



MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 21 February 2022.



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1. Opening Meeting

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

At the commencement of business 7.30pm those present were: The Mayor Councillor Baker, and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Beregi

3. Apologies and Applications for Leave of Absence by Councillors

There were no apologies.

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3755th Council (Extraordinary) Meeting held on Monday, 24 January 2022 be taken as read and confirmed.

A Motion was moved by Councillor Mutton 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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

29. RESOLVED:

THAT THE MINUTES of the previous 3755th Council (Extraordinary) Meeting held on Monday, 24 January 2022 be taken as read and confirmed.

5. Disclosures of Interest

Re: 7.1 Traffic Committee Minutes 4 February 2022
Councillor Beregi Non pecuniary/significant
An agenda item relates to the street in which she lives

6. Mayoral Minutes

Nil.

Items to be Considered by Exception

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

- 7.2 Audit Risk and Improvement Committee Minutes - 19 November 2021
- 8.1 Matters Outstanding February 2022
- 8.4 2022 LGNSW Special Conference
- 8.7 Quarterly Operational Plan Review December 2021/22
- 8.9 Investment and Loan Borrowings Report held as at 31 January 2022
- 8.10 Customer Feedback and Complaints Report July 2021 to December 2021
- 8.14 NSW Government Infrastructure Contributions Reforms
- 8.15 Draft Plan of Management for Foreshore Parks and Reserves
- 8.19 North Sydney Olympic Pool Redevelopment Monthly Progress Report
- 10.2 Tender 32/2021 - Wondakiah Wharf Reconstruction
- 10.3 Tender 35/2021 - Southern Lawn, St Leonards Park

The General Manager confirmed with Councillors that, in moving Item 10.2 and 10.3 by exception, Council was adopting the recommendations in the Confidential reports.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

30.RESOLVED:

THAT THE MINUTES the recommendations for the following items: 7.2, 8.1, 8.4, 8.7, 8.9, 8.10, 8.14, 8.15, 8.19, 10.2 and 10.3 be adopted.

7. Reports of Committees

7.1. Traffic Committee Minutes 4 February 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 4 February 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/2022/4_February_2022

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

RECOMMENDATION:

- 1. THAT** the Traffic Committee and Council endorses cashless parking meters be rolled out in stages to the six (6) parking meter areas at the implementation stage of On-Street Parking Management System 2022, subject to EOI and future tender outcomes and resolutions of Council. (5.1)
- 2. THAT** Council seek direction from Transport for New South Wales (TfNSW) on the possibility to conduct a "Meter-less" trial within high credit card use and business locations. (5.1)
- 3. THAT** Council change one (1) existing unrestricted parking space fronting property No. 200 Kurraba Road, Kurraba Point, to "2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 32". (5.2)
- 4. THAT** Council notify the residents before installing the parking restriction changes in Kurraba Point South Parking Area 32. (5.2)
- 5. THAT** the new parking restrictions be reviewed six (6) months after the date of installation in Kurraba Point South Parking Area 32. (5.2)
- 6. THAT** should Council receive subsequent requests for parking changes in Baden Road, the matter be referred to a future meeting of the Traffic Committee. (5.2)
- 7. THAT** the existing two spaces of "*½ Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7*" spaces on the northern side of Princes Street between Princes Place and Blues Point Road, to "**1 Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7**" (Zone 534). (5.3)
- 8. THAT** the existing three spaces of "*½ Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7*" on the southern side of Princes Street, between Princes Place and Blues Point Road, be converted to "**1 Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7**" (Zone 535) (5.3)
- 9. THAT** Council notifies the residents, businesses, and all submitters before installing the parking restriction changes in Princes Street. (5.3)

10. THAT the new parking restrictions in Princes Street be reviewed six (6) months after the date of installation. (5.3)

Councillor Beregi left the meeting at 7.36pm

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

The Motion was put and **Carried**

Voting was as follows:

For/Against 9/0

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

Against: Nil

Absent: Councillor Beregi

31. RESOLVED:

1. THAT the Traffic Committee and Council endorses cashless parking meters be rolled out in stages to the six (6) parking meter areas at the implementation stage of On-Street Parking Management System 2022, subject to EOI and future tender outcomes and resolutions of Council. (5.1)

2. THAT Council seek direction from Transport for New South Wales (TfNSW) on the possibility to conduct a "Meter-less" trial within high credit card use and business locations. (5.1)

3. THAT Council change one (1) existing unrestricted parking space fronting property No. 200 Kurraba Road, Kurraba Point, to "2 Hour Parking 8.30am - 6pm Mon – Fri Permit Holders Excepted Area 32". (5.2)

4. THAT Council notify the residents before installing the parking restriction changes in Kurraba Point South Parking Area 32. (5.2)

5. THAT the new parking restrictions be reviewed six (6) months after the date of installation in Kurraba Point South Parking Area 32. (5.2)

6. THAT should Council receive subsequent requests for parking changes in Baden Road, the matter be referred to a future meeting of the Traffic Committee. (5.2)

7. THAT the existing two spaces of "*½ Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7*" spaces on the northern side of Princes Street between Princes Place and Blues Point Road, to "**1 Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7**" (Zone 534). (5.3)

8. THAT the existing three spaces of "*½ Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7*" on the southern side of Princes Street, between Princes Place and Blues Point Road, be converted to "**1 Hour Parking 8.30am-10pm Mon-Fri Permit Holders Excepted Area 7**" (Zone 535) (5.3)

9. THAT Council notifies the residents, businesses, and all submitters before installing the parking restriction changes in Princes Street. (5.3)

10. THAT the new parking restrictions in Princes Street be reviewed six (6) months after the date of installation. (5.3)

Councillor Beregi returned to the meeting at 7.36pm

7.2. Audit Risk and Improvement Committee Minutes - 19 November 2021

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 Audit, Risk and Improvement Committee held on 19 November 2021 for Council adoption. The minutes are attached for information.

It is noted that there is a further report on this Business Paper for Council to determine Councillor representation on the Audit, Risk and Improvement Committee.

RECOMMENDATION:

THAT the Minutes of the 19 November 2021 Audit, Risk and Improvement Committee meeting be noted.

This item was adopted by exception (see page 5)

32. RESOLVED:

THAT the Minutes of the 19 November 2021 Audit, Risk and Improvement Committee meeting be noted.

8. Reports to Council

8.1. Matters Outstanding February 2022

AUTHOR: Ian Curry, Manager Governance & 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 24 January 2022 Ordinary Meeting of Council.

RECOMMENDATION:

THAT the report be received.

This item was adopted by exception (see page 5)

33. RESOLVED:

THAT the report be received.

8.2. 2022 Meeting Schedule

AUTHOR: Ian Curry, Manager Council & Committee Services

To propose a revised meeting schedule for 2022 to include Reference Groups and Streetscape Committees, subject to the outcome of a review of the Council meeting schedule, which is currently on exhibition. The report also seeks to nominate chairpersons or representatives to these Committees, as well as the Audit, Risk and Improvement Committee (ARIC) and Performance and Remuneration Panel.

At its meeting on 25 October 2021, Council adopted a meeting schedule for 2022, without any Council Committee meetings or Reference Group meetings included to allow the newly elected Council to determine its preferred schedule.

The resolution of Council on 24 January 2022 to place on public exhibition a proposed Council Meeting schedule and practice for 2022 included the potential abolition of the two Committees of Council being the:

- Governance and Finance Committee; and
- Legal and Planning Committee

Currently no dates have been scheduled by Council for the conduct of these Committees of Council. Given to date no determination has been made regarding the conduct of these Committees dates are recommended for them to be held allowing the status quo to continue until Council determines otherwise.

A proposed schedule has been prepared for Reference Groups meetings and Streetscape Meetings to allow for planning for these meetings, should Council determine to continue with their operation.

It is also proposed that Council determine the Councillor representation on the Audit, Risk and Improvement Committee and the Performance and Remuneration Panel.

There are no financial implications arising from this report.

RECOMMENDATION:

1. THAT Council resolve to conduct meetings of the Environment, Sport and Recreation and Sustainable Transport Reference Groups in accordance with the dates set out in this report noting that a further report will be provided in September 2022 as required under the Terms of Reference.

2. THAT the following Councillors be appointed as Chairpersons to the nominated Reference Groups for the term to September 2022:

- Environment Reference Group – Councillor _____,
- Sport and Recreation Reference Group – Councillor _____, and
- Sustainable Transport Reference Group – Councillor _____,

3. THAT Council confirm the Deputy Mayor as a Councillor representative to the Audit, Risk and Improvement Committee and appoint one further Councillor representative for the term of this Council.

4. THAT Council adopt the following meeting dates for the committees of Council:

Date	Time	Council Committee
Monday, 14 March 2022	6.00pm	Legal and Planning
Monday, 9 May 2022	6.00pm	Governance and Finance
Tuesday 14 June 2022	6.00pm	Legal and Planning

5. THAT the Mayor, Deputy Mayor and Councillor Mutton be appointed to the the Performance and Remuneration Panel, together with a Councillor to be nominated by the General Manager, for the term of Council.

6. THAT Matthew McArthur of McArthurs Recruitment and HR Consulting be reappointed to the Performance Review Panel as the independent HR Specialist/facilitator.

7.THAT Council resolve to conduct meetings of the Streetscape Committees in accordance with the dates set out in this report noting that a further report will be provided prior to October 2022 for the purpose of determining meeting dates for 2023.

