



MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:00 PM on Monday 26 September 2022.



1. Opening Meeting	4
2. Acknowledgement of Country.....	4
3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors.....	4
4. Confirmation of Minutes	5
5. Disclosures of Interest.....	5
6. Mayoral Minutes.....	7
7. Reports of Committees	7
7.1. <i>Traffic Committee Minutes - 2 September 2022</i>	<i>7</i>
8. Reports to Council.....	9
8.1. <i>Election of Deputy Mayor</i>	<i>9</i>
8.2. <i>Matters Outstanding September 2022.....</i>	<i>11</i>
8.3. <i>Investment and Loan Borrowings Report held as at 31 August 2022</i>	<i>11</i>
8.4. <i>Introduction of Council App - Response to Notice of Motion</i>	<i>12</i>
8.5. <i>Q4 Review of the Operational Plan 2021/22.....</i>	<i>13</i>
8.6. <i>Customer Feedback and Complaints Report January 2022 - June 2022.....</i>	<i>14</i>
8.7. <i>Corporate Policy Manual Review - Direction 3</i>	<i>15</i>
8.8. <i>Public Forum - Response to Notice of Motion</i>	<i>16</i>
8.9. <i>Variations to Development Standards - 2021/2022 Q4 Reporting Period</i>	<i>16</i>
8.10. <i>Design and Consultation Report for West Street Walking Cycling and Streetscape Upgrade - Stage 1 (4).....</i>	<i>17</i>
8.11. <i>Burton Street and Bligh Street Kirribilli - Permanent Closure and Shared Zone Design Concepts and Engagement Strategy</i>	<i>19</i>
8.12. <i>E-Scooter Trial - Update Report.....</i>	<i>21</i>
8.13. <i>Shoreshocked Youth Festival 2022</i>	<i>22</i>
8.14. <i>Renaming of Clark Road Island.....</i>	<i>23</i>
8.15. <i>Neutral Bay Community Centre Joint Strategic Plan 2022-24.....</i>	<i>24</i>
9. Notices of Motion	25
9.1. <i>Notice of Motion 55/22 - Halt and Review the Western Harbour Tunnel/Beaches Link Project - Cr Beregi</i>	<i>25</i>

9.2. <i>Notice of Rescission 4/22 - Young Street Plaza - Tender 34/2021 (26 April 2022) - Crs Gibson. Mutton & Spenceley</i>	27
10. Matters of Urgency	27
11. Confidential Matters	27
11.1. <i>4th Quarterly Property Portfolio Public Report_2021/2022</i>	27
11.2. <i>Current Appeals and Results - September 2022</i>	29
11.3. <i>North Sydney Council's Compensation Claim -TfNSW Compulsory Acquisitions - Council's Parks Reserves - Update Report No 2- Public</i>	30
12. Closure	31

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.

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

At the commencement of business (7:00 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

RECOGNITION OF THE CAMMERAYGAL PEOPLE

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The Acknowledgement of Country was read by Councillor Beregi.

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

No applications were received for Apologies or Leaves of Absence

It was moved by Councillor Beregi and seconded by Councillor Gibson:

THAT Council grant permission for Councillor Mutton to attend remotely for the following reason: other reason provided

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

285. RESOLVED:

THAT Council grant permission for Councillor Mutton to attend remotely for the following reason: other reason provided.

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3764th Council Meeting held on Monday, 12 September 2022 be taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

286. RESOLVED:

1. THAT THE MINUTES of the previous 3764th Council Meeting held on Monday, 12 September 2022 be taken as read and confirmed.

5. Disclosures of Interest

Item 9.2
Councillor Spenceley Notice of Recission 4/22 – Young Street Plaza
Office located on Young Street (non-pecuniary, and less than significant interest)

Item 11.2
Councillor Beregi Current Appeals and results – September 2022
Neighbour to one of the properties listed in the land and Environment Court matters (non-pecuniary, and significant interest)

Item 11.2
Councillor Welch Current Appeals and results – September 2022
Item involves person from electoral ticket for 2021 local government election (non-pecuniary, and less than significant interest)

Item 11.2 Current Appeals and results – September 2022
 Councillor Gibson Acquainted with a resident involved in one of the Land and Environment Court matters (non-pecuniary, and less than significant interest)

Items to be Considered by Exception

It was moved by Councillor Gibson and seconded by Councillor Drummond that the recommendations in the following items be adopted:

8.2	Matters Outstanding September 2022
8.3	Investment and Loan Borrowings Report held as at 31 August 2022
8.4	Introduction of Council App - Response to Notice of Motion
8.5	Q4 Review of the Operational Plan 2021/22
8.6	Customer Feedback and Complaints Report January 2022 - June 2022
8.7	Corporate Policy Manual Review - Direction 3
8.8	Public Forum - Response to Notice of Motion
8.9	Variations to Development Standards - 2021/2022 Q4 Reporting Period
8.13	Shoreshocked Youth Festival 2022

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

287. RESOLVED:

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

8.2	Matters Outstanding September 2022
8.3	Investment and Loan Borrowings Report held as at 31 August 2022
8.4	Introduction of Council App - Response to Notice of Motion
8.5	Q4 Review of the Operational Plan 2021/22
8.6	Customer Feedback and Complaints Report January 2022 - June 2022
8.7	Corporate Policy Manual Review - Direction 3
8.8	Public Forum - Response to Notice of Motion
8.9	Variations to Development Standards - 2021/2022 Q4 Reporting Period
8.13	Shoreshocked Youth Festival 2022

6. Mayoral Minutes

Nil.

