



MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 27 June 2022.



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1. Opening Meeting

The Mayor, Councillor Baker, in the Chair, and Councillors Beregi (remotely), Bourke, Gibson (remotely), Lamb, Santer, Mutton and Welch were in attendance.

At the commencement of business (7:30 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb, Santer, Mutton and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was given by Councillor Welch.

3. Apologies and Applications for Leave of Absence by Councillors

The Mayor advised that Councillor Spenceley had indicated his intention to attend the meeting and Councillor Drummond had advised that she would be attending remotely.

If either Councillor was in attendance prior to the close of the meeting, the Mayor indicated her intention to move a leave of absence on their behalf.

It was moved by Councillor Baker and seconded by Councillor Beregi that Council grant a leave of absence to Councillors Drummond and Spenceley for the meeting of 27 June 2022 the time being 9.30pm.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

206. RESOLVED:

1. THAT Council grant a leave of absence to Councillors Drummond and Spenceley for the meeting of 27 June 2022

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3759th Council Meeting held on Monday, 23 May 2022 be taken as read and confirmed.

The Motion was moved by Councillor Santer and seconded by Councillor Bourke.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

166. RESOLVED:

THAT THE MINUTES of the previous 3759th Council Meeting held on Monday, 23 May 2022 be taken as read and confirmed.

5. Disclosures of Interest

There were no Disclosures of Interest

Items to be Considered by Exception

It was moved by Councillor Beregi, seconded by Councillor Lamb that the recommendations for the following items be adopted.

7.4	Legal and Planning Committee Minutes - 14 June 2022
8.1	Matters Outstanding June 2022
8.13	Response to Notice of Motion - Removal of tree at 15 Richmond Ave Cremorne
8.15	Planning Proposal 360 Pacific Highway Crows Nest
8.16	Planning Proposal Authority Role for Three Planning Proposals
8.17	North Sydney Men's Shed Joint Strategic Plan 2022-24
11.2	Tender Report 1/2022 Cleaning of Council premises Section 10A 2(d)(i)
11.3	Tender 2/2022 Fred Hutley Reserve Playground Upgrade Section 10A 2(d)(i)
11.4	Tender 3/2022 - Anderson Park Sportsfield Lighting Upgrade Section 10A 2(d)(i)
11.5	Tender 4/2022 - Anderson Park Sportsfield Reconstruction Section 10A 2(d)(i)
11.6	3rd Quarter Property Portfolio Report Section 10A 2(d)(ii)
11.7	Coal Loader Artist Studio Program 2022 Section 10A 2(a)

It was confirmed with Councillors that in moving items 11.2-11.7 they were moving the recommendations in the Confidential reports.

The Motion was put and **Carried**

Voting was as follows:

For/Against 8/0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

167. RESOLVED:

1.THAT the recommendations for the following items be adopted:

7.4	Legal and Planning Committee Minutes - 14 June 2022
8.1	Matters Outstanding June 2022
8.13	Response to Notice of Motion - Removal of tree at 15 Richmond Ave Cremorne
8.15	Planning Proposal 360 Pacific Highway Crows Nest
8.16	Planning Proposal Authority Role for Three Planning Proposals
8.17	North Sydney Men's Shed Joint Strategic Plan 2022-24
11.2	Tender Report 1/2022 Cleaning of Council premises Section 10A 2(d)(i)
11.3	Tender 2/2022 Fred Hutley Reserve Playground Upgrade Section 10A 2(d)(i)
11.4	Tender 3/2022 - Anderson Park Sportsfield Lighting Upgrade Section 10A 2(d)(i)
11.5	Tender 4/2022 - Anderson Park Sportsfield Reconstruction Section 10A 2(d)(i)
11.6	3rd Quarter Property Portfolio Report Section 10A 2(d)(ii)
11.7	Coal Loader Artist Studio Program 2022 Section 10A 2(a)

6. Mayoral Minutes

6.1. MM01: Recruitment of new General Manager

On 23 May 2022 Council resolved as follows:

1. *THAT Council notes the confidential correspondence from Mr Ken Gouldthorp (General Manager) to Cr Zöe Baker (Mayor) dated 6 May 2022, approves Mr Gouldthorp's*

- request for leave and accepts his resignation as General Manager of North Sydney Council with effect from 1 July 2022.*
2. *THAT Council conveys its sincere thanks to Mr Gouldthorp for his service to the Council and for leading the organisation during a period of unprecedented challenges which have included a once in 100-year pandemic.*
 3. *THAT pursuant to sections 336 and 351 of the Local Government Act 1993, Council appoints Robert Emerson to be the Council's Acting General Manager when Mr Gouldthorp is on leave and to remain the Council's Acting General Manager until the commencement of a new General Manager unless otherwise determined by the Council. 3759th Council Meeting - 23 May 2022 Minutes Page 37 of 37*
 4. *THAT Council appoints Local Government NSW to recruit a new General Manager for the Council.*

Appointment of LGNSW Management Solutions to undertake recruitment

On 24 May 2022, consistent with the above resolution of Council, I contacted LGNSW Management Solutions (LGNSW) to advise that Council had resolved to appoint them to recruit a new General Manager. On 2 June 2022 the Acting General Manager, Mr Robert Emerson, and I met with Mr Christian Morris, Senior Management Consultant, Local Government Management Solutions to discuss the recruitment process and timeframes. LGNSW Management Solutions are an arm of the peak body LGNSW and have exceptional experience and knowledge of local government. LGNSW Management Solutions undertake an annual survey of remuneration for General Managers which is used across local government to benchmark General Managers' salaries.

I advise that the cost of the recruitment by LGNSW Management Solutions is 9% of the current salary for the General Manager. That is, approximately \$36,000 + GST.

The Director-General's Guidelines issued pursuant to section 23A of the *Local Government Act 1993* for the Appointment and Oversight of General Managers, July 2011 ("the s23A Guidelines) provide that the Council should generally delegate to the mayor the tasks required for recruitment including, but not limited to, the establishment of the selection panel and preparation of relevant documents.

The Acting General Manager and I have, in accordance with clause B2 of the s23A Guidelines, ensured that the general manager position description is current and instructed LGNSW Management Solutions to advise on an appropriate salary range having regard to industry benchmarking and the responsibilities and duties of the position. An information package for candidates has been prepared by LGNSW Management Solutions in consultation with the Acting General Manager and I and advertising of the position will commence imminently.

Timeframes

The proposed timeframe for the recruitment process is as follows:

- Advertising commences – last week of June 2022
- Advertising period closes – 4 weeks later

- Selection Panel undertakes interviews of long list candidates and prepares report to Council on shortlisted candidates – 1-2 weeks
- Extraordinary meeting of Council to interview shortlisted candidates and appoint successful candidate – 1 week after Selection Panel report is finalised.

Selection Panel

Clause B2 of the s23A Guidelines relevantly provides:

“The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process. The panel will report back to the governing body of council on the process and recommend the most meritorious applicant for appointment by the council. The selection panel should consist of at least the mayor, the deputy mayor, another councillor and, ideally, a suitably qualified person independent of the council. The LGSA and the LGMA can be contacted for assistance to identify suitable independent recruitment committee members and recruitment consultants. The selection panel membership should remain the same throughout the entire recruitment process.

Selection panels must have at least one male and one female member (other than in exceptional circumstances).”

It is clear from the s23A Guidelines that the OLG prefer that the establishment and membership of the Selection Panel should be delegated entirely to the mayor.

I therefore recommend:

1.THAT Council notes the information in relation to the appointment of LGNSW Management Solutions to recruit a new General Manager.

2.THAT Council establish a Selection Panel consisting of the Mayor, the Deputy Mayor, Councillor Shannon Welch and a suitably qualified person independent of the Council.

3.THAT the Mayor consult with LGNSW and Local Government Professionals (formerly LGMA) to identify a suitably qualified person independent of Council and appoint that person to the Selection Panel.

4.THAT the Selection Panel undertake interviews with candidates and recommend a short list of candidates to Council.

5.THAT the Selection Panel report be considered at an Extraordinary Meeting of Council at which all the shortlisted candidates will be interviewed in closed session by the whole of the governing body (in committee of the whole) prior to Council resolving to appoint a successful candidate to the position of General Manager.

6.THAT Council delegates to the Mayor the task of managing the recruitment process pursuant to the s23A Guidelines for the Appointment and Oversight of General Managers.

A Motion was moved by The Mayor.

1.THAT Council notes the information in relation to the appointment of LGNSW Management Solutions to recruit a new General Manager.

2.THAT Council establish a Selection Panel consisting of the Mayor, the Deputy Mayor, Councillor Shannon Welch and Councillor Spenceley.

3.THAT the Selection Panel undertake interviews with candidates and recommend a short list of candidates to Council.

4.THAT the Selection Panel report be considered at an Extraordinary Meeting of Council at which all the shortlisted candidates will be interviewed in closed session by the whole of the governing body (in committee of the whole) prior to Council resolving to appoint a successful candidate to the position of General Manager.

5.THAT Council delegates to the Mayor the task of managing the recruitment process pursuant to the s23A Guidelines for the Appointment and Oversight of General Managers.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

168. RESOLVED:

1.THAT Council notes the information in relation to the appointment of LGNSW Management Solutions to recruit a new General Manager.

2.THAT Council establish a Selection Panel consisting of the Mayor, the Deputy Mayor, Councillor Shannon Welch and Councillor Spenceley.

3.THAT the Selection Panel undertake interviews with candidates and recommend a short list of candidates to Council.

4.THAT the Selection Panel report be considered at an Extraordinary Meeting of Council at which all the shortlisted candidates will be interviewed in closed session by the whole of the governing body (in committee of the whole) prior to Council resolving to appoint a successful candidate to the position of General Manager.

5.THAT Council delegates to the Mayor the task of managing the recruitment process pursuant to the s23A Guidelines for the Appointment and Oversight of General Managers.

6.2. MM02: Call on the NSW State Government to urgently halt, review and reassess the Western Harbour Tunnel and Northern Beaches Link projects

On Tuesday 21 June 2022, the State Government handed down the 2022/2023 Budget and allocated \$4.1 billion over 4 years for planning the Western Harbour Tunnel (with connections from Cammeray to Rozelle) (“WHT”) and the Northern Beaches Link (“NBL”).

The State Government recently advised that the NBL project has been “delayed.” Yet, it would seem that the delay is only a result of the WHT project running late. Indeed, \$1 million has been allocated for planning for this “delayed project” over the next financial year.

North Sydney local government area bears the enormous burden of these projects and there are no demonstrable benefits. Recently, Stop the Tunnels – a community group focussed on the tunnels projects - documented the unacceptable risks of these projects including:

Climate:

- Almost 1 million kms of additional road trips PER DAY induced by the project (EIS estimates)
- no dedicated public transport lane and no ability to adapt to rail later
- 3,500 trees, mangroves and seagrasses lost with their carbon exchange and cooling effect gone for a generation
- Road tunnels are far larger than public transport tunnels and these tunnels have a particularly long span - the embodied emissions profile is unacceptable.

Environment:

- contamination of harbour and waterways with toxic sediment
- toxic air to be vented, unfiltered back into the surrounding communities including the mostly densely populated school zone in Sydney
- polluted water for swimming and water sport activities including for tourists visiting our iconic Sydney Harbour would be affected. Toxic “forever” chemicals like PFAS have been detected.
- A large amount of waste is to be dumped at sea and toxic sludge to be dealt with at unknown locations further affecting water, air and land
- devastation of bushland and public parks (including Cammeray Park and Flat Rock Gully)
- additional threats to endangered species like the last mainland penguins in Australia
- 20 significant aboriginal sites are to be put at further risk from dredging, vibration, and drawdown

Public transport:

- no alternative public transport or sustainable options considered or costed by government.

Fiscal Accountability and the Business Case:

- The business case for the Beaches Link has never been published and the Western Harbour Tunnel Business Case is outdated based on pre-Covid figures. The corridor is highly susceptible to changes in work and travel patterns and with a BCR of only 1.2 the project needs to be stopped and re-assessed
- Infrastructure Australia have taken the Western Harbour and Warringah Freeway project off their priority list however the budget requires substantial Federal Funding and INSW have called for all megaprojects to be reassessed not only in terms of priority but in terms of need (page 177, SIS 2022). The Western Harbour tunnel should be included in that re-assessment

Meanwhile, the wholesale destruction of trees and habitat at Cammeray Parklands for the Early Works for the WHT and Warringah Freeway Upgrade continues unabated. On 10 June 2022 Transport for NSW (“TfNSW”) and their contractors advised Council staff that they intended to remove a further 655 trees from Cammeray Park in addition to the approximately

100 trees that have already been removed. TfNSW advised that the tree removal was scheduled to start on Thursday 16 June 2022 and the majority of the trees would be removed within a two-week period.

