



MINUTES

The Minutes of the 3749th **MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on Monday 23 August 2021.



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1. Opening Meeting

The Mayor, Councillor Gibson, in the Chair, and Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton were in attendance.

At the commencement of business (7.32pm) those present were: The Mayor.

Those participating remotely were:

Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Brodie.

3. Apologies and Applications for Leave of Absence

There were no apologies or applications for a leave of absence.

4. Confirmation of Minutes

A Motion was moved by Councillor Beregi

THAT the Minutes of the previous 3748th Council Meeting held on Monday, 26 July 2021, copies of which had been previously circulated, were taken as read and confirmed subject to an amendment to item 9.2 on page 26 that the vote be amended so that Councillor Gibson be recorded as voting against the motion.

The Mayor confirmed that she did vote for the motion.

Adjournment

The meeting was adjourned at 7.42pm to enable a review of the recording of the 23 July meeting to be undertaken.

The meeting resumed at 7.47pm with all Councillors present.

The meeting was advised that the review of the meeting recording clearly demonstrated that the Mayor voted for the motion.

The Motion lapsed due to lack of a seconder.

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

THAT the minutes of the previous 3748th Council Meeting held on Monday, 26th July 2021 be taken as read and confirmed

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Beregi

Absent: Nil

189. RESOLVED:

THAT the minutes of the previous 3748th Council Meeting held on Monday, 26th July 2021 be taken as read and confirmed

5. Disclosures of Interest

Re: 9.2 Notice of Motion No. 15/21 Councillors Baker, Beregi & Carr - Ongoing compliance issues at 6 John Street, McMahons Point (Noakes Boatyard)

Councillor Barbour Councillor Barbour declared a Non-Pecuniary but Significant interest in the matter and took no part in the consideration or voting.

6. Mayoral Minutes

As items 6.4 and 6.5 were tabled as matters of urgency they were brought forward in the agenda.

6.4. MM04: COVID Pandemic Response

On Friday 20 August 2021, the Premier announced a further extension of the lockdown until the end of September. Since the lockdown initially commenced on 26 June 2021, there have been multiple changes to the Public Health Orders in line with the emerging response to the escalation of Covid 19 cases.

Since Covid 19 started to impact on all our lives in early March 2020, North Sydney Council has demonstrated agility in responding to the changing situation. North Sydney Council has ensured that essential services are maintained and continued to provide services to the community as well as providing local support to other agencies in the pandemic response.

Over the past six weeks, Councillors' abilities to attend Council in person has been restricted as a result of the Health Orders. Nevertheless, the organisation has continued to alter its operations consistent with the Health Orders in order to continue to provide services and support the community.

In order to ensure the elected Council remains informed:

I therefore recommend:

1.THAT the General Manager be asked to provide a verbal update to the meeting outlining Council's operational response to the emerging pandemic environment.

The Motion was moved by The Mayor

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Carr

Absent: Nil

190. RESOLVED:

1.THAT the General Manager be asked to provide a verbal update to the meeting outlining Council's operational response to the emerging pandemic environment.

Accordingly, the General Manager provided an update on the operations of Council services during lockdown.

6.5. MM05: Over 500 trees lost in Cammeray

Councillors will be well aware of community anger from many residents in the Cammeray area and beyond. For the last few weeks trees have been cut down at a rapid rate. I have received calls from residents living on Ernest Street and other streets near ANZAC Park.

Some members of the community have the impression that Council staff have been silent on the matter of tree loss. Let me assure you that behind the scenes Council staff have worked consistently and diligently on efforts to minimise the loss of mature trees on ANZAC Park and beyond. Within the last 12 months, two Council submissions have been lodged with TfNSW. In both submissions Council forcefully stated its position that we expect TfNSW to minimise all environmental impacts including tree loss.

At lunch time today I spoke to Mr Parris to notify him of the motion being presented to Council tonight. Mr Parris listened respectfully to my requests. Councillors will have read in last Thursday's Councillor Bulletin that TfNSW are planning four separate community engagement sessions on both Wednesday 25 and Thursday 26 August. Given the first community meeting is only two days away, the request to pause tree felling seems reasonable.

I therefore recommend:

1.THAT Council writes to the Program Director (WHT), Mr Doug Parris requesting that a pause be put on the felling of further trees until the TfNSW scheduled community information meetings on 23 and 26 August are held.

2.THAT when re-planting of the affected sites commences that TfNSW work with the Council and the Community to achieve the best possible community outcomes. This should include the species and the container size of the replacing and planting.