7. Reports of Committees

7.1. Traffic Committee Minutes - 2 September 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 2 September 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/2022/2_September_2022

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

RECOMMENDATION:

1. **THAT** Council finalise the crowd management actions identified within the report for the 2022 Jacaranda flowering season in McDougall Street by ways of:
 - a. Installation of Council-owned Variable Message Sign (x2) to provide safety messaging stating “Slow Down” and “Watch out for Pedestrians”.
 - b. Temporary directional footpath signage by installation of pavement stickers stating “Take care, be Car Aware” as implemented during the Jacaranda season in 2019.
 - c. Following further consultation with affected properties in McDougall Street, Hipwood Street, Bradley Avenue and Broughton Street and with the local area Command. (5.3)
2. **THAT** Council notes the cost of the crowd management activities identified in the financial implications of this report. (5.3)
3. **THAT** Council proceed with flushing the existing raised threshold in front of HNo. 87 Broughton Street. Texture and colour of the road to be changed using contrasting pavement material, similar to a flush threshold that is used at the entry to the High Pedestrian Activity Areas to create a visual cue to motorists that there is a change in traffic conditions and the road environment. (5.4)
4. **THAT** Council consult with transport for NSW to finalise the design. (5.4)
5. **THAT** the committee rescind the approval and a further report come back to the committee. (8.1)
6. **THAT** Council investigate and liaise with Transport for NSW in relation to timed disabled parking spaces at the new Service NSW office at 213 Miller Street, North Sydney. (8.2)
7. **THAT** Council staff organise a forum including local cyclists and police so both groups may discuss concerns regarding minimum passing distance rules, as well as other cycling and motor vehicle issues. (8.3)
8. **THAT** Council undertake consultation with the affected residents and business owners to extend the existing parking restriction in Pacific Highway between Albany Street and Oxley Street to weekends. (Approximately 10 spaces). (8.4)

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

The Motion was put and **Carried**.

For/Against 10 / 0

Voting was as follows:

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

Against: Nil

Absent: Nil

288. RESOLVED:

- 1. THAT** Council finalise the crowd management actions identified within the report for the 2022 Jacaranda flowering season in McDougall Street by ways of:
 - a. Installation of Council-owned Variable Message Sign (x2) to provide safety messaging stating "*Slow Down*" and "*Watch out for Pedestrians*".
 - b. Temporary directional footpath signage by installation of pavement stickers stating "*Take care, be Car Aware*" as implemented during the Jacaranda season in 2019.
 - c. Following further consultation with affected properties in McDougall Street, Hipwood Street, Bradley Avenue and Broughton Street and with the local area Command. (5.3)
- 2. THAT** Council notes the cost of the crowd management activities identified in the financial implications of this report. (5.3)
- 3. THAT** Council proceed with flushing the existing raised threshold in front of HNo. 87 Broughton Street. Texture and colour of the road to be changed using contrasting pavement material, similar to a flush threshold that is used at the entry to the High Pedestrian Activity Areas to create a visual cue to motorists that there is a change in traffic conditions and the road environment. (5.4)
- 4. THAT** Council consult with transport for NSW to finalise the design. (5.4)
- 5. THAT** the committee rescind the approval and a further report come back to the committee. (8.1)
- 6. THAT** Council investigate and liaise with Transport for NSW in relation to timed disabled parking spaces at the new Service NSW office at 213 Miller Street, North Sydney. (8.2)
- 7. THAT** Council staff organise a forum including local cyclists and police so both groups may discuss concerns regarding minimum passing distance rules, as well as other cycling and motor vehicle issues. (8.3)
- 8. THAT** Council undertake consultation with the affected residents and business owners to extend the existing parking restriction in Pacific Highway between Albany Street and Oxley Street to weekends. (Approximately 10 spaces). (8.4)

8. Reports to Council

8.1. Election of Deputy Mayor

AUTHOR: Ian Curry, Manager Council & Committee Services

To conduct an election for the position of Deputy Mayor, in accordance with Council's Deputy Mayor Policy. In accordance with the Local Government (General) Regulation 2005, the General Manager is the Returning Officer and this item will therefore be facilitated by the Acting General Manager.

Council's Deputy Mayor Policy and Section 231 of the Local Government Act 1993 states that Council may elect a Deputy Mayor. The Policy provides that the Deputy Mayor will be appointed for a period from 1 October to 30 September, however the legislation provides that the Deputy Mayor may be elected for the Mayoral term or a shorter term.

Nominations must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached to the previous report.

Nominations must be provided to the General Manager (via Governance or directly) prior to the commencement of the election. Councillors are encouraged to submit nominations in advance to ensure their validity is confirmed prior to the election. Schedule 7 governs the election of a mayor or deputy mayor by councillors. Schedule 7 governs the election of a mayor or deputy mayor by councillors.

By 1PM on Thursday 15 September 2022 one nomination was received for:

- Councillor Godfrey Santer

Depending on the result of the Deputy Mayoral election it may be necessary for Council to consider Councillor membership of the Audit, Risk and Improvement Committee.

RECOMMENDATION:

1. THAT Council resolve to appoint a Councillor to be the Deputy Mayor in accordance with section 231(1) of the Local Government Act 1993

2. THAT an election be held to elect a Deputy Mayor for the period 26 September 2022 to 25 September 2023.

3. THAT Council determine the method of voting as open voting in accordance with Council's Deputy Mayor Policy

4. THAT the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

5. THAT if required Council is to resolve the two Councillor members of the Audit, Risk and Improvement Committee noting one is to be the Deputy Mayor.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond,

Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley,
Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

289. RESOLVED:

1. THAT Council resolve to appoint a Councillor to be the Deputy Mayor in accordance with section 231(1) of the Local Government Act 1993

2. THAT an election be held to elect a Deputy Mayor for the period 26 September 2022 to 25 September 2023.

3. THAT Council determine the method of voting as open voting in accordance with Council's Deputy Mayor Policy

4. THAT the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

5. THAT if required Council is to resolve the two Councillor members of the Audit, Risk and Improvement Committee noting one is to be the Deputy Mayor.

CONDUCT OF ELECTION

The Executive Manager Governance as delegated by the Acting General Manager conducted the election as Returning Officer.

A nomination was received for the following Councillor:

- Godfrey Santer

The Executive Manager Governance confirmed that the nomination had been provided in the correct form with two nominators and the nomination accepted by the nominee.

