

Item 6

Report of the Corporate, Finance, Properties and Tenders Committee - 16 October 2023

Item 6.1

Confirmation of Minutes

Moved by Councillor Kok, seconded by Councillor Worling –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 11 September 2023, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 6.2

Statement of Ethical Obligations and Disclosures of Interest

Councillor HY William Chan disclosed a less than significant, non-pecuniary interest in Item 6.9 on the agenda, in that he is personally a member of the following associations: Local Government NSW, Committee for Sydney, Planning Institute of Australia, Material and Embodied Carbon Leaders' Alliance (MECLA) and Green Building Council of Australia. He also sits on the executive board for Climate Emergency Australia.

Councillor Chan considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances because he does not receive financial gain from his memberships or leadership roles with the above associations.

Councillor Linda Scott made the following disclosures:

- a less than significant, non-pecuniary interest in Items 6.3, 6.4, 6.5 and 6.6 on the agenda, in that she is the Chair of CareSuper and Deputy President of the Australian Council of Superannuation Investors (ACSI). City staff may be members of CareSuper, an industry superannuation fund, and ACSI undertakes environmental, social and governance (ESG) advice for their members. Whilst the City is not a member, the ESG work is notable.

Councillor Scott considers that this non-pecuniary conflict of interest is not significant and does not require further action in the circumstances as these roles do not pertain directly to these items on the agenda, and she applies her judgement to the decisions as a Councillor for the City of Sydney.

- a significant pecuniary interest in Item 6.9 on the agenda, in that she is a Director of Australian Local Government Association (ALGA) and Local Government NSW is a member of ALGA. She is also the City's representative on Southern Sydney Region of Councils (SSROC). ALGA collaborates with International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability, Local Government Information Unit (LGIU), Institute of Public Works Engineering Australasia Limited (IPWEA), and a range of other organisations.

Councillor Scott stated that she would not be voting on this matter.

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 6.3

Presentation of the 2022/23 Financial Statements and Audit Reports to Council

It is resolved that Council:

- (A) receive the Financial Statements for City of Sydney for the year ended 30 June 2023, as shown at Attachment A to the subject report;
- (B) authorise the Lord Mayor – Councillor Clover Moore, the Deputy Lord Mayor – Councillor Robert Kok (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the General Purpose Financial Statements;
- (C) authorise the Lord Mayor – Councillor Clover Moore, the Deputy Lord Mayor – Councillor Robert Kok (member - Audit, Risk and Compliance Committee), Chief Executive Officer, and the Chief Financial Officer to sign the Special Purpose Financial Statements;
- (D) receive the auditor's reports on the 2022/23 Annual Financial Statements as shown at Attachment B to the subject report; and
- (E) authorise that notice be given, through Sydney Your Say, of public presentation of the audited 2022/23 Financial Statements for the City of Sydney at the Council meeting on 20 November 2023.

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

X084202

Speakers

Margaret Crawford (NSW Auditor-General) and Caroline Karakatsanis (Director Financial Audit) 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**Audit Risk and Compliance Committee Annual Report to Council 2022/23**

It is resolved that the Council note the Audit Risk and Compliance Committee's 2022/23 Annual Report, as shown as Attachment A to the subject report.

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

S083523

Speaker

Carolyn Walsh (Chair of the Audit, Risk and Compliance Committee) addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.4.

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

Item 6.5

Review of the Investment Policy and Strategy

It is resolved that Council adopt the revised Investment Policy and Investment Strategy for the management and investment of Council's funds, as shown in Attachments A and B to the subject report.

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

Ayes (8) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scott and Worling

Noes (1) Councillor Ellsmore*

*Note – Councillor Ellsmore abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Ellsmore is taken to have voted against the motion.)

X020701

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

Item 6.6

Investments Held as at 30 September 2023

It is resolved that the Investment Report as at 30 September 2023 be received and noted.

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

X020701

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

Item 6.7

Post Exhibition - Naming Proposal - Mount Carmel Place, Waterloo

It is resolved that:

- (A) Council approve the name "Mount Carmel Place"; and
- (B) an application be made to the Geographical Names Board for the naming of the place as approved in (A), in accordance with the Geographical Names Act 1996.

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

X084997

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

Item 6.8

Adoption - Public Interest Disclosure Policy

It is resolved that:

- (A) Council adopt the draft Public Interest Disclosure Policy, as shown at Attachment A to the subject report;
- (B) Council rescind the Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing, as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Public Interest Disclosure Policy in order to update the contact information from time to time in Annexure A, correct any minor drafting errors and to finalise design and accessible formats for publication.

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

S121629.035

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

Item 6.9

External Memberships

It is resolved that:

- (A) receive and note the City's membership of the associations outlined in Attachment A to the subject report; and
- (B) note that final membership amounts change from time to time and any significant changes will be reported back to Council via the CEO Update.

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

S076031

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

Item 6.10

Lease Approval - Woolstores Alexandria

It is resolved that:

- (A) Council note the lease proposal information included in Confidential Attachment A to the subject report;
- (B) Council approve the lease in accordance with the essential lease terms and conditions contained within Confidential Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease, including in relation to the exercise of the option, in accordance with the essential terms and conditions contained within Confidential Attachment B to the subject report.

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

X091665.001

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

Item 6.11

Tender - T-2022-901 - George Street North Pedestrianisation

It is resolved that:

- (A) Council accept the tender offer of Tenderer U for the design and construction of Stage 1 of the George Street North Pedestrianisation project;
- (B) Council note the total contract sum and contingency for Stage 1 of the George Street North Pedestrianisation project as outlined in Confidential Attachment B to the subject report;
- (C) Council note the tendered rates provided in Confidential Attachment C to the subject report;
- (D) authority be delegated to the Chief Executive Officer to finalise, execute and administer the contracts relating to the tender; and
- (E) Council approve the additional funding for the project, as outlined in Confidential Attachment B to the subject report.

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

X089947.006

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

Item 6.12

Exemption from Tender and Contract Variations - IT Licence, Subscription, Maintenance and Support Contracts

It is resolved that:

- (A) Council approve an exemption from tender for the provision of the maintenance, support, subscription and licencing of the software applications, platforms and hardware appliances upon the expiry of the current agreements, for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report, noting that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory outcome would not be achieved by inviting tenders differ for each application, platform or appliance and include:
 - (i) high costs and/or extensive business disruption associated with a transition to a new provider;
 - (ii) upgrades or changes to service requirements are planned to be implemented within the next five years; and
 - (iii) cost to take the arrangement to market would be disproportionate to the potential value of change;
- (C) Council note that the detailed reasons as to why a satisfactory result will not be achieved by inviting tenders are outlined further in Confidential Attachment A;
- (D) Council enter into the subscription, licencing, maintenance and support agreements with the suppliers upon the expiry of the current agreements for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to finalise, execute and administer (including exercising options, if appropriate) the subscription, licencing, maintenance and support agreements with the relevant suppliers as listed 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 Councillor Kok, seconded by Councillor Worling, and carried unanimously.)

S064539