



Council Chambers
17 March 2023

The **3779th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 27 March 2023. The agenda is as follows.

THERESE MANNS
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 of Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
 - 6. Public Forum**
 - 7. Items by Exception**
 - 8. Mayoral Minutes**
 - 8.01 Establishment of a Community Consultation Group
 - 9. Reports of Committees**

Nil
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10. Reports to Council

- 10.1 Matters Outstanding March 2023
- 10.2 Investment and Loan Borrowings Report as at 28 February 2023
- 10.3 The Tree House and Feasibility of Establishing a Significant Tree Register
- 10.4 Memorial for Jim Saad
- 10.5 Don Bank Museum – Conservation Management Plan 2023
- 10.6 Customer Feedback and Complaints Report July – December 2022
- 10.7 Tender 12/2022 Lighting and Electrical Upgrade, St Leonards Park
- 10.8 North Sydney Olympic Pool Redevelopment – Monthly Progress Report
- 10.9 Revised 2023 Meeting Schedule

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Recission 2/23 – Young Street Plaza – Tender 34/2021 - Crs Gibson, Mutton, and Spenceley

12. Matters of Urgency

Nil

13 Closure of Meeting

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TO: The Mayor, Zoë Baker and Councillors Beregi, Bourke, Gibson, Lamb, Lepouris, Mutton, Santer, Spenceley, and Welch

SUBJECT: 3779th MEETING OF COUNCIL TO BE HELD ON MONDAY 27 MARCH 2023

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

4. CONFIRMATION OF MINUTES

THAT THE MINUTES of the previous 3778th Council Meeting held on Monday 13 March 2023 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

8.01 Neutral Bay Town Centre Planning Study - establishment of a Community Consultation Group

On 21 February 2023, the Combined Precincts Committee resolved as follows:

Motion: That Council establish a formal body, to be modelled on Lane Cove Alive comprising community representatives to work in

association with Council to drive the plan for Neutral Bay Village.

Moved by MTJ (Willoughby Bay), Seconded by LS (Brightmore)

This call for the establishment of a community consultation group to augment Council's adopted community engagement strategy is timely. This month, Council commenced preliminary community engagement on the revised Neutral Bay Town Centre Study.

Part of the community concern and rejection of the previous Military Road Corridor Planning Study (repealed by Council on 24 January 2022) was that it did not properly address community concerns in relation to height, scale, and character of the Neutral Bay Town Centre.

It is vital that our community drive and embrace the future vision, strategy, and policy for the Neutral Bay Town Centre, and to inform any final adopted Study. Lane Cove Council and Willoughby Council established similar groups for the revitalisation of the Lane Cove Centre (resulting in The Canopy) and Castle Crag (resulting in The Quadrant project) to great success and with strong community support.

I therefore recommend:

1. THAT Council establish a community consultation group titled "Neutral Bay Alive" as part of the revised Neutral Bay Town Centre Planning Study, modelled on the "Lane Cove Alive" group set up by Lane Cove Council to inform the revitalisation of Lane Cove town centre.

2. THAT Council notes that the community consultation group is not a decision-making group and the group will augment the adopted community engagement plan for the study.

3. THAT Council call for Expressions of Interest for members and delegate selection of group members to the General Manager consistent with the process Council adopts for local planning panels.

4. THAT Council note that the establishment of the group will be funded by the existing budget allocation for the Planning Study.

9. REPORTS OF COMMITTEES

Nil

10. REPORTS TO COUNCIL

10.1 Matters Outstanding March 2023

Report of Ian Curry, Manager Council and Committee Services

To report to Council on the status of Councillor resolutions.

Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

The attached table has been updated to include resolutions up to the 13 March 2023 Ordinary Meeting of Council.

There are no financial implications to this report.

Recommending:

1. **THAT** the report be received.

10.2 Investment and Loan Borrowings Report as at 28 February 2023

Report of Christian Munday, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 28 February 2023.

Investment Portfolio

Independent advice regarding North Sydney Council's Investments is provided by Imperium Markets. This provides a layer of governance and expert advice in addition to Council's policy and procedures.

The Investment Portfolio (excluding cash balances) held for the period ending 28 February 2023 had a market value of \$141,400,165. The annualised returns were 2.61%.

Cash deposits at call were \$10,913,041, with \$7,200,000 of these held in interest bearing at-call accounts. \$3,713,041 cash is held in Council's interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs. This amount includes third instalment rates deposits that were due on 28 February 2023 and settled after close of business.

The investment portfolio is managed to ensure adequate liquidity to meet operational requirements, and to fund outflows on major projects. Cashflow is monitored and assessed on an on-going basis.

Actual year-to-date returns for cash and investments to 28 February 2023 are \$2,186,000, compared to a revised year-to-date budget of \$1,862,000.