Prior to proceeding, the Executive Manager Governance asked if there were any further nominations. There were no further nominations. Being the only candidate, the Executive Manager Governance declared Councillor Godfrey Santer duly elected as Deputy Mayor.

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

THAT Councillor Beregi be nominated for the position on the Audit, Risk and Improvement Committee, vacated by Councillor Bourke.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

290. RESOLVED:

1. THAT Councillor Beregi be nominated for the position on the Audit, Risk and Improvement Committee, vacated by Councillor Bourke.

8.2. Matters Outstanding September 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 22 August 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 considered by exception (see page 6)

291. RESOLVED:

1. THAT the report be received.

8.3. Investment and Loan Borrowings Report held as at 31 August 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 August 2022.

Investment Portfolio:

The Investment Portfolio (excluding cash balances) held for the period ending 31 August 2022 had a market value of \$143,897,233. The annualised returns were 1.33%. This return exceeded the Australian Bond Bank Bill performance benchmark by 0.96%.

Cash deposits at call were \$17,977,772 with \$16,091,410 of these held in interest bearing at call and notice accounts. \$1,886,362 cash is held in Council's interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs. This balance included rates instalments that settled after close of business on 31 August.

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 August 2022 were \$334,700 compared to a year-to-date budget of \$217,700.

The Reserve Bank of Australia (RBA) Board continues to increase the official cash rate to control high inflation. At its August meeting the official rate was increased by 50 basis point to 1.85%. The RBA indicated that it expects the official cash rate to reach 2.5% by the end of the year. Recent increases in the official cash rate are flowing through to term deposit rates

bringing the prospect of improving returns for new investments. 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 August 2022 is \$6,147,428. 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 0.96% above the benchmark (1.33% against 0.37%). The actual year to date returns for cash and investments to 31 August 2022 were \$334,700 compared to a year-to-date budget of \$217,700.

Investment returns will continue to be monitored and reported.

RECOMMENDATION:

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

This item was considered by exception (see page 6)

292. RESOLVED:

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

8.4. Introduction of Council App - Response to Notice of Motion

AUTHOR: Michael McFarlane, Information Technology Manager and Margaret Palmer, Director Corporate Services

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 the introduction of a Council App. The notice of motion proposes that Council investigate the feasibility of creating an app for the purpose of enhancing its community engagement and communication activities when promoting Council projects, infrastructure, initiatives, and services.

To date the Council has invested significantly in developing a new website which will be mobile-friendly and due to be launched before the end of the calendar year. Corporate Services is also prioritising the creation of online forms to complement the Council's digital transformation. If Council is to create an app, it should not replicate the new website as it would serve no new purpose.

Council should consider if it would be more beneficial to further invest in the new website's capabilities, as the soon-to-be revised external communications strategy will explore other channels to meet the Council promotional desired outcomes.

Apps used by other Councils were explored, including Mosman and Randwick Councils.

It is recommended that Council wait until the new website is launched, this will enable, in a limited resource landscape, for staff resources to focus on the new website. Resources will be directed at improvements to the website and online forms and services, and that if gaps continue to surface between what can be delivered by the website and what can be achieved through a mobile app that it be revisited at a later stage.

Council did not allocate a budget in the recently adopted Delivery Program. Council did, however, provide budget for the development of a new website and online forms service.

RECOMMENDATION:

1.THAT the report be received.

2.THAT Council support the proposed strategy of completing the implementation of the new Website's functionality before pursuing a new Council app.

This item was considered by exception (see page 6)

293. RESOLVED:

1.THAT the report be received.

2.THAT Council support the proposed strategy of completing the implementation of the new Website's functionality before pursuing a new Council app.

8.5. Q4 Review of the Operational Plan 2021/22

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

This Quarterly Review of the Operational Plan 2021/22 presents a status update for projects scheduled to commence, or that were in progress, in Q4 2021/22. The results for the cross-functional operational key performance indicators (KPIs) are reported biannually and are included in this review.

The report also details proposed minor amendments to the Delivery Program 2022-2026 and Operational Plan 2022/23, which were adopted by the Council on 27 June 2022.

The Operational Plan 2021/22 (i.e. Year 4 of the Delivery Program 2018/19-2021/22), was adopted by Council on 27 June 2021 and commenced 1 July 2021. This is the final progress report against the former Delivery Program, which concluded on 30 June 2022.

The Delivery Program/Operational Plan includes projects and services, and the Delivery Program also includes KPIs. Reporting is against the projects and KPIs only.

The Q4 Review (Attachment 1) gives a status update by Division for the projects adopted in the Delivery Program/Operational Plan 2021/22 for the period 1 April to 30 June 2022. There were 210 projects scheduled to commence or continue in Q4. 84.6% of these projects were on track (green and blue status) and 15.4% projects were behind schedule/delayed (red and amber status). The primary drivers of the delays were staff vacancies, adverse weather conditions and the delay in the conduct of the Local Government election.

Attachment 1 also details biannual performance against the KPIs, of which ten were on track and five were off track for the period 1 April to 30 June 2022, including an outline of the key drivers of the results.

As a result of carry overs from 2021/22 and some other omissions or changes, minor amendments to the Delivery Program 2022-2026 and Operational Plan 2022/23, adopted by the Council on 27 June 2022, as proposed.

Financial performance information is detailed in the Quarterly Budget Review Statement (QBRs) and Financial Statements. A QBRs is not required in Q4. Budget carry overs will be reported to Council via the Q1 2022/23 QBRs to be reported to Council in due course.

RECOMMENDATION:

1. **THAT** the Quarterly Review of the Operational Plan - April to June 2022 be received.
2. **THAT** the Council notes the remedial action for the projects that were not on track for the period ending 30 June 2022.
3. **THAT** the Council adopt the identified amendments to the Delivery Program 2022-2026 and Operational Plan 2022/23 as outlined in this report.