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

1.THAT Council resolve to conduct meetings of the Environment, Sport and Recreation and Sustainable Transport Reference Groups in accordance with the dates set out in this report noting that a further report will be provided in September 2022 as required under the Terms of Reference.

2. THAT the following Councillors be appointed as Chairpersons to the nominated Reference Groups for the term to September 2022:

- Environment Reference Group – Councillor Bourke
- Sport and Recreation Reference Group – Councillor Beregi , and
- Sustainable Transport Reference Group – Councillor Welch,

3.THAT Council confirm the Deputy Mayor as a Councillor representative to the Audit, Risk and Improvement Committee and appoint Councillor Santer as representative for the term of this Council.

4. THAT Council adopt the following meeting dates for the committees of Council:

Date	Time	Council Committee
Monday, 14 March 2022	6.00pm	Legal and Planning
Monday, 9 May 2022	6.00pm	Governance and Finance
Tuesday 14 June 2022	6.00pm	Legal and Planning

5. THAT the Mayor, Deputy Mayor and Councillor Welch be appointed to the the Performance and Remuneration Panel, together with a Councillor to be nominated by the General Manager, for the term of Council.

6.THAT Council resolve to conduct meetings of the Streetscape Committees in accordance with the dates set out in this report noting that a further report will be provided prior to October 2022 for the purpose of determining meeting dates for 2023.

7. THAT consideration of the independent HR Specialist/facilitator be deferred for consideration in closed session at the end of the meeting

An amendment was moved by Councillor Gibson seconded by Councillor Drummond

1.THAT Council resolve to conduct meetings of the Environment, Sport and Recreation and Sustainable Transport Reference Groups in accordance with the dates set out in this report noting that a further report will be provided in September 2022 as required under the Terms of Reference.

2. THAT the following Councillors be appointed as Chairpersons to the nominated Reference Groups for the term to September 2022:

- Environment Reference Group – Councillor Bourke
- Sport and Recreation Reference Group – Councillor Beregi , and
- Sustainable Transport Reference Group – Councillor Welch,

3.THAT Council confirm the Deputy Mayor as a Councillor representative to the Audit, Risk and Improvement Committee and appoint Councillor Santer as representative for the term of this Council.

4. THAT Council adopt the following meeting dates for the committees of Council:

Date	Time	Council Committee
Monday, 14 March 2022	6.00pm	Legal and Planning
Monday, 9 May 2022	6.00pm	Governance and Finance
Tuesday 14 June 2022	6.00pm	Legal and Planning

5. THAT the Mayor, Deputy Mayor and Councillor Mutton be appointed to the the Performance and Remuneration Panel, together with a Councillor to be nominated by the General Manager, for the term of Council.

6.THAT Council resolve to conduct meetings of the Streetscape Committees in accordance with the dates set out in this report noting that a further report will be provided prior to October 2022 for the purpose of determining meeting dates for 2023.

7. THAT Matthew McArthur of McArthurs Recruitment and HR Consulting be reappointed to the Performance Review Panel as the independent HR Specialist/facilitator.

The Amendment was put and **Lost**.

Voting was as follows:

For/Against 4/6

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

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

Absent: Nil

The original Motion moved by Councillor Santer and seconded by Councillor Welch was put and **Carried**

Voting was as follows:

For/Against 8/2

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

Against: Councillor Drummond and Councillor Gibson

Absent: Nil

34. RESOLVED:

1.THAT Council resolve to conduct meetings of the Environment, Sport and Recreation and Sustainable Transport Reference Groups in accordance with the dates set out in this report noting that a further report will be provided in September 2022 as required under the Terms of Reference.

2. THAT the following Councillors be appointed as Chairpersons to the nominated Reference Groups for the term to September 2022:

- Environment Reference Group – Councillor Bourke
- Sport and Recreation Reference Group – Councillor Beregi , and
- Sustainable Transport Reference Group – Councillor Welch,

3.THAT Council confirm the Deputy Mayor as a Councillor representative to the Audit, Risk and Improvement Committee and appoint Councillor Santer as representative for the term of this Council.

4. THAT Council adopt the following meeting dates for the committees of Council:

Date	Time	Council Committee
Monday, 14 March 2022	6.00pm	Legal and Planning
Monday, 9 May 2022	6.00pm	Governance and Finance
Tuesday 14 June 2022	6.00pm	Legal and Planning

5. THAT the Mayor, Deputy Mayor and Councillor Welch be appointed to the the Performance and Remuneration Panel, together with a Councillor to be nominated by the General Manager, for the term of Council.

6.THAT Council resolve to conduct meetings of the Streetscape Committees in accordance with the dates set out in this report noting that a further report will be provided prior to October 2022 for the purpose of determining meeting dates for 2023.

7. THAT consideration of the independent HR Specialist/facilitator be deferred for consideration in closed session at the end of the meeting

8.3. Appointment of Council Representatives on External Bodies

AUTHOR: Ian Curry, Manager Council & Committee Services

To appoint Councillors as representatives on NSROC and provide information of other external bodies requiring Council representation.

North Sydney Council holds positions on or participates in other groups or committees external to the Council. The following Committees and other bodies require Council to nominate representatives:

- Northern Suburbs Regional Organisation of Councils (NSROC) - The Mayor, 1 representative and 1 alternate
- Shorelink Committee (Library Network) - 1 representative and 1 alternate
- Sydney Coastal Councils Group - 2 representatives

There are no financial implications arising out of the recommendations of this report.

RECOMMENDATION:

1.THAT Council appoint to the Northern Sydney Regional Organisation of Councils (NSROC) as representatives the Mayor, and Councillor _____ and Councillor _____ (alternate) as its representative for the term until September 2022.

2.THAT Council appoint to the Shorelink Committee (Library Network) Councillor _____ and Councillor _____ (alternate) for this term of Council.

3.THAT Council appoint to the Sydney Coastal Councils Group Councillor _____ and Councillor _____ for this term of Council.

4. THAT Council write to the external bodies to inform them of Council’s representatives.

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

1.THAT Council appoint to the Northern Sydney Regional Organisation of Councils (NSROC) as representatives the Mayor, and Councillor Beregi and Councillor Welch (alternate) as its representatives for the term until September 2022.

2.THAT Council appoint to the Shorelink Committee (Library Network) Councillor Lamb and Councillor Beregi (alternate) for this term of Council.

3.THAT Council appoint to the Sydney Coastal Councils Group Councillor Bourke and Councillor Santer for this term of Council.

4. THAT Council write to the external bodies to inform them of Council’s representatives.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

35. RESOLVED:

1. THAT Council appoint to the Northern Sydney Regional Organisation of Councils (NSROC) as representatives the Mayor, and Councillor Beregi and Councillor Welch (alternate) as its representatives for the term until September 2022.

2.THAT Council appoint to the Shorelink Committee (Library Network) Councillor Lamb and Councillor Beregi (alternate) for this term of Council.

3.THAT Council appoint to the Sydney Coastal Councils Group Councillor Bourke and Councillor Santer for this term of Council.

4. THAT Council write to the external bodies to inform them of Council’s representatives.

8.4. 2022 LGNSW Special Conference

AUTHOR: Ian Curry, Manager Council & Committee Services

To confirm attendance by Councillors at the 2022 LGNSW Special Conference.

Council is a member of Local Government NSW (LGNSW), an independent organisation that exists to serve the interests of New South Wales general and special purpose councils.

From 28 February to 2 March, LGNSW’s Special Conference is an opportunity for councillors to share ideas, seek inspiration, and help determine our sector’s policy directions for the coming year at the Hyatt Regency Sydney to debate and discuss the key issues, as we work towards a better future in a post-COVID NSW.

Registrations closed on 17 February and to ensure Council delegates are registered, interim voting delegate information based on councillor expressions of interest have been lodged with LGNSW. Councillor representation can be changed at any time and this has been confirmed with LGNSW.

The standard registration cost for each delegate is \$1,094.50. There are a number of optional dinners and events that incur additional costs. An amount of \$10,000 has been allocated in 2021/22 for delegates expenses, nil has been expended to date.

RECOMMENDATION:

THAT Council confirm the appointment of the Mayor, Councillors Bourke, Beregi, Santer and Welch as its voting delegates to the 2022 LGNSW Special Conference.

This item was adopted by exception (see page 5)

36. RESOLVED:

THAT Council confirm the appointment of the Mayor, Councillors Bourke, Beregi, Santer and Welch as its voting delegates to the 2022 LGNSW Special Conference.

8.5. Response to Notice of Motion - 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 24 January 2022 regarding the potential for Council to administer Rapid Antigen Tests.

Commencing this meeting of Council, Council will be requiring 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 including but not limited to physical distancing and mask wearing.

Should Council determine to administer the rapid antigen test to all attendees, this should be done by a suitable health practitioner and in accordance with the Therapeutic Goods Administration guidelines. The direct cost of this is between \$720 and \$1,080 per Council Meeting.

Council has obtained a quotation for the provision of point-of-care testing prior to Council Meetings.

For the period 5.30pm to 6.30pm the cost would be \$416.25. This is \$92.50 per hour with double time payable after 6pm. A minimum four hour shift is payable.

It is recommended by the supplier that Council have two technicians to manage the number of anticipated people in the period immediately prior to the meeting. The cost of two technicians would be \$832.50 per meeting.