TfNSW advised that there are 1,330 trees currently on Cammeray Park and that 487 will be removed in the western portion of the park (construction footprint) and a further 168 trees will be removed to allow for the reconfiguration of the golf course. The tree loss is significant, unnecessary at this scale and unacceptable to our community and for the environment.

The first tranche of these wonderful, mature trees - vital habitat and an important wildlife corridor – have already gone. More will go, along the whole of the corridor for these “early works” from High Street and Arthur Street, North Sydney to Cammeray.

Adjustments to the plans could save a significant number of trees, reducing future impacts of the tree loss and creating a better platform for rebuilding habitat when the project is complete.

I therefore recommend:

1.THAT Council calls on the NSW State Government to immediately halt, review and reassess the Western Harbour Tunnel and Northern Beaches Link projects.

2.THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for the Environment, the Opposition Leader and Shadow Treasurer, Shadow Ministers for the Environment and Roads seeking an urgent halt, review and reassessment of the tunnels projects in terms of need and priority.

3.THAT Council write to the Prime Minister, Federal Treasurer, Federal Minister for the Environment and the Federal Member for North Sydney seeking that no federal funds be provided to the tunnel projects without a risk assessment and an assessment of priority and need for the project being undertaken.

A Motion was moved by The Mayor.

1.THAT Council calls on the NSW State Government to immediately halt, review and reassess the Western Harbour Tunnel and Northern Beaches Link projects.

2.THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for the Environment, the Opposition Leader and Shadow Treasurer, Shadow Ministers for the Environment and Roads seeking an urgent halt, review and reassessment of the tunnels projects in terms of need and priority.

3.THAT Council write to the Prime Minister, Federal Treasurer, Federal Minister for the Environment and the Federal Member for North Sydney seeking that no federal funds be provided to the tunnel projects without a risk assessment and an assessment of priority and need for the project being undertaken.

4. THAT Council liaise with the State Government and their contractors in relation to the relocation of wildlife dislocated by the works and if necessary contact organisations such as WIRES to assist.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

Against: Councillor Gibson and Councillor Mutton

Absent: Councillor Drummond and Councillor Spenceley

169. RESOLVED:

1.THAT Council calls on the NSW State Government to immediately halt, review and reassess the Western Harbour Tunnel and Northern Beaches Link projects.

2.THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for the Environment, the Opposition Leader and Shadow Treasurer, Shadow Ministers for the Environment and Roads seeking an urgent halt, review and reassessment of the tunnels projects in terms of need and priority.

3.THAT Council write to the Prime Minister, Federal Treasurer, Federal Minister for the Environment and the Federal Member for North Sydney seeking that no federal funds be provided to the tunnel projects without a risk assessment and an assessment of priority and need for the project being undertaken.

4. THAT Council liaise with the State Government and their contractors in relation to the relocation of wildlife dislocated by the works and if necessary contact organisations such as WIRES to assist.

7. Reports of Committees

7.1. Sport and Recreation Reference Group Minutes - 16 May 2022

AUTHOR: Peita Rose, Governance Officer

To report the proceedings of the Sport and Recreation Reference Group to Council.

This report presents the minutes of the last meeting of the Sport and Recreation Reference Group held on 16 May 2022. The minutes are attached for information.

There are no financial implications associated with this report.

RECOMMENDATION:

1. THAT the Minutes of the Sport and Recreation Reference Group meeting of 16 May 2022 be noted.

A Motion was moved by Councillor Beregi and seconded by Councillor Welch.

1. THAT the Minutes of the Sport and Recreation Reference Group meeting of 16 May 2022 be noted.

2. THAT a further report come back to the next meeting regarding the availability of hockey being played in Primrose Park.

3. THAT a report come back to the next meeting advising of the requirements of the changes to the DA and the time frame for allowing floodlights at Cammeray Park until 6.45pm on a Sunday night between 1 April and 31 August each year to allow for an extra Senior Women's Competition Football fixture.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson,
Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

170. RESOLVED:

1. THAT the Minutes of the Sport and Recreation Reference Group meeting of 16 May 2022 be noted.

2. THAT a further report come back to the next meeting regarding the availability of hockey being played in Primrose Park.

3. THAT a report come back to the next meeting advising of the requirements of the changes to the DA and the time frame for allowing floodlights at Cammeray Park until 6.45pm on a Sunday night between 1 April and 31 August each year to allow for an extra Senior Women's Competition Football fixture.

7.2.Waverton Peninsula Working Group Minutes - 31 May 2022

AUTHOR: Peita Rose, Governance Officer

This report presents the Minutes of the last meeting of the Waverton Peninsula Working Group held on 31 May 2022.

The Minutes of the Waverton Peninsula Working Group are attached for information.

There are no financial implications associated with the recommendation of this report.

RECOMMENDATION:

1. THAT Council receives the Minutes of the Waverton Peninsula Working Group held on 31 May 2022.

2. THAT should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 31 May 2022, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

A Motion was moved by Councillor Welch and seconded by Councillor Lamb.

1. THAT Council receives the Minutes of the Waverton Peninsula Working Group held on 31 May 2022.

2. THAT this Committee formerly request Transport for NSW to provide the Working Group with details of the mooring licences for use of the Wharf.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

171. RESOLVED:

- 1. THAT** Council receives the Minutes of the Waverton Peninsula Working Group held on 31 May 2022.
- 2. THAT** this Committee formerly request Transport for NSW to provide the Working Group with details of the mooring licences for use of the Wharf.

7.3. Traffic Committee Minutes - 10 June 2022

AUTHOR: Peita Rose, Governance Officer

Council is required to consider the Minutes of this Committee. Section 5.3.2 of the RMS *Delegation to Council for the Regulation of Traffic* states that: *All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations.*

This report presents the recommendations of the last meeting of the Traffic Committee held on 10 June 2022 for Council adoption. The minutes are attached for information.

The full reports to the Traffic Committee can be viewed at

https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2022/10_June_2022

The financial implications are considered in the individual reports to the Traffic Committee.

RECOMMENDATION:

- 1. THAT** Council implement the conversion of Ben Boyd Lane between Belgrave Street and Grosvenor Street to one-way southbound. (5.2)
- 2. THAT** Council notifies the residents, businesses, and all submitters before implementing the One-Way traffic direction in Ben Boyd Lane. (5.2)
- 3. THAT** a report come back to the next meeting on pedestrian safety around Young Street Plaza with consideration for options such as a pedestrian overpass from May Gibbs Place to the Young Street Plaza with a lift. (5.3)
- 4. THAT** a report come back to the next meeting on pedestrian and vehicular accidents at the corner of Military Road and Young Street. (5.3)
- 5. THAT** a report come back to the next meeting with more closely detailed changes on High Street. (6.1)
- 6. THAT** the Hayberry Precinct be included to the list of impacted Precincts. (6.1)
- 7. THAT** a report come back to the Committee in 6 months to see if the traffic calming on the corner of Palmer and Abbott Street, Cammeray as well as the intersection on the corner of Sophia Street and Ernest Street are both working. (8.1)
- 8. THAT** Council staff review the Bus Zone signage on the western side of Broughton Street, south of Burton Street, and if practicable make appropriate changes. (8.2)
- 9. THAT** the proposed changes in Winnie Street are not implemented until such time as it is reported back to this Committee for consideration. (8.3)

10. THAT this Committee request Transport for NSW report back to the Committee with all relevant information as to the proposed changes in Winnie Street. (8.3)

A Motion was moved with the following amendment to item 7 by Councillor Welch and seconded by Councillor Santer.

7. THAT a report come back to the Committee in 3 months to see if the traffic calming on the corner of Palmer and Abbott Street, Cammeray as well as the intersection on the corner of Sophia Street and Ernest Street are both working. (8.1)

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

172. RESOLVED:

1. THAT Council implement the conversion of Ben Boyd Lane between Belgrave Street and Grosvenor Street to one-way southbound. (5.2)

2. THAT Council notifies the residents, businesses, and all submitters before implementing the One-Way traffic direction in Ben Boyd Lane. (5.2)

3. THAT a report come back to the next meeting on pedestrian safety around Young Street Plaza with consideration for options such as a pedestrian overpass from May Gibbs Place to the Young Street Plaza with a lift. (5.3)

4. THAT a report come back to the next meeting on pedestrian and vehicular accidents at the corner of Military Road and Young Street. (5.3)

5. THAT a report come back to the next meeting with more closely detailed changes on High Street. (6.1)

6. THAT the Hayberry Precinct be included to the list of impacted Precincts. (6.1)

7. THAT a report come back to the Committee in 3 months to see if the traffic calming on the corner of Palmer and Abbott Street, Cammeray as well as the intersection on the corner of Sophia Street and Ernest Street are both working. (8.1)

8. THAT Council staff review the Bus Zone signage on the western side of Broughton Street, south of Burton Street, and if practicable make appropriate changes. (8.2)

9. THAT the proposed changes in Winnie Street are not implemented until such time as it is reported back to this Committee for consideration. (8.3)

10. THAT this Committee request Transport for NSW report back to the Committee with all relevant information as to the proposed changes in Winnie Street. (8.3)

7.4. Legal and Planning Committee Minutes - 14 June 2022

AUTHOR: Ian Curry, Manager Council & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 14 June 2022 for Council adoption. The minutes are attached for information.

There are no financial implications associated with the recommendations of the committee.

RECOMMENDATION:

- 1. THAT** the Current Appeals and Results - June 2022 report be received. (5.1)
- 2.THAT** the report be treated as confidential and remain confidential until Council determines otherwise. (5.1)
- 3. THAT** Council receive a report regarding Council's approach to section 34 Conciliation Conferences and agreements including the particular example raised by the Committee at 20-24 Bray Street North Sydney. (5.1)
- 4. THAT** the Development Applications received in Q3 of financial year 2021/22 report be received. (4.1)
- 5. THAT** the Variations to Development Standards – 2021/22 Q3 Reporting Period report be received. (4.2)
- 6.THAT** Council notes a Class 3 application disputing the amount of compensation that Council has been offered by TfNSW on the parcels of land that have been compulsorily acquired from Council for the upgrade of the Warringah Freeway has been lodged with the Land and Environment Court on 3 June 2022 and the matter is listed for directions on 8 July 2022. (5.2)
- 7.THAT** Council notes the points of claim and revised quantum of compensation (in draft) that it is being recommended to pursue through the Class 3 Proceedings. (5.2)
- 8.THAT** a further report be brought to Council at the conclusion of the directions hearing on 8 July 2022. (5.2)
- 9. THAT** the report be treated as confidential and remain confidential until Council determines otherwise. (5.2)

This item was adopted by exception (see page 6)

173. RESOLVED:

- 1. THAT** the Current Appeals and Results - June 2022 report be received. (5.1)
- 2.THAT** the report be treated as confidential and remain confidential until Council determines otherwise. (5.1)
- 3. THAT** Council receive a report regarding Council's approach to section 34 Conciliation Conferences and agreements including the particular example raised by the Committee at 20-24 Bray Street North Sydney. (5.1)
- 4. THAT** the Development Applications received in Q3 of financial year 2021/22 report be received. (4.1)
- 5. THAT** the Variations to Development Standards – 2021/22 Q3 Reporting Period report be received. (4.2)
- 6.THAT** Council notes a Class 3 application disputing the amount of compensation that Council has been offered by TfNSW on the parcels of land that have been compulsorily acquired from Council for the upgrade of the Warringah Freeway has been lodged with the Land and Environment Court on 3 June 2022 and the matter is listed for directions on 8 July 2022. (5.2)

7. THAT Council notes the points of claim and revised quantum of compensation (in draft) that it is being recommended to pursue through the Class 3 Proceedings. (5.2)

8. THAT a further report be brought to Council at the conclusion of the directions hearing on 8 July 2022. (5.2)

9. THAT the report be treated as confidential and remain confidential until Council determines otherwise. (5.2)

8. Reports to Council

8.1. Matters Outstanding June 2022

AUTHOR: Ian Curry, Manager Council & Committee Services

To report to Council on the status of Councillor resolutions.

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

The attached table has been updated to include resolutions up to the 23 May 2022 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

This item was adopted by exception (see page 6)

174. RESOLVED:

1. THAT the report be received.

8.2. Community Strategic Plan - Post Exhibition

AUTHOR: Jenny Gleeson, Manager Corporate Planning & Engagement

This report presents the feedback received in the final stage of preparing the *North Sydney Community Strategic Plan - North Sydney Vision 2040* and seeks adoption of the final plan (Attachment 1) post exhibition.

