



MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 23 May 2022.



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1. Opening Meeting

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

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

Councillor Spenceley joined the meeting remotely at 7.37pm.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Mutton.

3. Apologies and Applications for Leave of Absence by Councillors

There were no apologies or Applicants for Leave of Absence by Councillors

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3658th Council Meeting held on Monday, 26 April 2022 be taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Spenceley

140. RESOLVED:

THAT THE MINUTES of the previous 3658th Council Meeting held on Monday, 26 April 2022 be taken as read and confirmed.

5. Disclosures of Interest

9.1 Notice of Rescission No1/22 by Councillor Drummond, Gibson and Mutton - Item 8.9. PP2/22 - 12-14 Waters Road, Neutral Bay	Cr Spenceley	Non pecuniary, less than significant – his current office is at 3 Young St
9.2 Notice of Rescission No2/22 by Councillor Drummond, Gibson and Mutton - Item 10.1, Young Street Plaza - Tender 34/2021	Cr Spenceley	Non pecuniary, less than significant – his current office is at 3 Young St

Items to be Considered by Exception

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

7.1	Traffic Committee - Minutes 22 April 2022
7.2	Governance and Finance Committee - Minutes 9 May 2022
8.1	Matters Outstanding May 2022
8.2	Draft Resourcing Strategy 2022-2032
8.3	Draft Delivery Program 2022-2026
8.4	Draft Operational Plan and Budget 2022-23
8.5	Draft Fees and Charges Schedule 2022-23
8.6	Draft Grants and Subsidies 2022-23
8.7	Investment and Loan Borrowings Report held as at 30 April 2022
8.8	Military Road Corridor Planning Study
8.9	Readoption of draft amendment to NSDCP 2013 - 11-17 Hampden St & 173-179 Walker St
8.12	Sydney Coastal Council Group - Membership Term
8.14	Tidal Pool Swimming Enclosure Proposal Hayes St Beach - Water and Sediment Testing Results
8.15	North Sydney Olympic Pool Redevelopment monthly progress report
9.4	Notice of Motion 30/22 - Cr Baker - Environment Refence Group Minutes 11 April 2022
10.1	Tender No. 38/2021 St Leonards Park Playground Upgrade
10.2	Tender 2/2022 Fred Hutley Reserve Playground Upgrade

It was confirmed with Councillors that in moving items 10.2, 10.3 and 10.5, they were moving the recommendations in the Confidential reports.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Spenceley

141. RESOLVED:

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

7.1	Traffic Committee - Minutes 22 April 2022
7.2	Governance and Finance Committee - Minutes 9 May 2022
8.1	Matters Outstanding May 2022
8.2	Draft Resourcing Strategy 2022-2032
8.3	Draft Delivery Program 2022-2026
8.4	Draft Operational Plan and Budget 2022-23
8.5	Draft Fees and Charges Schedule 2022-23
8.6	Draft Grants and Subsidies 2022-23
8.7	Investment and Loan Borrowings Report held as at 30 April 2022
8.8	Military Road Corridor Planning Study
8.9	Readoption of draft amendment to NSDCP 2013 - 11-17 Hampden St & 173-179 Walker St
8.12	Sydney Coastal Council Group - Membership Term
8.14	Tidal Pool Swimming Enclosure Proposal Hayes St Beach - Water and Sediment Testing Results
8.15	North Sydney Olympic Pool Redevelopment monthly progress report
9.4	Notice of Motion 30/22 - Cr Baker - Environment Refence Group Minutes 11 April 2022
10.1	Tender No. 38/2021 St Leonards Park Playground Upgrade
10.2	Tender 2/2022 Fred Hutley Reserve Playground Upgrade

6. Mayoral Minutes

6.1. MM01 Senior Staff

Mayoral Minute MM01 Senior Staff was considered as part of Confidential Matters.

It was moved by Councillor Beregi, seconded by Councillor Drummond

THAT Council consider the following items at the commencement of the meeting, the time being 7.36pm

- 9.1 Notice of Rescission No1/22 by Councillor Drummond, Gibson and Mutton - Item 8.9. PP2/22 - 12-14 Waters Road, Neutral Bay
- 9.2 Notice of Rescission No2/22 by Councillor Drummond, Gibson and Mutton - Item 10.1, Young Street Plaza - Tender 34/2021

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Councillor Spenceley

Councillor Spenceley joined the meeting remotely the time being 7.37pm.

9.1. Notice of Rescission No.1/22 by Councillors Drummond, Gibson and Mutton - Item 8.9, PP2/22 – 12-14 Waters Road, Neutral Bay

THAT the Council's resolution relating to item 8.9 – PP2/22 – 12-14 Waters Road, Neutral Bay

1. THAT Council resolves to not support the Planning Proposal proceeding to Gateway Determination, for the following reasons:

- *The proposal does not demonstrate strategic merit as it challenges the implementation of Action L1.5 of the North Sydney Local Strategic Planning Statement (LSPS). In particular, it seeks to progress a planning proposal that is not endorsed by any planning study. This would result in the ad hoc redevelopment of the area and potentially give rise to poor and unplanned outcomes for the Neutral Bay community.*
- *The proposal does not demonstrate site specific merit due to the following:*
 - *the height being sought by the proposal is excessive given its stated objectives of achieving a single additional storey; and*
 - *the proposed underground portion of commercial floor space is of sub-standard amenity.*

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

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

The Rescission Motion was moved by Councillor Drummond and seconded by Councillor Mutton.

The Rescission 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

9.2. Notice of Rescission No.2/22 by Councillors Drummond, Gibson and Mutton - Item 10.1, Young Street Plaza - Tender 34/2021

THAT the Council's resolution relating to item 10.1 – Young Street Plaza - Tender 34/2021:

- 1. THAT Council reject all tenders for Tender 34/2021 for Young Street Plaza Construction.*
- 2. THAT all Councillors be provided with the Funding Deed and any other correspondence/information.*
- 3. THAT the Mayor meet with Transport for NSW to discuss alternate options within the Military Road corridor including alternative options for Young Street.*
- 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.*
- 5. THAT the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.*

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

The Rescission Motion was moved by Councillor Drummond and seconded by Councillor Spenceley.