3.THAT Council requests a meeting with Doug Parris and Cammeray's local member the Premier, Gladys Berejiklian to ensure that environmental damage including further tree loss – is minimized in future stages of the state significant project construction.

The Motion was moved by The Mayor

An amendment was moved by Councillor Beregi, seconded by Councillor Baker

1.THAT Council writes to the Program Director (WHT), Mr Doug Parris requesting that a pause be put on the felling of further trees until the TfNSW scheduled community information meetings on 23 and 26 August are held.

2.THAT when re-planting of the affected sites commences that TfNSW work with the Council and the Community to achieve the best possible community outcomes. This should include the species and the container size of the replacing and planting.

3.THAT Council requests a meeting with Doug Parris and Cammeray's local member the Premier, Gladys Berejiklian to ensure that environmental damage including further tree loss – is minimized in future stages of the state significant project construction.

4. THAT Council urgently write to the Premier asking for an immediate halt and review of the project.

5. THAT Council return to its position of opposing the Warringah Freeway, Western Harbour Tunnel and Beaches link until such a time that the upper house inquiry has been held and business cases released for all projects.

The Mayor ruled the amendment out of order as the amendment was a direct negative of the original motion.

Adjournment

The Mayor adjourned the meeting at 8.28pm citing constant interruptions from Councillor Beregi.

The meeting resumed at 8.35pm with all Councillors present.

Councillor Beregi left the meeting at 8.39pm.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Beregi

191. RESOLVED:

1.THAT Council writes to the Program Director (WHT), Mr Doug Parris requesting that a pause be put on the felling of further trees until the TfNSW scheduled community information meetings on 23 and 26 August are held.

2.THAT when re-planting of the affected sites commences that TfNSW work with the Council and the Community to achieve the best possible community outcomes. This should include the species and the container size of the replacing and planting.

3.THAT Council requests a meeting with Doug Parris and Cammeray's local member the Premier, Gladys Berejiklian to ensure that environmental damage including further tree loss – is minimized in future stages of the state significant project construction.

Councillor Beregi returned to the meeting at 8.42pm.

6.1. MM01 Support for our homeless during COVID

The death and subsequent community memorial for Peter, a rough sleeper who spent his final days camped in Arthur St, North Sydney was a cameo of the best and worst of life in Sydney.

The gathering of local residents to honour Peter reflected the innate kindness and respect within our community. However, his death also highlighted the harsh reality that not all Australians have a home and not all homes are safe places to be.

In Peter's case, he had declined offers of suitable accommodation, however, not all homeless people are offered the accommodation they need. Some are forced to sleep rough, while others couch surf or sleep in their cars or live in boarding houses effectively hiding the true extent of the problem.

At the Lower North Shore Domestic Violence Network meeting in June, Police reported domestic violence incidents had increased from an average of 150 per month to 170. Similarly, assaults had increased from an average of 22 per month to 30.

Interestingly, this does not correlate with increased requests for support at local refuges. Marys House in North Sydney reports that it currently has vacancies as referrals go quiet during lockdown when women are unable to reach out. They expect a spike when lockdown restrictions are lifted.

Local Wollstonecraft resident Bec Boyden is a dedicated volunteer with Sydney Street Kitchen and Blanket Patrol. In talking with Bec about homelessness, she brought to my attention the difficulties homeless people face in not having anywhere to put their belongings.

This sometimes stops them from accessing essential facilities such as a shower, toilet or medical services because they are anxious someone will steal the few things they do have. Carrying possessions with them 24/7 is stressful and can result in unnecessary loss or wear and tear on essential items such as blankets or jackets that they need for warmth overnight.

Bec and I discussed the possibility of homeless people being provided with lockers at transport hubs where they could store their belongings. I'm not sure how this could work in practise, but with financial and emotional stress increasing during the pandemic, especially during lockdown periods, it is definitely worth investigating.

I therefore recommend:

- 1.THAT** Community Development staff prepare a report on the impact of Covid-19 on homelessness on the Lower North Shore, especially within the North Sydney LGA.
- 2.THAT** the report explore the possibility of providing lockers at, or near major transport hubs for rough sleepers and include possible ways to work with the State Government and other agencies to provide the service.
- 3.THAT** Council writes to Bec Boyden thanking her for raising awareness of the difficulties faced by homeless people and acknowledge her long-term contribution to Sydney Street Kitchen and Blanket Patrol.