The *Community Strategic Plan* sets the high-level strategic direction for the North Sydney local government area (LGA) and the top of the Council's Integrated Planning & Reporting (IP&R) framework. It is an aspirational plan that describes the desired long-term future for the North Sydney LGA. In accordance with the *Local Government Act 1993*, every four years, each term of Council must prepare the Plan on behalf of its community by 30 June following the local government election, covering a minimum period of 10 years.

As previously reported to Council, review of the *Community Strategic Plan 2018-2028* was undertaken in accordance with the *Community Engagement Strategy* adopted in September 2021. Stage 1 preliminary engagement included a mix of representative and opt-in consultation methods to identify the key priorities to inform the new plan. Councillors were involved via a two-stage workshop process, that considered the State 1 outcomes and refined the draft plan's content.

Stage 2 engagement occurred from 27 April to 8 June 2022 (42 days) during which time effort was made to ensure widespread stakeholder awareness of the opportunity to provide

feedback on the plan during the public exhibition period. The report includes statistics detailing the inform reach, demonstrating significant stakeholder awareness of the public exhibition period. A total of 34 submissions were received.

Submissions covered a wide range of issues, many already covered by the draft plan, single issues relating to specific Council programs or supporting plans and strategies (including the *Delivery Program 2022-2026* and annual *Operational Plan & Budget* and/or supporting *Resourcing Strategy 2022-2032*), issues outside the scope of Council's direct responsibility and some general comments. Following final adoption of the *Community Strategic Plan* all submitters will be acknowledged and advised whether the plan was amended in response to their feedback.

The report summaries the key amendments that have been made to the final plan, as reflected in Attachment 1. Set submission assessment criteria was used to assess each submission and determine whether the plan required amendment, as outlined in Attachment 2. Submissions have been proactively released in accordance with Council's *Access to Information Policy*.

Following adoption, the *Community Strategic Plan* will be published on Council's website. Limited copies will be printed and made publicly available, and a promotional campaign will be undertaken in July-September 2022. A communications plan is being prepared to create greater awareness of the Plan.

The *Community Strategic Plan* is a whole of community plan, of which Council is the custodian. For North Sydney Council's part in working towards the community's vision, its responsibilities are articulated in the accompanying *Delivery Program 2022-2026* (Item 8.5) which includes financial estimates and the *Long Term Financial Plan 2022-2032*, a component of Council's *Resourcing Strategy 2022-2032* (Item 8.3).

RECOMMENDATION:

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the final North Sydney Community Strategic Plan - North Sydney Vision 2040 in accordance with section 402 of the Local Government Act 1993.
3. **THAT** the Mayor write to all the submitters thanking them for their efforts and support in preparing the North Sydney Community Strategic Plan.

A Motion was moved by Councillor Beregi and seconded by Councillor Lamb.

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the final North Sydney Community Strategic Plan - North Sydney Vision 2040 in accordance with section 402 of the Local Government Act 1993.
3. **THAT** the Mayor write to all the submitters thanking them for their efforts and support in preparing the North Sydney Community Strategic Plan.
4. **THAT** Council thank all Council staff in their work in preparing the report in record time and recognises the quality of the work.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

175. RESOLVED:

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the final North Sydney Community Strategic Plan - North Sydney Vision 2040 in accordance with section 402 of the Local Government Act 1993.
3. **THAT** the Mayor write to all the submitters thanking them for their efforts and support in preparing the North Sydney Community Strategic Plan.
4. **THAT** Council thank all Council staff in their work in preparing the report in record time and recognises the quality of the work.

8.3. Resourcing Strategy - Post Exhibition

AUTHOR: Jenny Gleeson, Manager Corporate Planning & Engagement and Christian Munday, Manager Financial Services

This report presents the feedback received during the public exhibition of the draft *Resourcing Strategy 2022-2032* and seeks adoption of the final plan.

The *Resourcing Strategy 2022-2032* identifies Council's responsibilities in delivering the *Community Strategic Plan* (Item 8.2) and *Delivery Program* (Item 8.5). The plan includes three components - long term financial planning, asset management planning and workforce management planning.

Public exhibition of the draft plan occurred from 25 May to 21 June 2022 (28 days) during which time effort was made to ensure widespread stakeholder awareness of the opportunity to provide feedback on the plan. No submissions were received.

During the exhibition period some amendments were made to the Long Term Financial Plan. The major amendment arose from the need to transfer \$36.7 million of funding allocated to the redevelopment of North Sydney Olympic Pool from the 2021/22 budget to the 2022/23 budget to reflect the revised cash outflow forecasts for the project.

Other amendments resulted from:

- confirmation of the actual amount to be received for some grants;
- information received from the Local Government Remuneration Tribunal regarding the actual amount of annual fees to be paid to Councillors and the Mayor;
- a review of revenue forecasts for 2023/24 onwards for parking meter fees, Construction Zone fees and Hoarding Permit fees after an up-to-date analysis of cashflows over the first eleven months of 2021/22;
- a review of revenue and operating cost forecasts for North Sydney Olympic Pool from 2023/24 onwards;
- the reclassification of the NSW Planning Portal Integration project from a capital project to a non-capital project; and
- the need to delay (at this stage) the reconfiguration of Primrose Park to add an additional full-size playing field from 2023/24 to 2025/26 due a forecast lack of funding.

In accordance with statutory requirements:

- a) the plan must include financial scenarios - in adopting the draft plan for public exhibition, on 23 May 2022, Council endorsed the '*Planned Scenario*' as its preferred

financial scenario, upon which the financial estimates in the *Delivery Program 2022-2026* and *Operational Plan & Budget 2022/23* have been prepared inclusive of the approved, one-off, additional special rate variation (ASV) in Year 1);

- b) the plan must include an *Asset Management Policy*. In adopting the final *Resourcing Strategy* the Council is readopting this Policy (Appendix 2 to Attachment 1); and
- c) Council must adopt its *Resourcing Strategy* by 30 June 2022

The Long Term Financial Plan component will be reviewed and updated annually in conjunction with preparation of the annual *Operational Plan & Budget*. The next full review of the plan will occur in 2024.

The plan's objective is to ensure that Council remains financially viable and sustainable whilst maintaining and delivering services to the community. Council has long operated from a position of financial sustainability and has, over many years, consistently achieved operating surpluses. The COVID pandemic has caused two operating deficits (2019/20 and 2020/21). It is forecast that the further effect of COVID on revenue will result in an operating deficit in 2021/22.

Council will need to carefully manage its income and investments to sustain its operations over the coming years in the event of unforeseen challenges e.g. unexpected changes in asset conditions resulting from severe weather events or shift in demand for services.

The plan details the assumptions used when compiling each scenario, which includes asset management and maintenance and workforce structure projections, as well as the financial outcomes over a 10-year period. All three scenarios include borrowings, as previously committed to by the Council, to provide funds for the Alexander Street Carpark redevelopment, upgrade of parking meter network, and the North Sydney Olympic Pool redevelopment.

The 'Planned Scenario' is the preferred scenario upon which the Financial Estimates within the *Delivery Program 2022-2026* and *Operational Plan & Budget 2022/23* have been prepared. Inclusive of a one-off additional special rate variation (ASV) in 2022/23 (Year 1) and the introduction of councillor superannuation payments, as recently endorsed by the Council.

RECOMMENDATION:

1. THAT Council adopt the Resourcing Strategy 2022-2032, inclusive of the amendments to the Long Term Financial Plan identified during the public exhibition period.

A Motion was moved by Councillor Welch and seconded by Councillor Beregi.

1. THAT Council adopt the Resourcing Strategy 2022-2032, inclusive of the amendments to the Long Term Financial Plan identified during the public exhibition period.

2. THAT Council thank staff for their effort in preparing the Resourcing Strategy 2022-2032.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

176. RESOLVED:

- 1. THAT** Council adopt the Resourcing Strategy 2022-2032, inclusive of the amendments to the Long Term Financial Plan identified during the public exhibition period.
- 2. THAT** Council thank staff for their effort in preparing the Resourcing Strategy 2022-2032.

8.4. Asset Management Plans

AUTHOR: John Van Hesden, Manager Assets

The purpose of this report is to seek adoption of Council's Asset Management Plans suite in accordance with Integrated Planning & Reporting (IP&R) requirements.

NSW councils must account for and plan for all existing assets under its control, and any new asset solutions proposed in its Community Strategic Plan and Delivery Program. This is done via the Asset Management Strategy inclusive of an Asset Management Policy (a component of the long-term Resourcing Strategy), and Asset Management Plans for each class of assets. The requirement to 'adopt' Asset Management Plans is new under the revised Office of Local Government's *IP&R Guidelines*, issued September 2021; previously Asset Management Plans did not require reporting to Council.

Council's revised suite of Asset Management Plans includes:

- Bus Shelters (Attachment 1)
- Fences (Attachment 2)
- Footpaths (Attachment 3)
- Kerb and Gutter (Attachment 4)
- Marine Structures (Attachment 5)
- Open Space and Recreational Assets (Attachment 6)
- Public Lighting (Attachment 7)
- Retaining Walls (Attachment 8)
- Road Pavements (Attachment 9)
- Seawalls (Attachment 10)
- Specialised Buildings (Amenities) (Attachment 11)
- Stormwater Drainage and Gross Pollutant Traps (Attachment 12)
- Street Furniture (Attachment 13)
- Traffic Facilities (Attachment 14)

It should be noted that the Property Asset Management Plan is currently being prepared and will be reported to Council in the near future.

All financial estimates within the respective Asset Management Plans cross reference with the estimates within the Resourcing Strategy and the Delivery Program.

RECOMMENDATION:

- 1. THAT** Council adopts the suite of Asset Management Plans 2022-2032, and these supersede the previous Asset Management Plans 2018-2028.

A Motion was moved by Councillor Gibson and seconded by Councillor Mutton.

1. **THAT** Council adopts the suite of Asset Management Plans 2022-2032, and these supersede the previous Asset Management Plans 2018-2028.
2. **THAT** Council thank staff for their efforts in preparing the Asset Management Plans 2022-2032.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

177. RESOLVED:

1. **THAT** Council adopts the suite of Asset Management Plans 2022-2032, and these supersede the previous Asset Management Plans 2018-2028.
2. **THAT** Council thank staff for their efforts in preparing the Asset Management Plans 2022-2032.

8.5. Delivery Program/Operational Plan - Post Exhibition

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator and Darren Goode, Manager Accounting Services

This report presents the feedback received during the public exhibition of the draft *Delivery Program 2022-2026* and *Operational Plan & Budget 2022/23* and seeks adoption of the final plans.

In accordance with legislative Integrated Planning and Reporting requirements, each newly elected Council must prepare a new 4-year Delivery Program by 30 June in the year following the local government election. The *Delivery Program 2022-2026* (Attachment 1) outlines the projects and services the Council will deliver during its term of office, to contribute to the achievement of the outcomes and strategies defined in the *North Sydney Community Strategic Plan*.

Councils must also prepare and adopt its annual Operational Plan for the next financial year by 30 June. The *Operational Plan & Budget 2022/23* (Attachment 2) details the projects and services that Council will undertake in Year 1 of the Delivery Program to contribute to the achievement of the outcomes and strategies defined in the *North Sydney Community Strategic Plan*.

The budget has been prepared in accordance with Section 405 of the *Local Government Act 1993* and the Essential Elements outlined in the NSW Office of Local Government's Integrated Planning and Reporting (IP&R) Guidelines and Handbook (2021). The *Revenue Policy 2022/23* (Appendix 2 in Attachment 2) has been prepared in accordance with the *Local Government (General) Regulation 2021*.

Public exhibition of the draft plans occurred from 25 May to 21 June 2022 (28 days) during which time effort was made to ensure widespread stakeholder awareness of the opportunity to provide feedback. This report includes statistics detailing the inform reach and the total 8

submissions received, inclusive of 4 submissions in response to *Community Strategic Plan* and verbal feedback via the information stalls. Attachment 3 provides a summary of the submissions received, which are proactively released in accordance with Council's *Access to Information Policy*.

The financial estimates include the IPART approved, one-off, additional special rate variation (ASV) in 2022/23 (announced 20 June 2022) and thereafter based on the annual rate peg as determined by IPART (Years 2 to 4); and councillor superannuation payments as modelled in the Long Term Financial Plan (within the *Resourcing Strategy 2022-2032*).

The financial estimates and 4-year Capital Works Program detail the resourcing requirements to deliver the plan. Note: there is no dedicated budget assigned to Outcome 3.2 this is because budget for implementation of the 3-year Action Plan within the Council's *Smart City Strategy* (2019) is distributed across multiple Outcomes, review of the Strategy's Action Plan is due; and because of alignment of the plan's structure to the organisational structure e.g. smart parking technologies are delivered under Outcome 2.4 and cloud and online interaction delivered under Outcome 5.4.

