



# MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 22 August 2022.



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## 1. Opening Meeting

### Statement of ethical obligations

Councillors are reminded of the oath or affirmation taken upon commencement of office that they will undertake the duties of the office of councillor in the best interests of the people of North Sydney and the North Sydney Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the [Local Government Act 1993](#) or any other Act to the best of their ability and judgment.

Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

### Attendance

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

Councillor Mutton was not present having been granted a leave of absence at the Council Meeting of 25 July 2022 for the Council Meetings of 8 August 2022 and 22 August 2022.

The meeting was opened by the Mayor.

## 2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Bourke.

## 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors

It was moved by Councillor Beregi and seconded by Councillor Santer that

1. Council grant permission for Councillor Spenceley to attend remotely should be he able for the following reason: travel.
2. Council grant permission for Councillor Drummond to attend remotely for the following reason: other reason provided.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

**Against:** Nil

**Absent:** Nil

**{resolution-number}. RESOLVED:**

1. Council grant permission for Councillor Spenceley to attend remotely should be he able for the following reason: travel.
2. Council grant permission for Councillor Drummond to attend remotely for the following reason: other reason provided.

*Note: A Leave of Absence was granted for Councillor Spenceley as a Matter of Urgency, see page 31*

#### **4. Confirmation of Minutes**

**THAT THE MINUTES** of the previous 3762nd Council Meeting held on Monday, 8 August 2022 be taken as read and confirmed.

The Motion 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 Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer and Councillor Welch

**Against:** Nil

**Absent:** Nil

**241. RESOLVED:**

**THAT** the Minutes of the previous 3762nd Council Meeting held on Monday, 8 August 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 Gibson that the recommendations in the following items be adopted.

- 7.1 Traffic Committee Minutes - 22 July 2022
- 8.1 Matters Outstanding August 2022
- 8.3 Investment and Loan Borrowings Report held as at 31 July 2022
- 8.5 North Sydney Sustainable Building Policy and Guidelines
- 8.6 PP6/20 - 45 McLaren Street, North Sydney - Adjustment to VPA offer and draft DCP amendment
- 8.9 Willoughby Road Public Domain Upgrade Masterplan Works
- 8.11 James Milson Village Council Nominees report 2022
- 8.12 The North Sydney Art Prize 2022
- 8.13 NSROC Tender for Asphalt Road Surfacing, Patching and Associated Works 2022-24
- 11.1 North Sydney Olympic Pool Redevelopment Governance Report August 2022

The Motion lapsed for want of a seconder

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

- 7.1 Traffic Committee Minutes - 22 July 2022
- 8.1 Matters Outstanding August 2022
- 8.3 Investment and Loan Borrowings Report held as at 31 July 2022
- 8.5 North Sydney Sustainable Building Policy and Guidelines
- 8.6 PP6/20 - 45 McLaren Street, North Sydney - Adjustment to VPA offer and draft DCP amendment  
Section 34 Conciliation Conference Process Land and Environment Court Proceedings
- 8.7 No. 2021/141523 20-24 Bray Street, North Sydney, and 35 Kurraba Road, Neutral Bay, NSW 2089
- 8.9 Willoughby Road Public Domain Upgrade Masterplan Works
- 8.11 James Milson Village Council Nominees report 2022
- 8.12 The North Sydney Art Prize 2022
- 8.13 NSROC Tender for Asphalt Road Surfacing, Patching and Associated Works 2022-24
- 11.1 North Sydney Olympic Pool Redevelopment Governance Report August 2022

Councillor Beregi confirmed with Councillors that, in moving Item 11.1 by exception, she was moving the recommendations in the Confidential report.

The Motion was put and **Carried**.

**242. RESOLVED:**

**THAT** the recommendations in the following items be adopted.

- 7.1 Traffic Committee Minutes - 22 July 2022
- 8.1 Matters Outstanding August 2022

- 8.3 Investment and Loan Borrowings Report held as at 31 July 2022
- 8.5 North Sydney Sustainable Building Policy and Guidelines
- 8.6 PP6/20 - 45 McLaren Street, North Sydney - Adjustment to VPA offer and draft DCP amendment
  - Section 34 Conciliation Conference Process Land and Environment Court Proceedings
- 8.7 No. 2021/141523 20-24 Bray Street, North Sydney, and 35 Kurraba Road, Neutral Bay, NSW 2089
- 8.9 Willoughby Road Public Domain Upgrade Masterplan Works
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- 11.1 North Sydney Olympic Pool Redevelopment Governance Report August 2022

(Note: Item 8.7 was subsequently recommitted – see page #)

## **6. Mayoral Minutes**

### **6.1. Vale John Woodward**

John Thomas Woodward was born in Watsons Bay on 1 November 1934. He was educated at seven different schools in Sydney, finishing at Christian Brothers, Rose Bay.

In 1959, John Woodward completed a Bachelor of Laws at University of Sydney and, later, a post graduate degree in Town and Country Planning. He was a solicitor and partner at Currie & Currie until 1974.

John Woodward was a keen sailor and member of the Vaucluse Yacht Club. He skippered 'Flying Dutchman' to win the VJ Amateur Sailing Association, Commonwealth Championship of 1952-53 and was Senior Club VJ Champion in 1953-54.

John Woodward was elected to North Sydney Council as an Alderman representing Kirribilli Ward in 1965 and served until 1972.

During his time on Council, he served as Deputy Mayor and then Mayor of North Sydney from December 1971 to December 1972.

John Woodward was elected to North Sydney Council at a time of great change. The Warringah Expressway, which had physically divided the municipality and reduced the population through demolitions, was nearing completion. The Cumberland County Council had been replaced by the State Planning Authority in 1963 with accompanying diminution of local government powers over planning.

The increase in medium and high density residential flat buildings and the loss of heritage buildings fuelled resentment and led to the growth of the 'resident action' movement within the area. Council itself was increasingly divided over the issue of over-development.

John Woodward voted early on to defend established building codes against non-compliant applications. In 1966 he pushed to investigate Council establishing community services along the lines of recent reforms at Lane Cove and was commended by his colleagues. That year he moved a motion against the removal of any living tree unless it created a traffic or safety hazard. That motion was lost.

By the 1970s the groundswell of feeling that Council would not, or could not, forestall rapid overdevelopment led to a community push for a more representative and responsive Council. At a byelection in 1970, Robyn Read Hamilton was elected on a resident action ticket of resident. At the 1971 Council elections resident action candidates were successful with more women elected, including the future first female Mayor, Carole Baker.