This item was considered by exception (see page 6)

294. RESOLVED:

1. **THAT** the Quarterly Review of the Operational Plan - April to June 2022 be received.
2. **THAT** the Council notes the remedial action for the projects that were not on track for the period ending 30 June 2022.
3. **THAT** the Council adopt the identified amendments to the Delivery Program 2022-2026 and Operational Plan 2022/23 as outlined in this report.

8.6. Customer Feedback and Complaints Report January 2022 - June 2022

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

To provide a summary of the complaints and compliments received during the period 1 January to 30 June 2022.

This report is provided to Council every six months. It compares the number of complaints to the total number of customer contacts for the period 1 January to 30 June 2022, summarised below:

total number of customer contacts	32,428
number of compliments	62
number of complaints	6 Of these 2 (33%) were considered justified/partially justified

There are no direct financial implications relating to this report.

RECOMMENDATION:

1. **THAT** the Customer Feedback and Complaints Report: 1 January to 30 June 2022 be received.

This item was considered by exception (see page 6)

295. RESOLVED:

1. **THAT** the Customer Feedback and Complaints Report: 1 January to 30 June 2022 be received.

8.7. Corporate Policy Manual Review - Direction 3

AUTHOR: Jenny Gleeson, Corporate Planning and Engagement

This report presents the corporate policies under Direction 3 (Our Innovative City) for readoption.

Council's corporate Policy Manual is being progressively presented to the Council for readoption between August and November 2022, with Direction 1 reported to Council on 22 August 2022 and Direction 2 reported to Council on 12 September 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.

All Direction 3 policies have been reviewed, requiring only correction of administrative or typographical errors and/or updating of legislative changes/Act references. Additionally, a new policy - *Electoral and Referenda Signage Policy* (attached) - is proposed regarding display of election posters on Council property or public spaces.

The *Electoral and Referenda Signage Policy* is categorised as 'operational' and as such public exhibition is not required. In accordance with Council's corporate policy framework, this was approved by the A/General Manager on 8 September 2022.

It is recommended that the existing Direction 3 policies re readopted and the *Electoral and Referenda Signs Policy* also be adopted by Council.

There are no financial implications arising from the review of Direction 3 corporate policies.

RECOMMENDATION:

1. THAT Council readopt the Direction 3 (Our Innovative City) corporate policies as attached to this report being the following:

- a) Compliance and Enforcement Policy
- b) Design Panel Policy
- c) Mobile Food Vending Vehicles and Temporary Food Stalls Policy
- d) Parking Management and Enforcement Policy
- e) Placemaking Policy
- f) Roosters Keeping Policy
- g) Smoke-Free Environment - Declared Public Areas Policy
- h) Voluntary Planning Agreements Policy

2. THAT the new Electoral and Referenda Signs Policy as attached be adopted.

This item was considered by exception (see page 6)

296. RESOLVED:

1. THAT Council readopt the Direction 3 (Our Innovative City) corporate policies as attached to this report being the following:

- a) Compliance and Enforcement Policy
- b) Design Panel Policy
- c) Mobile Food Vending Vehicles and Temporary Food Stalls Policy
- d) Parking Management and Enforcement Policy
- e) Placemaking Policy
- f) Roosters Keeping Policy
- g) Smoke-Free Environment - Declared Public Areas Policy

h) Voluntary Planning Agreements Policy

2. THAT the new Electoral and Referenda Signs Policy as attached be adopted.

8.8. Public Forum - Response to Notice of Motion

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is for Council to consider the pros and cons regarding having additional declarations made by members of the public when addressing Council Meetings as part of the Public Forum.

At its meeting held 22 August 2022, Council resolved as follows:

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.

This report considers some elements of the resolution and proposes a method to give Councillors context regarding a speaker to understand their perspective without additional complexity for the speaker. The proposed change is to ask those applying to speak to state their interest in the matter, noting that their response will be included in the minutes of the Public Forum.

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

RECOMMENDATION:

1. THAT Council note the report

2. THAT Council endorse the proposed change to request that speakers for Public Forum identify their interest in a matter and that this will be included in minutes of the Public Forum.

This item was considered by exception (see page 6)

297. RESOLVED:

1. THAT Council note the report

2. THAT Council endorse the proposed change to request that speakers for Public Forum identify their interest in a matter and that this will be included in minutes of the Public Forum.

8.9. Variations to Development Standards - 2021/2022 Q4 Reporting Period

AUTHOR: Stephen J Beattie Manager Development Services

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CI4.6 and SEPP1 variations to development standards. This report addresses those requirements for Q4 2021/2022.

Any variation to a development standard of greater than 10% in assessing a development application must be reported to the North Sydney Local Planning Panel for determination.

Variations under 10% can be decided by Assessment Staff under delegated authority. The Panel has also given limited delegation to staff to determine variations of more than 10% which relate to existing buildings. The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

1. Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
2. A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
3. A report of all variations approved (including under delegation) must be submitted to developmentstandards@planning.nsw.gov.au within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
4. A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

Attached are the tabulated Development Standard variations approved for Quarter 4 (Q4) of the financial year 2021/22. Of 141 applications determined in the quarter, 13 approved variations in total are reported, 7 by the North Sydney Local Planning Panel, 6 under delegated authority, with 2 requests refused by the Local Planning Panel.

There are no financial implications associated with the report.

RECOMMENDATION:

1. THAT the Variations to Development Standards – 2021/22 Q4 Reporting Period report be received.

This item was considered by exception (see page 6)

298. RESOLVED:

1. THAT the Variations to Development Standards – 2021/22 Q4 Reporting Period report be received.

8.10. Design and Consultation Report for West Street Walking Cycling and Streetscape Upgrade - Stage 1 (4)

AUTHOR: Maxwell White, Sustainable Transport Project Co-Ordinator

This purpose of this report is to outline the proposed West Street Walking Cycling and Streetscape Upgrades – Stage 1 (West Street Stage 1).