The Operating Budget forecasts a surplus of \$10,345 before capital grants and contributions. \$70.4 million has been allocated to fund the projects and infrastructure renewal programs included in the 2022/23 Capital Works Program (including North Sydney Olympic Pool redevelopment). A further \$777,000 has been allocated to fund the replacement of plant and fleet vehicles. Funding of the budget will require a net draw down from reserves of \$40.3 million. The Capital Works Program outlines how the Council plans to deliver the plan by Division.

RECOMMENDATION:

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the final Delivery Program 2022-2026 as required by section 404 of the Local Government Act 1993.
3. **THAT** Council adopt the final Operational Plan & Budget 2022/23 as required by section 405 of the Local Government Act 1993.

The Recommendation was moved by Councillor Lamb and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

178. RESOLVED:

1. **THAT** the submissions summary be noted.
2. **THAT** Council adopts the final Delivery Program 2022-2026 as required by section 404 of the Local Government Act 1993.
3. **THAT** Council adopt the final Operational Plan & Budget 2022/23 as required by section 405 of the Local Government Act 1993.

8.6. Fees and Charges Schedule 2022-23 - Post Exhibition

AUTHOR: Daniel Peacock, Assets and Taxation Accountant

This report presents the feedback received during the public exhibition of the draft *2022/23 Fees & Charges Schedule* and seeks adoption of the final schedule.

The Schedule 2022/23 was formulated around comparable market rates and a general increase of 3.1% over the previous year's adopted schedule. All existing and proposed fees and charges have been assessed according to the nature of the services being provided.

The draft *2022/23 Fees & Charges Schedule* was endorsed for exhibition by Council at its meeting of 23 May 2022. The public exhibition period ran from 25 May to 21 June 2022, concurrent with the exhibition of the draft *2022/23 Operational Plan & Budget*. 8 submissions were received.

The impacts from the *Fees & Charges Schedule 2022/23* have been incorporated into the budget estimates within the *Operational Plan & Budget 2022/23*.

RECOMMENDATION:

- 1.THAT** the submissions summary be noted.
- 2. THAT** the Fees & Charges Schedule 2022/23 be adopted.

The Recommendation was moved by Councillor Welch and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

179. RESOLVED:

- 1.THAT** the submissions summary be noted.
- 2. THAT** the Fees & Charges Schedule 2022/23 be adopted.

8.7.2022/23 Community Grants & Subsidies - Post Exhibition

AUTHOR: Rebecca Aukim, Director Community & Library Services

The purpose of this report is to adopt the Community Grants & Subsidies 2022/23 recipients following public exhibition.

Earlier this year Council invited community organisations to apply for a donation from the Council to assist in the provision of services for the North Sydney community. Applications closed early March 2022.

All applications received were assessed in accordance with the following criteria outlined in Council's *Community Grants and Subsidies Policy*:

- the type of need being met;
- the uniqueness of the project;
- its level of innovation and the degree to which it meets the objectives of Council's social planning programs;
- the financial status of the organisation or service provider;
- the quality of its management and organisational structure;
- its funding levels and sources; and
- its ability to account for funding sources, fund applications and outcomes.

The purpose of the exhibition period was to advise the proposed recipients for 2022/23 and invite submissions. The 28-day public exhibition ran from 25 May to 21 June 2022, concurrent with the exhibition of the draft *Operational Plan & Budget 2022/23*. No submissions were received.

As previously reported to Council, cash grants to community services total \$1,066,323. These amounts have already been incorporated into the draft estimates for 2022/23. The main elements are:

- Council's Community Centres - \$575,000
- Community Services not in Council Buildings - \$238,050
- Childcare - \$32,100
- New and innovative projects - \$24,000
- Food Grants - \$14,700
- Sport and Wellbeing - \$3,000
- Arts Grants - \$10,000

RECOMMENDATION:

1. THAT the Community Grants & Subsidies 2022/23 recipients be adopted.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Lamb.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

180. RESOLVED:

1. THAT the Community Grants & Subsidies 2022/23 recipients be adopted.

8.8. Rating Structure and Annual Charges for the Year 1 July 2022 to 30 June 2023

AUTHOR: Christian Menday, Manager Financial Services

According to Sections 534 and 535 of the Local Government Act, Council must make rates and charges for a year before annual Rates Notices can be issued. The recommendations in this report are that Council makes rates, Domestic Waste Management Charges and Stormwater Management Charges for the year 1 July 2022 to 30 June 2023

The 2022/23 Rating Structure has been calculated per an IPART determination and applies an Additional Special Variation to increase the general income by 2.0%. It also includes a 2.0% increase in the minimum rates for both residential and business properties.

The 2022/23 rate peg for North Sydney Council had been set at 0.9% including a 0.7% general rate peg and a 0.2% population growth factor. This increase is included in the Additional Special Variation determination. It is not in addition to the 2.0% variation.

The minimum ordinary rate for 2022/23 has been set at \$656.88. The final Ad Valorem rates have been established based on the assessment count of rateable properties as at the completion of the exhibition period. There have been minor changes in the rate in the dollar of properties in the same category previously reported in the Draft Operational Plan and Budget.

Domestic Waste Management Charges have been increased by approximately 1%. The Stormwater Manage Charge is the maximum allowed by legislation.

Council rates are the primary source of operating income. The rating structure is consistent with the IPART approval for an Additional Special Rate Variation and Council's Revenue Policy. The Domestic Waste Management Charges and the Stormwater Management Charges are consistent with Council's Revenue Policy.

RECOMMENDATION:

1. THAT Council make the following rates for the financial year 1 July 2022 to 30 June 2023:

Category	Ad Valorem	Minimum/Base Amount
Residential Rate	0.089453 cents in the dollar	\$656.88
Business Rate	0.491387 cents in the dollar	\$656.88
Infrastructure Levy	0.004221 cents in the dollar	\$27.99
Environmental Levy	0.004738 cents in the dollar	\$31.41
Crows Nest Mainstreet Levy	0.022052 cents in the dollar	\$120.00
Neutral Bay Mainstreet Levy	0.032171 cents in the dollar	\$133.33

2. THAT Council make the following annual Domestic Waste Management Charges for the financial year 1 July 2022 to 30 June 2023:

Category	Amount
60 Litre (SEC 496 LGA) Council Approved ONLY	\$424.00
60 or 80 Litre (SEC 496 LGA) PENSIONER	\$212.00
80 Litre (SEC 496 LGA)	\$424.00
120 Litre (SEC 502 LGA)	\$707.00
240 Litre (SEC 502 LGA)	\$1,242.00
Service Availability charge	\$60.00

3. THAT Council make the following annual Stormwater Management Charges for the financial year 1 July 2022 to 30 June 2023:

Category	Amount
Residential (Maximum)	\$25.00

Residential Strata Plan or Company Title (Maximum)	\$12.50
Business (Capped)	\$25.00
Business Strata Plan or Company Title (Capped)	\$5.00

The Recommendation was moved by Councillor Welch and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

181. RESOLVED:

1. THAT Council make the following rates for the financial year 1 July 2022 to 30 June 2023:

Category	Ad Valorem	Minimum/Base Amount
Residential Rate	0.089453 cents in the dollar	\$656.88
Business Rate	0.491387 cents in the dollar	\$656.88
Infrastructure Levy	0.004221 cents in the dollar	\$27.99
Environmental Levy	0.004738 cents in the dollar	\$31.41
Crows Nest Mainstreet Levy	0.022052 cents in the dollar	\$120.00
Neutral Bay Mainstreet Levy	0.032171 cents in the dollar	\$133.33

2. THAT Council make the following annual Domestic Waste Management Charges for the financial year 1 July 2022 to 30 June 2023:

Category	Amount
60 Litre (SEC 496 LGA) Council Approved ONLY	\$424.00
60 or 80 Litre (SEC 496 LGA) PENSIONER	\$212.00
80 Litre (SEC 496 LGA)	\$424.00
120 Litre (SEC 502 LGA)	\$707.00
240 Litre (SEC 502 LGA)	\$1,242.00
Service Availability charge	\$60.00

3. THAT Council make the following annual Stormwater Management Charges for the financial year 1 July 2022 to 30 June 2023:

Category	Amount
Residential (Maximum)	\$25.00
Residential Strata Plan or Company Title (Maximum)	\$12.50
Business (Capped)	\$25.00
Business Strata Plan or Company Title (Capped)	\$5.00

8.9. Investment and Loan Borrowings Report held as at 31 May 2022

AUTHOR: Christian Munday, Manager Financial Services

The report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 May 2022.

Investment Portfolio:

The Investment Portfolio (excluding cash balances) held for the period ending 31 May 2022 had a market value of \$118,897,647. The annualised returns were 1.27%. This return exceeded the Australian Bond Bank Bill performance benchmark by 1.22%.

Cash deposits at call were \$31,452,654 with \$30,046,047 of these held in interest bearing accounts. \$1,406,608 cash is held in Council's non-interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs.

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

The actual year to date returns for cash and investments for May 2022 were \$1,059,000 compared to a year-to-date budget of \$1,168,500.

The Reserve Bank of Australia (RBA) Board increased the official cash rate by 25 basis points to 0.35%. The Board indicated it will do what is necessary to ensure inflation returns to the target rate. This will require further lifts in interest rates in the period ahead.

Historically, returns on cash (i.e., "at call" accounts) and short-term investments have been quite strong. With the low official cash rate, market variability in monthly returns may mean short to medium term investment returns could be flat or potentially slightly negative. The capacity for Council staff to invest in a manner that meets liquidity requirements whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) is limited. The best available returns, however, are actively sought when surplus funds are invested.

Recent increases in the official cash rate are starting to flow through to term deposit rates bringing the prospect of improving returns for new investments 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 31 May 2022 is \$6,373,192.

The projects funded are outlined in the body of the report.

North Sydney Olympic Pool Redevelopment

In January 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. The drawdown rate is 4.24%. The funds will be restricted and then released as required to fund project cash outflows.

Council's total investment portfolio performance for the financial year to date is 1.22% above the benchmark (1.27% against 0.05%). The actual year to date returns for cash and investments for May 2022 were \$1,059,000 compared to a year-to-date budget of \$1,185,000.

Investment returns will continue to be monitored and reported to ensure the estimate is consistent with the actual returns.

RECOMMENDATION:

1. THAT the report on Investments and Loan Borrowings held at 31 May 2022 be received.

The Recommendation was moved by Councillor Gibson and seconded by Councillor Bourke.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

182. RESOLVED:

1. THAT the report on Investments and Loan Borrowings held at 31 May 2022 be received.

8.10. Code of Meeting Practice and Council Meeting dates

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to:

1. Consider submissions made in response to community engagement following the Council resolution of 24 January 2022.
2. Consider adoption of the draft Code of Meeting Practice placed on public exhibition following the Council resolution of 26 April 2022 and any additional changes.
3. Determine a schedule of Council Meeting dates.

In response to the Council resolution of 24 January 2022, a community engagement process was undertaken seeking feedback regarding:

- Regularity of Council Meetings
- Lead time for publication of Council Meeting Business Papers
- Abolition of the Legal and Planning, and Governance and Finance Committees
- Conduct of a pre-meeting briefing
- Webcasting of Councillor Briefings

There was support in response to the engagement process to move to two Council Meetings per month, greater lead time for the publication of Business Papers, abolition of the Committees, the conduct of pre-meeting briefings and webcasting of Councillor briefings.

As a result, this report details how each of these can be implemented with the exception of webcasting Councillor briefings. This is not recommended as it does not align with a non-mandatory provision of the Model Code of Meeting Practice.

In response to the Council resolution of 26 April 2022, a draft Code of Meeting Practice was placed on public exhibition. The draft Code aligned to the Model Code and provided for remote attendance at Council Meetings.

There was limited feedback to this public exhibition period and no significant changes are now recommended in response to the feedback received.

The increase in the number of Council Meetings will have some resource implications. These are difficult to quantify at this time and it is proposed that any budgetary impacts would be reported and managed through Council's quarterly budget review process, and in response to actual impacts and data.

RECOMMENDATION:

1.THAT Council adopts the attached Code of Meeting Practice in accordance with section 360 of the *Local Government Act 1993*.

2.THAT Council adopts the attached Council Meeting schedule for 2022 and 2023, and that a further report be provided to Council in September 2023 for the purpose of determining Council Meeting dates for 2024.

3.THAT Council notes the attached planned Agenda publication dates for Council Meetings in 2022 and 2023.