The Rescission 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

7. Reports of Committees

7.1. Traffic Committee - Minutes 22 April 2022

AUTHOR: Peita Rose, Governance Officer

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

This report presents the recommendations of the last meeting of the Traffic Committee held on 22 April 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 April 2022](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2022/22_April_2022)

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

RECOMMENDATION:

1. **THAT** the location and design of the bus shelter is subject to further detailed design review and will be presented to Council for further consideration. (5.2)
2. **THAT** Council monitors and reviews the usage of the new bus stops and the existing bus stops between Ridge Street and Berry Street after 12 months from implementation. (5.2)
3. **THAT** Council monitor and review usage of the Taxi Rank and Disabled Parking space after 12 months implementation to verify that they meet their intended objectives, and the parking is being utilised in the most effective way. (5.2)
4. **THAT** Council's Tree Management team do not support any plans that will have an impact on the significant Trees in particular the Plane Trees on Miller or Maclaren streets. It would be expected that any designs take into account the retention of all Trees. (5.2)
5. **THAT** Council proceeds with the upgrade of the existing pedestrian crossing Waters Road at Grosvenor Street, Neutral Bay to a raised pedestrian crossing as per the attached plan as part of the 2021/22 Federal Government Stimulus Road Safety Program (School Zone Infrastructure). (5.4)
6. **THAT** the parking space on the eastern side of Waters Road on the departure of the proposed pedestrian crossing be retained. Therefore, there will be no loss of parking. (5.4)
7. **THAT** the affected residents and businesses be notified prior to the implementation of the proposal. (5.4)
8. **THAT** a left-hand turn signal be placed on the corner of Wycombe Road and Yeo Street, as people feel they can't see properly and there are a lot of near misses. (5.5)
9. **THAT** a new community consultation be undertaken, based on the petition received from residents of Moodie Street with the new proposals. (5.6)
10. **THAT** prior to implementation of any TMPs, plans to be forwarded to TfNSW for review/approval. (5.6)

This item was adopted by exception (see page 6)

142. RESOLVED:

1. **THAT** the location and design of the bus shelter is subject to further detailed design review and will be presented to Council for further consideration. (5.2)
2. **THAT** Council monitors and reviews the usage of the new bus stops and the existing bus stops between Ridge Street and Berry Street after 12 months from implementation. (5.2)

- 3.THAT** Council monitor and review usage of the Taxi Rank and Disabled Parking space after 12 months implementation to verify that they meet their intended objectives, and the parking is being utilised in the most effective way. (5.2)
- 4.THAT** Council's Tree Management team do not support any plans that will have an impact on the significant Trees in particular the Plane Trees on Miller or Maclaren streets. It would be expected that any designs take into account the retention of all Trees. (5.2)
- 5.THAT** Council proceeds with the upgrade of the existing pedestrian crossing Waters Road at Grosvenor Street, Neutral Bay to a raised pedestrian crossing as per the attached plan as part of the 2021/22 Federal Government Stimulus Road Safety Program (School Zone Infrastructure). (5.4)
- 6.THAT** the parking space on the eastern side of Waters Road on the departure of the proposed pedestrian crossing be retained. Therefore, there will be no loss of parking. (5.4)
- 7.THAT** the affected residents and businesses be notified prior to the implementation of the proposal. (5.4)
- 8. THAT** a left-hand turn signal be placed on the corner of Wycombe Road and Yeo Street, as people feel they can't see properly and there are a lot of near misses. (5.5)
- 9. THAT** a new community consultation be undertaken, based on the petition received from residents of Moodie Street with the new proposals. (5.6)
- 10. THAT** prior to implementation of any TMPs, plans to be forwarded to TfNSW for review/approval. (5.6)

7.2. Governance and Finance Committee - Minutes 9 May 2022

AUTHOR: Ian Curry, Manager Council & Committee Services

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

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on Monday 9 May 2022 for Council adoption. The minutes are attached for information.

RECOMMENDATION:

- 1. THAT** the Quarterly Budget Review Statement – March 2022 report be received. (4.1)
- 2. THAT** Council acknowledges the budget amendments in the Quarterly Budget Review Statement – March 2022 report. (4.1)
- 3. THAT** the Quarterly Review of the Operational Plan - January to March 2022 be received. (4.2)
- 4. THAT** Council notes the remedial action for those projects that were not on track for the period ending 31 March 2022. (4.2)
- 5.THAT** Council resolve to exercise the option of making superannuation contributions to Councillors pursuant to Section 254B of the Local Government Act 1993. (4.3)
- 6. THAT** the advice regarding the Emergency Services Levy Council Contributions be received. (4.4)
- 7. THAT** the Outdoor Dining Licences - Waiving Fees during COVID-19 report be received. (4.5)
- 8.THAT** the Corporate Policy Framework be noted. (4.6)

9. THAT Council endorse the adoption of the attached Code of Conduct - Councillors and Staff and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW for the purpose of public exhibition for a period of 42 days. (4.7)

10.THAT Council adopts the attached *Councillor and Staff Interaction Policy*, with an amended Schedule 1 to incorporate appropriate managers. (4.8)

11.THAT Council note the report on participation in the Councillor Induction Program following the conduct of the 2021 Local Government Election. (4.9)

12.THAT Council endorse for adoption the attached Councillor Induction and Professional Development Policy drafted in accordance with the Office of Local Government Model Policy. (4.9)

13.THAT the NSOP Redevelopment Governance Report be deferred to a Councillor briefing. (5.1)

This item was adopted by exception (see page 6)

143. RESOLVED:

1. THAT the Quarterly Budget Review Statement – March 2022 report be received. (4.1)

2. THAT Council acknowledges the budget amendments in the Quarterly Budget Review Statement – March 2022 report. (4.1)

3. THAT the Quarterly Review of the Operational Plan - January to March 2022 be received. (4.2)

4. THAT Council notes the remedial action for those projects that were not on track for the period ending 31 March 2022. (4.2)

5.THAT Council resolve to exercise the option of making superannuation contributions to Councillors pursuant to Section 254B of the Local Government Act 1993. (4.3)

6. THAT the advice regarding the Emergency Services Levy Council Contributions be received. (4.4)

7. THAT the Outdoor Dining Licences - Waiving Fees during COVID-19 report be received. (4.5)

8.THAT the Corporate Policy Framework be noted. (4.6)

9. THAT Council endorse the adoption of the attached Code of Conduct - Councillors and Staff and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW for the purpose of public exhibition for a period of 42 days. (4.7)

10.THAT Council adopts the attached *Councillor and Staff Interaction Policy*, with an amended Schedule 1 to incorporate appropriate managers. (4.8)

11.THAT Council note the report on participation in the Councillor Induction Program following the conduct of the 2021 Local Government Election. (4.9)

12.THAT Council endorse for adoption the attached Councillor Induction and Professional Development Policy drafted in accordance with the Office of Local Government Model Policy. (4.9)

13.THAT the NSOP Redevelopment Governance Report be deferred to a Councillor briefing. (5.1)

8. Reports to Council

8.1. Matters Outstanding May 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 26 April 2022 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

This item was adopted by exception (see page 6)

144. RESOLVED:

1. THAT the report be received.

8.2. Draft Resourcing Strategy 2022-2032

AUTHOR: Amanda Dobson, Manager Human Resources, Jenny Gleeson, Manager Corporate Planning & Engagement, Christian Menday, Manager Financial Services, John Van Hesden, Manager Assets

This report seeks endorsement of the *Draft Resourcing Strategy 2022-2032* for public exhibition to allow for stakeholder submissions.