In the Kirribilli Ward John Woodward swapped preferences with Robyn Read Hamilton and Phyllis King who both opposed over development (see How To Vote, **attached**). In a letter to his electors at that poll, John Woodward laid out his achievements and commitments:

- No approvals of multi storey buildings on foreshore land since 1965;
- Engagement of Town Planning Consultants in answer to State Planning Authority's Sydney Regional Outline Plan with a 'freeze' on home units approved before 1971 so that the consultants could reassess zoning;
- Encouraging more local shops and local resident parking; and
- Ban on Sunday and night time building work.

John Woodward left Council in 1974 and took the skills and interests he had developed in town planning to Commonwealth and State Government agencies. He served as Assistant Director of the Department of Urban and Regional Development, Canberra and as a senior advisor to NSW Premier Neville Wran from 1976-1979.

Between 1980 and 1993 John Woodward served as Chairman of Commissioners of Inquiry for the NSW Department of Planning and Environment from 1980-1993. He authored (or co-authored) over 55 reports covering planning and environmental enquiries conducted in NSW during that time including:

- A recommendation not to proceed with the F2- Expressway (Stage I – Beecroft to Ryde), but which ultimately became part of the M2 Hills Motorway
- Objections to a conservation order for The Royal Automobile Club of Australia
- A controversial and unsuccessful application for the relocation of a Bayer pesticide plant in Kurnell.

Between 1993 and 1996, he completed a further three environmental based inquiries as Commissioner of Inquiry for the Commonwealth:



- Commonwealth Commission of Inquiry, Shoalwater Bay Capricornia Coast, Queensland, Australia;
- Commonwealth Commission of Inquiry, East Coast Armaments Complex Point Wilson, Victoria; and
- A proposal for future use of lands at Lucas Heights: Lucas Heights mediation / Sutherland Shire Council and Waste Service NSW.

In 1999 he completed an assessment into the amalgamation of the South Sydney, Randwick and Botany Bay councils.

In later years, John Woodward lived in Tokyo and passed away there on 6 August 2022.

**I therefore recommend:**

**1.THAT** Council acknowledge John Woodward’s contribution to North Sydney and NSW, particularly, his legacy of a commitment to strong environmental sustainability and excellent town planning.

**2.THAT** Council write to Mr Woodward’s family expressing sincere condolences.

**3.THAT** Council commemorate John Woodward’s contribution by planting a tree with a commemorative plaque in a suitable location to be decided in consultation with Mr Woodward’s family.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

**Against:** Nil

**Absent:** Nil

**243. RESOLVED:**

**1.THAT** Council acknowledge John Woodward’s contribution to North Sydney and NSW, particularly, his legacy of a commitment to strong environmental sustainability and excellent town planning.

**2.THAT** Council write to Mr Woodward’s family expressing sincere condolences.

**3.THAT** Council commemorate John Woodward’s contribution by planting a tree with a commemorative plaque in a suitable location to be decided in consultation with Mr Woodward’s family.

## **6.2. Vale Dr Martyn Sulway**

Dr Martyn Sulway, was born in Sydney on 7 September 1937.

Dr Sulway graduated from the University of Sydney and University of Birmingham and practised as an Endocrinologist. Dr Sulway was a recipient of the Churchill Fellowship.

Dr Sulway was a long time resident of Wollstonecraft and was first elected to North Sydney Council in 1974 as part of a wave of true independents coming out of the resident action movement opposing overdevelopment throughout the municipality.

He represented Belmore Ward (later Wollstonecraft Ward).

During his time as an Alderman he supported good planning, environmental issues and policies to support affordable housing initiatives.

A man of enormous wit, humour and generosity, he possessed a formidable intellect combined with a warm compassion and unwavering commitment to his patients and the people he represented.

Dr Martyn Sulway, with his colleague Dr Gillian Harris, saw the need for services for children and adolescents with diabetes in the Northern Sydney Health District and founded the Diabetes Education and Assessment Programme at Royal North Shore Hospital.

He later established the Martyn Sulway and Gillian Harris Prize for University of Sydney Medical Students in order to promote and encourage the development of professional communication skills for medical students in recognition of the vital role good communication has in optimal patient care.

He is survived by his wife of 58 years, Mary Rose, children Richard, Genevieve and Stephanie, and grandchildren Martyn and Sophie.

**I therefore recommend:**

- 1.THAT** Council acknowledge Dr Martyn Sulway's contribution to North Sydney and to the Northern Sydney Health District.
- 2.THAT** Council write to Dr Sulway's family expressing sincere condolences on his passing.
- 3.THAT** Council commemorate Dr Sulway's contribution to North Sydney by planting a tree with a commemorative plaque in consultation with his family.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

**Against:** Nil

**Absent:** Nil

**244. RESOLVED:**

**1.THAT** Council acknowledge Dr Martyn Sulway’s contribution to North Sydney and to the Northern Sydney Health District.

**2.THAT** Council write to Dr Sulway’s family expressing sincere condolences on his passing.

**3.THAT** Council commemorate Dr Sulway’s contribution to North Sydney by planting a tree with a commemorative plaque in consultation with his family.

### **6.3. Vale Richard Gillard**

Alderman Richard Gillard served as an independent alderman (now known as councillor) on North Sydney Council from 1983 - 1985; 1987 - 1997. Alderman Gillard represented Tunks Ward and lived in Crows Nest.

In later years, he returned to Queensland, where he was born in 1944.

Alderman Dianne Patenall, who served with Alderman Gillard recalls that Alderman Gillard was a “free thinker on issues and spent a lot of time with locals who had a matter before council to properly understand the issues involved. He took the time to visit impacted sites and talk to all parties involved. Alderman Gillard did not just focus on his own precinct or ward but took a broader interest in significant issues affecting North Sydney as a whole”.

Alderman Gillard is remembered as having voted without fear or favour on issues that he had thought through - sometimes taking tough decisions on issues where parties were passionately opposed. Alderman Gillard was a “no nonsense”, serious representative with little time for issues that he felt were frivolous or not in keeping with his standards.

Alderman Gillard was a true independent and served his Ward and the broader community of North Sydney with diligence and care.

**I therefore recommend:**

**THAT:** Council acknowledge Alderman Richard Gillard’s contribution to our community and extend condolences to his relatives.

A Motion was moved by The Mayor.

**1.THAT:** Council acknowledge Alderman Richard Gillard’s contribution to our community and extend condolences to his relatives.

**2.THAT** Council commemorate Alderman Richard Gillard’s contribution to North Sydney by planting a tree with a commemorative plaque.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

**Against:** Nil

**Absent:** Nil

**245.RESOLVED:**

**1.THAT:** Council acknowledge Alderman Richard Gillard’s contribution to our community and extend condolences to his relatives.

