting of the Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Thalys, and carried unanimously.)

S099079

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

Item 6.5

Draft Project Development Deed - Green Square Town Centre Integrated Community Facility and School

It is resolved that:

- (A) Council note the previous approval in December 2017 to enter into a Project Development Deed with the NSW Department of Education, the changes since made, and the need to approve an amended Deed;
- (B) Council approve a Project Development Deed with the NSW Department of Education for the Green Square Town Centre Integrated Community Facility and School substantially on the terms contained in Confidential Attachment C to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, finalise and execute the Project Development Deed with the NSW Department of Education for the Green Square Town Centre Integrated Community Facility and School, noting that the final Deed must be substantially in accordance with the document contained at Confidential Attachment C to the subject report; and
- (D) Council note that if the terms contemplated by (B) above are changed, Council approval will be required for those changes.

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

S100177.012

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

Item 6.6

Transport for NSW - Light Rail - Section 29 Land Acquisition Agreement and Land Transfers to the City

It is resolved that Council:

- (A) note that the City and Transport for NSW have agreed that no compensation will be payable under the Land Acquisition (Just Terms Compensation) Act 1991 for land or property interests acquired by Transport for NSW for the CBD and South East Light Rail Project;
- (B) note that Transport for NSW have agreed to transfer land surplus to the CBD and South East Light Rail for no consideration to the City;
- (C) in respect of 'Eddie Ward Park', corner of Marlborough and Devonshire Streets, Surry Hills, endorse:
- (i) Transport for NSW acquiring proposed Lot 2 in, plan of acquisition, Deposited Plan 1260627 (Acquisition Land) from the City pursuant to section 29 of the Land Acquisition (Just Terms Compensation) Act 1991;
 - (ii) Transport for NSW dedicating to the City as Public Road proposed Lots 11 and 12 in, plan of subdivision, Deposited Plan 1266757 (Compensation Land); and
 - (iii) the pre-existing easements over proposed Lot 12 in Deposited Plan 1266757 for electricity and water;
- (D) in respect of 'Wimbo Park', Surry Hills, endorse:
- (i) Transport for NSW acquiring the following land from the City pursuant to section 29 of the Land Acquisition (Just Terms Compensation) Act 1991:
 - Part 560-576 Bourke Street, Surry Hills, being community land shown as proposed Lot 2 affecting Lots 6 and 7 in Deposited Plan 456577, (Acquisition Land);
 - Part of Olivia Lane, being road and shown as proposed Lot 4, (Acquisition Land); and
 - Part of Parkham Place being road and shown as proposed Lot 5, (Acquisition Land);
 - (ii) Transport for NSW:
 - transferring land forming part of 3 Olivia Lane and part 625-629 South Dowling Street, Surry Hills being proposed Lots 2, 3, 4, 5, 6 and 8 in the proposed plan of subdivision (PPN 1272206) being part of Lot 10 in Deposited Plan 817603 and Lot 12 in Deposited Plan 1194942 for community purposes (Compensation Land); and
 - dedicating as road, pursuant to the Roads Act 1993, and forming part of 3 Olivia Lane, proposed Lot 9 at the corner of Parkham Place and Nobbs Lane and proposed Lot 10 at the corner of Parkham Lane and Parkham Place in the proposed plan of subdivision of Lot 10 in Deposited Plan 817603 and Lot 12 in Deposited Plan 1194942 (Compensation Land);