The Reserve Bank of Australia (RBA) Board increased its cash rate by 25 basis points to 3.35%. The RBA continues to signal two or three more 25 basis point increases are likely in the coming months.

Borrowings**Loan Facility for Council Projects**

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 28 February 2023 is \$5,691,792.

North Sydney Olympic Pool Redevelopment (NSOP)

In February 2022 Council established a \$31 million TCorp loan facility to partially fund the redevelopment of North Sydney Olympic Pool. Drawdown on the facility was processed on 28 April 2022, with an interest rate of 4.24%. The funds were restricted and will be released as required to fund cash outflows. The principal outstanding as at 28 February 2023 is \$30,499,987.

Council's total investment portfolio performance for the financial year to date is 2.61% annualised. The actual year to date returns for cash and investments to 28 February 2023 were \$2,186,000, compared to a revised year-to-date budget of \$1,862,000.

Recommending:

1. **THAT** the report on Investments and Loan Borrowings held on 28 February 2023, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, be received.

10.3 The Tree House and feasibility of establishing a Significant Tree Register

Register

Report of Jessica Karam, Urban Forest Officer and Douglas Foster, Urban Forest Supervisor

At its meeting of 14 November 2022, Council resolved:

THAT Council seeks a report on the Tree House including consideration of the feasibility of establishing a Significant Tree Register.

This report responds to the resolution of Council.

The organisational structure of the Tree House changed in late 2022 and now operates as the Urban Forest Team in the Parks and Reserves Department, within the Open Space and Environment Division. The team ensures the continuous management, maintenance, and protection of North Sydney's Urban Forest (both public and private trees), as well as the management and implementation of Council's tree protection strategies and policies.

In December 1994, a Significant Tree Register was published, listing all significant public and private trees with heritage criteria in North Sydney Local Government Area. This document is deemed historical and does not provide any further protection for the enlisted trees; rather, as per North Sydney Development Control Plan (2013) Section 16 - Tree and Vegetation Management Policy, all trees in the LGA are protected equally, regardless of their heritage criteria.

The establishment of a new Significant Tree register would therefore add no value.

There are no financial implications to this report.

Recommending:

1. THAT Council receives the information that North Sydney's Urban Forest are all protected equally under the Tree and Vegetation Management Policy and that no separate Significant Tree Register is required.

10.4 Memorial for Jim Saad

Report of Ian Hoskins, Council Historian

This report responds to Council's resolution of 13 February 2023 for a report detailing the creation of a memorial for Jim Saad.

Jim Saad worked as a shoe repairer and key cutter in a small shop in the Milsons Point Train Station tunnel for more than 50 years. When Mr Saad died in 2021, his business was probably the oldest in the area. There was an outpouring of respect and sympathy, with flowers and tributes placed at his shopfront. A Mayoral Minute in September 2021 suggested a memorial be installed in Mr Saad's honour.

Various options were considered over the following year without success. At its meeting of 13 February 2023, Council resolved as part of the Burton Street Plaza project:

THAT Council receive a report detailing future opportunities to incorporate public art within the project area, including a memorial to Jim Saad.

THAT Council promptly progresses the memorial bronze sculpture to the late Jim Saad as shown in the report.

\$50,000 has been allocated for this memorial from the Kirribilli & McMahons Point Village Centre 2022/23 budgets.

Recommending:

1. **THAT** the report be received

10.5 Don Bank Museum – Conservation Management Plan 2023

Report of Ian Hoskins, Council Historian and Jenny Gleeson, Manager Corporate Engagement and Planning

This report details the submissions received during the public exhibition of the draft *Don Bank Museum Conservation Management Plan*. The final Plan is presented to Council for adoption.

As reported to Council on 12 December 2022, the Don Bank Museum is the oldest timber house in Sydney's north shore, and one of the best-preserved cottages of its type in NSW. It was bought by Council to ensure its preservation in 1979, restored, and opened as a museum in 1981. It was listed on the State Heritage Register in 1999. A 10-year review of any Conservation Management Plan (CMP) is standard. This review also addressed two specific issues:

- The first was the need to better interpret laundry work at the house. The laundry structure in the courtyard had been demolished during restoration. Its absence meant that the original mangle (press) and various other items associated with the laundry have been 'displayed' along the back veranda - exposed to the elements, and without means of interpretation.
- The second issue was whether the shingle roof should be replaced with another covering of shingles to approximate the material used for the first 50 years of the dwelling's life, or corrugated iron as was used from 1893. The CMP favoured the former because shingles are now a recognised element of the Museum but allows for the latter which conforms to the period most interpreted within the museum, is considerably more affordable, and may provide better rain protection. The roof was last replaced in 2000 with casuarina shingles. The life span of a shingle roof is approximately 20 years.

Public exhibition was undertaken between 14 December 2022 to 31 January 2023, with four submissions were received. Three submissions specifically remarked upon the high quality of the draft Plan. All engaged with the two issues outlined above, and all supported an iron roof, and the reinstatement of a laundry structure at the rear.