The Resourcing Strategy is the point in Council's Integrated Planning and Reporting Framework where Council identifies its responsibilities in delivering the Community Strategic Plan. The Resourcing Strategy responds to what Council is responsible for and includes three components - long term financial planning, asset management planning and workforce management planning.

In accordance with statutory requirements, Council must adopt its new Resourcing Strategy by 30 June 2022. The *Draft Resourcing Strategy 2022-2032* (Attachment 1) is presented for endorsement to be placed on public exhibition for a minimum of 28 days, concurrent with the *Delivery Program 2022-2026* (Item 8.3) and *Draft Operational Plan 2022/23* (Item 8.4). Community feedback is invited during the public exhibition period. Following the close of the exhibition period a further report will be presented to Council detailing any recommend amendments to the final plan, based on submissions received.

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

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

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

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

RECOMMENDATION:

- 1. THAT** the attached Draft Resourcing Strategy 2022-2032 be endorsed for public exhibition for a minimum of 28 days, inclusive of the 'Planned Scenario' as its preferred financial scenario.
- 2. THAT** a further report be prepared for Council's consideration at the end of the submission period to facilitate adoption of the Resourcing Strategy 2022-2032 by 30 June 2022 as required under the Integrated Planning and Reporting requirements, in accordance with section 403 of the Local Government Act 1993.

This item was adopted by exception (see page 6)

145. RESOLVED:

- 1. THAT** the attached Draft Resourcing Strategy 2022-2032 be endorsed for public exhibition for a minimum of 28 days, inclusive of the 'Planned Scenario' as its preferred financial scenario.
- 2. THAT** a further report be prepared for Council's consideration at the end of the submission period to facilitate adoption of the Resourcing Strategy 2022-2032 by 30 June 2022 as required under the Integrated Planning and Reporting requirements, in accordance with section 403 of the Local Government Act 1993.

8.3. Draft Delivery Program 2022-2026

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

This report seeks endorsement of the *Draft Delivery Program 2022-2026*, inclusive of the four year financial estimates and the Draft Capital Works Program for public exhibition to allow for stakeholder submissions.

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

The *Draft Delivery Program 2022-2026* (Attachment 1) is presented for endorsement to be placed on public exhibition for a minimum of 28 days, concurrent with the *Draft Operational Plan & Budget 2022/23* (Item 8.4) and *Draft Resourcing Strategy 2022-2032* (Item 8.2).

The draft financial estimates and Capital Works Program included in Appendix 1 detail the resourcing requirements to deliver the plan. The resourcing requirements are also outlined in Years 1 to 4 of the attached *Draft Resourcing Strategy 2022-2032*. Outcome 3.2 *North Sydney is smart and innovative* has no budget assigned in the draft plan. Responsibility for this Outcome has recently transferred to the Information Technology Department. The Department's operating budget will be reviewed in the exhibition period. Relevant activity budgets will be identified and assigned to this Outcome.

RECOMMENDATION:

- 1. THAT** the *Draft Delivery Program 2022-2026* be placed on public exhibition for a minimum of 28 days.
- 2. THAT** further report be prepared for Council's consideration at the end of the submissions closing period to facilitate adoption of a Delivery Program by 30 June 2022 as required under the Integrated Planning and Reporting requirements under section 404 of the Local Government Act 1993.

This item was adopted by exception (see page 6)

146. RESOLVED:

- 1. THAT** the *Draft Delivery Program 2022-2026* be placed on public exhibition for a minimum of 28 days.
- 2. THAT** further report be prepared for Council's consideration at the end of the submissions closing period to facilitate adoption of a Delivery Program by 30 June 2022 as required under the Integrated Planning and Reporting requirements under section 404 of the Local Government Act 1993.

8.4. Draft Operational Plan and Budget 2022-23

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

This report seeks endorsement of the *Draft Operational Plan & Budget 2022/23*, inclusive of the *Draft Revenue Policy 2022/23* and the *Draft Capital Works Program 2022/23* for public exhibition, to allow opportunity for stakeholder submissions.

In accordance with legislative requirements, Council must adopt its Operational Plan for the next financial year by 30 June. The *Draft Operational Plan & Budget 2022/23* (Attachment 1) details the projects and services that Council will undertake in the first year of the *Draft Delivery Program 2022-2026* (Item 8.3) to contribute to the achievement of the outcomes and strategies defined in the *North Sydney Community Strategic Plan*.

The *Draft Operational Plan & Budget 2022/23* is presented for endorsement to be placed on public exhibition for a minimum of 28 days, concurrent with the *Draft Delivery Program 2022-2026* (Item 8.3) and *Draft Resourcing Strategy 2022-2026* (Item 8.2).

The draft budget has been prepared in accordance with Section 405 of the *Local Government Act 1993* and the Essential Elements outlined in the NSW Office of Local Government's Integrated Planning and Reporting (IP&R) Guidelines and Handbook (2021). The *Draft Revenue Policy 202/23* (Appendix 2 in Attachment 1) has been prepared in accordance with the *Local Government (General) Regulation 2021*.

The draft includes the following assumptions:

- a one-off additional special rate variation (ASV) in 2022/23 subject to IPART approval and thereafter based on the annual rate peg as determined by IPART; and
- the introduction of councillor superannuation payments.

The Draft Operating Budget forecasts a surplus of \$296,032 before capital grants and contributions. \$33.8 million has been allocated to fund the projects and infrastructure renewal programs included in the 2022/23 Capital Works Program. A further \$777,000 has been allocated to fund the replacement of plant and fleet vehicles. Funding of the budget will require a net draw down from reserves of \$5.4 million.

The financial estimates and Capital Works Program outline how the Council plans to deliver the plan by Division.

RECOMMENDATION:

- 1. THAT** the attached Draft Operational Plan and Budget 2022/23 be endorsed for public exhibition for a minimum of 28 days.
- 2. THAT** a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Operational Plan and Budget 2022/23 by 30 June 2022 as required by section 405 of the Local Government Act NSW.

This item was adopted by exception (see page 6)

147. RESOLVED:

- 1. THAT** the attached Draft Operational Plan and Budget 2022/23 be endorsed for public exhibition for a minimum of 28 days.
- 2. THAT** a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Operational Plan and Budget 2022/23 by 30 June 2022 as required by section 405 of the Local Government Act NSW.