- (iii) the grant by the City of a 25-year licence for carparking to South Eastern Area Health Service over proposed Lots 4,5 and 6 in proposed plan of subdivision(PPN.1272206) as part of the conditions inherited from Transport for NSW from the Sydney Light Rail Project consent; and
 - (iv) the grant of various easements benefitting Transport for NSW as described within the report for the purpose of the Sydney Light Rail Project;
- (E) in respect of 'Anzac Parade', Moore Park endorse:
- (i) Transport for NSW acquiring from the City a stratum below part of Anzac Parade, Lot 2 in Plan of Acquisition, Deposited Plan 1266334 pursuant to section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 (Acquisition Land); and
 - (ii) Transport for NSW dedicating as road, pursuant to the Roads Act 1993, proposed Lots 5 and 6 in the proposed plan of subdivision (PPN 1271476) being part of Lot 2 in Deposited Plan 739594 (Compensation Land);
- (F) delegate authority to the Chief Executive Officer to finalise the negotiation of any terms and conditions of the Section 29 Land Acquisition Agreement and Land Transfer Agreements and any other documents required to support these transactions, and to execute any documentation necessary to give effect to the transactions approved by these resolutions;
- (G) endorse the proposed resolution: 'It is resolved to classify the City acquired property being a subdivision of Lot 10 in Deposited Plan 817603 and Lot 2 in Deposited Plan 1194942, and further described as proposed Lots 2, 3, 4, 5, 6 and 8 in proposed plan of subdivision no.1272206, as operational land in accordance with section 31 of the Local Government Act 1993' be publicly notified for a period of 28 days prior to or following the completion of the acquisition; and
- (H) note that a further report, to inform the outcomes of public notification and recommendation on land classification, will follow any notification period.

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

X081018

Item 6.7**Exemption from Tender - Renewable Gas Certification Pilot**

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter shall be deferred to the meeting of Council on 26 July 2021.

Officer's Recommendation

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

It is resolved that:

- (A) Council endorse entering into discussions with Jemena Limited, Sydney Water and other relevant related parties under a non-binding Memorandum of Understanding to investigate the City's participation in a Renewable Gas Certification Pilot;
- (B) Council approve an exemption from tender to enter into an agreement with Jemena Limited, Sydney Water or appropriate related entities in relation to the Renewable Gas Certification Pilot for a timeframe that will be determined during implementation of the Memorandum of Understanding;
- (C) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) the Renewable Gas Certification Pilot is a unique inter-industry partnership which cannot be replicated and hence there are no other suppliers which can offer a similar competitive / reliable alternative; and
 - (ii) there are no other suppliers currently, so there are no competitors with which to run a tender process;
- (D) authority be delegated to the Chief Executive Officer to enter into the Memorandum of Understanding;
- (E) authority be delegated to the Chief Executive Officer to determine if the Renewable Gas Certification Pilot commences and is considered to be feasible and, if feasible, negotiate, execute and administer the contracts relating to the Renewable Gas Certification Pilot; and
- (F) Council note that if the City enters into an agreement with Jemena Limited, details of this agreement will be provided via CEO Update.

Officer's Report

The officer's report on this matter can be found at Item 7 on the agenda of the meeting of the Corporate, Finance, Properties and Tenders Committee on 19 July 2021.

S084740.016

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

Item 6.8

Cancellation of Tender - Sustainability Programs - Panel of Suppliers

It is resolved that Council:

- (A) decline to accept any of the tenders received in response to the tender for Sustainability Programs – Panel of Suppliers;
- (B) cancel the tender for the Sustainability Programs – Panel of Suppliers; and
- (C) note that a new tender will be released for a revised scope of services.

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

X021078.006

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

Item 6.9

Property Matter (Confidential)

It is resolved that Council approve the recommendation contained within Confidential Attachment A to the subject report.

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

X025359

The Economic Development and Business Sub-Committee recommends the following:

Item 6.10

Grants and Sponsorship - Commercial Creative Business Events 2021, 2022 and 2023

It is resolved that:

- (A) Council approve a cash sponsorship of \$85,000 (excluding GST) per annum for two years to International Management Group of America Pty Limited (IMG) for Australian Fashion Week 2022 and 2023;
- (B) Council approve a cash sponsorship of \$150,000 (excluding GST) and \$20,000 value in kind for the use of civic spaces and City venues for one year, to Vogue Australia (News Corp Australia Pty Limited) for Vogue Fashion's Night Out 2021; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer sponsorship agreements with each of the applicants above.

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

S104486.012

Speakers

Ms Diana Kay (Vogue Australia) and Ms Susie Lorback (David Jones) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee (Economic Development and Business Sub-Committee) on Item 6.10.