4.THAT Council abolishes the Legal and Planning Committee originally established on 27 November 2012 noting that matters formerly referred to the Committee will be reported directly to a Council Meeting.

5.THAT Council abolishes the Governance and Finance Committee originally established on 27 November 2012 noting that matters formerly referred to the Committee will be reported directly to a Council Meeting.

The Recommendation was moved by Councillor Beregi and seconded by Councillor Welch.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 1

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Councillor Gibson

Absent: Councillor Drummond and Councillor Spenceley

183. RESOLVED:

1. THAT Council adopts the attached Code of Meeting Practice in accordance with section 360 of the Local Government Act 1993

2. THAT Council adopts the attached Council Meeting schedule for 2022 and 2023, and that a further report be provided to Council in September 2023 for the purpose of determining Council Meeting dates for 2024.

3. THAT Council notes the attached planned Agenda publication dates for Council Meetings in 2022 and 2023.

4. THAT Council abolishes the Legal and Planning Committee originally established on 27 November 2012 noting that matters formerly referred to the Committee will be reported directly to a Council Meeting.

5. THAT Council abolishes the Governance and Finance Committee originally established on 27 November 2012 noting that matters formerly referred to the Committee will be reported directly to a Council Meeting.

8.11. Election to Fill Casual Vacancy on the LGNSW Board

AUTHOR: Ian Curry, Manager Council & Committee Services

For Council to determine Council's voting delegates for the casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban council)

Local Government NSW (LGNSW) has a casual vacancy on its Board for the office of Director (Metropolitan/Urban council), which is required to be filled by secret postal ballot. Arrangements have been made with the Australian Electoral Commission (AEC) to conduct the election according to the *attached* timetable.

Council is entitled to appoint five voting delegates and must advise LGNSW of the names by 7 July 2022.

This report has no financial implications.

RECOMMENDATION:

1. THAT Council determine five voting delegates for the casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban council) to be the same as those nominated for the 2022 LGNSW Conference, being the Mayor, Councillor Baker, Deputy Mayor, Councillor Bourke and Councillors Beregi, Santer and Welch.

The Recommendation was moved by Councillor Welch and seconded by Councillor Lamb.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

184. RESOLVED:

1. THAT Council determine five voting delegates for the casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban council) to be the same as those nominated for the 2022 LGNSW Conference, being the Mayor, Councillor Baker, Deputy Mayor, Councillor Bourke and Councillors Beregi, Santer and Welch.

8.12. New Years Eve 2022

AUTHOR: Joanna Gibson, Team Leader Events

The purpose of this report is to seek direction and endorsement from Council for the proposed plans for the management of the North Sydney vantage points for NYE 2022.

The City of Sydney funds a NYE fireworks display which is operationally supported by multiple State and local government agencies. Prior to the COVID-19 pandemic, up to one million people viewed the fireworks live from the Sydney Harbour foreshore; an estimated one billion watch them on television and online.

In recent years, Council has actively managed three primary vantage places - Blues Point Reserve, Lavender Bay Parklands and Bradfield Park/Mary Booth Reserve – and provided infrastructure at other vantage points including Cremorne Point, Kurraba Point and Waverton.

This report proposes to continue these arrangements with the following changes:

- Blues Point Reserve, Lavender Bay Parklands and Bradfield Park/Mary Booth Reserve be ticketed at a cost of \$10 (adults), with children under 5 years free.
- The ticketed reserves will operate on a 2m² per person rule to reduce the risks of infection or overcrowding in the prime viewing areas of the reserves.
- No passouts will be issued. Wristbands will only be issued for Mary Booth Reserve to maintain safe numbers in the reserve and allow patrons to use the facilities in Bradfield Park. No re-entry will be permitted on a ticket that has previously been scanned.

With pressure from the NSW Government to put more responsibility for NYE on to Council, this report also recommends that Council negotiates a Memorandum of Understanding with the NSW Government which clearly states Council's roles and responsibilities for NYE.

The total overall costs for NYE 2022 was \$446,235.55 (exclusive of internal and agency staffing). The net budget allocated for the management of the NYE 2022 was \$266,584 (exclusive of NYE Officer salary). Additional income of \$340,000 was anticipated from ticket sales and stallholder fees, bringing the budget to an expected \$606,584. As Council resolved to support a managed access model last year, no ticketing or stallholder income was realised. In a letter dated 23 November 2021, The Hon. Stuart Ayres MP, Minister for Jobs, Investment, Tourism and Western Sydney Minister for Trade and Industry, agreed that the NSW Government would 'provide a once-off reimbursement of up to \$225,000 towards Council's actual costs for NYE 2021 only.' The letter and the conditions of the funding can be found in appendix 1.

RECOMMENDATION:

1.THAT Council resolves to implement the cost recovery ticketing model with a set price of \$10 for adults and children under 5 years free for NYE 2022 at the vantage points of Bradfield Park/Mary Booth Reserve, Lavender Bay Parklands and Blues Point Reserve.

2.THAT the capacity of each ticketed vantage point be determined on a 2m² per person rule with no pass outs.

3.THAT Council seeks to enter a Memorandum of Agreement with the NSW State Government so that Council's roles and responsibilities for NYE are clearly defined.

A Motion was moved by Councillor Beregi and seconded by Councillor Baker.

1.THAT Council resolves to implement the free ticketing model for NYE 2022 at the vantage points of Bradfield Park/Mary Booth Reserve, Lavender Bay Parklands and Blues Point Reserve.

2.THAT the capacity of each ticketed vantage point be determined on a 2m² per person rule with no pass outs.

3.THAT Council seeks to enter a Memorandum of Agreement with the NSW State Government so that Council's roles and responsibilities for NYE are clearly defined.

An Amendment was moved by Councillor Lamb, seconded by Councillor Bourke

1.THAT Council resolves to implement the cost recovery ticketing model with a set price of \$10 for adults and children under 5 years free for NYE 2022 at the vantage points of Bradfield

Park/Mary Booth Reserve, Lavender Bay Parklands and Blues Point Reserve with free entry to North Sydney Local Government area residents.

2.THAT the capacity of each ticketed vantage point be determined on a 2m² per person rule with no pass outs.

3.THAT Council seeks to enter a Memorandum of Agreement with the NSW State Government so that Council's roles and responsibilities for NYE are clearly defined.

The Amendment was put and LOST

Voting was as follows:

For/Against 2 / 6

For: Councillor Lamb and Councillor Bourke

Against: Councillor Baker, Councillor Beregi, Councillor Gibson, Councillor Santer, Councillor Mutton and Councillor Welch

Absent: Councillor Drummond and Councillor Spenceley

The Motion was then put and **Carried**

Voting was as follows:

For/Against 6 / 2

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

Against: Councillors Gibson and Mutton

Absent: Councillor Drummond and Councillor Spenceley

185. RESOLVED:

1.THAT Council resolves to implement the free ticketing model for NYE 2022 at the vantage points of Bradfield Park/Mary Booth Reserve, Lavender Bay Parklands and Blues Point Reserve.

2.THAT the capacity of each ticketed vantage point be determined on a 2m² per person rule with no pass outs.

3.THAT Council seeks to enter a Memorandum of Agreement with the NSW State Government so that Council's roles and responsibilities for NYE are clearly defined.

8.13. Response to Notice of Motion - Removal of tree at 15 Richmond Ave Cremorne

AUTHOR: David Manson, Manager Parks & Reserves

The purpose of this report is to provide Council with an overview of how Council is strengthening the process of tree protection and inevitably improving the declining canopy cover of the North Sydney Local Government area (LGA).

Staff made the difficult decision to remove the two Eucalyptus trees located on public land, adjacent to the development at 15 Richmond Avenue, Cremorne (the "Site") due to public safety concerns.

Notice of Motion 24/22 was tabled at the 26 April 2022 Council meeting regarding the removal of trees on public land. The response provided by staff was noted and Council resolved the following:

THAT Council strengthen the processes surrounding the protection of mature trees on Council land when adjacent private land is being developed and further report be presented to Council as to how this can be achieved.

Recommending:

1. THAT the report be received.

This item was adopted by exception (see page 6)

186. RESOLVED:

1. THAT the report be received.

8.14.Planning Proposal 3/22 - 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest. Site also known as 'Five Ways Triangle Site'

AUTHOR: Katerina Papas, Senior Strategic Planner

To present to Council the assessment report of Planning Proposal 3/22 at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (also known as 'Five Ways Triangle site'), which seeks to amend North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel on 8 June 2022.

On 19 January 2022, Council received a Planning Proposal to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (also known as 'Five Ways Triangle site'). The site is located within the area covered by the St Leonards Crows Nest 2036 Plan (2036 Plan), adopted by the then Department of Planning, Industry and Environment (DPIE) on 29 August 2020. It is accompanied by a s9.1 Ministerial Direction which requires planning decisions be made consistent with the Plan.

The Planning Proposal seeks to amend NSLEP 2013 to:

- increase the maximum building height control from 16m to 63.5m
- establish a maximum floor space ratio control of 5.8:1
- increase the minimum non-residential floor space ratio control from 0.5:1 to 2.5:1.

The intent of the proposal, as reflected in the accompanying indicative concept scheme, is to facilitate the delivery of a 16-storey mixed-use building with a 3-storey commercial podium and 13-storey residential tower above with approx. 129 apartments and 247 car parking spaces.

The Planning Proposal is also accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan 2013 (NSDCP 2013) to provide greater certainty over a future built form on the site.

On 8 June 2022, the North Sydney Local Planning Panel (NSLPP) considered a Council Officer's report on this Planning Proposal and generally agreed with its recommendations. Whilst the Panel acknowledged in its decision, that development of the proposed height and bulk on the site will inevitably change the existing character of the Crows Nest Village, it also acknowledged that development of this nature is anticipated in the 2036 Strategy.

A copy of the NSLPP Minutes and Recommendation is available via the following link;
https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/8_june_2022/final_minutes_jm_8_june_2022dl_13june.pdf

On balance, it is considered that the Planning Proposal demonstrates strategic and site-specific merit as it:

- does not contradict the ability to achieve the objectives and actions of high-level planning policies and strategies;
- is generally consistent with the provisions of the St Leonards and Crows Nest 2036 (2036 Plan) and accompanying Ministerial Direction; and
- the bulk and scale of any future development on the site, and associated impacts to the surrounding environment and wider community, has the ability to be appropriately mitigated to comply with the intended outcomes of the 2036 Plan, as part of the implementation of appropriate standards within NSDCP 2013 and the development application process.

It is recommended the Planning Proposal be supported to proceed to a Gateway Determination subject to:

- the Planning Proposal being amended to a maximum building height of 60m; and
- the preparation of site-specific DCP provisions that satisfactorily address the recommendations of the Council Officer's Report with respect to building mass and transition, podium height and treatment, setbacks, heritage, future public open space/through-site links and parking rates.

The Panel agreed that a DCP for the site is necessary to ensure the massing and form of the development is appropriate and to minimise overshadowing, and that there should be a continuing dialogue between the applicant and Council as to the finer details contained within the DCP.

The Panel has also recommended Council review its DCP parking rates, as a matter of priority, to exclude the area covered by the 2036 Strategy in the DCP, to ensure reduced maximum parking rates apply, in line with the principle contained in the 2036 Strategy.

The costs associated with the administration and any exhibition of the Planning Proposal and DCP will be drawn from existing budget lines which anticipate this type of activity.

The site is subject to the State Infrastructure Contribution for the provision of infrastructure and facilities within the St Leonards and Crows Nest Precinct, as well as Council's s. 7.11 infrastructure contributions levied at the Development Application stage.

RECOMMENDATION:

1. THAT the Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in the Council Officer's Report and the North Sydney Local Planning Panel's Recommendations, prior to being forwarded to the Department of Planning and Environment with a request for a Gateway Determination. Specifically, the planning proposal is to be amended to:

- clearly specify a maximum building height control of 60m; and
- include a site-specific Development Control Plan with provisions addressing Council's recommendations with respect to podium height and treatment, setbacks, building mass and transition, heritage, future public open space/through-site links and parking rates.

2. THAT upon receipt of a Gateway Determination, the associated draft DCP be exhibited concurrently with the amended Planning Proposal.

3. THAT the indicative reference scheme accompanying the Planning Proposal be amended in accordance with the provisions of the site-specific DCP prior to commencement of public exhibition.

The Mayor vacated the Chair at 8:30 pm. The Deputy Mayor assumed the Chair.

A Motion was moved by Councillor Baker and seconded by Councillor Beregi.