The tests themselves cost \$250 for a box of 25 kits. There are consumables required also at a cost of \$1.50 per test. Thirty tests would cost \$345

The total estimated cost per meeting is \$1,177.50. This is on the assumption of two technicians and thirty tests.

RECOMMENDATION:

1.THAT Council note the report

2.THAT that the current process with regard to Rapid Antigen Testing for Council Meetings be reviewed by way of a further report to Council to its May 2022 Meeting.

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

The Motion was put and **Carried**

Voting was as follows:

For/Against 10/0

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

Against: Nil

Absent: Nil

37. RESOLVED:

1.THAT Council note the report

2.THAT that the current process with regard to Rapid Antigen Testing for Council Meetings be reviewed by way of a further report to Council to its May 2022 Meeting.

8.6. Council Chambers Audio Visual Requirements

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is to report to Council options and cost to upgrade the Council Chambers audio visual system and IT requirements with the intent of improving the experience for those watching the webcast, participating remotely and participating in the meeting in person.

Council has resolved to upgrade Council Chambers IT infrastructure and video streaming equipment with the intent of implementing improvement as a matter of urgency.

The current webcast meets Council's legislative obligations and is comparable to neighbouring Councils. However, there have been issues with stability and consistency which is not acceptable. Council is required to webcast meetings and may also be required to continue the facilitation of remote attendance at meetings depending on Council's decision in this regard prior to 30 June 2022.

It is estimated that an upgrade to the system will be approximately \$100,000 although this is subject to a formal procurement process. The current system was installed in 2014 at a cost of approximately \$88,000.

This report provides options to Council with regard to the upgrade of the Council Chambers IT infrastructure and video streaming equipment.

The options considered are:

- Proceed to request for quotation process to engage a provider
- Undertake an expression of interest process to engage a provider
- Consider an out-sourced model for provision of this service for each meeting
- Focus on ongoing incremental improvement

Given the recent advances and changes in the conduct of meetings and events via audio-visual means it is recommended that Council proceed through an Expression of Interest process to drive innovative and agile solutions.

Staff sought a preliminary estimate of the cost of upgrading the Chambers IT infrastructure and video streaming equipment on 3 February 2022 but have not yet received this estimate.

In March 2020 the Office of Local Government issued a Guide to webcasting Council and Committee Meetings. This document included a summary of amounts expended by Councils for installation and ongoing maintenance. Given the requirements identified in the Notice of Motion, the cost identified by Ballina Shire Council have been used as an indicative cost as it has similar system equipment. The cost estimate for installation was \$110,000 for the system design and equipment supply, installation and commissioning.

There is currently no budget allocation for this project. Council is unable to go to the market formally without having a budget allocation for the proposed work to be undertaken. A funding allocation has therefore been included in the Quarter 2 Budget Review, to be considered separately at this meeting.

Should Council resolve to proceed it is recommended that provision be made in the Quarter 2 budget review to make allowance for this work to commence and that any adjustment to the provision be managed by way of a future quarterly review in response to final costings.

RECOMMENDATION:

1.THAT subject to inclusion of funding in the Quarter 2 Budget Review, Council proceed with a project to upgrade the Council Chambers IT infrastructure and video streaming equipment through an Expression of Interest procurement process.

2.THAT Council make provision for \$110,000 in the Quarter 2 Budget Review for that purpose.

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

1.THAT Council establish an IT project working group to provide high level support and guidance in relation to Council's audio-visual requirements.

2. THAT the IT project working group be chaired by Councillor Spenceley with members to include all Councillors, the General Manager and other appropriate staff members to be determined by the General Manager.

3. THAT the IT project working group meet as often as needed and be disbanded when the project is delivered.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

38. RESOLVED:

1.THAT Council establish an IT project working group to provide high level support and guidance in relation to Council's audio-visual requirements.

2. THAT the IT project working group be chaired by Councillor Spenceley with members to include all Councillors, the General Manager and other appropriate staff members to be determined by the General Manager.

3. THAT the IT project working group meet as often as needed and be disbanded when the project is delivered.

8.7. Quarterly Operational Plan Review December 2021/22

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

This Quarterly Review of the Operational Plan 2021/22 gives a status update for projects scheduled to commence, or in progress in Q2 2021/22. The results for the cross functional operational key performance indicators (KPIs) are reported biannually and are included in this review.

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.

The Quarterly Review (Attachment 1) gives a status update for the projects adopted in the Delivery Program/Operational Plan 2021/22 by Division for the period 1 October to 31 December 2021. There were 227 projects scheduled to commence or continue in Q2. 90% of projects were on track (green and blue status) and 10% projects were behind schedule/delayed (red and amber status). The primary drivers of the delays were the impacts of COVID-19 and the delay in the conduct of the Local Government election.

Attachment 1 also details biannual performance against the KPIs, of which 13 were on track and two were off track for the period 1 July to 31 December 2021. Attachment 1 includes further detail outlining the key drivers.

Financial performance information is detailed in the Quarterly Budget Review Statement (QBRs) presented separately to Council (refer Item 8.8).

RECOMMENDATION:

- 1. THAT** the Quarterly Review of the Operational Plan - October to December 2021 be received.
- 2. THAT** the Council notes the remedial action for those projects that were not on track for the period ending 31 December 2021.

This item was adopted by exception (see page 5)

39. RESOLVED:

- 1. THAT** the Quarterly Review of the Operational Plan - October to December 2021 be received.
- 2. THAT** the Council notes the remedial action for those projects that were not on track for the period ending 31 December 2021.

8.8. Quarterly Budget Review - December 2021

AUTHOR: Darren Goode, Manager Accounting Services

This report should be read in conjunction with Item 8.7 Q2 Review of the Operational Plan 2021/22. The purpose of this report is to inform Council of the results of the review of the budget for the quarter ended 31 December 2021 and to seek approval to make the necessary adjustments to the 2021/22 budget to reflect the current projected estimates of income and expenditure for the year.

The 2021/22 Original Budget forecast a net operating surplus of \$5.05 million before capital grants and contributions of \$25.68 million and a net operating surplus of \$30.73 million after capital grants and contributions.

It was necessary to make some adjustments to the budget at the end of the September quarter and these were reported to the Council on 25 October 2021 (Item 8.8). After the adjustments, the forecast net operating result before capital grants and contributions was a deficit of \$2.54 million, which was a deterioration of \$7.59 million from the \$5.05 million surplus forecast in the Original Budget. The forecast net operating result after capital grants and contributions was a surplus of \$18.94 million, a deterioration of \$11.79 million from the \$30.73 million surplus forecast in the Original Budget.

At the end of the December quarter, actual operating income was \$1.2 million (1.3%) above the year-to-date current budget and actual operating expenditure was \$3.99 million (8.3%) below the year-to-date current budget.

The review of the budget at the end of the December quarter has identified the need to make some additional adjustments and these are disclosed within this report. After the proposed adjustments, the forecast net operating result for 2021/22 before capital grants and contributions is a deficit of \$1.96 million which is an improvement of \$572,000 from the \$2.54 million deficit forecast in the September Budget Review. The forecast operating result after capital grants and contributions is now a surplus of \$16.73 million, a deterioration of \$2.21 million from the \$18.94 million surplus forecast in the September Budget Review.

The adjustments to the budget outlined in this report have increased the drawdown from reserves by \$2.08 million to \$40.59 million. The forecast balance of cash reserves at 30 June 2022 is \$51.72 million.

Following the budget adjustments proposed in this report, the net operating result for 2021/22 is now forecast to be a deficit of \$1,963,368 before capital grants and contributions and a surplus of \$16,731,172 after capital grants and contributions.

The adjustments to the budget outlined in this report have increased the drawdown from reserves by \$2.08 million to \$40.59 million. This amount includes funds carried forward from 2020/21 to complete capital projects still in progress at 30 June 2021. The forecast balance of cash reserves at 30 June 2022 is \$51.72 million.

RECOMMENDATION:

- 1. THAT** the Quarterly Budget Review Statement – December 2021 report be received.
- 2. THAT** the revised 2021/22 Budget be adopted.

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

- 1. THAT** the Quarterly Budget Review Statement – December 2021 report be received.
- 2. THAT** Council acknowledges the amendments in the report.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

40. RESOLVED:

- 1. THAT** the Quarterly Budget Review Statement – December 2021 report be received.
- 2. THAT** Council acknowledges the amendments in the report.

Procedural Motion

A Procedural Motion was moved by Councillor Beregi and seconded by Councillor Spenceley to

THAT Council recommit Item 8.6: Council Chambers Audio Visual Requirements.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

- 1. THAT** Council recommit Item 8.6: Council Chambers Audio Visual Requirements.

RECOMMITTED ITEM: 8.6. Council Chambers Audio Visual Requirements

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

- 1. THAT** Council establish an IT project working group to provide high level support and guidance in relation to Council's audio-visual requirements.
- 2. THAT** the IT project working group be chaired by Councillor Spenceley with members to include all Councillors, the General Manager and other appropriate staff members to be determined by the General Manager.