**2.THAT** Council commemorate Alderman Richard Gillard’s contribution to North Sydney by planting a tree with a commemorative plaque.

## **7. Reports of Committees**

### **7.1. Traffic Committee Minutes - 22 July 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 22 July 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/2022/22\\_July\\_2022](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2022/22_July_2022)

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

**RECOMMENDATION:**

**1. THAT** Council remove the two existing on-street parking spaces ‘1P 8.30 am - 6 pm, Mon – Fri, Permit Holders Excepted Area 6’ in front of HNo.19 Lavender Street and replace the parking zone with ‘No Parking’ restriction. (5.1)

*This item was adopted by exception (see page 7)*

**246. RESOLVED:**

**1. THAT** Council remove the two existing on-street parking spaces ‘1P 8.30 am - 6 pm, Mon – Fri, Permit Holders Excepted Area 6’ in front of HNo.19 Lavender Street and replace the parking zone with ‘No Parking’ restriction. (5.1)

## **8. Reports to Council**

### **8.1. Matters Outstanding August 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 25 July 2022 Ordinary Meeting of Council.

This report will continue to be provided to Council once a month, to the second meeting of the month, where practicable.

**RECOMMENDATION:**

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

*This item was adopted by exception (see page 7)*

**247. RESOLVED:**

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

## **8.2. Public Forum - Code of Meeting Practice**

**AUTHOR:** Shane Sullivan, Executive Manager Governance

The purpose of this report is to set out the potential process for the Public Forum to be conducted as part of the Council Meeting including provisions for remote attendance and to provide a recommendation as to meeting commencement time.

Currently Council Meetings commence at 7.30pm with a Public Forum held prior to and separate from the Council Meeting at 6.30pm.

At its meeting held 22 August 2022, Council resolved that a report be provided setting out the potential process for the Public Forum to be conducted as part of the Council Meeting as well as provisions for remote attendance. Proposed changes to a draft Code of Meeting Practice are set out in the attached to facilitate this change.

Council also resolved that a recommendation be provided as to the meeting commencement time. This does not require a change to the Code of Meeting Practice. It is proposed that Council resolve the commencement time for Council Meetings to be 6.30pm.

It is recommended that concurrent to implementing the change to the Public Forum that a further draft Code of Meeting Practice be placed on public exhibition for 42 days and a further report provided to Council.

There are no financial implications as a result of this report.

**RECOMMENDATION:**

**1.THAT** Council resolve that Ordinary Council Meetings are to commence at 6.30pm as required under Clause 3.1 of the Code of Meeting Practice.

**2.THAT** Council endorse the attached draft Code of Meeting Practice for the purpose of public exhibition for a period of 42 days and that a further report be provided to Council at the conclusion of the public exhibition period.

**3.THAT** concurrent to the public exhibition period Council resolves to operate under the draft Code of Meeting Practice to also inform the report to Council following the public exhibition period.

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

**1.THAT** Council resolve that Ordinary Council Meetings are to commence at 7pm as required under Clause 3.1 of the Code of Meeting Practice.

**2.THAT** Council endorse the attached draft Code of Meeting Practice for the purpose of public exhibition for a period of 42 days and that a further report be provided to Council at the conclusion of the public exhibition period.

**3.THAT** concurrent to the public exhibition period Council resolves to operate under the draft Code of Meeting Practice to also inform the report to Council following the public exhibition period.

An Amendment moved by Councillor Gibson, seconded by Councillor Drummond

**1.THAT** Council resolve that Ordinary Council Meetings are to commence at 7pm as required under Clause 3.1 of the Code of Meeting Practice.

**2.THAT** Council endorse the attached draft Code of Meeting Practice for the purpose of public exhibition for a period of 42 days and that a further report be provided to Council at the conclusion of the public exhibition period.

**3. THAT** a further report be provided to Council following the conduct of the public exhibition period.

The Amendment was put and **LOST**

Voting was as follows:

For/Against 2 / 6

**For:** Councillor Drummond and Councillor Gibson

**Against:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

**Absent:** Nil

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 Drummond and Councillor Gibson

**Absent:** Nil

**248. RESOLVED:**

**1.THAT** Council resolve that Ordinary Council Meetings are to commence at 7pm as required under Clause 3.1 of the Code of Meeting Practice.

**2.THAT** Council endorse the attached draft Code of Meeting Practice for the purpose of public exhibition for a period of 42 days and that a further report be provided to Council at the conclusion of the public exhibition period.

**3.THAT** concurrent to the public exhibition period Council resolves to operate under the draft Code of Meeting Practice to also inform the report to Council following the public exhibition period.

A Motion was moved by Councillor Drummond and seconded by Councillor Santer that Item 8.2 - Public Forum - Code of Meeting Practice be recommitted and was put and carried unanimously.

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

**1.THAT** Council resolve that Ordinary Council Meetings are to commence at 7pm as required under Clause 3.1 of the Code of Meeting Practice for a trial period pending the report back to Council following the exhibition period.

**2.THAT** Council endorse the attached draft Code of Meeting Practice for the purpose of public exhibition for a period of 42 days and that a further report be provided to Council at the conclusion of the public exhibition period.

**3.THAT** concurrent to the public exhibition period Council resolves to operate under the draft Code of Meeting Practice to also inform the report to Council following the public exhibition period.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

**Against:** Nil

**Absent:** Nil

#### **249. RESOLVED:**

**1.THAT** Council resolve that Ordinary Council Meetings are to commence at 7pm as required under Clause 3.1 of the Code of Meeting Practice for a trial period pending the report back to Council following the exhibition period.

**2.THAT** Council endorse the attached draft Code of Meeting Practice for the purpose of public exhibition for a period of 42 days and that a further report be provided to Council at the conclusion of the public exhibition period.

**3.THAT** concurrent to the public exhibition period Council resolves to operate under the draft Code of Meeting Practice to also inform the report to Council following the public exhibition period.

### **8.3. Investment and Loan Borrowings Report held as at 31 July 2022**

**AUTHOR:** Christian Menday, Manager Financial Services

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

#### **Investment Portfolio:**

The Investment Portfolio (excluding cash balances) held for the period ending 31 July 2022 had a market value of \$116,893,019. The annualised returns were 1.27%. This return exceeded the Australian Bond Bank Bill performance benchmark by 1.05%.

Cash deposits at call were \$23,017,307 with \$21,070,073 of these held in at-call accounts. \$1,947,234 cash is held in Council's transaction account with the Commonwealth Bank to

meet day-to-day operational needs. The transaction account balance includes deposits relating to the first instalment of rates, which settled after Close of Business on the last business day (29 July).

