



Council Chambers
16 December 2020

The **3740th EXTRAORDINARY MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **9.00am** on Monday, 21 December 2020. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

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- 1. Opening Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and Applications for Leaves of Absence by Councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
 - 6. Notices of Motion/Questions with Notice**
 - 6.1 Notice of Rescission No. 6/20 by Councillors Baker, Beregi and Carr - Redevelopment of the North Sydney Olympic Pool - Tender 24/2020 (15 December 2020)

In the spirit of open, accessible and transparent government, the Council meetings of North Sydney Council will be streamed live via Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in Closed Session will not be recorded.

TO: The Mayor, Jilly Gibson and Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton.

SUBJECT: 3740th MEETING OF COUNCIL TO BE HELD ON MONDAY, 21 DECEMBER 2020

THAT THE MINUTES of the previous 3739th Extraordinary Council Meeting held on Tuesday, 15 December 2020 be taken as read and confirmed.

DISCLOSURES OF INTEREST

**MOTIONS OF WHICH DUE NOTICE
HAS BEEN GIVEN**

6.1 Notice of Rescission No. 6/20 by Councillors Baker, Beregi and Carr - Redevelopment of the North Sydney Olympic Pool - Tender 24/2020 (15 December 2020)

THAT the Council's resolution relating to Item 6.1 Redevelopment of the North Sydney Olympic Pool - Tender 24/2020 where Council resolved:

- 1. THAT** Council increase the budget allocation to the North Sydney Olympic Pool by \$6 million comprising \$3 million from Open Space and Recreation Reserve and \$3 million in additional borrowings.
- 2. THAT** the General Manager be authorised to enter a loan arrangement for the revised borrowing amount of \$31 million with TCorp on the same terms and conditions as previously approved for the \$28 million loan offer.
- 3. THAT** Council reject all offers for Tender No. 24/2020 for the redevelopment of the North Sydney Olympic Pool.
- 4. THAT** Council does not invite fresh tenders as the initial EOI process identified suitable construction companies, the non-proposed conformance amendments to Condition of Contract can be resolved through negotiation, and Council is satisfied the pricing already provided through the process to date ensures competitive marked pricing. Furthermore, it is considered that re-tendering, rather than negotiating, will not attract additional suitable submissions for the project.
- 5. THAT** Council resolves to enter into direct negotiation with the preferred tenderer(s) for the redevelopment of the North Sydney Olympic Pool in sequence of their ranking order.
- 6. THAT** authority be delegated to the General Manager to negotiate with the preferred tenderer and enter into a contract for the redevelopment of the North Sydney Olympic Pool subject to:
 - i) the contract value being within the amended budget after allowing for contingencies and project management costs as identified in the Confidential Report.
 - ii) gaining unanimous consent from a committee comprising the Mayor, Deputy Mayor and Cr Mutton; in respect to negotiated amendments to the Construction Contract.
- 7. THAT** once Council has executed the Contract, information relating to the contract be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
- 8. THAT** a further report be presented to Council addressing the outcome of the negotiations.
- 9. THAT** the further report be presented to Council on the performance of Council's property lease portfolio for the purpose of considering

liquidating low performing properties and reducing the ultimate draw down of debt.

10. THAT the Confidential Report relating to matters specified in Sections 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

Passed at the meeting of the Council held on 15 December 2020 be and is hereby **rescinded**.

THAT the following resolution be passed in lieu thereof:

- 1. THAT** Council revise the scope of the works for the North Sydney Olympic Pool.
- 2. THAT** Council reject all offers for Tender 24/2020 for the redevelopment of North Sydney Pool.
- 3. THAT** Council not proceed with increasing the budget allocation to the North Sydney Olympic Pool redevelopment by \$6 million, comprising \$3 million from Open Space and Recreation Reserve and \$3 million in additional borrowings.
- 4. THAT** the Council not enter a loan arrangement with TCorp.
- 5. THAT** Council adopt the original \$28 million budget for the rebuild and refurbishment of the North Sydney Olympic Pool.
- 6. THAT** Council prepare amended plans with a reduced scope and cost as a matter of urgency, for the rebuild and refurbishment of the North Sydney Olympic Pool, within the original \$28 million budget.
- 7. THAT** Council seek advice as to whether a modest rebuild and refurbishment of the North Sydney Olympic Pool, as per option 2(a), requires a DA.
- 8. THAT** a report with the amended plans and revised budget be provided as soon as possible to the Council for review and endorsement.
- 9. THAT** Council obtain a Quantity Surveyors report for the more modest rebuild and refurbishment plans.
- 10. THAT** following the public consultation, Council resolve upon a final design and either lodge an amended DA or proceed to undertake the works.

Note:

As this matter involves commercial information and the initial determination was made in Closed Session, Council should go into Closed Session if it intends to debate the matter in accordance with section 10A(2)(d) of the Local Government Act 1993, commercial information of a confidential nature that would, if disclosed;

- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.
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