3. **THAT** the IT project working group meet as often as needed and be disbanded when the project is delivered.
4. **THAT** subject to inclusion of funding in the Quarter 2 Budget Review, Council proceed with a project to upgrade the Council Chambers IT infrastructure and video streaming equipment through an Expression of Interest procurement process.
5. **THAT** Council make provision for \$110,000 in the Quarter 2 Budget Review for that purpose.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

41.RESOLVED:

1. **THAT** Council establish an IT project working group to provide high level support and guidance in relation to Council's audio-visual requirements.
2. **THAT** the IT project working group be chaired by Councillor Spenceley with members to include all Councillors, the General Manager and other appropriate staff members to be determined by the General Manager.
3. **THAT** the IT project working group meet as often as needed and be disbanded when the project is delivered.
4. **THAT** subject to inclusion of funding in the Quarter 2 Budget Review, Council proceed with a project to upgrade the Council Chambers IT infrastructure and video streaming equipment through an Expression of Interest procurement process.
5. **THAT** Council make provision for \$110,000 in the Quarter 2 Budget Review for that purpose.

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

AUTHOR: Christian Menday, Manager Financial Services

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

Investment Portfolio:

The Investment Portfolio (excluding cash balances) held for the period ending 31 January 2022 had a market value of \$99,928,000. The annualised returns were 1.36%. This return exceeded the Australian bond Bank Bill performance benchmark by 1.33%

Cash deposits at call were \$21,025,474 with \$19,021,104 of these held in interest bearing accounts. \$2,004,370 cash is held in Council's non-interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs.

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

The actual year to date returns for cash and investments for January 2022 was \$724,628 compared to a year-to-date budget of \$652,166.

The Reserve Bank of Australia (RBA) has indicated that economic data does not warrant an increase in its official cash rate from current historic lows in this Financial Year 2022. It has suggested increases in 2023 are plausible. The RBA is tolerating inflation at the top of its target band of 2-3%

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 January 2022 is \$6,598,874.

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

North Sydney Olympic Pool Redevelopment

Council has made provision for borrowings of \$31 million to partially fund the redevelopment of North Sydney Olympic Pool. At the Extraordinary Council Meeting of 24 January 2022, Council deferred consideration of a report related to this loan.

Council's total investment portfolio performance for the financial year to date is 1.33% above the benchmark (1.36% against 0.03%). The actual returns for cash and investments for the year-to-date are \$724,628 compared to year-to-date budget of \$652,166.

The budgeted investment returns over the medium term needs to reflect the current low interest rate environment which is likely to continue over the next financial years.

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

RECOMMENDATION:

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

This item was adopted by exception (see page 5)

42. RESOLVED:

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

8.10. Customer Feedback and Complaints Report July 2021 to December 2021

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

To provide a summary of the complaints and compliments received during the period 1 July to 31 December 2021.

This report compares the number of complaints to the total number of customer contacts for the period 1 July to 31 December 2021, summarised below:

- total number of customer contacts - 19,771
- number of compliments - 67
- number of complaints - seven (57%) considered justified or partially justified

This report is provided to Council every six months.

There are no direct financial implications relating to this report.

RECOMMENDATION:

THAT the Customer Feedback and Complaints Report: 1 July to 31 December 2021 be received.

This item was adopted by exception (see page 5)

43. RESOLVED:

THAT the Customer Feedback and Complaints Report: 1 July to 31 December 2021 be received.

8.11. Deferred Report - Planning Proposal 1/21 - 270-272 Pacific Highway, Crows Nest

AUTHOR: Jayden Perry, Strategic Planner

Resolution of Council, 25 October 2021

Council at its meeting on 25 October 2021 considered a report into the planning proposal at 270-272 Pacific Highway, Crows Nest and resolved:

1. *THAT the matter be deferred for consideration by the new Council.*

This report presents the deferred matter.

Purpose of Deferred Report

To present an assessment report for Planning Proposal No. 1/21 at 270-272 Pacific Highway, Crows Nest after its consideration by the Local Planning Panel on 29 September 2021.

Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 270-272 Pacific Highway, Crows Nest.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- Increase the maximum Height of Buildings Map from 16m to 59m;
- Impose a maximum Floor Space Ratio Map of 5.6:1;
- Increase the minimum Non-residential Floor Space Ratio Map from 0.5:1 to 5.6:1;
- Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.

The indicative concept scheme accompanying the Planning Proposal includes a 13-storey building, comprising approximately 22,853m² Gross Floor Area (GFA), and basement car parking over three levels.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) (Attachment 5) offer which proposes to provide:

- A monetary contribution of \$3.0 million for the provision of local infrastructure and facilities.

A detailed assessment of the proposal and accompanying documentation has been undertaken in the recent report prepared for the North Sydney Local Planning Panel (NSLPP) (Attachment 1).

For the reasons outlined in this NSLPP Assessment Report (Attachment 1), it is recommended that Council support the progression of the Planning Proposal to the DPIE seeking a Gateway determination, noting a recommended reduction in height from 59m to 54m and the recommendation for site-specific DCP provisions to be prepared to help guide future detailed design and development application assessment process.

It is also recommended that Council accept, in principle, the letter of offer to enter into a Voluntary Planning Agreement.

On 11 November 2021, the applicant lodged a rezoning review with the Department of Planning, Industry and Environment (DPIE). The Sydney North Regional Planning Panel is scheduled to convene to consider this proposal on 2 March 2022.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide a monetary contribution of \$3.0 million for the provision of local infrastructure and facilities.

RECOMMENDATION:

1. **THAT** the Planning Proposal (Attachment 3) be amended to Council's satisfaction addressing the recommendations outlined in this report including a reduction in maximum building height to 54m.
2. **THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a Voluntary Planning Agreement consistent with the applicant's offer (Attachment 5) and as outlined in this report.
3. **THAT** upon satisfactory negotiation of the contents and detailed terms of the draft VPA and completion of Recommendation No.1, the Planning Proposal be forwarded in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 seeking a Gateway Determination.
4. **THAT** a draft site specific DCP be prepared and further considered by Council for the purpose of concurrent public exhibition with the Planning Proposal.
5. **THAT** upon receipt of a Gateway Determination and the completion of Recommendation No. 4, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal and draft DCP.

The Mayor, Councillor Baker vacated the Chair at 7.53pm. The Deputy Mayor, Councillor Bourke assumed the Chair.

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

1.THAT Council resolves not to support Planning Proposal 1/2021 in respect of 270-272 Pacific Highway, Crows Nest proceeding to Gateway Determination for the following reasons:

- (a) The proposed height of 59m (and the proposed reduction to 54m) is inconsistent with Council's resolved position to oppose the significant increases to the exhibited maximum heights along the western side of the Pacific Highway including the subject site, under the 2036 Plan as resolved at the meeting held on 24 January 2022
- (b) The excessive height, bulk and scale of the proposed building envelope will result in significant adverse amenity impacts on the neighbouring properties in Sinclair Street including loss of solar access and traffic impacts due to the constrained nature of the shared access and right of way off Bruce Street.
- (c) The proposal fails to provide a reasonable transition to the Sinclair Street properties.
- (d) The lack of a site specific Development Control Plan at this stage of the strategic planning process.
- (e) The amended proposed height of 54m is inconsistent with Council's desired future character for this part of the Pacific Highway and will set an unacceptable precedent for future development in this locality.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

44. RESOLVED:

1.THAT Council resolves not to support Planning Proposal 1/2021 in respect of 270-272 Pacific Highway, Crows Nest proceeding to Gateway Determination for the following reasons:

- (a) The proposed height of 59m (and the proposed reduction to 54m) is inconsistent with Council’s resolved position to oppose the significant increases to the exhibited maximum heights along the western side of the Pacific Highway including the subject site, under the 2036 Plan as resolved at the meeting held on 24 January 2022
- (b) The excessive height, bulk and scale of the proposed building envelope will result in significant adverse amenity impacts on the neighbouring properties in Sinclair Street including loss of solar access and traffic impacts due to the constrained nature of the shared access and right of way off Bruce Street.
- (c) The proposal fails to provide a reasonable transition to the Sinclair Street properties.
- (d) The lack of a site specific Development Control Plan at this stage of the strategic planning process.
- (e) The amended proposed height of 54m is inconsistent with Council’s desired future character for this part of the Pacific Highway and will set an unacceptable precedent for future development in this locality.

The Mayor, Councillor Baker resumed the Chair at 8.04pm

8.12. Deferred Report - Planning Proposal 8/21 - North Sydney Centre, Height of Buildings Variation

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

Resolution of Council, 25 October 2021

Council at its meeting on 25 October 2021 considered a report into Planning Proposal 8/21 - North Sydney Centre, Height of Buildings Variation and resolved:

- 1.THAT the matter be deferred for consideration by the new Council.*

This report presents the deferred matter.

Purpose of deferred report

To amend North Sydney Local Environmental Plan 2013 by amending clauses 6.3(3) and 6.3(5) and thereby confine all applications that seek to vary the building height development standards to clause 4.6 (*Exceptions to Development Standards*) ensuring greater consistency and transparency.

North Sydney Council endorsed the *North Sydney CBD Land Use and Capacity Strategy* in March 2017. One of the important outcomes of this work was the preparation of a Planning

Proposal (PP 7/19) to amongst other things, increase building heights in parts of the North Sydney CBD to accommodate increased heights, whilst managing impacts on solar access to surrounding residential development and Special Areas within the CBD. PP 7/19 (which resulted in Amendment 23) was gazetted on 26 October 2018.