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 to 31 July 2022 were \$160,000 compared to a year-to-date budget of \$108,000.

At its July meeting the Reserve Bank of Australia (RBA) Board increased the official cash rate by 50 basis points to 1.35% citing the need to control unexpectedly high inflation. The RBA Governor commented that he expects the official cash rate will reach its neutral setting of 2.5% in the latter half of 2023. The RBA Board had previously increased official cash rates by 50 basis point in June.

Recent increases in the official cash rate are flowing through to term deposit rates bringing the prospect of improving returns for new investments in the coming months. The best available returns are actively sought when surplus funds are invested.

#### **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 July 2022 is \$6,147,428.

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

##### **North Sydney Olympic Pool (NSOP) Redevelopment**

Council drew-down a \$31 million loan from TCorp in April 2022. This loan partially funds the NSOP redevelopment. The funds were externally restricted and will be released as required to fund project cash outflows.

Council's total investment portfolio performance for the financial year to date is 1.05% above the benchmark (1.27% against 0.22%). The actual year to date returns for cash and investments to 31 July 2022 were \$160,000 compared to a year-to-date budget of \$108,000. Investment returns will continue to be monitored and reported.

#### **RECOMMENDATION:**

- 1. THAT** the report on Investments and Loan Borrowings held on 31 July 2022 be received.

*This item was adopted by exception (see page 7)*

#### **250. RESOLVED:**

- 1. THAT** the report on Investments and Loan Borrowings held on 31 July 2022 be received.

### **8.4. Corporate Policy Manual Review - Direction 1**

**AUTHOR:** Jenny Gleeson, Manager Corporate Planning & Engagement

This report presents the corporate policies under Direction 1. Our Living Environment for re-adoption.

Corporate policies within Council's Policy Manual will be presented to the Council for re-adoption between August and November 2022. This long-standing practice occurs in line with Council's commitment to open government and ensures each term of Council is aware of the policies in operation.



Corporate policies are grouped by the five Strategic Directions of the *North Sydney Community Strategic Plan*, demonstrating alignment between Council services and programs and the community vision. Reporting of the corporate policies will occur by Direction as follows, this is to stagger the associated exhibition periods of amended policies:

Direction	Council Meeting
1. Our Living Environment	22 August 2022
2. Our Built Infrastructure	12 September 2022
3. Our Innovative City	26 September 2022
4. Our Social Vitality	10 October 2022
5. Our Civic Leadership	14 November 2022

Direction 1 (Our Living Environment) policies have been reviewed, requiring only minor correction of administrative or typographical errors and updating legislative changes/Act references. All Direction 1 policies are recommended for readoption by the Council.

Note: Direction 1 includes a new policy which has been reported to Council separately - Item 8.05 presents the Sustainable Building Policy for adoption post exhibition.

There are no financial implications arising from the review of Direction 1 corporate policies.

**RECOMMENDATION:**

**1. THAT** Council readopt the Direction 1 corporate policies as attached to this report being the following:

- a) Circus Policy
- b) Crows Nest Trade Waste Policy
- c) Environmental Upgrade Agreement Policy
- d) Kirribilli Trade Waste Policy
- e) Overhanging Branches Policy
- f) Public Bin Policy
- g) Public School Use of North Sydney Oval Policy
- h) Single Use Plastics Policy
- i) Sustainable Public Events Policy
- j) Tree and Vegetation Vandalism Policy

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

**1. THAT** Council readopt the Direction 1 corporate policies as attached to this report being the following:

- a) Crows Nest Trade Waste Policy
- b) Environmental Upgrade Agreement Policy
- c) Kirribilli Trade Waste Policy
- d) Overhanging Branches Policy
- e) Public Bin Policy
- f) Public School Use of North Sydney Oval Policy
- g) Single Use Plastics Policy
- h) Sustainable Public Events Policy
- i) Tree and Vegetation Vandalism Policy

**2. THAT** a further report be provided regarding the Circus Policy to reflect modern ethical and structural standards of animal use and exploitation.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

**Against:** Nil

**Absent:** Nil

#### **251. RESOLVED:**

**1. THAT** Council readopt the Direction 1 corporate policies as attached to this report being the following:

- a) Crows Nest Trade Waste Policy
- b) Environmental Upgrade Agreement Policy
- c) Kirribilli Trade Waste Policy
- d) Overhanging Branches Policy
- e) Public Bin Policy
- f) Public School Use of North Sydney Oval Policy
- g) Single Use Plastics Policy
- h) Sustainable Public Events Policy
- i) Tree and Vegetation Vandalism Policy

**2. THAT** a further report be provided regarding the Circus Policy to reflect modern ethical and structural standards of animal use and exploitation.

### **8.5. North Sydney Sustainable Building Policy and Guidelines**

**AUTHOR:** Danielle Birkbeck, Senior Sustainability Programs Coordinator

The purpose of this report is to seek Council's adoption of the *Sustainable Building Policy* and associated *Sustainable Building Guidelines for Council Buildings*.

Following endorsement at the Council meeting held 23 May 2022, the draft *Sustainable Building Policy* and *Sustainability Guidelines for Council Buildings* were publicly exhibited from 31 May to 31 July 2022, during which time no submissions were received. Adoption of the Policy and Guidelines is now sought from Council.

The *Sustainable Building Policy* and *Sustainability Guidelines for Council Buildings* were developed inhouse, via cross-Divisional collaboration, to provide a framework to assist Council to achieve best practice sustainable business outcomes for its own facilities. By applying the Guidelines throughout the design, constructions and verification process, Council also expects to achieve short, medium and long term financial and resources savings, minimising ongoing operational, maintenance and legacy costs.

The Sustainable Building Policy will affect the total value of individual projects, including significant lifecycle cost savings. Costs associated with individual projects will be assessed at the design stage per project.

#### **RECOMMENDATION:**

**1. THAT** Council adopts the North Sydney Sustainable Building Policy and Sustainable Building Guidelines for Council Buildings.

*This item was adopted by exception (see page 7)*

## **252. RESOLVED:**

**1. THAT** Council adopts the North Sydney Sustainable Building Policy and Sustainable Building Guidelines for Council Buildings.

### **8.6. PP6/20 - 45 McLaren Street, North Sydney - Adjustment to VPA offer and draft DCP amendment**

**AUTHOR:** Ben Boyd, Executive Strategic Planner

To seek endorsement of a revised offer to enter a Voluntary Planning Agreement and revised parking controls within a draft DCP amendment associated with Planning Proposal 6/20 to amend the planning controls under North Sydney Local Environmental Plan 2013 for land at 45 McLaren Street, North Sydney.