The maintenance of Don Bank Museum is funded by the annual property assets maintenance budget. The replacement of the roof will cost between \$155,000 and \$230,000. \$61,000 has been earmarked for Don Bank Museum in the 2022/23 budget, with a further \$80,000 proposed in the draft 2023/24 budget. Grant funding will be sought for both the roof replacement and a laundry structure.

Recommending:

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the *Don Bank Museum Conservation Management Plan*.
3. **THAT** Council seeks grant funding for the replacement of the roof and laundry structure.

10.6 Customer Feedback and Complaints Report July – December 2022

Report of Ian Curry, Manager Council and Committee Services

The purpose of this report is to provide a summary of the complaints and compliments received during the period 1 July to 31 December 2022.

This report is provided to Council every six months. It compares the number of complaints to the total number of customer contacts for the period 1 July to 31 December 2022, summarised below:

Total number of Customer Contacts	36,591
Number of Compliments	93
Number of Complaints	22

There are no direct financial implications relating to this report.

Recommending:

1. THAT the Customer Feedback and Complaints Report: 1 July to 31 December 2022 be received.

10.7 Tender 12/2022 Lighting and Electrical Upgrade, St Leonards Park

Report of Kate Bambrick-Browne, Landscape Grants Co-Ordinator

The purpose of this report is to provide Council with an analysis and recommendation of the tender process for Tender 12-2022 Lighting and Electrical Upgrade, St Leonards Park.

Tenders were called and were received until 3pm 10 November 2022 for the submission of tenders to undertake the upgrade of lighting and electrical work at St Leonards Park.

Should Council wish to discuss this report it is noted that the attached confidential document includes commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. Further, release of the information would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 12-2022 for Lighting and Electrical Upgrade, St Leonards Park.

2. THAT the General Manager be authorised to take any necessary action to implement the decision including entering into associated contracts.

3. THAT once Council has executed the Contract, the information relating to the successful tender 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.

4 THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

- (d) *commercial information of a confidential nature that would, if disclosed*
(i) *prejudice the commercial position of the person who supplied it*

It is further noted that release of this information would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

10.8 North Sydney Olympic Pool Redevelopment – Monthly Progress Report

Report of John Thomson, Corporate Contracts Manager

The purpose of this report is to provide Council with a high-level report on the progress of the redevelopment of the North Sydney Olympic Pool.

At its meeting of 26 July 2021, Council resolved as follows:

1. *THAT the General Manager provide a high-level update/report on the progress of the redevelopment of the North Sydney Olympic Pool to each Council meeting until the redevelopment is completed.*
2. *THAT Council notes that this report does not alter the governance structure of the project.*

This report responds to the resolution. The report details progress since the last report provided at the Council meeting held on 30 January 2023.

The financial position of the project is reported quarterly to Council, the next report will be in April 2023.

Recommending:

1. **THAT** the report be received.

10.9 Revised 2023 Meeting Schedule

The purpose of this report is to propose revised Ordinary Council meeting dates for April 2023 and June 2023.

At its meeting on 27 June 2022, Council adopted a meeting schedule for the balance of 2022 and all of 2023.

The adopted schedule allowed for one Council meeting in April on Monday, 24 April 2023 due to Easter. Due to changed circumstances it is now recommended that the April Ordinary Council Meeting date be revised to Wednesday, 26 April 2023.

Two meetings were scheduled in June, on Tuesday 13 June 2023 (due to Monday 12 June being a public holiday) and Monday 26 June 2023. The published date of the Australian Local Government Conference now means the June meeting dates are recommended to be Monday, 5 June 2023 and Monday, 26 June 2023.

There are no financial implications arising from this report as it does not result in any additional meetings. The timing of the June meetings will have some resource impacts in preparing the business papers but this can be managed within existing resources.

Recommending:

1. **THAT** Council resolve that the Ordinary Council Meeting currently scheduled for Monday, 24 April 2023 be conducted on Wednesday, 26 April 2023.
2. **THAT** Council resolve that the Ordinary Council Meeting currently scheduled for Tuesday, 13 June 2023 be conducted on Monday, 5 June 2023.

11. NOTICES OF MOTION

**11.1 Notice of Recission 2/23 – Young Street Plaza – Tender 34/2021 –
Crs Gibson, Mutton, and Spenceley**

THAT Council's resolution relating to Item 10.1, Young Street Plaza - Tender 34/2021
(item 4 only)

4. THAT Young Street be reopened and that the funding for the reopening be sourced from either the existing Transport for NSW funding which funded the temporary closure of Young Street in the first place or from the existing Engineering Budget.

Passed at the meeting of the Council held on 26 April 2022 be and is hereby rescinded.

12. Matters of Urgency

Nil

13. CLOSURE