Clause 6.3(3) of the North Sydney Local Environmental Plan 2013 (NSLEP) contains provisions that enable the consent authority to consider variations to height standards within the North Sydney Centre. Clause 4.6 of the NSLEP represents a more generic mechanism that enables consideration of applications to vary any development standard throughout the Local Government Area including height in the North Sydney Centre.

Clause 6.3(3) is a mechanism that is increasingly being used to vary the height of buildings on sites that have already been afforded significant increases in height.

There is an increasing body of opinion that if clause 6.3(3) can be complied with, clause 4.6 is not required to be considered to vary height limits in the North Sydney Centre. This is problematic as clause 6.3(3) limits the matters for consideration by the consent authority in conducting this assessment. The two clauses have the same capacity to provide a framework for consideration of variation to height standards, but clause 6.3(3) represents a narrower set of matters for consideration which limits the consent authority's discretion considerably. In addition, at a time that significant increases in CBD height limits was pursued and gazetted to achieve increased heights (via Amendment 23), clause 6.3(3) is now considered superfluous as it represents a less restrictive approach to seeking height variations in the North Sydney CBD. Clause 4.6 can perform this function effectively, as it does in virtually every local government area in NSW.

Then North Sydney Local Planning Panel considered this Planning Proposal at its meeting on 29 September 2021. It resolved to *recommend* to the Council that the Planning Proposal be forwarded to the Department of Planning and Environment to seek a Gateway Determination.

The Planning Proposal seeks to serve an important governance role in improving the transparent functioning of the North Sydney LEP 2013. It has no financial implications for Council apart from the need to invest resources in its preparation and exhibition which will be sourced from existing budget allocations.

RECOMMENDATION:

- 1. THAT** Council note the recommendation of the North Sydney Local Planning Panel that the Planning Proposal be forwarded to the Department of Planning, Industry (DPIE) and Environment to seek a Gateway Determination.
- 2. THAT** Council forward the Planning Proposal to DPIE in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway Determination.
- 3. THAT** upon receipt of a Gateway Determination, the Planning Proposal be exhibited for public exhibition in accordance with the conditions of the Gateway Determination.
- 4. THAT** a further report be prepared for Council's consideration outlining any submissions received.

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

The Motion was put and **Carried**

Voting was as follows:

For/Against 8/2

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

Against: Councillor Drummond and Councillor Gibson

Absent: Nil

45. RESOLVED:

1. THAT Council note the recommendation of the North Sydney Local Planning Panel that the Planning Proposal be forwarded to the Department of Planning, Industry (DPIE) and Environment to seek a Gateway Determination.

2. THAT Council forward the Planning Proposal to DPIE in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway Determination.

3. THAT upon receipt of a Gateway Determination, the Planning Proposal be exhibited for public exhibition in accordance with the conditions of the Gateway Determination.

4. THAT a further report be prepared for Council's consideration outlining any submissions received.

8.13. Sydney North Planning Panel - Membership Nomination 2022

AUTHOR: Stephen Beattie, Manager Development Services

For Council to determine its appointment of representatives to the Sydney North Planning Panel.

On 25 November 2019, Council considered a report on the nomination of members to the Sydney North Planning Panel (SNPP) for the 2019-20 reporting period. Council resolved:

- 1. THAT Council nominate Kenneth Robinson and Virginia Waller as the community representatives to represent North Sydney Council on the Sydney North Planning Panel, with Councillor Barbour and Kevin Alker as alternates up to 31 March 2021.*
- 2. THAT the Panel membership be reviewed following the Local Government elections in September 2020.*
- 3. THAT community representatives continue to be paid \$750 per Panel meeting.*
- 4. THAT Council write to Veronique Marchandreau and Michel Reymond expressing gratitude for their service to the Sydney North Planning Panel on behalf of our community.*

The above appointments were made due to the Council not taking up the option of having Councillor representation on the Panel. The appointments were due or expire in March 2021

aligned with the original Local Government election date in September 2020. Given that the Local Government elections have been deferred from September 2020 to September 2021 and then to December 2021, these appointments were extended by further Council resolution until the ordinary council meeting in March 2022 thus allowing the newly formed Council to select their representatives.

It is now necessary for the Council to consider appointing new representatives to the Sydney North Planning Panel. In the first instance Council should consider Councillor representation, being two qualified Councillors and an alternative. The alternative option is to seek Expressions of Interest from the North Sydney Local Planning Panel Community representative pool.

There are no additional financial considerations arising from this report and the current Sydney North Planning Panel operational budget of \$10,000 remains adequate.

RECOMMENDATION:

1.THAT Council nominates 2 representatives, Councillor _____ and Councillor _____ and at least one alternate, Councillor _____, to sit on the Sydney North Planning Panel.

2.THAT should Council fail to find at least 3 representatives from the sitting members of Council that expressions of interest be called from the North Sydney Local Planning Panel Community representatives with delegation to appoint this additional representation being granted to the General Manager.

3.THAT Council thanks the outgoing representatives for their service to the North Sydney Community.

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

1.THAT expressions of interest be called for the Sydney North Planning Panel Community representatives with delegation to appoint this additional representation being granted to the General Manager.

2. THAT the General Manager be delegated authority to extend the term of the existing representatives while expressions of interest are sought.

3.THAT Council thanks the outgoing representatives for their service to the North Sydney Community.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

46. RESOLVED:

- 1. THAT** expressions of interest be called for the Sydney North Planning Panel Community representatives with delegation to appoint this additional representation being granted to the General Manager.
- 2. THAT** the General Manager be delegated authority to extend the term of the existing representatives while expressions of interest are sought.
- 3. THAT** Council thanks the outgoing representatives for their service to the North Sydney Community.

8.14. NSW Government Infrastructure Contributions Reforms

AUTHOR: Neal McCarry, Team Leader - Policy

To seek Council's endorsement of a submission to the NSW Government's proposed Infrastructure Contributions Reforms. The detailed submission identifies that the proposed reforms will result in significant financial impacts on North Sydney Council and affect its ability to deliver necessary infrastructure to support growth.

In October 2021, the State Government released details of a proposed suite of reforms relating to how Local Government could levy development for the payment of infrastructure contributions. The exhibition period concluded on 10 December 2021. Due to the timing of the NSW Local Government elections (4 December 2021) this matter was not able to be reported to Council prior to submission. This report seeks the endorsement of the detailed submission provided at Attachment No 1.

Consistent with the overarching strategic planning framework, Council is responsible for managing population, housing and employment growth as part of its planning role in the Greater Sydney Commission's Eastern Harbour City. Fundamental to this role, and consistent with community expectations, is the need to support growth with the necessary level of local infrastructure in order to maintain an appropriate level of amenity, health and overall well-being of residents and workers that live and work in North Sydney.

The reforms will have a significant impact on North Sydney Council. Contrary to assurances that *"no council will be worse off under the proposed reforms"*, it is estimated that North Sydney Council will, dependent on likely final reforms, potentially be between \$2.8-\$9.3 million per annum worse off. Council's planned program of infrastructure works in the medium and longer term may have to be reconsidered and reduced as a result.

The introduction of a new Regional Infrastructure Contribution (RIC), with no corresponding obligation to establish any nexus as the basis for levying, nor any commitment to how and where the funds raised will be spent, is strongly opposed. This is contrary to the strict principles upon which local councils have been required to levy funds for several decades and which provide for a high degree of local transparency.

North Sydney Council supports a joint review and reform of the contributions regime to address agreed inadequacies, however, opposes the introduction of mechanisms that

prevent Council being able to reasonably and adequately provide for the level of growth and intensification being experienced in both the North Sydney CBD and broader local government area. Further, the quality and amenity of infrastructure must align with community expectations and be sustainable over the medium and longer term under intense use.

This submission identifies the potential financial impacts of the proposed reforms to Local Infrastructure Contributions reforms. Modelling indicates that North Sydney Council may be between \$2.8-\$9.3 million per annum worse off than current projected income.

RECOMMENDATION:

1.THAT Council endorse the detailed submission contained at Attachment 1 and re-iterate its objection to the proposed legislative reforms to Local Infrastructure Contributions.

2.THAT Council write to the Minister for Planning and Local Members requesting that progression of the reforms be paused and re-considered in light of the identified financial impacts to Local Government.

3.THAT should the reforms progress, the NSW Government be asked to provide financial compensation, to the extent of identified shortfalls, to those Councils that are financially disadvantaged as a result of the proposed reforms.

4.THAT, as the caretaker period has now concluded, Council proceed to write to all residents regarding the changes to infrastructure charges and the implications for ratepayers in accordance with the resolution of Council arising from the Notice of Motion No. 21/21 - Councillors Keen and Mutton.

This item was adopted by exception (see page 5)

47. RESOLVED:

1.THAT Council endorse the detailed submission contained at Attachment 1 and re-iterate its objection to the proposed legislative reforms to Local Infrastructure Contributions.

2.THAT Council write to the Minister for Planning and Local Members requesting that progression of the reforms be paused and re-considered in light of the identified financial impacts to Local Government.

3.THAT should the reforms progress, the NSW Government be asked to provide financial compensation, to the extent of identified shortfalls, to those Councils that are financially disadvantaged as a result of the proposed reforms.

4.THAT, as the caretaker period has now concluded, Council proceed to write to all residents regarding the changes to infrastructure charges and the implications for ratepayers in accordance with the resolution of Council arising from the Notice of Motion No. 21/21 - Councillors Keen and Mutton.