1. THAT the Planning proposal not be supported to proceed to a Gateway Determination for the following reasons:

- a. The proposed rezoning will increase the maximum height on the site from 16m to 60m and will, therefore, inevitably and permanently change the character of Crows Nest Village;
- b. The proposed rezoning will result in a height and density that will dominate the significant heritage conservation areas to the south and east;
- c. The proposed rezoning is inconsistent with the urban design principles of the 2036 Plan which provide for:

- Taller buildings to be located within 150-200m of either station and transition in height to surrounding areas;
- St Leonards is to be read as the predominant centre with large developments to transition in height, bulk and scale from the highway to surrounding neighbourhood areas;
- Heritage conservation areas are to be protected. New development nearby is to ensure minimal overshadowing and avoid unreasonable visual impact to the public domain and private open spaces of dwellings within these areas;
- New development must respond appropriately to built form character of sub-precincts including height, bulk and scale as well as existing and proposed uses;
- The interface between two character areas should respond to the adjacent character area to create an appropriate transition; and
- New development should consider its relationship to surrounding context and urban grain.

- d. The proposed rezoning will result in unreasonable and significant increase in height, bulk and scale and result in adverse impacts including overshadowing, visual and privacy impacts, increased traffic congestion on an already strained local traffic system and wind tunnel effects, on the surrounding dwellings and conservation areas.

2. THAT the planning proposal is not supported as it represents a poor, undesirable planning outcome and approval would set a negative and detrimental precedent for a similar height, bulk and scale in this part of the precinct.

3. THAT Council advise the Department of Planning and Environment of this decision and provide a copy of the report and this resolution to the Department.

4. THAT Council notifies the applicant of Council's determination.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 1

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Councillor Gibson

Absent: Councillor Drummond and Councillor Spenceley

187. RESOLVED:

1. THAT the Planning proposal not be supported to proceed to a Gateway Determination for the following reasons:

- a. The proposed rezoning will increase the maximum height on the site from 16m to 60m and will, therefore, inevitably and permanently change the character of Crows Nest Village;
- b. The proposed rezoning will result in a height and density that will dominate the significant heritage conservation areas to the south and east;
- c. The proposed rezoning is inconsistent with the urban design principles of the 2036 Plan which provide for:

- Taller buildings to be located within 150-200m of either station and transition in height to surrounding areas;
- St Leonards is to be read as the predominant centre with large developments to transition in height, bulk and scale from the highway to surrounding neighbourhood areas;
- Heritage conservation areas are to be protected. New development nearby is to ensure minimal overshadowing and avoid unreasonable visual impact to the public domain and private open spaces of dwellings within these areas;
- New development must respond appropriately to built form character of sub-precincts including height, bulk and scale as well as existing and proposed uses;
- The interface between two character areas should respond to the adjacent character area to create an appropriate transition; and
- New development should consider its relationship to surrounding context and urban grain.

- d. The proposed rezoning will result in unreasonable and significant increase in height, bulk and scale and result in adverse impacts including overshadowing, visual and privacy impacts, increased traffic congestion on an already strained local traffic system and wind tunnel effects, on the surrounding dwellings and conservation areas.

2. THAT the planning proposal is not supported as it represents a poor, undesirable planning outcome and approval would set a negative and detrimental precedent for a similar height, bulk and scale in this part of the precinct.

3. THAT Council advise the Department of Planning and Environment of this decision and provide a copy of the report and this resolution to the Department.

4. THAT Council notifies the applicant of Council's determination.

The Mayor resumed the Chair at 8.41pm.

8.15. Planning Proposal 360 Pacific Highway Crows Nest

AUTHOR: Neal McCarry, Team Leader - Policy

To present to Council the assessment report of Planning Proposal 9/21 at 360 Pacific Highway, Crows Nest which seeks to amend North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel on 8 June 2022.

On 8 December 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 360 Pacific Highway, Crows Nest. The site is located within the area covered by the *St Leonards Crows Nest 2036 Plan (2036 Plan)*, adopted by the then Department of Planning, Industry and Environment (DPIE) on 29 August 2020. It is accompanied by a s9.1 Ministerial Direction which requires planning decisions be made consistent with the Plan.

The Planning Proposal seeks amendment of NSLEP 2013 to:

- the maximum building height from 10m to RL 166m (18 storeys);
- establish a maximum Floor Space Ratio (FSR) of 5.5:1; and
- the minimum non-residential FSR from 0.5:1 to 2:1.

The Planning Proposal seeks to deliver an 18-storey mixed-use commercial and residential building with a 3-storey podium and tower above. The indicative reference design scheme includes 42 residential apartments with a 4,921m² Gross Floor Area (GFA), 2,812m² non-residential GFA and approximately 80 car parking spaces.

A detailed assessment of the Planning Proposal has been undertaken in the report referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 8 June 2022. That report can be viewed via the following link;

https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/8_june_2022/pp02_-_360_pacific_highway_crows_nest_pp921_rpt.pdf

The NSLPP agreed with the recommendations outlined in Council officer's detailed assessment report and recommended the Planning Proposal not be supported to proceed to a Gateway Determination for the reasons contained in the report. They were;

- The planning proposal will likely result in the isolation of neighbouring sites to the north (366-376 Pacific Highway), which have the same density and height uplift potential under the 2036 Plan as the subject site. This is not considered to be a satisfactory strategic planning outcome as it undermines the ability to achieve the housing objectives of several high-level planning policies including the Greater Sydney Regional Plan and North District Plan, the North Sydney Local Strategic Planning Statement, the 2036 Plan and accompanying Ministerial Directions 1.1 and 1.13; and
- The accompanying indicative reference design does not demonstrate how the site could be acceptably developed to the requested height and density controls without resulting in reduced amenity outcomes and inappropriate interface and transition outcomes. The cumulative impacts of the proposal are not considered to be of minor significance and has the potential to undermine the overall intent of the 2036 Plan and the achievement of the Plan's vision, objectives and actions.

A copy of the NSLPP Minutes and Recommendation is available via the following link;

https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/8_june_2022/final_minutes_jm_8_june_2022dl_13june.pdf

Whilst the planning proposal site is located within a block considered appropriate for increased height and density given its proximity to the future Crows Nest Metro, the planning

proposal as submitted, does not adequately demonstrate satisfactory strategic and site-specific merit.

The panel also provided comments and concerns to the impact of the proposal on adjacent and nearby heritage items as well as the desirability of undertaking a more holistic approach to the implementation of the 2036 Strategy to ensure the objectives and actions of the Strategy are more sensitively resolved.

The costs associated with the administration and any exhibition of the Planning Proposal and DCP will be drawn from existing budget lines which anticipate this type of activity.

The Planning Proposal is subject to the State Infrastructure Levy for the provision of local infrastructure and facilities within the St Leonards and Crows Nest Precinct, as well as Council's section 7.11 infrastructure contributions levied at the Development Application stage of the development process.

RECOMMENDATION:

1.THAT the Planning Proposal not be supported to proceed to a Gateway Determination as it is inconsistent with Ministerial Direction 7.11 - St Leonards and Crows Nest 2036 Plan in that it has not demonstrated consistency with the objectives and actions of the 2036 Plan as it will result in isolation of the sites to the north and does not ensure that a suitable interface and transition to the west can be achieved.

2.THAT the proposal as lodged is not supported as it represents a poor planning outcome and approval would set a negative and detrimental precedent for similar tower forms across the precinct.

3.THAT Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.

4.THAT Council notifies the applicant of Council's determination in accordance with section 9 of the of the Environmental Planning and Assessment Regulation 2021.

This item was adopted by exception (see page 6)

188. RESOLVED:

1.THAT the Planning Proposal not be supported to proceed to a Gateway Determination as it is inconsistent with Ministerial Direction 7.11 - St Leonards and Crows Nest 2036 Plan in that it has not demonstrated consistency with the objectives and actions of the 2036 Plan as it will result in isolation of the sites to the north and does not ensure that a suitable interface and transition to the west can be achieved.

2.THAT the proposal as lodged is not supported as it represents a poor planning outcome and approval would set a negative and detrimental precedent for similar tower forms across the precinct.

3.THAT Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.

4.THAT Council notifies the applicant of Council's determination in accordance with section 9 of the of the Environmental Planning and Assessment Regulation 2021.

8.16. Planning Proposal Authority Role for Three Planning Proposals

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

This report considers the Department of Planning and Environment's offer to accept the "Planning Proposal Authority" (PPA) role for the Council refused Planning Proposals listed below that are subject to rezoning reviews:

- 253-267 Pacific Highway, North Sydney
- 378-390 Pacific Highway, Crows Nest; and
- 20 Berry Street, North Sydney.

At its meeting on 28 March 2022, Council resolved to not support the Planning Proposal for 253-267 Pacific Highway North Sydney proceeding to Gateway Determination. Similarly, at its meeting on 26 April 2022, Council resolved that the Planning Proposals for 378-390 Pacific Highway, Crows Nest and 20 Berry Street, North Sydney not be supported to proceeding to Gateway Determination.

All proponents of these Planning Proposals have since lodged rezoning review requests since Council's refusal of these matters. A rezoning review affords applicants an opportunity of having Council's refusal formally reconsidered by the Sydney North Planning Panel (SNPP). Dates are yet to be set on the hearing dates for these.

In advising of the lodgement of these rezoning reviews, the Department of Planning and Environment is also seeking Council's advice with respect to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing Planning Proposals through the plan making process, including ensuring the Planning Proposal is consistent with the Gateway Determination, hosting the public exhibition process, consideration of submissions and the making of an amendment to Council's Local Environmental Plan.

There are benefits and disadvantages associated with accepting the PPA role. The advantages are largely administrative and associated with the clarity and accuracy in any future public exhibition process. Accepting the PPA role does not confer any additional decision-making leverage or power for Council. The significant disadvantage of accepting the PPA role is that Council's limited resources will largely be utilised in administrative endeavours that generally add very little to Council's resolved position on these Planning Proposals. This will necessarily come at the expense of limited Council resources being devoted to overseeing an exhibition process, dealing with public enquiries, compiling submissions and preparing reports. If Council does not accept the PPA role, it will continue to be a stakeholder with the capacity to make submissions to the exhibition and have its voice heard. In some ways, submissions made as a third party without the various PPA responsibilities, arguably affords a greater degree of freedom to express objection to the proposal.

In the past, there have been instances where Council has elected to adopt the PPA role given that a draft Voluntary Planning Agreement has been involved or a draft Development Control Plan that has a fundamental role in shaping the future form and performance of the development. This is not the case to any substantial degree with the three Planning Proposals that are the subject of this report.

This report recommends that in the context of a very tight labour resource environment at present, that the PPA role be performed by the Regional Planning Panel and that Council continue to prosecute its resolved position as an important stakeholder in the process.

The Planning Proposal for 20 Berry Street, North Sydney, includes the potential dedication of land adjacent to the site that staff previously reported, has marginal value as a special area. In addition, the Planning Proposal for 253-267 Pacific Highway, includes the potential dedication of a through-site link.

Should Council elect to perform the PPA role in these Planning Proposals, it will represent additional expenditure of a modest nature which can be funded through existing operational budget lines.

RECOMMENDATION:

1. THAT Council not accept the role of the Planning Proposal Authority for Planning Proposals 2/21 – 253-267 Pacific Highway North Sydney, 3/21 - 20 Berry Street, North Sydney and 7/21 - 378-390 Pacific Highway, Crows Nest and that the Department of Planning and Environment be advised accordingly.

This item was adopted by exception (see page 6)

189. RESOLVED:

1. THAT Council not accept the role of the Planning Proposal Authority for Planning Proposals 2/21 – 253-267 Pacific Highway North Sydney, 3/21 - 20 Berry Street, North Sydney and 7/21 - 378-390 Pacific Highway, Crows Nest and that the Department of Planning and Environment be advised accordingly.

8.17. North Sydney Men's Shed Joint Strategic Plan 2022-24

AUTHOR: Camelia Tobia, Access and Inclusion Coordinator

To recommend the adoption of the new Joint Strategic Plan 2022 – 2024 for the North Sydney Men's Shed.

The North Sydney Men's Shed Joint Strategic Plan is a joint planning statement by Council and the North Sydney Men's Shed (The Shed). The Shed is an independent, incorporated association, supported by Council and managed and operated by a committee of volunteers. The Shed has been operating from a small community hall at Smoothey Park in Wollstonecraft since 2008 and provides a central place for men to meet on a regular basis, to socialise with peers and provide a safe space where men can work on projects and nurture their hobbies and interests.

The updated North Sydney Men's Shed Joint Strategic Plan incorporates The Shed's Strategic Plan 2022-2024, which identifies both goals and challenges for the next two years. It outlines the support of Council to help them achieve these goals and a commitment to act in the best interest of members and the community more broadly.