8.5. Draft Fees and Charges Schedule 2022-23

AUTHOR: Daniel Peacock, Assets and Taxation Accountant

This report provides details of the proposed fees and charges for the financial year commencing 1 July 2022.

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

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

RECOMMENDATION:

1.THAT the Draft Fees & Charges Schedule 2022/23 be endorsed and placed on public exhibition for a minimum of 28 days.

2.THAT a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Fees and Charges Schedule 2022/23 by 30 June 2022.

This item was adopted by exception (see page 6)

148. RESOLVED:

1.THAT the Draft Fees & Charges Schedule 2022/23 be endorsed and placed on public exhibition for a minimum of 28 days.

2.THAT a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Fees and Charges Schedule 2022/23 by 30 June 2022.

8.6. Draft Grants and Subsidies 2022-23

AUTHOR: Rebecca Aukim, Director Community & Library Services

To provide clarity and direction to North Sydney Council and the community on the equitable investment of resources and funds to strengthen the capacity of the community and to address identified social needs.

The Grants and Subsidies Program for 2022/23 is presented as follows:

- Category A: Community Centres and Cultural Facilities
- Category B: Child Care Centres
- Category C: Centres of local & sub-regional importance
- Community Housing
- Aged Care Accommodation
- Recreational Facilities Program
- Subsidies for individuals
- Ongoing North Sydney community services not in Council buildings
- Internet/telephone support for seniors
- Small Grants: new and innovative & health and well-being
- Sports Grants
- Food Grants (recipients to be confirmed)
- Arts Grants (recipients to be confirmed)

Council's total cash subsidy for community services in 2022/23 is \$1,066,323 of which \$137,473 is for parking subsidies, \$575,000 for the community centres, \$32,100 for parent-run childcare and \$238,050 for small group support. Additional subsidies in kind are made as detailed in the report, the most substantial of which are trade waste removal (\$70,672) and building maintenance and rates (\$796,500).

RECOMMENDATION:

- 1. THAT** the Draft Community Grants and Subsidies 2022/23 report be placed on public exhibition for a minimum of 28 days, aligning with the Amended Delivery Program/Draft Operational Plan 2022/23.
- 2. THAT** a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the final Grants & Subsidies 2022/23 by 30 June 2022.

This item was adopted by exception (see page 6)

149. RESOLVED:

- 1. THAT** the Draft Community Grants and Subsidies 2022/23 report be placed on public exhibition for a minimum of 28 days, aligning with the Amended Delivery Program/Draft Operational Plan 2022/23.
- 2. THAT** a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the final Grants & Subsidies 2022/23 by 30 June 2022.

8.7. Investment and Loan Borrowings Report held as at 30 April 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 30 April 2022.

Investment Portfolio:

The Investment Portfolio (excluding cash balances) held for the period ending 30 April 2022 had a market value of \$118,902,997. The annualised returns were 1.29%. This return exceeded the Australian Bond Bank Bill performance benchmark by 1.27%.

Cash deposits at call were \$ 27,803,735 with \$ 21,538,756 of these held in interest bearing accounts. \$ 6,264,979 cash is held in Council's non-interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs.

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

The actual year to date returns for cash and investments to 30 April 2022 were \$1,101,000 compared to a year-to-date budget of \$902,000.

Historically, returns on cash (i.e. "at call" accounts) and short-term investments have been quite strong. With the low official cash rate, market variability in monthly returns may mean the short to medium term investment returns could be flat or potentially slightly negative. The capacity for Council staff to invest in a manner that meets liquidity requirements whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) is increasingly limited. However, the best available returns are still 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 30 April 2022 is \$6,373,192. The projects funded are outlined in the body of the report.

North Sydney Olympic Pool Redevelopment

In January 2022 Council established a \$31 million TCorp loan facility to partially fund the redevelopment of North Sydney Olympic Pool. Drawdown on the facility was processed on 28 April 2022. The drawdown rate is 4.24%. The funds will be restricted and then released as required to fund project cash outflows.

Council's total investment portfolio performance for the financial year to date is 1.27% above the benchmark (1.29% against 0.02%). The actual year to date returns for cash and investments to 30 April 2022 were \$1,101,000 compared to a year-to-date budget of \$902,000.

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

RECOMMENDATION:

1. THAT the report on Investments and Loan Borrowings held at 30 April 2022 be received.

This item was adopted by exception (see page 6)

150. RESOLVED:

1. THAT the report on Investments and Loan Borrowings held at 30 April 2022 be received.

8.8. Military Road Corridor Planning Study

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

To present Council with a scoping framework as the basis to proceed with a revised Military Road Corridor Planning Study in response to Council's rescission of the previously adopted Study for the precinct.

Between 2018 and 2021, Council prepared a planning study to guide and manage change and growth in the Neutral Bay town centre. Key objectives to this study were to:

- address the decline in employment floor space in the centre
- facilitate carefully planned development while maintaining the village atmosphere of the centre; and
- leverage a range of community benefits and public domain improvements from planned and limited growth.

The resulting study was adopted by Council in February 2021.

At its meeting on 24 January 2022, Council resolved to rescind this study and to create an updated strategic development framework by engaging with the community and stakeholders to prepare "a revised recommendation that has a better balance between development height and the provision of additional public open space".

This report represents the start of this process by presenting a scoping framework as the basis to guide the commencement this new planning work.

The Council's draft budget includes funding of \$150,000 in the 2022/23 financial year towards the completion of this work, including consultation.

RECOMMENDATION:

1. THAT Council endorse the scoping framework outlined in this report as the basis to commence work commence a revised planning study for the Neutral Bay Town Centre to guide and manage change and to influence community benefits and public domain improvements.

This item was adopted by exception (see page 6)

151. RESOLVED:

1. THAT Council endorse the scoping framework outlined in this report as the basis to commence work commence a revised planning study for the Neutral Bay Town Centre to guide and manage change and to influence community benefits and public domain improvements.

8.9. Readoption of draft amendment to NSDCP 2013 - 11-17 Hampden St & 173-179 Walker St

AUTHOR: Ben Boyd, Executive Strategic Planner

To seek Council's re-endorsement of a previously exhibited site-specific amendment to North Sydney Development Control Plan (NSDCP) 2013. The required notification of the amendment to NSDCP 2013 did not occur within the statutory 28-day timeframe.