8.15. Draft Plan of Management for Foreshore Parks and Reserves

AUTHOR: Megan White, Landscape Architect/Planner

To undertake the processes required by the Crown Land Management Act 2016 and the Crown Land Management Regulation 2018 to enable the new draft Plan of Management (PoM) for Foreshore Parks & Reserves to be publicly exhibited for community information and comment and adopted.

Section 3.23(6) & (7) of the Crown Land Management Act 2016 requires all NSW Councils to adopt new Plans of Management (PoMs) for all reserves for which they are the appointed Crown Land Manager. The new PoMs must meet both the requirements of the Crown Land Management Act 2016 and the Local Government Act 1993.

The new draft PoM for Foreshore Parks & Reserves is the fifth Crown land PoM to be prepared for North Sydney. When adopted, it will supersede Council's Foreshore Parks and Reserves PoM 2017.

Councils must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the Native Title Act 1993. Crown Land Management Regulation 2018 provides additional details about the steps that must be undertaken by Council's to prepare and adopt Crown land PoMs. Council must notify the department of the draft PoM prior to public exhibition of the plan and must seek written consent to adopt the draft PoM.

Preparation of a new draft PoM for Foreshore Parks & Reserves is now complete, and the draft PoM is ready to be referred to the Department.

There are no financial implications.

RECOMMENDATION:

- 1. THAT** Council attests that it has considered Native Title Manager advice in relation to the draft PoM for Foreshore Parks & Reserves
- 2. THAT** Council notifies the department, as the landowner, of the draft PoM, prior to public exhibition of the plan under S39 of the LG Act
- 3. THAT** Council seeks the department's written consent to adopt the draft PoM (under clause 70B of CML Regulation). The PoM will be adopted pursuant to section 40 of the LG Act in

This item was adopted by exception (see page 5)

48. RESOLVED:

- 1. THAT** Council attests that it has considered Native Title Manager advice in relation to the draft PoM for Foreshore Parks & Reserves
- 2. THAT** Council notifies the department, as the landowner, of the draft PoM, prior to public exhibition of the plan under S39 of the LG Act
- 3. THAT** Council seeks the department's written consent to adopt the draft PoM (under clause 70B of CML Regulation). The PoM will be adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act

8.16. Proposed Community Garden French Street McMahons Point

AUTHOR: Peter Massey, Environmental Services Manager

Community garden proposal French Street McMahons Point. Outcomes of negotiations with Transport for NSW.

The matter has been before Council on two previous occasions that resulted in a Council resolution for the State Member of North Shore to negotiate with Transport for NSW for a long term lease on a parcel of land in French Street McMahons Point for a proposed community garden. The State Member put Council staff in direct contact with Transport for NSW that resulted in a refusal for any lease on the parcel of land and an offer for Council to purchase the land at a commercial rate.

The Operational Plan for 2021/22 has no budget for the Transport for New South Wales proposed sale price of \$6.5 million. Further the Operation Plan has no budget for the estimated \$310,000 remediation and establishment cost of the gardens. If the proposal was to proceed this would need to be addressed in future budgets.

RECOMMENDATION:

THAT Council not pursue the purchase of the land from Transport for NSW for the French Street McMahons Point site due to the likely high purchasing, remediation and establishment costs associated with the proposed community garden use.

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

- 1. THAT** Council give in principle support to the establishment of a community garden at French Street McMahons Point and facilitate the establishment of a community garden on the site without the purchase of the land.
- 2. THAT** Council take all steps necessary to negotiate with Transport for NSW regarding the establishment of a community garden including the care and control being given to the Council.
- 3. THAT** the Mayor raise this important community issue with our state and fed members and seek their support.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

49. RESOLVED:

- 1. THAT** Council give in principle support to the establishment of a community garden at French Street McMahons Point and facilitate the establishment of a community garden on the site without the purchase of the land.

2. THAT Council take all steps necessary to negotiate with Transport for NSW regarding the establishment of a community garden including the care and control being given to the Council.

3. THAT the Mayor raise this important community issue with our state and fed members and seek their support.

8.17. Provision of pop-up drive through COVID-19 PCR testing facility - Balls Head Reserve

AUTHOR: Rob Emerson, Director Open Space & Environmental Services

The purpose of this report is to provide information to Council in relation to a request from NSW Health to allow a pop-up drive through COVID -19 Polymerase Chain Reaction (PCR) testing facility within Balls Head Reserve, Waverton.

Council has been approached by NSW Health to provide a location within the North Sydney Local Government area for a pop-up drive through COVID -19 Polymerase Chain Reaction (PCR) testing facility.

There are no predicted financial implications for providing permission for this COVID-19 testing site to establish for a short-term period on Balls Head Reserve

RECOMMENDATION:

1. THAT Council approves the NSW Health request to provide Balls Head Reserve as a location for a pop-up drive through COVID -19 Polymerase Chain Reaction PCR testing facility.

2. THAT the term of the initial approval be for a period of three months.

3. THAT the General Manager be authorised to determine any request for extension, subject to NSW Health COVID response requirements and minimising impacts.

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

1. THAT Council not approve the NSW Health request to provide Balls Head Reserve as a location for a pop-up drive through COVID -19 Polymerase Chain Reaction PCR testing facility for the following reasons:

a) Balls Head Reserve is an inappropriate location.

b) North Sydney already has insufficient public open space to support our existing population.

c) The site has poor access with a single road in and out.

d) The access includes a shared zone with pedestrians and children.

e) Increased traffic will cause a safety concern regarding any emergency access necessary to Balls Head.

f) An 8am to 4pm seven days a week facility is to high an impact on the local community and environment.

2. THAT Council work with NSW Health to determine other possible locations such as Council car parks and venues similar to those at Georges Heights car park and the Willoughby Leisure Centre Car Park which minimise the impacts on public open space and on the amenity of residents.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

50. RESOLVED:

1. THAT Council not approve the NSW Health request to provide Balls Head Reserve as a location for a pop-up drive through COVID -19 Polymerase Chain Reaction PCR testing facility for the following reasons:

- a) Balls Head Reserve is an inappropriate location.
- b) North Sydney already has insufficient public open space to support our existing population.
- c) The site has poor access with a single road in and out.
- d) The access includes a shared zone with pedestrians and children.
- e) Increased traffic will cause a safety concern regarding any emergency access necessary to Balls Head.
- f) An 8am to 4pm seven days a week facility is to high an impact on the local community and environment.

2. THAT Council work with NSW Health to determine other possible locations such as Council car parks and venues similar to those at Georges Heights car park and the Willoughby Leisure Centre Car Park which minimise the impacts on public open space and on the amenity of residents.

8.18. Outdoor Dining Licences

AUTHOR: Albert Lo, Manager Property Assets

This report is to inform Council on the current arrangements that are in place for all Outdoor Dining Licence holders including "Temporary Outdoor Licence" holders and is recommending a transition back to Pre-Covid-19 arrangements now that the Pandemic crisis has eased.

As part of North Sydney Councils response to assist businesses through the COVID-19 pandemic, Council resolved to waive all Outdoor Dining Licence Fees payable from 1 July 2021 (Q1 2021/22). This waiver applied to 171 Outdoor Dining Licences that were active at the time and was to be in place until such time as the NSW Government lifts the Public Health Orders in force preventing outdoor dining.

North Sydney Council's response is consistent with Lane Cove, Mosman and Willoughby Councils waiver of Outdoor Dining Licence Fees for the duration of the existing Orders. The City of Sydney has waived all Outdoor Dining Fees until 30 June 2022.

Furthermore at its meeting of 27 September 2021 Council also resolved to extend the period of waiver for Outdoor Dining Licences to 30 January 2022 while also introducing a new "Temporary Outdoor Licence" initiative. The resolution also sought a further report to consider extension prior to expiring. The capacity to do this has been impinged by the Council election timing.

On 10 February 2022 the NSW Government lifted all restrictions for outdoor dining and no density limits apply.

To facilitate the transition with suitable notice, the Mayor and General Manager exercised discretion to extend the temporary permits to 31 March 2022. This report seeks Council authorisation to also extend the waiver of Outdoor Dining Licence Fees to permanent licence holders to 31 March 2022.

The revenue foregone to Council through waiving Outdoor Dining Licence fees was reported to Council in the Quarterly Property Portfolio Report of August 2021 as being estimated to be \$52,020 per month. The total actual revenue foregone over a 7-month period from 1 July 2021 to 31 January 2022 amounts to \$461,927 which equates to \$65,989 per month.

The revenue foregone as a result of Council's initiative of the Temporary Outdoor licences based on the combined size of areas permitted to be licenced was \$28,900 for a 5-month period from November 2021 to March 2022.

RECOMMENDATION:

- 1. THAT** all existing Outdoor Dining Licences fees continue to be waived until 31 March 2022
- 2. THAT** Council note that the Temporary Outdoor Dining Licences were extended to 31 March 2020, under delegation, and that those Operators who wish to continue with occupying the temporary licenced area apply for a formal Outdoor Dining Licence which is subject to approval based on Council's existing Outdoor Dining Policy and Guidelines and will be subject to the adopted fees and charges for Outdoor Dining Licences.