A Motion was moved by The Mayor

- 1.THAT** Community Development staff prepare a report on the impact of Covid-19 on homelessness on the Lower North Shore, especially within the North Sydney LGA.
- 2.THAT** the report explore the possibility of providing lockers at, or near major transport hubs for rough sleepers and include possible ways to work with the State Government and other agencies to provide the service.
- 3.THAT** Council writes to Bec Boyden thanking her for raising awareness of the difficulties faced by homeless people and acknowledge her long-term contribution to Sydney Street Kitchen and Blanket Patrol.
- 4. THAT** the homelessness strategy that is currently in place be expedited.
- 5. THAT** Council engages with Specialist Homelessness Services in the preparation of the report.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Nil

192. RESOLVED:

- 1.THAT** Community Development staff prepare a report on the impact of Covid-19 on homelessness on the Lower North Shore, especially within the North Sydney LGA.
- 2.THAT** the report explore the possibility of providing lockers at, or near major transport hubs for rough sleepers and include possible ways to work with the State Government and other agencies to provide the service.
- 3.THAT** Council writes to Bec Boyden thanking her for raising awareness of the difficulties faced by homeless people and acknowledge her long-term contribution to Sydney Street Kitchen and Blanket Patrol.
- 4. THAT** the homelessness strategy that is currently in place be expedited.
- 5. THAT** Council engages with Specialist Homelessness Services in the preparation of the report.

6.2. MM02 Sydney Harbour Bridge Cycleway Options – outcomes from TfNSW August consultation report

Councillors will recall that in June this year Transport for NSW (TfNSW) placed two cycleway ramp options to access the Harbour Bridge on exhibition for public comment. The two designs were similar to proposals rejected by the community a decade earlier and local

residents expressed immediate concern about the loss of open space and the heritage impacts of the proposal.

At an Extraordinary General Meeting on 7 June 2021, Council resolved to write to TfNSW stating that the community strongly rejected both the linear option and the spiral option. Council also represented the community's views about the alienation of precious public open space, the diminishment of the architecture of the Harbour Bridge and its curtilage. The impacts on the heritage listed entrance to Milsons Point Station and pedestrian safety were also raised. We also resolved to develop a community information campaign with a maximum cost of \$15,000 (\$10,166.85 were spent).

Despite our request, TfNSW continued with the consultation and has now released a comprehensive report (attached) detailing the results. The Department received 2578 responses to its survey. Of these, 18.7% of respondents lived in the immediate vicinity (postcodes 2060 and 2061), and 23.4% lived in the local area (within 10km north of the project area). The remaining respondents came from further afield.

The linear ramp was the preferred design (68% support) with 9% supporting either design, 5% supporting the looped ramp and 17% opposing both ramp options.

On Monday 16 August 2021 I had calls from residents who live near the Bridge expressing their disappointment that TfNSW will proceed with a cycleway ramp from the Sydney Harbour Bridge. Resident concerns were clearly reflected in the survey responses with 61% of respondents from postcodes 2060 or 2061 objecting to both options.

I recognise that many local residents are frustrated and angry that their concerns did not lead to their desired outcome which was that the current facility remain and a supplementary lift be installed.

However, the community campaign was not in vain. 42% of survey respondents lived in the immediate or local area, so our community's voice was heard. Council, among others, called for a long-term world class solution to be developed and TfNSW heard that feedback.

Rather than proceed with the linear ramp, it has decided to hold a ramp design competition in September to find an architectural team with heritage and Connecting with Country expertise. Shortlisted designs are expected to go on exhibition for public comment in October. TfNSW has also committed to consult the local community about the cycle path along Alfred St South.

I remain hopeful that thoughtful and creative designs will now emerge that respect the heritage of the Harbour Bridge and have a less intrusive impact on Bradfield Park North. I'd like to acknowledge the efforts of local residents who worked hard to raise community awareness and put the community concerns on the table.

We now need to ensure that our community continues to be involved and informed so they can provide feedback on the designs in October. We also need to ensure Council is

provided with timely information from TfNSW and our feedback on the exhibited designs is considered.

I therefore recommend:

1.THAT Council writes to TfNSW and:

- I. Expresses its extreme disappointment that the option of maintaining the current facility and installing a bike lift were not included as a third option during the community engagement process.
- II. Requests Council be kept fully informed of the progress of this project in order to represent the best outcomes for the North Sydney Community.
- III. Ensures Council has a seat at the table in any future working groups.