On 27 September 2021, Council considered a post exhibition report for a site-specific DCP amendment and associated VPA, related to the progression of a Planning Proposal affecting land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. At this meeting Council resolved, in regard to the DCP:

1. THAT *in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, Council adopts the amendment to North Sydney Development Control Plan 2013 forming Attachment 1 to this report.*

2. THAT *in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the adopted amendment to North Sydney Development Control Plan 2013 be forwarded to the Planning Secretary of the Department of Planning, Industry and Environment.*

Clause 21 (2) of the Environmental Planning and Assessment Regulation 2000 (now Clause 14 (2) of the 2021 Regulations) requires Council to publish notice of its decision on its website within 28 days after the decision is made. This did not occur within the specified 28-day timeframe.

In order to ensure procedural correctness, the previously endorsed DCP amendment is being reported back for Council's adoption. The DCP amendment introduces built form controls for

the site to help guide the detailed design of the proposal through the Development Application assessment process.

The modest costs associated with the finalisation of the DCP amendment have been covered by existing budget lines.

RECOMMENDATION:

- 1. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 1 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.
- 2. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.
- 3. THAT** all submitters be renotified of Council's decision and thanked for their submissions.
- 4. THAT** in accordance with Clause 20(1) of the Environmental Planning and Assessment Regulation 2021, a copy of North Sydney Development Control Plan 2013 as amended be forwarded to the Planning Secretary of the Department of Planning and Environment.

This item was adopted by exception (see page 6)

152. RESOLVED:

- 1. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 1 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.
- 2. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.
- 3. THAT** all submitters be renotified of Council's decision and thanked for their submissions.
- 4. THAT** in accordance with Clause 20(1) of the Environmental Planning and Assessment Regulation 2021, a copy of North Sydney Development Control Plan 2013 as amended be forwarded to the Planning Secretary of the Department of Planning and Environment.

8.10. Precinct System Review - Recommendations

AUTHOR: Jenny Gleeson, Manager Corporate Planning & Engagement and Gemma North, Community Engagement Coordinator

The purpose of this report is for Council to consider responses to the Precinct System review undertaken to date and to undertake a further round of consultation to inform any further actions with regard to the Precinct System.

The North Sydney Community Precinct System is one of several engagement programs currently coordinated by Council. This program is under review to ensure it remains fit for purpose for both the Council and the community.

This report presents the Stage 1 and 2 consultation outcomes and outlines the proposed next steps in the Review. Following conclusion of the Stage 2 engagement, the consultant's recommendations have been considered by senior management.

The format of this report is consistent with how the recommendations from the 2006 Review were presented to Council. Attachment 1 details the management response to the consultant's recommendations, outlining the proposed actions moving forward. Attachment 1 also includes a draft Implementation/Communications Plan detailing how the recommendations will be actioned; as detailed in the report it is proposed that the plan be finalised in consultation with Precinct Committees.

It is noted that this report was deferred in the previous term of Council on two occasions. Firstly, on 24 May 2021, at which time submissions from the Combined Precinct Committee and Registry Precinct Committee were received. The request by Registry Precinct Committee has been included in this revised report, reflected in revised Option 1A map (Attachment 2), as reported in June 2021, where it was further deferred to this term of Council.

The Review objectives are to:

- standardise the way in which Precinct Committees operate, including providing a consistent level of service by Council to all individual Committees;
- identify the priorities for support by the Council to the Precinct System;
- update the Precinct area boundaries via a proposed reduced total number of Precinct areas; and
- strengthen the role and function of the Combined Precincts Committee.

In accordance with the adopted Engagement Strategy, Stage 1 was conducted in-house. Feedback was sought on six draft recommendations (largely consistent with the recommendations consulted on during the discontinued 2012/13 Review) within the updated *Discussion Paper*. The *Discussion Paper* provided detailed background information and sought feedback on the draft recommendations:

1. Terminology/branding
2. Reallocation of Precinct area boundaries
3. Combined Precincts Committee's role and function
4. Code of Conduct, including use of social media
5. Council's level of support (resource allocation)
6. Other initiatives

Stage 2 was led by an external consultant. The Stage 1 feedback informed the Stage 2 consultation scope, which included workshops with active Precinct Committees, interviews with key stakeholders and an opt-in online survey targeting those not involved in the Precinct System.

The consultant prepared the Stage 2 consultation outcomes summary and draft recommendations (Attachment 4). The intent of the consultant's recommendations is to advise Council of the key focus areas to be addressed by way of final recommendations formulated by staff. Attachment 1 details the proposed next steps, called "management response", outlining the proposed actions to implement the recommendations.

The level of management support for the recommendations, is indicated as follows:

- Fully support - Recommendations 2, 3, 4, 7 and 9;

- Partially support - Recommendations 1, 5 and 6; and
- Alternate action recommended - Recommendations 8.

It is noted that changes to Precinct area boundaries (Recommendation 5) and the current Combined Precincts Committee format (Recommendation 8) as discussed during Stage 2B were not favoured by the majority of active Precinct Committees. Section 2.4 of this report focuses on these two recommendations in detail, as majority support from the Precinct Committee representatives was given for all other recommendations via the Stage 2B workshops.

In response to Precinct Committee feedback concerning boundaries, it is recommended that further work proceed only on Option 1 (amalgamation of existing Precinct areas), subject to further consultation as proposed in this report. Whilst the option to integrate inactive Precinct areas with their adjacent/most relevant active Precinct area is considered less impactful, and would appease the majority of active Precinct Committees, it is acknowledged this still requires exploration of many of the issues raised as the concerns in opposition to Option 2.

It is proposed that (Stage 3) consultation occur between May to July 2022, by way of a public exhibition period seeking feedback as to where the boundaries should fall, proposed names for the new areas etc. Active Precinct Committees proposing to merge with their neighbouring active Precinct area may also suggest such i.e. voluntary mergers invited - with a prerequisite that all affected Precinct Committees are agree with the proposal.

The proposed amendments to the Combined Precincts Committee (CPC) format were met with dissatisfaction by Precinct Committees. In response, a meeting between senior management and the CPC Co-convenors was held in April 2021, and it was agreed that the change in CPC format proposal be discontinued. In addition, it was agreed that general business items be discontinued (consistent with Local Government meeting practice) and Council staff will be ex officio members. Council will continue to support four to six CPC meetings per annum with secretarial support (including agenda coordination and a pre-Agenda review meeting with the Co-convenors, venue bookings, managing RSVPs, catering arrangements, minute taking), and that the number and timing of meetings to be agreed between the CPC and Council).

Further, as outlined in the Implementation/Communications Plan (Attachment 1), and updated Precinct System Guidelines, Policy and Code of Conduct will be prepared, in consultation with active Precinct Committees, by September 2022.

The following table summarises the recommended implementation schedule as presented at the Councillor Briefing held on 14 March 2022.