The West Street Stage 1 upgrade is proposed to be constructed along West Street between the Pacific Highway and Ridge Street. The attached final concept design (Refer to Attachment A of this report) responds to the vision, principles, and actions outlined in the North Sydney Integrated Cycling Strategy ('Cycling Strategy'), the Community Strategic Plan: North Sydney Vision 2040 ('CSP') and the North Sydney Transport Strategy. These strategies

collectively identify improved walking, cycling and public domain infrastructure projects that are critical to achieving the Community's vision for the future of North Sydney.

A West Street Design Report (Refer to Attachment B of this report) was prepared for the entire length of West Street in August 2019. The report assessed a variety of options for the walking, cycling and streetscape upgrades along West Street.

A final design has now been prepared for West Street Stage 1, between the Pacific Highway and Ridge Street. This design is considered to have the least impact on traffic and parking, whilst at the same time not compromising on amenity and safety of people who wish to walk or cycle in the area.

The West Street Stage 1 cycleway provides a direct connection into the Ridge Street Bi-Directional separated cycleway which was completed by Council in 2019 and also provides connectivity for cyclists who use Church Street in a shared-on road environment.

Funding for new pedestrian and cycling facilities is allocated in the adopted North Sydney Council Delivery Program 2022-2026. An application to the Get NSW Active grant was made in early 2022 and successful applications will be announced in four tranches. A decision regarding this application will be announced in late September and or late October 2022, depending on which tranche of the grant program is used.

RECOMMENDATION:

1.THAT the final concept design for West Street Stage 1 cycleway and associated streetscape works be placed on public exhibition for a period of 42 days from 4 October to 14 November 2022.

2.THAT at the end of the public exhibition period, a further report be prepared for Council detailing the outcomes of consultation and incorporating a preferred final design for Stage 1 of the West Street cycleway that considers the feedback received from the community consultation.

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

1.THAT the final concept design for West Street Stage 1 cycleway and associated streetscape works be placed on public exhibition for a period of 42 days from 4 October to 14 November 2022.

2.THAT at the end of the public exhibition period, a further report be prepared for Council detailing the outcomes of consultation and incorporating a preferred final design for Stage 1 of the West Street cycleway that considers the feedback received from the community consultation.

3. THAT Council prioritise and progress the concept designs of stages 2 & 3 of the West Street cycleway and associated streetscape works while implementing stage 1.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

Against: Councillor Mutton

Absent: Nil

299. RESOLVED:

1.THAT the final concept design for West Street Stage 1 cycleway and associated streetscape works be placed on public exhibition for a period of 42 days from 4 October to 14 November 2022.

2.THAT at the end of the public exhibition period, a further report be prepared for Council detailing the outcomes of consultation and incorporating a preferred final design for Stage 1 of the West Street cycleway that considers the feedback received from the community consultation.

3. THAT Council prioritise and progress the concept designs of stages 2 & 3 of the West Street cycleway and associated streetscape works while implementing stage 1.

8.11. Burton Street and Bligh Street Kirribilli - Permanent Closure and Shared Zone Design Concepts and Engagement Strategy

AUTHOR: Diana Mejia, Project Manager

This report seeks Council's endorsement for the public exhibition of the Detailed Concept Design Options for the permanent closure of Burton Street and the transformation of Bligh Street shared zone, Kirribilli.

Council at its meeting on 26 April 2022 endorsed the permanent closure of Burton Street, between Humphrey Place and Broughton Street and the permanent transformation of Bligh Street into a Shared Zone, Kirribilli. It was also resolved that before proceeding with the final design of both the permanent closure of Burton Street and the transformation of Bligh Street, Concept Design Options were brought back to Council for endorsement.

Council engaged the professional consultancy services of Turf Design Studio to prepare two design concepts for the proposed Burton Street pedestrian plaza and Bligh Street shared zone. The Burton Street pedestrian plaza and Bligh Street Shared zone projects are included in the Masterplan for the Public Domain upgrade of Kirribilli Village Centre adopted by Council at its 3741st meeting held on 22 February 2021. The detailed design concepts included in this report are based in the initial concepts that were publicly exhibited and adopted by Council in the Masterplan document.

Council is seeking community feedback to complete the final detailed design for tender and construction of both projects with broader community input (refer to the Community Engagement strategy attached to this report).

The Burton Street pedestrian plaza and Bligh Street Shared zone were also part of a trial in 2021 under the "Streets as Shared Spaces" program whereby Council received funding from the Department of Industry and Environment (DPIE) to trial the closure of Burton Street and implement a shared zone in Bligh Street. The outcome of the trial was reported to Council on 26 April 2022.

A Councillor Briefing session on these projects was held 20 September 2022.

Funding for this project is included in the Capital Works delivery program in 2022-23. The project is also partially funded through funds carried over from the Special Rate Variation (SRV) 2021/2022 financial year.

RECOMMENDATION:

1. THAT the detailed concept design options for the permanent closure of Burton Street and transformation of Bligh Street into a shared zone be placed on public exhibition for 28 days.

2. THAT a Public Exhibition Period of 28 days is endorsed for these two projects because the proposed sites have been previously publicly exhibited for community consultation for 245 days as follows:

- Kirribilli Masterplan Consultation (60 days) between September and November 2020
- Burton Street Pilot closure and Bligh Street Pilot shared zone (185 days) between September 2021 to 31 March 2022

Both public consultations resulted in majority support for the projects

3. THAT consultation with the Community on the concept design options for the permanent closure of Burton Street and the transformation of Bligh Street shared zone be undertaken in accordance with the attached Community Engagement Strategy.

4. THAT a report on the outcomes of the Community Consultation be prepared and brought back to Council, along with the preferred final concept designs for both projects at the end of the 28-day exhibition and consultation period.

The following people spoke on this item as part of the Public Forum:

- Jillian Christie
- Fran Hernon

A Motion was moved by Councillor Welch and seconded by Councillor Gibson:

1. THAT the detailed concept design options for the permanent closure of Burton Street and transformation of Bligh Street into a shared zone be placed on public exhibition for 42 days.