A Motion was moved by Councillor Gibson and seconded by Councillor Spenceley

- 1. THAT** North Sydney Council follows the example of the City of Sydney and Outdoor Dining Licences and existing Outdoor Dining Licence fees continue to be waived until 30 June 2022.
- 2. THAT** the Temporary Outdoor Dining Licences be extended to 30 June 2022, and that those Operators who wish to continue with occupying the temporary licenced area apply for a formal Outdoor Dining Licence which is subject to approval based on Council's existing Outdoor Dining Policy and Guidelines and will be subject to the adopted fees and charges for Outdoor Dining Licences.
- 3. THAT** a report be provided to the next Council Meeting regarding the costs of this extension.

An Amendment was moved by Councillor Beregi and seconded by Councillor Santer

- 1. THAT** all existing Outdoor Dining Licences fees continue to be waived until 31 March 2022.
- 2. THAT** Council note that the Temporary Outdoor Dining Licences were extended to 31 March 2022, under delegation, and that those Operators who wish to continue with occupying the temporary licenced area apply for a formal Outdoor Dining Licence which is subject to approval based on Councils existing Outdoor Dining Policy and Guidelines and will be subject to the adopted fees and charges for Outdoor Dining Licences.

The Amendment was put and **Lost**

Voting was as follows:

For/Against 1/9

For: Councillor Beregi

Against: Councillor Baker, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Absent: Nil

The original Motion moved by Councillor Gibson and seconded by Councillor Spenceley 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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

51. RESOLVED:

- 1. THAT** North Sydney Council follows the example of the City of Sydney and Outdoor Dining Licences and existing Outdoor Dining Licence fees continue to be waived until 30 June 2022.
- 2. THAT** the Temporary Outdoor Dining Licences be extended to 30 June 2022, and that those Operators who wish to continue with occupying the temporary licenced area apply for a formal Outdoor Dining Licence which is subject to approval based on Councils existing Outdoor Dining Policy and Guidelines and will be subject to the adopted fees and charges for Outdoor Dining Licences.
- 3. THAT** a report be provided to the next Council Meeting regarding the costs of this extension.

8.19. 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 addresses the above resolution.

The financial position of the project is reported through the Quarterly Governance Report which is a separate confidential report for this meeting

RECOMMENDATION:

THAT the report be received.

This item was adopted by exception (see page 5)

52. RESOLVED:

THAT the report be received.

9. Notices of Motion

9.1. Notice of Motion 11/22 - Textile Recycling - Crs Drummond & Lamb

- 1. THAT** Council join the RecycleSmart program to enable recyclable textiles to be collected from residences within the North Sydney LGA
- 2. THAT** Council coordinate with a textile recycling organisation (such as Upparel, or a suitable equivalent) to provide a central collection point for used textiles at our Community Recycling Centre in Artarmon
- 3. THAT** Council be provided a brief report on the feasibility of other places where textile recycling points could be located, such as at Council Chambers
- 4. THAT** Council educate residents on the impact of textile waste on our environment and to inform residents of the new textile recycling collection points via our communication channels (newsletter, social media etc)

The Motion was moved by Councillor Lamb and seconded by Councillor Drummond

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

53. RESOLVED:

- 1. THAT** Council join the RecycleSmart program to enable recyclable textiles to be collected from residences within the North Sydney LGA
- 2. THAT** Council coordinate with a textile recycling organisation (such as Upparel, or a suitable equivalent) to provide a central collection point for used textiles at our Community Recycling Centre in Artarmon
- 3. THAT** Council provide a brief report on the feasibility of other places where textile recycling points could be located, such as at Council Chambers
- 4. THAT** Council educate residents on the impact of textile waste on our environment and to inform residents of the new textile recycling collection points via our communication channels (newsletter, social media etc)

9.2. Notice of Motion 12/22 - Acknowledgement of Country - Crs Drummond & Lamb

- 1. THAT** Council updates the practice of Acknowledgement of Country to provide a more personalised and contextual wording.
- 2. THAT** each Councillor draft their own personalised acknowledgement of Country that be narrated when it is their turn in the sequence.
- 3. THAT** Council documents, where the lands of the North Sydney LGA are referenced, aim to identify the place as being on Cammeraygal Land, where possible.
- 4. THAT** the Council agenda cover sheet be amended to acknowledge that North Sydney Council meets on Cammeraygal Land.
- 5. THAT** Council's Aboriginal Heritage Officer be consulted regarding the appropriate wording and protocol.

Note: Item 9.7. Notice of Motion 17/22 – Amendment to Council agenda page – Cr Gibson was considered in conjunction with this item

The Motion was moved by Councillor Drummond 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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

54. RESOLVED:

- 1.THAT** Council updates the practice of Acknowledgement of Country to provide a more personalised and contextual wording.
- 2.THAT** each Councillor draft their own personalised acknowledgement of Country that be narrated when it is their turn in the sequence.
- 3.THAT** Council documents, where the lands of the North Sydney LGA are referenced, aim to identify the place as being on Cammeraygal Land, where possible.
- 4.THAT** the Council agenda cover sheet be amended to acknowledge that North Sydney Council meets on Cammeraygal Land.
- 5.THAT** Council's Aboriginal Heritage Officer be consulted regarding the appropriate wording and protocol.

9.3. Notice of Motion 13/22 - Outdoor Gyms - Crs Drummond & Lamb

- 1.THAT** Council provide a report identifying locations for new outdoor gym stations.
- 2.THAT** Council allocate in the upcoming budget the inclusion of more outdoor gym stations, particularly in proximity to children's play areas and cycling routes.

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

- 1.THAT** Council provide a report identifying locations for new outdoor gym stations.
- 2.THAT** Council consider in the upcoming budget the inclusion of more outdoor gym stations, particularly in proximity to children's play areas and cycling routes.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

55. RESOLVED:

- 1.THAT** Council provide a report identifying locations for new outdoor gym stations.
- 2.THAT** Council consider in the upcoming budget the inclusion of more outdoor gym stations, particularly in proximity to children's play areas and cycling routes.

9.4. Notice of Motion 14/22 - Uluru Statement from the Heart - Crs Welch, Baker, Beregi, Lamb and Santer

THAT North Sydney Council accepts the invitation of the Uluru Statement from the Heart and:

- i. hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on this matter; and
- ii. welcomes working with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and
- iii. looks forward to working with our constituents, other levels of governments and all Australians to take this next step in our shared future

The Motion was moved by Councillor Welch 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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

56. RESOLVED:

1.THAT North Sydney Council accepts the invitation of the Uluru Statement from the Heart and:

- i. hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on this matter; and
- ii. welcomes working with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and
- iii. looks forward to working with our constituents, other levels of governments and all Australians to take this next step in our shared future

9.5. Notice of Motion 15/22 - Food Waste Pick-up Service - Cr Gibson

1.THAT Council receives a progress report on its commitment and initiatives to introduce a municipality wide food waste pick-up service for all residential dwellings.

2.THAT the report come to Council's March Meeting.

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

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

57. RESOLVED:

1.THAT Council receives a progress report on its commitment and initiatives to introduce a municipality wide food waste pick-up service for all residential dwellings.

2.THAT the report come to Council's March Meeting.

9.6. Notice of Motion 16/22 - Provision of Council suppers – Cr Gibson

1.THAT Council's Catering Provision Policy be amended to provide a meal at the completion of each Council Meeting and in other circumstances deemed appropriate by the General Manager for the Councillors, General Manager and Senior Staff.

2.THAT clause 4.1.1 of the current Catering Provision Policy be amended to read:

Council meetings – Supper - in the form of a hot or cold meal - be provided at the completion of Council meetings for Councillors, the General Manager and other staff at the discretion of the General Manager.

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

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

THAT consideration of this matter be deferred subject to a report to Council on the costs.

The Procedural Motion was put and **Carried**

Voting was as follows:

For/Against 5/5

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

Against: Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb and Councillor Spenceley

Absent: Nil

The Mayor used her casting vote to vote for the Procedural Motion

58. RESOLVED:

THAT consideration of this matter be deferred subject to a report to Council on the costs.

9.7. Notice of Motion 17/22 – Amendment to Council agenda page – Cr Gibson

1.THAT the Council agenda cover sheet be amended to acknowledge that North Sydney Council meets on Cammeraygal Land.

2.THAT Council's Aboriginal Heritage Officer be consulted regarding the appropriate wording and protocol.

Note: This item was considered in conjunction with Item 9.2. Notice of Motion 12/22 - Acknowledgement of Country - Crs Drummond & Lamb

9.8. Notice of Motion 18/22 - Safeguarding the independence of Precincts - Councillors Santer and Welch

1. THAT a clause be inserted in the Precinct Code of Conduct guaranteeing the right of Precincts to nominate and elect their own office holders and set their agendas, meeting places and schedules without Council involvement, including at election times.

2. THAT Council undertake to introduce a fixed amount of time at each Council meeting to be devoted to the addressing of submissions from Precincts.

3. THAT Council express its support for the democratic right of assembly of its citizens on publicly used Council administered property and facilities, including at election times, subject to non-interference with the lawful exercise of the rights of other users of these facilities.

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

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

1.THAT this matter be deferred for consideration in conjunction with the Precinct System Review.

The Procedural 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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

59. RESOLVED:

1.THAT this matter be deferred for consideration in conjunction with the Precinct System Review.