Task	Timing
Public exhibition of Revised Boundary Option Maps (min. 60 days)	Jun to Aug 2022
Finalise Implementation/Communications Plan and update Guidelines, Policy and Code in consultation with active Precinct Committees	Jul to Sep 2022
Post exhibition report prepared	Oct 2022

Council meeting - consider recommendations and resolve next steps	Oct 2022
Promotion/awareness campaign - relaunch Precinct System	Jan to June 2023
New Precinct area boundaries come into effect	1 Jul 2023
Annual General Meetings held - office bearers appointed	Aug/Sep 2023
Office Bearer Induction/training	Oct 2023

The public exhibition period has been delayed due to staff focus on the Integrated Planning and Reporting requirements. However, it is not expected that this change will delay delivery of other elements.

Each Precinct Committee is eligible for \$1,500 in operational funding; this amount has remained the same since 2014. The amount of operational funding per Committee will be reviewed, in consultation with Precinct Committees, as part of updating the Guidelines. This, in part, will be informed by the number of Precinct areas to be in operation effective from 2023/24.

In 2021/22, excluding staff salaries, a total of \$40,000 was allocated to the Precinct System program - \$35,000 operational funding, \$3,500 printing and \$1,500 postage and mail. The same amount has been included in the draft 2022/23 Operational Plan & Budget. Further budget requirements resulting from the finalisation of Precinct area boundaries can be considered as part of preparation of the draft 2023/24 Operational Plan & Budget.

It is proposed that the \$40,000 non-recurrent funding allocated to the finalisation of the Review be carried over to 2022/23 to fund the direct notification mailout promoting the public exhibition of the revised Precinct area boundary options. And any remaining funds be used towards marketing and promotion.

It is noted that Precinct System program expenditure in 2020/21 and 2021/22 has been impacted by the COVID pandemic. There has been disruption to frequency and format of Committee meetings due to public health orders etc which has resulted in not all Precinct Committees claiming operational funding per annum.

RECOMMENDATION:

- 1. THAT** the Precinct System Review - Stage 2 Consultation Outcomes Report be received and noted.
- 2. THAT** the management responses to the consultant's recommendations be adopted, and an Implementation Plan (including Communications Plan) be prepared.
- 3. THAT** a further and final round of consultation occur regarding Precinct area boundaries, as outlined in this report, by way of public exhibition for a minimum of 60 days.
- 4. THAT** the Precinct System Guidelines, Policy and Code be updated, as outlined in this report and in consultation with Precinct Committees.

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

THAT this matter be deferred to the July Council Meeting

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

153. RESOLVED:

1. THAT this matter be deferred to the July Council Meeting.

8.11. Rapid Antigen Testing

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is to report to Council in accordance with the resolution of Council at its meeting of 21 February 2022 reviewing the requirements for Rapid Antigen Testing for Council Meeting attendees.

Since the Council Meeting of 21 February 2022, Council has required all attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative test prior to entering the Chambers. This requirement is in addition to a number of COVID safety measures already in place.

The health advice continues to be monitored with recommendations implemented as required. Recently, the requirements around close contacts of those who have tested positive for COVID have been relaxed by NSW Health with the requirement being lifted for close contacts without symptoms to isolate.

With the progressive relaxation of rules around testing and isolation, it is recommended that the requirement for attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative test prior to entering the Chambers be lifted.

Council obtained a quotation for the provision of point-of-care testing prior to Council Meetings. The total estimated cost per meeting for the administering of Rapid Antigen Testing is \$1,177.50. This is on the assumption of two technicians and thirty tests.

RECOMMENDATION:

1. THAT Council lift the requirement for attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative COVID test prior to entering the Chambers.

2. THAT the General Manager continue to monitor the NSW Health advice and implement risk controls as appropriate.

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

1.THAT Council continue the requirement for attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative COVID test prior to entering the Chambers and that this decision be reviewed by Council in three months.

2. THAT the General Manager continue to monitor the NSW Health advice and implement risk controls as appropriate.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

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

Against: Councillor Gibson, Councillor Spenceley and Councillor Mutton

Absent: Nil

154. RESOLVED:

1.THAT Council continue the requirement for attendees at Council Meetings to provide evidence of or a declaration of an appropriate negative COVID test prior to entering the Chambers and that this decision be reviewed by Council in three months.

2. THAT the General Manager continue to monitor the NSW Health advice and implement risk controls as appropriate.

8.12. Sydney Coastal Council Group - Membership Term

AUTHOR: Peter Massey, Manager Environmental Services

To seek approval to align the membership term of the Sydney Coastal Council Group (SCCG) to match the ordinary term of Councils.

North Sydney Council is a member of the Sydney Coastal Councils Group (SCCG) comprising nine member Councils in the coastal and estuarine areas of the Sydney region. The SCCG has been in existence since 1989 and North Sydney Council has been a member since its inception. The SCCG is seeking the approval of its member Councils to change its current one-year annual membership term to a term of matching the normal ordinary term of Councils i.e. four year term. The reason for this change is to strengthen the resourcing of the group, provide more continuity of staffing and certainty for the delivery of significant grant funded projects that extend over several years.

The Draft Delivery Program 2022-2026 (Item 8.3) and the Draft Resourcing Strategy 2022-2032 (Item 8.2), also presented at this meeting, contain provision for membership covering the proposed four-year membership term.

Council's annual membership fee for the SCCG was \$35,500 for 2021/22. Fees for future years are continued to be calculated based on per capita basis and subject to a CPI increase.

RECOMMENDATION:

1. THAT Council agree to the request for North Sydney Council's membership of the group being extended to match the normal local government term for Councils and write to the Sydney Coastal Councils Group advising of this decision.

This item was adopted by exception (see page 6)

155. RESOLVED:

1. THAT Council agree to the request for North Sydney Council's membership of the group being extended to match the normal local government term for Councils and write to the Sydney Coastal Councils Group advising of this decision.

8.13. North Sydney Sustainable Building Policy

AUTHOR: Danielle Birkbeck, Senior Sustainability Programs Coordinator, Albert Lo, Manager Property Assets

The purpose of this report is to seek Council's endorsement of the draft North Sydney Sustainable Building Policy and associated Sustainability Guidelines for Council buildings.

The draft North Sydney Sustainable Building Policy and Sustainability Guidelines for Council Buildings have been developed to provide a framework to assist Council to achieve best practice sustainable building outcomes for its own facilities. By applying the Guidelines throughout the design, construction and verification process, Council also expects to achieve short, medium and long term financial and resource savings, minimising ongoing operational, maintenance and legacy costs.

The draft North Sydney 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.

RECOMMENDATION:

1.THAT Council endorse the attached draft Sustainable Building Policy for the purposes of public exhibition for a period of no less than 28 days.

2.THAT should no submissions be received; the policy be considered adopted without a further report to Council.