2. THAT a Public Exhibition Period of 42 days is endorsed for these two projects because the proposed sites have been previously publicly exhibited for community consultation for 245 days as follows:

- Kirribilli Masterplan Consultation (60 days) between September and November 2020
- Burton Street Pilot closure and Bligh Street Pilot shared zone (185 days) between September 2021 to 31 March 2022

Both public consultations resulted in majority support for the projects

3. THAT consultation with the Community on the concept design options for the permanent closure of Burton Street and the transformation of Bligh Street shared zone be undertaken in accordance with the attached Community Engagement Strategy.

4. THAT a report on the outcomes of the Community Consultation be prepared and brought back to Council, along with the preferred final concept designs for both projects at the end of the 42-day exhibition and consultation period.

5. THAT during the public exhibition period there is a community workshop including local businesses with Council staff to discuss finishes and colours of the design.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

300. RESOLVED:

1. THAT the detailed concept design options for the permanent closure of Burton Street and transformation of Bligh Street into a shared zone be placed on public exhibition for 42 days.

2. THAT a Public Exhibition Period of 42 days is endorsed for these two projects because the proposed sites have been previously publicly exhibited for community consultation for 245 days as follows:

- Kirribilli Masterplan Consultation (60 days) between September and November 2020
- Burton Street Pilot closure and Bligh Street Pilot shared zone (185 days) between September 2021 to 31 March 2022

Both public consultations resulted in majority support for the projects

3. THAT consultation with the Community on the concept design options for the permanent closure of Burton Street and the transformation of Bligh Street shared zone be undertaken in accordance with the attached Community Engagement Strategy.

4. THAT a report on the outcomes of the Community Consultation be prepared and brought back to Council, along with the preferred final concept designs for both projects at the end of the 42-day exhibition and consultation period.

5. THAT during the public exhibition period there is a community workshop including local businesses with Council staff to discuss finishes and colours of the design.

8.12. E-Scooter Trial - Update Report

AUTHOR: Maxwell White, Sustainable Transport Project Co-Ordinator

The purpose of this report is to provide Council with an update on the application process and requirements that North Sydney Council must meet to participate in the Transport for NSW (TfNSW) E-Scooter trial.

On the 28 November 2021, former Transport Minister Rob Stokes announced that NSW would facilitate the delivery of an E-Scooter Trial. The NSW State Government would allow for the legal use of E-Scooters in Council nominated trial areas.

At the Council meeting on 28 March 2022, Council carried a motion to request participation in the E-Scooter trial.

In mid-July 2022, NSW Councils were invited to apply to participate in the trial with applications due by 30 September 2022.

After receiving a checklist of requirements for the E-Scooter Trial application, Council staff raised concerns regarding:

- Selecting suitable trial areas.
- Selecting E-Scooter providers in a fair, consistent, and transparent manner.
- Implications of the Road Safety Audit requirements stipulated by TfNSW. Specifically, preparing procurement documents, selecting a certified Road Safety Auditor, completing the Road Safety Audit, preparing mitigation strategies for the issues raised and implementing the findings of the audits (Capital works).

- Financial burden to Council.
- Safety issues, including Insurance and Liability.

Considering these concerns and the uncertainty around costs this report is requesting Council consider its position on further participation in the trial.

The cost to engage consultants to undertake the required Road Safety Audits for the trial that is required by TfNSW is in the order of \$250,000 - \$300,000. This cost has not been included in Councils current adopted Delivery Program

The cost then to implement the findings of the Road Safety Audits are at this stage unknown but could be substantial and will potentially involve capital works and the management of contractors to implement the works.

The cost in staff time and resources to administer the trial will also be considerable.

RECOMMENDATION:

- 1. THAT** Council consider its position of continuing with the E-Scooter trial.
- 2. THAT** if Council resolves to continue with the trial it is on the basis that Councils request for an extension of two months from the 30 September application due date is successful with TfNSW.
- 3. THAT** Council withdraw from the trial if an extension of time is not granted.

A Motion was moved by Councillor Bourke and seconded by Councillor Beregi:

1.THAT Council write to Transport for NSW and decline to pursue our application for the e-scooter trial as its stands, and request that Transport for NSW fully fund an e-scooter trial in the North Sydney local government area.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

301. RESOLVED:

1. THAT Council write to Transport for NSW and decline to pursue our application for the e-scooter trial as its stands, and request that Transport for NSW fully fund an e-scooter trial in the North Sydney local government area.

8.13. Shoreshocked Youth Festival 2022

AUTHOR: Greg Nikoletos, Youth Services and Partnerships Coordinator

To brief Council on its flagship annual youth event, Shoreshocked Youth Festival, which was held at The Concourse – Civic Pavilion in Chatswood on Saturday 6 August 2022.

North Sydney Council has been celebrating Youthweek in St. Leonards Park through its flagship youth event, Shoreshocked, since 1996.

It is the only free, large scale, all ages youth festival in Northern Sydney and it provides multiple opportunities for young people to be involved in the planning, in celebrating youth culture and to showcase their creativity and skills to their peers and to the wider community.

The music concert, initially scheduled for Saturday, 9 April was postponed due to the inclement weather making the grounds at St. Leonards Park unusable.

The grounds remained unsafe again in August resulting in the event being moved indoors to the Civic Pavilion in Chatswood.

The event was organised in collaboration with 6 Northern Sydney area Councils. The participating Councils included Lane Cove, Mosman, North Sydney, Ku-ring-gai, Ryde, and Willoughby.

There were six bands that took to the stage to showcase their talents and entertain the crowd. Community stalls engaged the young people on the day and the outdoor area was activated with activities and decorations where Youth Workers and young volunteers interacted with young people and the community in general.

Funding is provided by each Council which incorporates Youthweek financial contributions from the State Government.