On 28 March 2022, Council resolved to support the progression of Planning Proposal 6/20 to Gateway Determination to amend the planning controls under North Sydney Local Environmental Plan 2013 as it relates to land at 45 McLaren Street North Sydney.

In addition, Council resolved to support:

- an offer to enter into a Voluntary Planning Agreement (VPA) to deliver a number of public benefits to the value of approximately \$5.8 million including:
  - a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan;
  - streetscape upgrades adjacent to the site
  - expansion of an existing public through site link across the site; and
  - dedication of one x 2-bedroom affordable housing unit.
- a site-specific amendment to North Sydney Development Control Plan 2013 to moderate the built form including revised parking rates.

In light of the proposed imposition of more restrictive parking rates under the draft DCP amendment on 28 March 2022, the applicant has advised Council that if imposed, it would have a financial impact on their ability to deliver aspects of the public benefit offer.

This report seeks to elaborate on this issue and consider the revised offer to enter into a VPA and request to impose revised carparking rates under the draft DCP, prior to them being placed on public exhibition.

If Council resolves to impose reduced parking rates following the concurrent public exhibition of the Planning Proposal, draft DCP amendment and draft VPA, the value of the public benefit offer could be reduced in the order of \$1.6m depending upon the makeup of any future development approved on the site. Those funds would effectively reduce the quantum of money be allocated to new community infrastructure within the Ward Street Precinct.

## **RECOMMENDATION:**

**1.THAT** Council agree in-principle to the contents of the revised letter of offer dated 2 August 2022 to enter into a Voluntary Planning Agreement, forming Attachment 1 to this report.

**2.THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a draft Voluntary Planning Agreement generally consistent with the applicant's offer (Attachment 1) and as outlined in this report.

**3.THAT** Council agree to the further amendment of the draft site specific amendment to North Sydney Development Control Plan 2013 to incorporate revised parking rates consistent with that adopted by Council on 25 July 2022.

*This item was adopted by exception (see page 7)*

**253. RESOLVED:**

**1.THAT** Council agree in-principle to the contents of the revised letter of offer dated 2 August 2022 to enter into a Voluntary Planning Agreement, forming Attachment 1 to this report.

**2.THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a draft Voluntary Planning Agreement generally consistent with the applicant's offer (Attachment 1) and as outlined in this report.

**3.THAT** Council agree to the further amendment of the draft site specific amendment to North Sydney Development Control Plan 2013 to incorporate revised parking rates consistent with that adopted by Council on 25 July 2022.

**8.7. Section 34 Conciliation Conference Process Land and Environment Court Proceedings No. 2021/141523 20-24 Bray Street, North Sydney, and 35 Kurraba Road, Neutral Bay, NSW 2089**

**AUTHOR:** Craig Winn, Solicitor

At its Ordinary Meeting of Council held on Monday 27 June 2022, it was resolved:

*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.*

The purpose of this report is to provide Council with some general information that may assist Councillors in understanding the section 34 Conciliation Conference process, to include how Council approaches, generally, the section 34 Conciliation Conference process, having particular regard to the example at 20-24 Bray Street, North Sydney. |

Council's approach to section 34 Conciliation Conferences is subject to the *Land and Environment Court Act 1979* and the Land and Environment Courts Practice Notes and Policies. The Act and the relevant Practice Notes and Policies require parties to approach and participate in the Conciliation Conference process from a position of "good faith" with a view to achieving the "just, quick and cheap" resolution of proceedings.

Any agreement reached during the section 34 Conciliation Conference process, is usually reached predicated upon impartial expert opinion; the elimination of material contentions; the narrowing of contentions to the extent that any remaining contentions can or will be addressed by condition of consent; or that any remaining contentions do not warrant outright refusal of the relevant development application.

Council or its legal advisors will usually communicate with resident objectors, in writing, prior to the commencement of a Conciliation Conference and subsequent to a Conciliation Conference, regardless of an agreement being reached or otherwise.

In the matter of 20-24 Bray Street, North Sydney, the parties' respective experts formed the view that the development was appropriate in its modified form and that the CI4.6 submission (building height development standard variation) could be accepted. The Court in the proper exercise of its functions agreed with this conclusion, upholding the appeal, granting conditional development consent. |

There are no financial implication arising directly from this report. |

**RECOMMENDATION:**

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

*This item was adopted by exception (see page 7) but was subsequently recommitted.*

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

Councillor Drummond retired from the meeting at 8.00pm due to internet issues

A Motion was moved by Councillor Bourke and seconded by Councillor Gibson that Item 8.7 - Section 34 Conciliation Conference Process Land and Environment Court Proceedings No. 2021/141523 20-24 Bray Street, North Sydney, and 35 Kurraba Road, Neutral Bay, NSW 2089 be recommitted and was put and carried unanimously.

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

**2. THAT** a further report on a without prejudice basis be provided considering the ability for Council to adopt a policy for Section 34 conciliations that ensures Council notifies the plans to be agreed to before entering into any Section 34 agreement.

**3. THAT** Council put a Motion to the next Local Government NSW Conference that Local Government NSW lobby the State Government to change the Section 34 process to allow more community participation and transparency.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

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

**Against:** Nil

**Absent:** Councillor Drummond

**254. RESOLVED:**

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

**2. THAT** a further report on a without prejudice basis be provided considering the ability for Council to adopt a policy for Section 34 conciliations that ensures Council notifies the plans to be agreed to before entering into any Section 34 agreement.

**3. THAT** Council put a Motion to the next Local Government NSW Conference that Local Government NSW lobby the State Government to change the Section 34 process to allow more community participation and transparency.

## **8.8. Visitor Economy/Tourism – Response to Notice of Motion**

**AUTHOR:** Jenny Gleeson, Manager Corporate Planning & Engagement

This report responds to the Notice of Motion, considered by Council at its meeting of 27 June 2022, that a report be provided on the feasibility of developing a tourism promotion for the

North Sydney local government area (LGA) based on similar programs undertaken by other NSW councils, and the development of a co-operative campaign with neighbouring councils, supported by Federal and State tourism marketing bodies.

The Action Plan within Council's adopted *Visitor Economy Strategy (2019)* includes several marketing and visitor services initiatives to which the suggestions within the Notice of Motion align.

This report also provides a status update regarding implementation of the Action Plan (Attachment 1).

Tourism and the visitor economy were priorities identified in the previous Community Strategic Plan (2018). In turn, following a [two-stage stakeholder engagement progress](#), Council adopted its [North Sydney Visitor Economy Strategy](#) on 28 October 2019.