Matters of Urgency

Matter of urgency – DA 19/2021: 110-112 Walker Street

Councillor Bourke sought leave to move the following Motion as a matter of urgency

1.THAT Council write to the Sydney North Planning Panel and urge that any determination of the application ensure that:

- a. there is strict compliance with the current height controls under North Sydney Local Environmental Plan 2013 in order to reduce the adverse impacts of the proposal on solar access and views from neighbouring properties; and
- b. overall solar access and views for neighbouring properties, which are critical to the health and wellbeing of our residents and workers, are given a higher priority in the final decision, with a view to reducing the height significantly.

The Mayor accepted the matter as urgent.

It was moved by Councillor Beregi and seconded by Councillor Santer

THAT leave be given to consider the matter of urgency

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

The Motion was moved by 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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

60. RESOLVED:

1.THAT Council write to the Sydney North Planning Panel and urge that any determination of the application ensure that:

- a. there is strict compliance with the current height controls under North Sydney Local Environmental Plan 2013 in order to reduce the adverse impacts of the proposal on solar access and views from neighbouring properties; and
- b. overall solar access and views for neighbouring properties, which are critical to the health and wellbeing of our residents and workers, are given a higher priority in the final decision, with a view to reducing the height significantly.

Vote of Thanks

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

- 1. THAT** Council move a vote of thanks to the staff from the Events, Communications, Open Space and the Rangers for the incredible work that they have put in to the success of Sculpture at Sawmillers.
- 2. THAT** Council also acknowledge and thank Elsa Atkin and her team for the vision and wonderful work on Sculpture at Sawmillers.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

61. RESOLVED:

- 1. THAT** Council move a vote of thanks to the staff from the Events, Communications, Open Space and the Rangers for the incredible work that they have put in to the success of Sculpture at Sawmillers.
- 2. THAT** Council also acknowledge and thank Elsa Atkin and her team for the vision and wonderful work on Sculpture at Sawmillers.

10. Confidential Matters

10.1. Tender 11/2021 - Bus Shelter & Comms Panel Advertising Tender - Reject & Negotiate

AUTHOR: Robert Esdaile, Engineering Project Manager

This report is to provide Council with an analysis and recommendation on the outcome of the reject and negotiate process for Tender 11/2021 for Advertising on Selected Council Infrastructure - Part A : Small Format (bus shelters and comms panels).

Submissions were called for and were received until 3pm, 28 October 2021 for “Best and Final Offers” to undertake Advertising on Selected Council Infrastructure - Part A : Small Format (bus shelters and comms panels).

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) 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 in open Council would be, on balance, contrary to the public interest of the Local Government Act (LGA).

RECOMMENDATION:

- 1. THAT** Council accept the offer of the highest ranked company following the Reject and Negotiate process that has been undertaken for Tender 11/2021 - Advertising on Selected Council Infrastructure - Part A : Small Format (bus shelters and comms panels).
 - 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
 - 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council’s Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
 - 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.
- A Motion was moved by Councillor Beregi and seconded by Councillor Bourke

1.THAT this matter be deferred to provide for a Councillor briefing.

The Motion was put and **Carried**

Voting was as follows:

For/Against 10/0

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

Against: Nil

Absent: Nil

62. RESOLVED:

1.THAT this matter be deferred to provide for a Councillor briefing.

10.2. Tender 32/2021 - Wondakiah Wharf Reconstruction

AUTHOR: Robert Esdaile, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender 32/2021 for the Wondakiah Wharf Reconstruction.

Tenders were called and were received until 3pm, 14 October 2021 for the submission of tenders to undertake the Wondakiah Wharf Reconstruction - Tender No. 32/2021.

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) 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 in open Council would be, on balance, contrary to the public interest.

Funding for the project is appropriate.

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 32/2021 for The Wondakiah Wharf Reconstruction.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 5)

63. RESOLVED:

- 1. THAT** Council accept the tender of GPM Marine Pty Ltd for Tender 32/2021 for The Wondakiah Wharf Reconstruction.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

10.3. Tender 35/2021 - Southern Lawn, St Leonards Park

AUTHOR: Kate Bambrick-Browne, Landscape Grants Coordinator

This report is to provide Council with an analysis and recommendation of the tender process for Tender 35-2021 for Southern Lawn, St Leonards Park

Tenders were called and were received until 3pm on 7 December 2021 for the submission of tenders to undertake Southern Lawn, St Leonards Park.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest.

Council has allocated sufficient funds in the St Leonards Park Landscape Masterplan cost centre for the delivery of the Southern Lawn, St Leonards Park

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 35-2021 for Southern Lawn, St Leonards Park.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted by exception (see page 5)

64. RESOLVED:

- 1. THAT** Council accept the tender of Co-ordinated Landscapes P/L for Tender 35-2021 for Southern Lawn, St Leonards Park.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
- 4. THAT** the Confidential Report relating to matters specified in Section 10A(2)(d) be treated as confidential and remain confidential until Council determines otherwise.

10.4. North Sydney Council's Community Awards 2022

Note: This item was considered in Closed Session (see page 54)

10.5. Don Bank Studio – Selection of writer for 2022

AUTHOR: Amanda Hudson, Community Development Librarian

The selection of the Don Bank Studio Writer in Residence for 2022.

Expressions of interest for the 2022 Writer in Residence at the Don Bank Studio have been processed and this report recommends one of the applicants.

The Writer in Residence for 2020/21 was The Mascara Literary Review who held a range of successful events despite the impact of Covid and the 2020 and 2021 lockdowns.

The events consisted of lunchtime readings with writers reading their poems and short stories. In March 2021 for Harmony Day, Stanton Library and The Mascara Literary Review celebrated multicultural literature with writers and poets. In December 2021 an event was held to say goodbye to the Mascara Review, the event consisted of a Q&A with the writers exploring their time at Don Bank Studio followed by readings produced during the residency.

The Don Bank Residency benefited the work of the writers from the Mascara Literary Review as shown by their list of achievements below:

- Debbie Lim's poem, Hummingbird Country was one of five poems shortlisted in the Peter Porter Poetry Prize run by the Australian Book Review.
- Debbie Lim wrote twenty-two new poems, eleven of these were published.
- David Ades drafted twenty-six poems of which seven were published in national and international literary journals.

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

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

The Don Bank Writer in Residence pay a peppercorn rent.

RECOMMENDATION:

1.THAT the meeting be closed to the public in accordance with Section 10 2 (a); personnel matters concerning particular individuals (other than Councillors).

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

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

1.THAT the recommendation in the confidential report be adopted.

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

65. RESOLVED:

1. **THAT** Council endorse Kate Austin-Raffan to be the 2022 Writer in Residence at Don Bank Museum commencing 4 April - 30 November 2022.
2. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.6. North Sydney Olympic Pool Redevelopment Governance Report February 2022

AUTHOR: John Thomson, Manager Corporate Contracts

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

This report provides a detailed progress report to Council on the North Sydney Olympic Pool Redevelopment. It includes information related to Budget, Cash Flow, Variations, Extensions of Time, Planned activities for next month, Stakeholder Management and Consultants

The report includes matters that remain under assessment by the Contract Superintendent. Determination of the Contract Superintendent may be subject to challenges in the case of contractual dispute.

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) commercial information of a confidential nature that would, if disclosed;

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the Council. or
- (ii) 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.

RECOMMENDATION:

1. **THAT** the report be received.
2. **THAT** the meeting be closed to the public in accordance with Section 10A(2)
 - (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) 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..
3. **THAT** the report be treated as confidential and remain confidential unless Council determines otherwise.

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

1. **THAT** the report be received

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

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

66. RESOLVED:

1. THAT the report be received

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

10.7. Senior Staff Appointments

Note: This item was considered in Closed Session (see page 54).

Closed Session

It was moved by Councillor Beregi, seconded by Councillor Gibson

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 below.

Item 10.4 North Sydney Council's Community Awards 2022

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

Item 10.7 Senior Staff Appointment

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

Item 8.2 (recommendation 6) 2022 Meeting Schedule

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, Councillors Santer, Councillor Spenceley, Councillor Mutton, Councillor Welch

Against: Nil

Absent: Nil

The recording was stopped and the meeting recommenced in Closed Session at 9.52pm.

Open Session

The meeting was re-opened to the public at 10.14pm and the recording resumed.

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

10.4. North Sydney Council's Community Awards 2022

67. RESOLVED:

- 1. THAT** the report be received.
- 2. THAT** Council seek nominations for the 2022 Young Citizen Award through Council's social media platforms and the outcome be reported to the March Council Meeting.
- 3. THAT** Council supports the selection of those nominees recommended in the confidential report.
- 4. THAT** the identities of the successful candidates remain confidential until announced at the Awards Ceremony.
- 5. THAT** Council receives a further report following a review of the Community Awards.
- 6. THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.7. Senior Staff Appointments

68. RESOLVED:

- 1. THAT** Council acknowledges the consultation by the General Manager in respect to Senior Staff appointments in accordance with section 337 of the Local Government Act.
- 2. THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

Item 8.2 – Consideration of independent HR Specialist/facilitator – Performance Review Panel

69. RESOLVED:

- 1. THAT** Council seek Expressions of Interests for an independent HR Specialist/facilitator for the performance period commencing 1 July 2022.

2.THAT Matthew McArthur of McArthurs Recruitment and HR Consulting continue as the independent HR Specialist/facilitator until the conclusion of the assessment for the 2021/22 performance period.

11. Closure

The Meeting concluded at 10.15pm.