North Sydney Council contributed \$20,636 to Shoreshocked and this included a \$3,181.20 grant income from NSW Youthweek.

Contributions from partner Councils were:

- City of Ryde \$6,300.00
- Ku-ring-gai Council \$9,000.00
- Lane Cove \$6,000.00
- Mosman Council \$5,000.00
- Willoughby Council \$4,000

Total contributions from partners: \$30,300

RECOMMENDATION:

1. THAT the report be received.

This item was considered by exception (see page 6)

302. RESOLVED:

1. THAT the report be received.

8.14. Renaming of Clark Road Island

AUTHOR: Ian Hoskins, Council Historian

This report seeks Council approval to rename Clark Road Island to Cart Horse Corner.

Clark Road Island is a triangular traffic island sitting at the junction of Clark and Kurraba Roads, Neutral Bay. It is a green space with tree plantings but is not gazetted as a park or reserve. Emeritus Professor Peter Webber, the community representative on North Sydney Council's Design Excellence Panel, has applied to have this 'accidental park' renamed Cart Horse Corner so that it becomes an identified community place opposite local shops and behind the Clark Road bus shelter. Professor Webber was instrumental in having a nearby 1920s horse trough relocated to the Island so as to elevate the profile of that historic piece

of infrastructure while highlighting the rarely acknowledged role played by horses in the local area. The renaming of the traffic island furthers that goal.

Because this is a traffic island and not a road or a park, renaming carries no need for Geographic Names Board [GNB] approval. The name would appear on interpretative signage and in Council maps.

A baked enamel sign, with the name Cart Horse Corner and text outlining the local history of horse transport and drafted by Council's Historian, would cost approximately \$2500 to produce. This can be met by recurrent funding.

RECOMMENDATION:

1. THAT Council approve the name Cart Horse Corner for the site currently called Clark Road Island and that interpretative signage outlining the reason for the name be installed in the site.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

303. RESOLVED:

1. THAT Council approve the name Cart Horse Corner for the site currently called Clark Road Island and that interpretative signage outlining the reason for the name be installed in the site.

8.15. Neutral Bay Community Centre Joint Strategic Plan 2022-24

AUTHOR: Michelle Luhr, A/Access and Inclusion Coordinator

To seek endorsement for Neutral Bay Community Centre's Joint Strategic Plan 2022-24.

The Neutral Bay Community Centre (NBCC) is an independent, not-for-profit community organisation, supported by Council and operated by a volunteer Board.

At its meeting 28 June 2021, Council endorsed the following recommendation:

THAT Council enters into a Joint Strategic Plan with Neutral Bay Community Centre, consistent with other Council-owned community centres.

This is Neutral Bay Community Centre's first Joint Strategic Plan which was placed on public exhibition for 28 days for public review and comments. During the public exhibition phase, one submission was received.

The NBCC Joint Strategic Plan 2022-24 is a planning document developed by Council and the Neutral Bay Community Centre Board to outline the shared commitment by Council and NBCC to deliver programs and services that meet and respond to local community need.

Council leases the first-floor community hall at 190-192 Military Road, Neutral Bay to the NBCC for a peppercorn rent. This lease was renewed on 1 July 2022 and expires on 30 June 2024.

The Association is provided access to the two meeting rooms on the second floor to run programs and activities via an external hire booking system managed by Council's Customer Services Team. Council has allocated an annual budget of \$50,000 in its Grants & Subsidies budget to contribute towards the employment of a part-time Centre Coordinator.

RECOMMENDATION:

1. THAT Council adopt the Neutral Bay Community Centre Joint Strategic Plan 2022-24.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

304. RESOLVED:

1. THAT Council adopt the Neutral Bay Community Centre Joint Strategic Plan 2022-24.

9. Notices of Motion

9.1. Notice of Motion 55/22 - Halt and Review the Western Harbour Tunnel/Beaches Link Project - Cr Beregi

1. THAT Council call on the NSW State Government not to enter into any contracts for the Western Harbour Tunnel Stage 3 or the Northern Beaches Link projects prior to the 2023 NSW State Government election.

2. THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for Heritage and Minister for the Environment seeking their assurance that no contracts in relation to the works on the Western Harbour Tunnel and Northern Beaches Link projects are signed prior to the 2023 NSW State Government election.

3. THAT Council write to the Leader of the Opposition, Shadow Treasurer, Shadow Minister for Roads, Shadow Minister for Heritage and Shadow Minister for the Environment seeking their commitment that should they be elected in March 2023, that they will immediately halt and review the Western Harbour Tunnel Beaches Link Project.

The following people spoke on this item as part of the Public Forum:

- Jillian Christie
- Chris Holding

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

1. THAT Council call on the NSW State Government not to enter into any contracts for the Western Harbour Tunnel Stage 3 or the Northern Beaches Link projects prior to the 2023 NSW State Government election.

2. THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for Heritage and Minister for the Environment seeking their assurance that no contracts in relation to the works on the Western Harbour Tunnel and Northern Beaches Link projects are signed prior to the 2023 NSW State Government election.

3. THAT Council write to the Leader of the Opposition, Shadow Treasurer, Shadow Minister for Roads, Shadow Minister for Heritage and Shadow Minister for the Environment seeking their commitment that should they be elected in March 2023, that they will immediately halt and review the Western Harbour Tunnel Beaches Link Project.

4. THAT Council write to the Prime Minister, the Federal Minister for the Environment, and the Federal Minister for Transport, seeking their assurance that no federal funding will be provided for this project.

5. THAT Council also make similar representations regarding the Warringah Freeway Upgrade.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

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

Against: Councillor Drummond and Councillor Gibson

Absent: Nil

305. RESOLVED:

1. THAT Council call on the NSW State Government not to enter into any contracts for the Western Harbour Tunnel Stage 3 or the Northern Beaches Link projects prior to the 2023 NSW State Government election.