North Sydney Men's Shed Joint Strategic Plan has been placed on public exhibition for 28 days for public review and comments. During the public exhibition phase Council received no comments or feedback on this Plan.

Council leases the community hall to the North Sydney Men's Shed for a peppercorn rent. Council has an allocated annual budget of \$6,400 to contribute towards costs of repairs and replacement of tools and equipment.

RECOMMENDATION:

1. THAT Council adopt the North Sydney Men's Shed Joint Strategic Plan 2022-2024

This item was adopted by exception (see page 6)

190. RESOLVED:

1. THAT Council adopt the North Sydney Men's Shed Joint Strategic Plan 2022-2024

8.18. North Sydney Olympic Pool Redevelopment Monthly Progress Report

AUTHOR: John Thomson, Manager Corporate Contracts

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 this resolution. This report details Progress since the last Council meeting held on 23 May 2022.

The financial position of the project is reported through the Quarterly report tabled at the Governance and Finance committee.

RECOMMENDATION:

- 1. THAT** the report be received.

The Recommendation was moved by Councillor Welch and seconded by Councillor Lamb.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

191. RESOLVED:

- 1. THAT** the report be received.

8.19. Streets as Shared Spaces Grant Funding - Round 2 - East Crescent Street Park

AUTHOR: Matthew Noonan, Engineering Projects Manager

The purpose of this report is to update Council on the Round 2 – “Streets as Shared Spaces” Program – Grant Application that Council has received funding for.

On 2 May 2022, the Minister for Infrastructure, Cities and Active Transport announced that North Sydney Council had been successful with its funding application for Round 2 of the “Street as Shared Spaces” Program. Council had applied for funding for the creation of a small pocket park at East Crescent Street, McMahons Point which has been identified as one of the priority projects in the McMahons Point - Blues Point Road Village Centre Master Plan, which was adopted by Council in April 2021.

The Funding that Council has received is for a “Trial Pocket Park” in this location, with the view to making it a permanent pocket park.

Council has been previously successful with the Round 1 “Streets as Shared Spaces” program – receiving over \$1million in funding from that program for the trial closure of Burton Street, Kirribilli as a public plaza, the Miller Street “Pop up” Space located opposite the Victoria Station Metro site on Miller Street and a “Street Play” Pilot Program which encompassed the temporary closure of streets to vehicles to allow ‘opening to people’ to use the road space as open/community space. Council ran that program from October – December 2020, which involved the temporary closure of seven (7) streets across the LGA for “Street Play” activities. This report identifies that Council has been successful with its Grant Funding Application through the NSW State Governments “Streets as Shared Spaces” Program” – Round 2. Council must contribute \$250,000 towards the creation of the pocket park which will be matched dollar for dollar by the Streets and Shared Spaces – Round 2 program. Councils funding contribution is currently funded in the McMahons Point Master Plan budget for 2021-22 and the funds will be required to be rolled over to the 2022-23 Financial Year as the project will be undertaken over two financial years.

RECOMMENDATION:

1. THAT Council notes this report on the Round 2 “Street as Shared Spaces” Program funding that has been received by Council for the creation of a “Trial Pocket Park” in East Crescent Street – McMahons Point.

2. THAT Council notes that Community Consultation, a Traffic Study and Human Movement (Human Analytics Study) will be undertaken as part of the trial pocket park and reported back to Council in 9 months’ time.

A Motion was moved by Councillor Beregi and seconded by Councillor Gibson.

1. THAT this matter be deferred to allow the conduct of a site visit and further report be provided to Council

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

192. RESOLVED:

1. THAT this matter be deferred to allow the conduct of a site visit and further report be provided to Council

9. Notices of Motion

9.1. Notice of Rescission 3/22 - Crs Mutton, Drummond and Gibson - Item 6.1 Senior Staff Matter 23 May 2022

The Rescission Motion was withdrawn by Councillor Gibson and Councillor Mutton

9.2. Notice of Motion 33/22 - Cr Gibson - Election of Member for North Sydney

1.THAT Council writes a congratulatory letter to the new Federal Member for the seat of North Sydney, Kylea Tink.

2.THAT over the next few months, Council requests a meeting with Ms Tink and all Councillors to discuss local issues.

3.THAT Council writes to the former member for North Sydney, Mr Trent Zimmerman, thanking him for his hard work and advocacy for residents and businesses.

4.THAT mention be given to his attendance and enthusiasm at Citizenship Ceremonies.

An amended Motion was moved by Councillor Gibson and seconded by Councillor Welch.

1.THAT Council writes a congratulatory letter to the new Federal Member for the seat of North Sydney, Kylea Tink.

2.THAT over the next few months, Council requests a meeting with Ms Tink and all Councillors to discuss local issues.

3.THAT Council writes to the former member for North Sydney, Mr Trent Zimmerman, thanking him for his hard work and advocacy for residents and businesses.

4.THAT mention be given to his attendance and enthusiasm at Citizenship Ceremonies.

5. THAT Council writes a congratulatory letter to Zali Steggall, Federal Member for Warringah and requests a meeting at a mutually convenient time

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

193. RESOLVED:

1.THAT Council writes a congratulatory letter to the new Federal Member for the seat of North Sydney, Kylea Tink.

2.THAT over the next few months, Council requests a meeting with Ms Tink and all Councillors to discuss local issues.

3.THAT Council writes to the former member for North Sydney, Mr Trent Zimmerman, thanking him for his hard work and advocacy for residents and businesses.

4.THAT mention be given to his attendance and enthusiasm at Citizenship Ceremonies.

5. THAT Council writes a congratulatory letter to Zali Steggall, Federal Member for Warringah and requests a meeting at a mutually convenient time

9.3. Notice of Motion 34/22 - Cr Mutton - Establishment of the Selection Panel for the recruitment of the General Manager

The Motion was withdrawn by Councillor Mutton

9.4. Notice of Motion 35/22 - Cr Gibson - Introduction of Council App

1.THAT a report be prepared investigating the feasibility of introducing a Council app, such report to include details of similar existing local government authority apps, identify a budget and provide options for the features of the app.

2.THAT the ability to seek widespread community feedback on Council projects, infrastructure, initiatives and services be a prominent feature of the App.

The Motion was moved by Councillor Gibson and seconded by Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

194. RESOLVED:

1.THAT a report be prepared investigating the feasibility of introducing a Council app, such report to include details of similar existing local government authority apps, identify a budget and provide options for the features of the app.

2.THAT the ability to seek widespread community feedback on Council projects, infrastructure, initiatives and services be a prominent feature of the App.

9.5. Notice of Motion 36/22 - Cr Lamb - Review of the North Sydney Community Awards

1.THAT a review be undertaken of the North Sydney Community Awards (Citizen of Year) and a report to Council provided with a view to the future structure of the program, including the possibility of establishing a quarterly North Sydney 'Legacy Awards' where members of the community who have performed great services continuously over the decades – minimum 20 years, be awarded for their dedication to the North Sydney Community.

2.THAT the identification of any additional budget requirements beyond those currently provided in the Delivery Program and Operational Plan be made for this award program.

The Motion was moved by Councillor Lamb and seconded by Councillor Bourke.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

195. RESOLVED:

1.THAT a review be undertaken of the North Sydney Community Awards (Citizen of Year) and a report to Council provided with a view to the future structure of the program, including the possibility of establishing a quarterly North Sydney 'Legacy Awards' where members of the community who have performed great services continuously over the decades – minimum 20 years, be awarded for their dedication to the North Sydney Community.

2.THAT the identification of any additional budget requirements beyond those currently provided in the Delivery Program and Operational Plan be made for this award program.

9.6. Notice of Motion 37/22 - Cr Santer - Tourism Industry in North Sydney

1.THAT Council note the following report on the development of a tourism promotion program for North Sydney based on similar programs being undertaken by other Councils and involving the development of a co-operative campaign with neighbouring Councils, supported by Federal and State tourism marketing bodies.

2.THAT a report be provided to the August Council Meeting regarding the feasibility of such a scheme.

A Motion was moved by Councillor Santer and seconded by Councillor Gibson.

1.THAT Council note the following report on the development of a tourism promotion program for North Sydney based on similar programs being undertaken by other Councils and involving the development of a co-operative campaign with neighbouring Councils, supported by Federal and State tourism marketing bodies.

2.THAT a report be provided to the August Council Meeting regarding the feasibility of such a scheme.

3. THAT Council accepts the background to this Notice of Motion as a report on Councillor Santer's attendance at the LGNSW Tourism Conference in Orange.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

196. RESOLVED:

1.THAT Council note the following report on the development of a tourism promotion program for North Sydney based on similar programs being undertaken by other Councils and involving the development of a co-operative campaign with neighbouring Councils, supported by Federal and State tourism marketing bodies.

2.THAT a report be provided to the August Council Meeting regarding the feasibility of such a scheme.

3. THAT Council accepts the background to this Notice of Motion as a report on Councillor Santer's attendance at the LGNSW Tourism Conference in Orange.

9.7. Notice of Motion 38/2022 - Cr Gibson - Support for Ukraine

1.THAT Council commends Cr James Spenceley for his recent humanitarian efforts in Ukraine.

2.THAT Council hosts a fundraiser to assist in the purchase of additional ambulances for Ukraine.

3.THAT Cr James Spenceley be invited to give a community talk on his recent trip to Ukraine and funds are raised via an entrance fee (or entry contribution)

4.THAT local artists be invited to donate an artwork for a silent action.

5.THAT the event be advertised widely.

The Motion was moved by Councillor Gibson and seconded by Councillor Baker.

1.THAT Council commends Cr James Spenceley for his recent humanitarian efforts in Ukraine.

2.THAT Council hosts a fundraiser to assist in the purchase of additional ambulances for Ukraine.

3.THAT Cr James Spenceley be invited to give a community talk on his recent trip to Ukraine and funds are raised via an entrance fee (or entry contribution)

4.THAT local artists be invited to donate an artwork for a silent action.

5.THAT the event be advertised widely.

An Amendment moved by Councillor Beregi, seconded by Councillor Welch

1. THAT Council note the unanimous resolution from the recent Australian Local Government Association (ALGA) conference following the address by the Ukraine Ambassador, His Excellency Vasyl Myroshnychenko to the Conference:

"We the delegates of the 2022 National General Assembly of Local Government stand in solidarity with the people of Ukraine and its legitimate elected democratic government in seeking peace, security and stability within the State of Ukraine."

Link: https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Falga.com.au%2Faustralian-local-governments-stand-in-solidarity-with-ukraine%2F%3Ffbclid%3DIwAR1CqutkEvfGqiRcLxXMqhIMpw3GW6gp3FpFTFSKaZ2Lh-cNwkCAA_Z1sPc&data=05%7C01%7CAn.Curry%40northsydney.nsw.gov.au%7C2ffeb5dc73941417c8c08da581b9142%7Ccc39af0c8b9446569d91ca30d60c209f%7C0%7C0%7C637919172677725538%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCBBI6I6k1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sddata=fDsELm7%2FUjex%2BwpkJ9ZQTWgmzVMwEihVdZCvwPCX%2F%2Fw%3D&reserved=0

- 2. THAT** North Sydney Council endorse the ALGA resolution.
- 3. THAT** Council post the ALGA resolution and the video produced by the Mayors of the Ukraine which was shown to the AGLA Conference on its website and provide details of where donations can be made to support the Ukraine.
- 4. THAT** Council invite the Ukraine Ambassador, His Excellency Vasyl Myroshnychenko to North Sydney to be the keynote speaker at a forum hosted by North Sydney Council to raise awareness and maintain focus on the situation in the Ukraine and Cr James Spenceley also be invited to speak about his humanitarian efforts.
- 5. THAT** Council commends Cr James Spenceley for his recent humanitarian efforts in Ukraine.

The Amendment was put and Carried thereby becoming the Motion.

Voting was as follows: For/Against 7 / 1

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Councillor Gibson

Absent: Councillor Drummond and Councillor Spenceley

The Motion was put and Carried.

Voting was as follows: For/Against 7 / 1

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Councillor Gibson

Absent: Councillor Drummond and Councillor Spenceley

197. RESOLVED:

1. THAT Council note the unanimous resolution from the recent Australian Local Government Association (ALGA) conference following the address by the Ukraine Ambassador, His Excellency Vasyl Myroshnychenko to the Conference:

"We the delegates of the 2022 National General Assembly of Local Government stand in solidarity with the people of Ukraine and its legitimate elected democratic government in seeking peace, security and stability within the State of Ukraine."