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

1.THAT Council endorse the attached draft Sustainable Building Policy for the purposes of public exhibition for a period of no less than 60 days.

2.THAT the final report come back to Council.

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

156. RESOLVED:

1.THAT Council endorse the attached draft Sustainable Building Policy for the purposes of public exhibition for a period of no less than 60 days.

2.THAT the final report come back to Council.

8.14. Tidal Pool Swimming Enclosure Proposal Hayes St Beach - Water and Sediment Testing Results

AUTHOR: Peter Massey, Manager Environmental Services

This report details the outcomes of a human health screening assessment on Hayes Street Beach's water and sediments to ascertain the potential public health impacts of the installation and use of a tidal swimming pool enclosure at this location.

The outcomes of the sediment and surface water sampling of the Hayes Street Beach tidal pool enclosure proposal has revealed that there are no risk issues of concern in relation to the presence of a range of common contaminants in sediments and surface waters in this location. The next step in this process would be to allocate a budget to allow for the lodgement of a Development Application for the installation of the tidal pool enclosure.

The Capital Works Program in the Draft Delivery Program 2022-2026 has no budget allocation for this project. If the project is to proceed to the Development Proposal stage it will need to be added to future iterations of the Program. The Capital Works Budget would need to be reassessed and revised.

RECOMMENDATION:

1. THAT the report be received.

This item was adopted by exception (see page 6)

157. RESOLVED:

1. THAT the report be received.

8.15. North Sydney Olympic Pool Redevelopment monthly progress report

AUTHOR: John Thomson, Manager Corporate Contracts

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

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

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

This report responds to this resolution. This report details Progress since the last Council meeting held on 26 April 2022.

The financial position of the project is reported through the Quarterly report tabled at the Governance and Finance committee which is reported to this meeting separately.

RECOMMENDATION:

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

This item was adopted by exception (see page 6)

158. RESOLVED:

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

9. Notices of Motion

9.1. Notice of Rescission No.1/22 by Councillors Drummond, Gibson and Mutton - Item 8.9, PP2/22 – 12-14 Waters Road, Neutral Bay

This item was considered earlier in the meeting (see page 8)

9.2. Notice of Rescission No.2/22 by Councillors Drummond, Gibson and Mutton - Item 10.1, Young Street Plaza - Tender 34/2021

This item was considered earlier in the meeting (see page 8)

9.3. Notice of Motion 29/22 - Cr Santer - Neighbourhood Power Sharing Schemes for North Sydney

1. **THAT** Council be provided with a report on neighbourhood power sharing schemes, including consideration of a pilot scheme and identifying areas deemed feasible for such schemes.
2. **THAT**, if such a scheme were found to be feasible, a number of areas be selected as pilot projects, especially where there are concentrations of high and medium density housing with multiple residencies.

The Motion was moved by Councillor Santer 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

159. RESOLVED:

1. THAT Council be provided with a report on neighbourhood power sharing schemes, including consideration of a pilot scheme and identifying areas deemed feasible for such schemes.

2.THAT, if such a scheme were found to be feasible, a number of areas be selected as pilot projects , especially where there are concentrations of high and medium density housing with multiple residencies.

**9.4. Notice of Motion 30/22 - Cr Baker - Environment Refence Group Minutes
11 April 2022**

1.THAT Council adopt the recommendations of the Environment Reference Group at item 3.7 of the minutes of the meeting held on 11 April 2022 which called for an update report to the next Environment Reference Group meeting on Cammeray Dam works and sustainability design/practices for the redeveloped North Sydney Olympic Pool.

2.THAT an additional meeting of the Environment Reference Group be held on 19 July 2022.

This item was adopted by exception (see page 6)

160. RESOLVED:

1.THAT Council adopt the recommendations of the Environment Reference Group at item 3.7 of the minutes of the meeting held on 11 April 2022 which called for an update report to the next Environment Reference Group meeting on Cammeray Dam works and sustainability design/practices for the redeveloped North Sydney Olympic Pool.

2.THAT an additional meeting of the Environment Reference Group be held on 19 July 2022.

9.5. Notice of Motion 31/22 - Cr Gibson - Citizenship Ceremonies

1. THAT North Sydney Council - in line with other Sydney Councils - promptly return to full Citizenship Ceremonies including the singing of our National Anthem 'Advance Australia Fair.'

2.THAT Citizenship Ceremonies be conducted in Hutley Hall - or other roomy venue - rather than Council Chambers so that extra guests can be accommodated while, social distancing can be maintained if necessary.

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

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 7

For: Councillor Drummond, Councillor Gibson and Councillor Spenceley

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

Absent: Nil

9.6. Notice of Motion 32/22 - Cr Bourke - Supporting community understanding of the planning process

1. THAT Council recognises there is a significant and growing community concern about the extent of overdevelopment in the North Sydney Council local government area and that this overdevelopment is changing the nature of our natural and built environments for the worse and steadily destroying the heritage values and amenity that makes the North Sydney Council local government area unique.

2. THAT Council recognises many community members find it difficult to understand the New South Wales (NSW) planning system and stand up for their rights against often well-resourced property developers.

3. THAT, as soon as practicably possible, Council is provided with a report to consider North Sydney Council establishing a 'Community Education Officer – Planning' (or similar) role within the organisation, independent of the City Strategy Division, dedicated to educating our community on planning issues and whose role includes:

- a) Explaining to residents how the NSW planning system works including State Environmental Planning Policies, Local Environmental Plans, Development Control Plans, as well as approval processes through bodies including the Local Planning Panel, Sydney North Planning Panel, Independent Planning Commission and the Land and Environment Court
- b) Explaining how residents can lodge submissions relating to development applications, planning proposals and other related planning issues
- c) Developing an online resource for the community to better understand the planning system
- d) Running regular public events and webinars on North Sydney Council local government area planning matters
- e) Developing a comprehensive picture of the cumulative impact of development on our local infrastructure and services, including community feedback on development and its impacts
- f) Reporting to North Sydney Council and our community on a regular basis

- g) Other planning education matters as determined by North Sydney Council from time to time

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

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

161. RESOLVED:

1. THAT Council recognises there is a significant and growing community concern about the extent of overdevelopment in the North Sydney Council local government area and that this overdevelopment is changing the nature of our natural and built environments for the worse and steadily destroying the heritage values and amenity that makes the North Sydney Council local government area unique.

2. THAT Council recognises many community members find it difficult to understand the New South Wales (NSW) planning system and stand up for their rights against often well-resourced property developers.