2. THAT Council write to the Premier, Treasurer, Minister for Roads, Minister for Heritage and Minister for the Environment seeking their assurance that no contracts in relation to the works on the Western Harbour Tunnel and Northern Beaches Link projects are signed prior to the 2023 NSW State Government election.

3. THAT Council write to the Leader of the Opposition, Shadow Treasurer, Shadow Minister for Roads, Shadow Minister for Heritage and Shadow Minister for the Environment seeking their commitment that should they be elected in March 2023, that they will immediately halt and review the Western Harbour Tunnel Beaches Link Project.

4. THAT Council write to the Prime Minister, the Federal Minister for the Environment, and the Federal Minister for Transport, seeking their assurance that no federal funding will be provided for this project.

5. THAT Council also make similar representations regarding the Warringah Freeway Upgrade.

9.2. Notice of Rescission 4/22 - Young Street Plaza - Tender 34/2021 (26 April 2022) - Crs Gibson. Mutton & Spenceley

THAT part 4 of the Council's resolution relating to Item 10.1 Young Street Plaza - Tender 34/2021:

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

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

The following people spoke on this item as part of the Public Forum:

- Ernesto Santone

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

For: Councillor Drummond, Councillor Gibson, Councillor Spenceley and Councillor Mutton

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

Absent: Nil

10. Matters of Urgency

Nil.

11. Confidential Matters

11.1. 4th Quarterly Property Portfolio Public Report_2021/2022

AUTHOR: Risha Joseph, Senior Property Officer

The purpose of this report is to provide Council with information on the Property Portfolio for the 4th quarter of 2021/2022 (Period commencing 1 April 2022 and ending 30 June 2022).

This report comprises the following information, whilst the Confidential report includes the monetary information relating to the Property Income, Leasing Transactions and Arrears data.

- Overview of Council's Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- Update on the COVID-19 Rent Abatement & Commercial and Retail Rent Relief Scheme
- Update on the Pandemic Facilities
- Outdoor Dining Licence Fees
- Major Property Projects (Maintenance and Capital works) for the quarter
 - Update on Primrose Park Tennis Centre Lease
 - Installation of Signage: Neutral Bay Community Centre
 - Installation of Tesla Battery: Ros Crichton Pavilion

The associated Confidential Report to this item addresses monetary information of a confidential nature in relation to the Property Income, Leasing Transactions and Arrears Data for the quarter. 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):

(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 because of the ongoing impacts that the COVID-19 Pandemic had on Councils Property Portfolio. As on 30 June 2022 the total actual annual Property Portfolio income on a cash basis was \$5,514,352.

The actual income for the 4th Quarter of 21/22 (April to June) which was received on a cash basis through Colliers International was \$1,381,799.95 as of 30 June 2022, which is \$130,106 more than the forecasted budget of \$1,251,694 for the quarter, that is 10% more than projected. The income received on an accrual basis for this quarter was \$1,203,919.

The Year-to-Date income which is received on an accrual basis was \$4,859,951 as at 30 June 2022.

RECOMMENDATION:

1.THAT the report be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

306. RESOLVED:

1. THAT the report be received.

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

Councillors Beregi and Welch declared in interest in the following matter and left the meeting at 8:20 pm.

11.2. Current Appeals and Results - September 2022

AUTHOR: Craig Winn, Solicitor

To report on current appeal and prosecution matters.

Attached is a list of current appeal and prosecution matters as at 2 September 2022 for Council's information.

A separate Confidential report is provided. The Confidential report includes additional detail on the legal nature of the appeal, status and legal issues relating to matter still afoot.

In order to discuss the ongoing legal matter with Council's Solicitor, it is recommended that the meeting be closed to the public in accordance with Section 10A(2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Further, consideration of the matter in open Council would, on balance be contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the North Sydney community.

As at 2 September 2022, Council has incurred \$ 219,987 on legal fees for the 2022/23 financial year and recovered legal costs in the amount of \$ 3,333. The legal budget for 2023 financial year is \$ 1,500,000.

RECOMMENDATION:

1. THAT the report be received.

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

The Motion 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 Bourke, Councillor Drummond, Councillor Gibson,

Councillor Lamb, Councillor Santer, Councillor Spenceley and Councillor Mutton

Against: Nil

Absent: Councillor Beregi and Councillor Welch

307. RESOLVED:

1. THAT the report be received.

Councillors Beregi and Welch returned to meeting at 8:26 pm.

11.3. North Sydney Council's Compensation Claim -TfNSW Compulsory Acquisitions - Council's Parks Reserves - Update Report No 2- Public

AUTHOR: Duncan Mitchell, Director of Engineering and Property Services

The purpose of this report is to update Council on the current class 3 court proceedings Council is undertaking in relation to its compensation claim for the land that TfNSW has compulsorily acquired for the purposes of the Warringah Freeway upgrade.

A class 3 Application was filed with the Land and Environment Court by Councils Lawyers on 3 June 2022. A report was subsequently prepared for the Legal and Governance Committee held on Tuesday 14 June – Item 5.2. Legal Matter - Class 3 Proceedings Land & Environment Court - Compensation Claim – land occupied by TfNSW for the Warringah Freeway.

The report from the Legal and Governance Committee was reported to Council at the July 21, Council meeting – Item 10.4 – Confidential Matters.

In summary the report outlined the final determination of compensation that the NSW Valuer General had arrived at and the subsequent final offer of compensation that Council had received from TfNSW on the three (3) sites, comprising 11 lots of land that TfNSW had compulsorily acquired for 4 years and 11 months.

Contained within the confidential attachment to the 21 July Council Report was legal advice from Councils lawyers and Senior Counsel on the NSW Valuer Generals final determination on Councils Claim.

In order to discuss the subject of this report, it is recommended that the meeting be closed to the public in accordance with Section 10A (2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reason listed below:

(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.

RECOMMENDATION:

1. THAT the report be received.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

308. RESOLVED:

1. THAT the report be received.

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

12. Closure

The Meeting concluded at 8:27 pm.