Link: https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Falga.com.au%2Faustralian-local-governments-stand-in-solidarity-with-ukraine%2F%3Ffbclid%3DIwAR1CqutkEvfGgiRcLxXMqhlMpw3GW6gp3FpFTFSKaZ2Lh-cNwkCAA_Z1sPc&data=05%7C01%7CJan.Curry%40northsydney.nsw.gov.au%7C2ffeb5dc73941417c8c08da581b9142%7Ccc39af0c8b9446569d91ca30d60c209f%7C0%7C0%7C637919172677725538%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=fDsELm7%2FUjex%2BwpkJ9ZQTWgmzVMwEihVdZCvwPCX%2F%2Fw%3D&reserved=0

2. **THAT** North Sydney Council endorse the ALGA resolution.
3. **THAT** Council post the ALGA resolution and the video produced by the Mayors of the Ukraine which was shown to the ALGA Conference on its website and provide details of where donations can be made to support the Ukraine.
4. **THAT** Council invite the Ukraine Ambassador, His Excellency Vasyl Myroshnychenko to North Sydney to be the keynote speaker at a forum hosted by North Sydney Council to raise awareness and maintain focus on the situation in the Ukraine and Cr James Spenceley also be invited to speak about his humanitarian efforts.
5. **THAT** Council commends Cr James Spenceley for his recent humanitarian efforts in Ukraine.

9.8. Notice of Motion 39/22 - Cr Gibson - Proposed Pedestrian Walkway Military Road Neutral Bay

1. **THAT** Council prepare a report on the feasibility/ cost of an overhead pedestrian walkway across Military Rd in Neutral Bay from May Gibbs Place to Young St Plaza.

The Motion was withdrawn by Councillor Gibson as it was considered as part of Item 7.3

9.9. Notice of Motion 40/22 - Cr Drummond - Lifeblood Donation Centre

1. **THAT** Council identify any opportunities within our communication streams to generate awareness of the new Lifeblood donation centre in NorthPoint North Sydney
- The Motion was moved by Councillor Beregi and seconded by Councillor Bourke.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Councillor Drummond and Councillor Spenceley

198. RESOLVED:

1.THAT Council identify any opportunities within our communication streams to generate awareness of the new Lifeblood donation centre in NorthPoint North Sydney

10. Matters of Urgency

Nil.

11. Confidential Matters

11.1. Monford Street Road Closure and potential Sale – Outcome of investigations

AUTHOR: Risha Joseph, Senior Property Officer

The purpose of this report is to outline the outcome of the investigations undertaken to date by Council's Property Officer in relation to the closure and proposed acquisition of Monford Place, Cremorne.

On 24 May 2021, Council considered a report in relation to a request by SCECGS Redlands School to purchase the whole of Monford Place, Cremorne which comprises an area of 791.4m² of public road.

Council resolved to commence the investigation to close the road to enable the potential sale to the school.

This report outlines the details of the investigation undertaken to date, with particular reference to the services in the road and the need to preserve parking within Area 27 which will lose 18 x public car spaces if the road is permanently closed and sold.

The confidential report on this matter also contains a preliminary Valuation of the road to inform Council on what the potential value of the land is should it resolve to close the road and proceed with the sale of the land to SCECGS Redland School.

If Council resolves to proceed with the closure of the road and subsequent sale, then SCECGS Redlands will be responsible for all costs associated with the closure and sale.

Council has also undertaken a preliminary Land Valuation to determine the value of the land – Refer to the confidential report on this matter.

In accordance with the resolution of Council on 24 May 2021, Council received a bond from SCECGS Redlands School on 27 August 2021 enabling Council to commence with the investigation of closing Monford Place. The expenditure to date on the investigations is outlined in the confidential report on this matter.

If Council resolves not to proceed any further with the sale of Monford Place to SCECGS Redland School, then the balance of the remaining bond will be returned to the school.

RECOMMENDATION:

1. THAT Council determines whether it wishes to proceed with the closure of the road and sale of Montford Place to SCECGS Redlands School.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise

A Motion was moved by Councillor Beregi, seconded by Councillor Santer.

1. **THAT** Council does not proceed with the sale of the land
2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise
3. **THAT** Council develop a policy on the disposal of public land.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, and Councillor Welch

Against: Councillor Gibson and Councillor Mutton

Absent: Councillor Drummond and Councillor Spenceley

199. RESOLVED:

1. **THAT** Council does not proceed with the sale of the land
2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise
3. **THAT** Council develop a policy on the disposal of public land.

11.2. Tender Report 1/2022 Cleaning of Council premises

AUTHOR: Albert Lo, Manager Property Assets

This report is to provide Council with an analysis and recommendation of the tender process for Tender 1 / 2022 for Cleaning of Council premises.

Tenders were called and were received until 3pm on 10 May 2022 for the submission of tenders to undertake the work for Cleaning of Council premises.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (d)(i) of the Local Government Act 1993:

commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter 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. of the Local Government Act (LGA).

The cost of the cleaning services is funded by the Property Recurrent Expenditure budgets in 2022/2023 and subsequent financial years.

RECOMMENDATION:

1. **THAT** Council accept the tenders of the highest ranked Tenderer for Tender 1 / 2022 for *Cleaning of Council premises*.
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, 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 the Private Sector.

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

This item was adopted by exception (see page 6)

200. RESOLVED:

1. THAT Council accepts the tender of Northern Contract Cleaning for Contract 1/2022 for cleaning of Council premises at Grandstand Kindergarten, Cammeray Community Centre and Kindergarten, Public Toilets, Forsyth Park Community Centre, Neutral Bay Community Centre, Stanton Library, Council Parking Stations and McMahons Point Community Centre for an initial period of one year with options to extend the contract as per tender document for further four separate periods of one year.

2. THAT Council accepts the tender of Solo Services Group Australia Pty Ltd for Contract 1/2022 for cleaning of Council premises at Crows Nest Early Childhood Centre, Cremorne Early Childhood Centre, Family Day Care Centre, Central Depot, Music Shell, Primrose Park Community Centre, Waverton Coal Loader site, Elizabeth Plaza Lift for an initial period of one year with options to extend the contract as per tender document for further four separate periods of one year.

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

4. THAT, once Council has executed the Contract, 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 the Private Sector.

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

11.3. Tender 2/2022 Fred Hutley Reserve Playground Upgrade

AUTHOR: Alicja Batorowicz, Landscape Architect/Project Co-ordinator

The purpose of this report is to provide an update in reference to recommendations made by Council on 23 May 2022 to accept the tender successful tenderer for Tender 2/2022 for Fred Hutley Reserve Playground Upgrade, the tenderer who subsequently withdrew its tender offer.

This report is to provide Council with a revised analysis and recommendation of the tender process for Tender 2/2022 for Fred Hutley Reserve Playground Upgrade.

Tenders were called and were received until 3 pm on Wednesday, 27 April 2022 for the submission of tenders to undertake Fred Hutley Reserve Playground Upgrade.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (d)(i) of the Local Government Act 1993:

commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter 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. of the Local Government Act (LGA).

Funding is allocated for this project in the 2021/22 budget.

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 2/2022 for Fred Hutley Reserve Playground Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, 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** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 6)

201. RESOLVED:

- 1. THAT** Council accept the tender of Play Workshop Pty Ltd for Tender 2/2022 for Fred Hutley Reserve Playground Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, 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** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

11.4. Tender 3/2022 - Anderson Park Sportsfield Lighting Upgrade

AUTHOR: David Manson, Manager Parks & Reserves

This report is to provide Council with an analysis and recommendation of the tender process for Tender 03/2022 for Anderson Park Sportsfield Lighting Upgrade.

Tenders were called and were received until 3.00 pm on Thursday the 28th of April 2022 for the submission of tenders to undertake the Anderson Park Sportsfield Lighting Upgrade

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services. of the Local Government Act (LGA).

Council has allocated sufficient funds to the Anderson Park Plan of Management cost centre for the delivery of the Anderson Park Sportsfield Lighting Upgrade.

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 03/2022 for Anderson Park Sportsfield Lighting Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, 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 the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 6)

202. RESOLVED:

1. THAT Council accept the tender of Rees Electrical for Tender 03/2022 for Anderson Park Sportsfield Lighting Upgrade

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

3. THAT, once Council has executed the Contract, 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 the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

11.5. Tender 4/2022 - Anderson Park Sportsfield Reconstruction

AUTHOR: David Manson, Manager Parks & Reserves

This report is to provide Council with an analysis and recommendation of the tender process for Tender 04/2022 for Anderson Park Sportsfield Reconstruction

Tenders were called and were received until 3.00 pm on Thursday the 12th of May 2022 for the submission of tenders to undertake the Anderson Park Sportsfield Reconstruction

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter 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. of the Local Government Act (LGA).

Council has allocated sufficient funds to the Anderson Park Plan of Management cost centre for the delivery of the Sportsfield Reconstruction

RECOMMENDATION:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 04/2022 for the *Anderson Park Sportsfield Reconstruction*

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

3. THAT, once Council has executed the Contract, 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 the Confidential Report relating to matters specified in Section 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 6)

203. RESOLVED:

- 1. THAT** Council accept the tender of Green Options for Tender 04/2022 for Anderson Park Sportsfield Reconstruction.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, 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** the Confidential Report relating to matters specified in Section 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

11.6. 3rd Quarter Property Portfolio Report

AUTHOR: Damian Warren, Property Officer

The purpose of this report is to provide Council with information on the Property Portfolio for the 3rd quarter of 2021/2022 (Period commencing 1 January 2022 and ending 31 March 2022).

This report relates to the confidential information in relation to the 3rd quarter of 2021/2022 – January to March 2022 for Council's owned/leased properties.

Whilst the public report comprises the following information, the Confidential report includes the monetary information relating to the Leasing Transactions and Arrears data.

- Overview of Council's Property Portfolio
- Consolidated summary of income received through the Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- Pandemic Facilities Update
- COVID-19 Commercial Rent Relief and Outdoor Dining Licence Fees
- Primrose Park Tennis Centre Lease
- Major Property Projects (Maintenance and Capital works) for the quarter

This report is confidential in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.

The total annual revenue budget for the Property Portfolio for the 21/22 financial year was forecast at \$5,581,528. This figure was revised down in the 3rd QR of 21/22 to \$4,957,290 as a result of the ongoing impacts that the COVID-19 Pandemic is having on Councils Property Portfolio.

The Year-to-Date total actual income for the 3rd Quarter of 21/22 which was received on a cash basis through Colliers International was \$1,459,102 as of 31 March 2022, which is \$266,212 more than the forecasted budget of \$1,192,890 for the quarter, that is 22% more than projected.

The Year-to-Date income which is received on an accrual basis was \$3,656,032 as at 31 March 2022.

RECOMMENDATION:

1.THAT the report be received.

2.THAT the report be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 6)

204. RESOLVED:

1.THAT the report be received.

2.THAT the report be treated as confidential and remain confidential until Council determines otherwise.

11.7. Coal Loader Artist Studio Program 2022

AUTHOR: Jess Gledhill Team Leader Arts & Culture

To report on the Coal Loader Artist Studio 2021 - 2022 Program and selection of 2022 - 2023 Artist in Residence.

North Sydney Council established the Coal Loader Artist's Studio Program in 2011 with the aim to support local and regional artists in developing their art practice through the provision of a free Artist Studio space at the Coal Loader Centre for Sustainability.

The Coal Loader Studio artist for 2021/22 Philippa Hagon has had a productive year holding regular open days, workshops and artist talks despite the impacts of the Pandemic. Several free community art workshops were held during the residency period which were very popular with the community, catering for both children and adults. Overall, the year was a very positive experience for Philippa supporting the development of her body of work and opportunities to exhibit, and a benefit to all who participated in her open days and workshops.

Details of the recommended artist for 2022/23 are also provided in the separate Confidential report to Councillors.

Should Council wish to discuss the report or provide feedback, the meeting should be closed to the public in accordance with s10A (2)(a) as it relates to:

(a) personal matters concerning particular individuals (other than councillors).

The artist is not required to pay a rental fee but instead is required to be available to provide an "Open Studio" for the public one day per month and design and deliver four workshops to the community at no charge.

RECOMMENDATION:

1. THAT Council supports the selection of Applicant 1 for the Coal Loader Artist Studio Artist in Residence Program commencing 1 July 2022 to 30 June 2023.

2. THAT the report be treated as confidential and remain confidential unless Council determines otherwise.

This item was adopted by exception (see page 6)

205. RESOLVED:

1. THAT Council supports the selection of Luca Blasonato for the 2022 – 2023 residency at the Coal Loader Artist Studio.

2. THAT the report be treated as confidential and remain confidential unless Council determines otherwise.

12. Closure

The Meeting concluded at 9:14 pm.