The Strategy carefully considers the balance between conservation and sustainability, as well as residential amenity, with the desire to strengthen the local economy and providing employment opportunities. As part of this approach, the Strategy aims to leverage the North Sydney LGA's existing strengths and focuses on the markets with the greatest propensity for potential growth, including visiting friends and relatives (VFR), business travellers and 55 years plus, by increasing their length of stay and spend within North Sydney LGA.

The Strategy is supported by a prioritised Action Plan. Implementation has been slower than intended due to a multitude of factors including staff vacancy, lack of dedicated budget, COVID impacts, delays with related Council projects and the decision was also made to wait for the new Council as this provides options for an affordable and easy to maintain sub site.

In considering the Notice of Motion, research on tourism programs of other councils is underway and conversation with Destination NSW has commenced. Internal discussions are also in progress regarding prioritisation of the marketing and visitor services initiatives within the *Visitor Economy Strategy*. Funding is available in the 2022/23 financial year and is earmarked towards creation of a dedicated brand destination identity, marketing blueprint with campaign and dedicated tourism website (as a sub site to the new Council website, to be launched in November 2022). It is proposed that the feasibility of a co-operative campaign with neighbouring councils be explored during the preparation of the North Sydney LGA brand destination identity and marketing blueprint.

\$100,000 has been allocated in the adopted *2022/23 Operational Plan & Budget* for implementation of the *Visitor Economy Strategy*. This is the first time since the Strategy's adoption that a dedicated budget has been allocated.

#### **RECOMMENDATION:**

- 1. THAT** the Visitor Economy Strategy progress update be noted.
- 2. THAT** a further report be provided to Council regarding the next steps in implementing the Visitor Economy Strategy.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

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

**Against:** Nil

**Absent:** Councillor Drummond

**255. RESOLVED:**

**1. THAT** the Visitor Economy Strategy progress update be noted.

**2. THAT** a further report be provided to Council regarding the next steps in implementing the Visitor Economy Strategy.

## **8.9. Willoughby Road Public Domain Upgrade Masterplan Works**

**AUTHOR:** Paul Yang, Engineering Project Manager

To provide an update on the proposed staging of works and funding scenarios for the upgrade of Willoughby Road, Crows Nest.

Public Domain improvements to Willoughby Road have been identified in Councils Delivery Program since 2016/17, as it is recognised that this important commercial Main Street located in the centre of Crows Nest needs a significant upgrade.

A Masterplan for the Crows Nest Commercial Centre Public Domain improvements was first formulated in 2015/16 after community consultation in 2014 and then finalised after the results of an area wide community survey undertaken in 2016/17. The upgrade of Willoughby Road was identified as one of the priority projects in the Masterplan that was reported to Council in 2017.

This report specifically responds to a Notice of Motion 45/22 – Willoughby Road Public Domain Upgrade Masterplan Works from the 8 August 2022 Council meeting – which recommends to prioritise the upgrade of Willoughby Road. This report also sets out a staging plan for the works as well as a number of different funding scenarios which are outlined in Attachment 1 of this report.

This project forms part of the current adopted 2022-23 Delivery Program for Council under “*Crows Nest Public Domain Masterplan implementation*” program which has an identified Capital Funding allocation of \$500,000 pa over the next three (3) financial years.

This report and the accompanying attachment outline a number of alternative funding scenarios to fast track the upgrade of Willoughby Road including the use of Crows Nest Mainstreet Levy Funds, Councils Capital Reserves, Commercial borrowings, VPA funds from the Crows Nest Metro and or a combination of all funding sources outlined above.

**Option 1 Funding Scenario:** Funding from Existing Delivery Program – Mainstreet Levy Funds and Council’s Capital Reserve. The works would need to be staged over three (3) Financial Years 2022-23 to 2025-2026 and would be significantly smaller in scope due to the current funding allocation. Please refer to Figure 2.

**Option 2a Funding Scenario (RECOMMENDED):** Funding from Metro VPA (Public Domain component) and Council’s allocated Delivery Program (Mainstreet Levy funds and Capital Reserves). The works would need to be staged over two (2) Financial Years 2022-23 to 2023-2024 and include a full upgrade of Willoughby Road between Burlington Street and Albany Street on both sides. Please refer to Figure 3.

**Option 2b Funding Scenario:** Funding from Commercial borrowings (5-year loan) using a combination of Council’s Capital Reserves and Mainstreet Levy funds to service the loan and a contribution from the Metro VPA-Public Domain component. The works would need to be staged over two (2) Financial Years 2022-23 to 2023-2024 and include a full upgrade of

Willoughby Road between Burlington Street and Albany Street on both sides. Please refer to FIGURE 3.

**Option 2c Funding Scenario:** Funding from Commercial borrowings (10-year loan) using a combination of Council's Capital Reserves and Mainstreet Levy Funds to service the loan and as well as a contribution of funds from the Metro VPA-Public Domain component. The works would need to be staged over two (2) Financial Years 2022-23 to 2023-2024 and include a full upgrade of Willoughby Road between Burlington Street and Albany Street on both sides. Please refer to Figure 3.

**RECOMMENDATION:**

- 1. THAT** Council adopts the staging plan for the proposed upgrade works for Willoughby Road.
- 2. THAT** Council adopts funding **Option 2a** which proposes to use a combination of Metro VPA funds (Public Domain component) and Council's allocated Delivery Program (Mainstreet Levy funds and Capital Reserves) to increase the scope of Stage 2 and also fast track the delivery of Stage 2 over two (2) Financial Years.

*This item was adopted by exception (see page 7)*

**256. RESOLVED:**

- 1. THAT** Council adopts the staging plan for the proposed upgrade works for Willoughby Road.
- 2. THAT** Council adopts funding **Option 2a** which proposes to use a combination of Metro VPA funds (Public Domain component) and Council's allocated Delivery Program (Mainstreet Levy.

## **8.10. Review of Neighbourhood Power Sharing Schemes**

**AUTHOR:** Ian Garradd, Sustainability Projects Officer and Danielle Birkbeck, Snr Sustainability Programs Coordinator

The purpose of this report is to address the resolution of Council at the 23 May 2022 Council meeting regarding neighbourhood power sharing schemes for North Sydney.

Different models of neighbourhood power sharing schemes exist in Australia, all with the long-term goal of storing energy generated by solar panels in batteries which can then be shared between neighbours, or to a network.

This report provides an overview of existing models operating in NSW and around Australia, and the current opportunities and challenges for such schemes in North Sydney.

Monies necessary to progress any possible outcomes of the feasibility study is not included in the budget estimates for the 2022/23 financial year. Continued promotion of programs encouraging the uptake of solar will be funded under existing arrangements as approved in the Environmental Levy.