3. THAT, as soon as practicably possible, Council is provided with a report to consider North Sydney Council establishing a 'Community Education Officer – Planning' (or similar) role within the organisation, independent of the City Strategy Division, dedicated to educating our community on planning issues and whose role includes:

- a) Explaining to the community how the NSW planning system works including State Environmental Planning Policies, Local Environmental Plans, Development Control Plans, as well as approval processes through bodies including the Local Planning Panel, Sydney North Planning Panel, Independent Planning Commission and the Land and Environment Court
- b) Explaining how the community can lodge submissions relating to development applications, planning proposals and other related planning issues
- c) Developing an online resource for the community to better understand the planning system
- d) Running regular public events and webinars on North Sydney Council local government area planning matters
- e) Developing a comprehensive picture of the cumulative impact of development on our local infrastructure and services, including community feedback on development and its impacts
- f) Reporting to North Sydney Council and our community on a regular basis
- g) Other planning education matters as determined by North Sydney Council from time to time

10. Confidential Matters

10.1. Tender No. 38/2021 St Leonards Park Playground Upgrade

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

This report is to provide Council with an analysis and recommendation of the tender process for Tender 38/2021 for St Leonards Park Playground Upgrade.

Tenders were called and were received until 3pm, 5 April 2022 for the submission of tenders to undertake St Leonards Park Playground Upgrade.

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

This project is included in the Draft 2022/23 budget. Funds required will be provided by a grant received under phase 2 of the NSW Public Spaces Legacy program.

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 38/2021 for St Leonards Park Playground Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT,** once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 6)

162. RESOLVED:

- 1. THAT** Council accept the tender of GJ's Landscapes Pty Ltd for Tender 38/2021 for St Leonards Park Playground Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT,** once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

10.2. Tender 2/2022 Fred Hutley Reserve Playground Upgrade

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

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

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

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

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

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 2/2022 for Fred Hutley Reserve Playground Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 6)

163. RESOLVED:

- 1. THAT** Council accept the tender of Perfection Landscape Services for Tender 2/2022 for Fred Hutley Reserve Playground Upgrade.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d)(i) be treated as confidential and remain confidential until Council determines otherwise.

**10.3. Sydney Harbour Bridge Cycle Ramp proposal -Transport for NSW
Acquisition of Bradfield Park**

AUTHOR: Rob Emerson, Director Open Space and Environmental Services

Resolution of Council, 26 April 2022

Council at its meeting on 26 April 2022 considered a report into this matter and resolved:

1. *THAT this matter be deferred to the May Council Meeting.*
2. *THAT the report be treated as confidential and remain confidential unless Council determines otherwise.*

This report presents the deferred matter.

Purpose of Deferred Report

The purpose of this report is to inform Council of correspondence received from Transport for NSW (TfNSW) foreshadowing the issuing of a Proposed Acquisition Notice (PAN) for parts of Bradfield Park North and Bradfield Park Central in order that the State Government can construct their proposed Cycle ramp.

On 24 December 2021, North Sydney Council received a letter from TfNSW in relation to the issuing of a Proposed Acquisition Notice (PAN) for parts of Bradfield Park North. The TfNSW letter attached generally identifies land that is required on a permanently basis for the construction of the cycle ramp in Bradfield Park North and specifically areas of Bradfield Park North and Bradfield Park Central that will be needed for an extended period to undertake the construction of the ramp.

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

- (d) commercial information of a confidential nature that would, if disclosed; (i) prejudice the commercial position of the person who supplied it; and
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

It would, on balance, be contrary to the public interest to consider this matter in open session 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 and it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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.
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege 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 manage legal matters effectively and in the best interests of the community.

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

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

1.THAT Council advise TfNSW that it is not prepared to consent to compulsory acquisition of land required at Bradfield Park for the construction of a cycle ramp in advance of the final form of the ramp being formally authorised with the necessary statutory approvals including but not limited to approvals under the Environmental Protection and Biodiversity Conservation Act 1999 (Cth).

2.THAT if compulsory acquisition is pursued by TfNSW subsequent to formal approval as per 1 above, it is Councils' preference that compensation be determined by negotiation under s29 of the Land Acquisition (Just Terms Compensation) Act 1991

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

4. THAT Council continues to advocate for a dedicated lane for cycling and active transport on lane 8 of the Sydney Harbour Bridge and urges TfNSW to continue to pursue this option.

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

164. RESOLVED:

1.THAT Council advise TfNSW that it is not prepared to consent to compulsory acquisition of land required at Bradfield Park for the construction of a cycle ramp in advance of the final form of the ramp being formally authorised with the necessary statutory approvals including but not limited to approvals under the Environmental Protection and Biodiversity Conservation Act 1999 (Cth).

2.THAT if compulsory acquisition is pursued by TfNSW subsequent to formal approval as per 1 above, it is Councils' preference that compensation be determined by negotiation under s29 of the Land Acquisition (Just Terms Compensation) Act 1991

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

4. THAT Council continues to advocate for a dedicated lane for cycling and active transport on lane 8 of the Sydney Harbour Bridge and urges TfNSW to continue to pursue this option.

Closure of Meeting

It was moved by Councillor Beregi, seconded by Councillor Santer

THAT the meeting be closed for the purpose of considering items in accordance with section 10A(2) of the Local Government Act, as detailed below:

Item 6.1 MM01 Senior Staff

Reason: Section 10A(2)(a) of the Local Government Act 1993 - personnel matters concerning particular individuals (other than councillors)

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

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

1.THAT the meeting be closed for the purpose of considering items in accordance with section 10A(2)(a) of the Local Government Act, as detailed above.

The recording was stopped and the meeting recommenced in Closed Session at 9.01pm

Re-opening of Meeting

A Motion was moved by Councillor Beregi, seconded by Councillor Welch that the meeting be re-opened

The meeting was re-opened to the public at 9.29pm and the recording resumed.

The Mayor advised that during the Closed Session, Council had resolved as follows:

6.1. MM01 Senior Staff

165. RESOLVED:

1. THAT Council notes the confidential correspondence from Mr Ken Gouldthorp (General Manager) to Cr Zöe Baker (Mayor) dated 6 May 2022, approves Mr Gouldthorp's request for leave and accepts his resignation as General Manager of North Sydney Council with effect from 1 July 2022.

2. THAT Council conveys its sincere thanks to Mr Gouldthorp for his service to the Council and for leading the organisation during a period of unprecedented challenges which have included a once in 100-year pandemic.

3. THAT pursuant to sections 336 and 351 of the Local Government Act 1993, Council appoints Robert Emerson to be the Council's Acting General Manager when Mr Gouldthorp is on leave and to remain the Council's Acting General Manager until the commencement of a new General Manager unless otherwise determined by the Council.

4. THAT Council appoints Local Government NSW to recruit a new General Manager for the Council.

11. Closure

The Meeting concluded at 9.34pm.