**RECOMMENDATION:**

- 1. THAT** Council continues to encourage the uptake of rooftop solar systems in the community via the Future Proofing Apartments program and other education campaigns.
- 2. THAT** Council conduct a feasibility study into a power sharing scheme for a Council owned multi-unit social housing property.

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



**1. THAT** Council continues to explore the adoption of a neighbourhood power sharing and community battery scheme for North Sydney

- noting the commitment by the Federal Government to install a community battery system in North Sydney,
- noting the poor record of adoption of solar panels in the LGA compared with the national average, and
- noting neighbourhood power sharing schemes, involving the installation of solar panels and the connection of participating buildings to community batteries, help increase the power generating capacity of the buildings.

**2. THAT** in view of the opportunity this scheme offers for increasing solar power uptake in multi-unit dwellings, Council approach the State and Federal Governments with a view to obtaining financial and logistical support for the introduction of pilot neighbourhood schemes and community batteries in North Sydney.

**3. THAT** to assist in increasing solar panel uptake in North Sydney, a community awareness and education campaign be launched by Council, including an Ideas Forum, with participation by experts in the field to help motivate the community in the benefits of solar panels, community batteries and self-sufficiency in power generation.

**4. THAT** Council continues to encourage the uptake of rooftop solar systems in the community via the Future Proofing Apartments Program.

**5. THAT** Council conduct a feasibility study into a power sharing scheme for a Council owned multi-unit social housing property.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

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

**Against:** Nil

**Absent:** Councillor Drummond

**257. RESOLVED:**

**1. THAT** Council continues to explore the adoption of a neighbourhood power sharing and community battery scheme for North Sydney

- noting the commitment by the Federal Government to install a community battery system in North Sydney,
- noting the poor record of adoption of solar panels in the LGA compared with the national average, and
- noting neighbourhood power sharing schemes, involving the installation of solar panels and the connection of participating buildings to community batteries, help increase the power generating capacity of the buildings.

**2. THAT** in view of the opportunity this scheme offers for increasing solar power uptake in multi-unit dwellings, Council approach the State and Federal Governments with a view to obtaining financial and logistical support for the introduction of pilot neighbourhood schemes and community batteries in North Sydney.

**3. THAT** to assist in increasing solar panel uptake in North Sydney, a community awareness and education campaign be launched by Council, including an Ideas Forum, with participation by experts in the field to help motivate the community in the benefits of solar panels, community batteries and self-sufficiency in power generation.

**4. THAT** Council continues to encourage the uptake of rooftop solar systems in the community via the Future Proofing Apartments Program.

**5. THAT** Council conduct a feasibility study into a power sharing scheme for a Council owned multi-unit social housing property.

### **8.11. James Milson Village Council Nominees 2022**

**AUTHOR:** Rebecca Aukim, Director Community & Library Services

To thank the current Council nominees to the James Milson Village Board for 2021/22 and to seek approval for the nominees to continue in the role for 2022/23.

North Sydney Retirement Trust trading as James Milson Village is the sole community-based provider of aged care in North Sydney.

The Trust has been granted a lease over the Council-owned site for two terms for a total of 99 years expiring in December 2088. Since its inception, James Milson Village has given priority of access to North Sydney residents though its catchment includes Mosman, Lane Cove and Willoughby LGAs.

Council is entitled to nominate annually two Directors to the Board of the North Sydney Retirement Trust (James Milson Village). For 2021/22 they have been Suzanne Jones and Jo-Anne Harrison who have provided their reports in the format recommended by the 2016 Governance Review. They advise that the answers to the following questions are in the affirmative:

1. Is the North Sydney Retirement Trust registered as an approved provider with the Commonwealth to provide aged care services, accredited and receiving Commonwealth Government subsidies?
2. Do the objects of the organisation still meet the social justice interests of the council as set out in the Constitution:
  - a. Deliver care and wellbeing for the frail and aged, particularly in the local government areas of North Sydney, Lane Cove, Mosman and Willoughby.
  - b. Conduct the aged care facilities within the James Milson Village on the corner of Clark Road and High Street, North Sydney and/or such other place or places as the Board determines.
  - c. Relieve poverty experienced by persons who are aged.
  - d. Relieve aged persons who are in necessitous circumstances.
  - e. In each case with commitment, integrity and respect for each individual.
3. Is the organisation operating and solvent?

Both of Council's nominees have expressed an interest to continue in the role for 2022/23. Should Council wish to discuss the proposed appointments it may be appropriate for this to be considered in closed session for the following reason under section 10A of the Local Government Act:

(2)(a) The matters and information are personnel matters concerning particular individuals (other than councillors)

Council's lease to the North Sydney Retirement Trust is for a peppercorn rent. The value of the lease has been estimated at \$700,000 per annum. The Trust's return to the community as

recorded in the 2021 Annual Report is \$1.27m in forgone revenue for social justice initiatives (waiving/reduction in fees). The Directors are non-executive (and unpaid).

**RECOMMENDATION:**

- 1. THAT** Council notes the feedback from its two appointed Directors to the North Sydney Retirement Trust as attached to this report for the period of 2021/22
- 2. THAT** Council exercise its entitlement under the Constitution (Clause 17.3) to appoint two Directors for the period to 30 June 2023 being:
  1. Suzanne Jones; and
  2. Jo-Anne Harrison
- 3. THAT** a report be provided to Council prior to 30 June 2023 for the purpose of considering and appointing two Directors under its entitlement under the Constitution.

*This item was adopted by exception (see page 7)*

**258. RESOLVED:**

- 1. THAT** Council notes the feedback from its two appointed Directors to the North Sydney Retirement Trust as attached to this report for the period of 2021/22
- 2. THAT** Council exercise its entitlement under the Constitution (Clause 17.3) to appoint two Directors for the period to 30 June 2023 being:
  1. Suzanne Jones; and
  2. Jo-Anne Harrison
- 3. THAT** a report be provided to Council prior to 30 June 2023 for the purpose of considering and appointing two Directors under its entitlement under the Constitution.

## **8.12. The North Sydney Art Prize 2022**

**AUTHOR:** Jess Gledhill, Team Leader Arts & Culture

To provide a report on the North Sydney Art Prize held at the Coal Loader from 14 - 29 May 2022 which attracted approximately 10,000-15,000 visitors over the 16-day exhibition period. The Art Prize is a major biennial event on Council's calendar and the largest arts event of its kind on the north side of Sydney, attracting thousands of visitors from across the region to the Coal Loader.

For the 2022 Art Prize, 110 artworks were exhibited from over 360 entries. Drawings, works on/with paper, sculpture, installations, and new media were exhibited across the Coal Loader's cottage, artist studio, tunnels, chambers, and parklands. A curatorial brief provided a contemporary framework encouraging artists to consider the overarching principles of the Centre for Sustainability and the Coal Loader's layered history.

The Art Prize received positive feedback from the sponsors, artists, and visitors, acknowledging the role that North Sydney Council plays in developing, supporting, and promoting the creative arts in the region through the delivery of a meaningful, accessible, quality, and relevant contemporary arts experience.

Funding for this project was included in the adopted 2021/22 budget. The program budget is \$76,000 inclusive of \$22,000 in Council funded prize monies for the Major Open and Emerging Artists' awards.

**RECOMMENDATION:**

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

*This item was adopted by exception (see page 7)*

**259. RESOLVED:**

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

**8.13. NSROC Tender for Asphalt Road Surfacing, Patching and Associated Works 2022-24**

**AUTHOR:** Danilo Giribaldi, Works Manager

This report is to provide Council with an analysis of the outcome of the tender process for the NSROC Asphalt Road Resurfacing, Patching and Associated Services contract. Table 1 of this report recommends the establishment of a panel of approved contractors for the delivery of Principal Asphalt Services, Patching, and other associated services.

Public tenders for the Northern Suburbs Regional Organisation of Councils (NSROC) Road Surfacing, Patching and Associated Works were called for on 1 March 2022 with a nominated closing date of 29 March 2022.

North Sydney Council participated in a NSROC Tender for the establishment of a Road Surfacing, Patching and Associated Works Panel for the period 1 July 2022 to 30 June 2024 with each Council having the option to extend for an additional one (1) year plus a further one (1) year extension at Council's discretion, subject to satisfactory performance at annual contract review, to extend the expiry date to 30 June 2026. This report outlines the tender assessment (which North Sydney Council staff took part in) and recommends the establishment of a panel of approved contractors.

Funding for Council's Roads Program is included in the Delivery Program for 2022/2023 and 2023/2024.

**RECOMMENDATION:**

**1.THAT** In accordance with the Local Government (General) Regulation 2021 Clause 178 subclause (1) (a), the companies outlined in Table 1 of this report be appointed as panel members for the provision of Principal Asphalt Services, Patching, and other associated services for a period of two years from 1 July 2022 to 30 June 2024.

**2.THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options, if desired, as per the tender documents for two periods of one year each, with a maximum ending date of 30 June 2026.

**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 Private Sector.

*This item was adopted by exception (see page 7)*

**260. RESOLVED:**

**1.THAT** In accordance with the Local Government (General) Regulation 2021 Clause 178 subclause (1) (a), the companies outlined in Table 1 of this report be appointed as panel

members for the provision of Principal Asphalt Services, Patching, and other associated services for a period of two years from 1 July 2022 to 30 June 2024.

**2.THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options, if desired, as per the tender documents for two periods of one year each, with a maximum ending date of 30 June 2026.

**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 Private Sector.

## **9. Notices of Motion**

### **9.1. Notice of Motion 46/22 - Public Forums - Cr Welch**

**1.THAT** those applying to speak, in the public forum, before a Council Meeting declare any pecuniary interest in the item they wish to speak to. Having a pecuniary interest will not preclude someone from addressing Council.

**2.THAT** any declared pecuniary interests on the application form are verbally stated before the person addresses Council.

**3.THAT** those addressing Council have the veracity of their North Sydney addresses checked against rate records.

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

**1.THAT** a report to Council be prepared to address the pros and cons of having those addressing the Council Meeting:

1. Declare any pecuniary interests on the item they wish to speak to.
2. Any declared pecuniary interests are stated verbally before they speak.
3. Those speaking have their North Sydney address checked against rate records.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 1

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

**Against:** Councillor Gibson

**Absent:** Councillor Drummond

### **261. RESOLVED:**

**1.THAT** a report to Council be prepared to address the pros and cons of having those addressing the Council Meeting:

1. Declare any pecuniary interests on the item they wish to speak to.
2. Any declared pecuniary interests are stated verbally before they speak.
3. Those speaking have their North Sydney address checked against rate records.

## **9.2. Notice of Motion 48/22 - Organisational Transparency - Cr Gibson**

**1.THAT** the Mayor and Acting General Manager immediately schedule a briefing to address several matters of concern to Councillors.

**2.THAT** an opportunity for Q&A is included.

The Motion was moved by Councillor Gibson and lapsed for want of a seconder

## **9.3. Notice of Motion 49/22 - Transparency and the recruitment process for Council's new General Manager - Cr Gibson**

**1.THAT** Council resolves to add an additional councillor to the General Manager's recruitment panel.

**2.THAT** Councillor Godfrey Santer be that councillor.

The Motion was moved by Councillor Gibson and lapsed for want of a seconder

## **10. Matters of Urgency**

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

**1.THAT** leave of absence be granted to Councillor Spenceley for the 22 August 2022 Council meeting.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

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

**Against:** Nil

**Absent:** Councillor Drummond

### **262. RESOLVED:**

**1.THAT** leave of absence be granted to Councillor Spenceley for the 22 August 2022 Council meeting.

### **Tents in Bradfield Park**

Councillor Gibson asked that urgency be permitted to consider a Motion in respect of this matter.

The Mayor did not permit urgency and advised that the Acting Director Open Space and Environmental Services would investigate the matter and report back to Council, if necessary.

## **11. Confidential Matters**

### **11.1. North Sydney Olympic Pool Redevelopment Governance Report August 2022**

**AUTHOR:** John Thomson, Manager Corporate Contracts

The purpose of this report is to provide Council with a detailed report on the progress of the redevelopment of the North Sydney Olympic Pool in accordance with the Governance Structure outlined to Council at the meeting of 22 February 2021.

The report provides a detailed progress report to Council on the North Sydney Olympic Pool Redevelopment. It includes information related to:

1. Performance against Budget
2. Performance against time
3. Variations
4. Provisional /Value Management
5. Potential Future Variations
6. Extensions Of Time (Eot)
7. Stakeholder Management
8. Consultants
9. Regulatory Issues
10. Grant Funding
11. Photographs

Councillors were briefed on the status of the project on 1 August 2022.

This report also sets out the planned changes to the governance structure for the project.

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(a) of the Local Government Act (LGA).

#### **RECOMMENDATION:**

**1. THAT** the meeting be closed to the public in accordance with Section 10A(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.

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

*This item was adopted by exception (see page 7)*

#### **263. RESOLVED:**

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

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

## **12. Closure**

The Meeting concluded at 8:24 pm.