The Motion was moved by The Mayor

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 7

For: Councillor Gibson, Councillor Drummond and Councillor Gunning

Against: Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Mutton and Councillor Baker

Absent: Nil

6.3. MM03 Cremorne Land

On 18 August 2021 a 484sqm vacant block of land adjacent to Cremorne Point Reserve was put on the market for sale at 60 Kareela Road, Cremorne Point. A small block of six units existed on the land which the NSW State Government acquired some years ago owing to the fact that asbestos contamination made it uninhabitable. Approximately 12 months ago, the unit block was demolished and the site decontaminated. The land is now advertised for public auction on Saturday, 11 September 2021.

It is a fact that the Local Government Area of North Sydney has one of the lowest ratios of public open space per capita in the Sydney region.

Due to the Warringah Freeway upgrade and Western Harbour Tunnel projects approximately 64,000m² open space is temporarily being used for construction and approximately 15,000m² will be lost permanently.

Council has lobbied the State Government to ensure that there will be no permanent net loss of open space on the completion of the projects. A unique opportunity has presented itself and I believe it is worth lobbying the State Government to withdraw the land from sale and enter into negotiations to gift the land to the North Sydney community as public open

space. This elevated north facing site would be perfect for a local pocket park. I believe Council needs to capitalise on every opportunity and use imagination in its quest to increase open space in our LGA.

I therefore recommend:

1. THAT Council writes to the appropriate State Government authorities, the Premier Gladys Berejiklian and our local State MP Felicity Wilson requesting an urgent Zoom meeting to discuss all options available for the ownership of the land at 60 Kareela Road, Cremorne Point to be transferred to North Sydney Council as public open space.

The Motion was moved by The Mayor

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Nil

193. RESOLVED:

1. THAT Council writes to the appropriate State Government authorities, the Premier Gladys Berejiklian and our local State MP Felicity Wilson requesting an urgent Zoom meeting to discuss all options available for the ownership of the land at 60 Kareela Road, Cremorne Point to be transferred to North Sydney Council as public open space.

Items to be considered By Exception

It was moved by Councillor Barbour and seconded by Councillor Drummond that the Recommendations for Items 7.2, 8.3, 8.8 and the Confidential Report Item 10.1 be adopted.

The General Manager confirmed with Councillors that, in moving Item 10.1 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 Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Nil

194. RESOLVED:

THAT the Recommendations for Items 7.2, 8.3, 8.8 and the Confidential Report Item 10.1 be adopted.

7. Reports of Committees

7.1. Traffic Committee Minutes - 23 July 2021

AUTHOR: Josh Jongma, Governance Coordinator

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 23 July 2021 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/2021/23 July 2021](https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2021/23_July_2021)

An alternate recommendation has been proposed for Item 5.3 (recommendation No. 9). Financial implications are outlined in the reports to the Traffic Committee.

RECOMMENDATION:

- 1. THAT** the information regarding Delegated Authority items be received. (5.1)
- 2. THAT** the matter *concerning Moodie Street, Cammeray – Footpath design and Parking Re-arrangement, Community Consultation* be deferred to until after the September Local Government election and until such time that residents can attend in person to address the Committee. (5.2)
- 3. THAT** the submitters be notified of the deferral of this matter. (5.2)
- 4. THAT** the Committee thank the staff involved in the report for the efforts in ameliorating the traffic in Moodie Street. (5.2)
- 5. THAT** that Council apply to TfNSW for a 40km/h speed zone on Blues Point Road between Lavender Street and Blues Point Reserve. The scheme should incorporate the traffic and pedestrian upgrades identified in the McMahons Point (Blues Point Road) Public Domain Upgrade Masterplan, and as minimal use of *raised flat top thresholds* as possible between Princes Street and Blues Point Reserve to address the TfNSW criteria for the proposed 40km/h speed zone. (5.3)
- 6. THAT** the raised flat top threshold be used instead of speed cushions. (5.3)
- 7. THAT** if the scheme cannot be implemented with a maximum of two raised flat top thresholds, then the matter be brought back to the Committee. (5.3)

- 8. THAT** following discussions with TfNSW on the proposed scheme, a report be brought back to Council outlining the proposed scheme, the cost implications of the proposed scheme, potential funding, proposed schedule and details of further community engagement if required. (5.3)
- 9. THAT** Council commits to no further use of rubber speed cushions. (5.3)
- 9a. THAT** Council notes a preferred position for full width concrete or asphalt raised thresholds rather than rubber speed cushions for any speed humps proposed on Council roads, where it is practical and feasible to do so (5.3) **(alternate recommendation, see note in report)**
- 10. THAT** Council be included in the consultation process for the beautification works in Blues Point Reserve following the completion of the Metro works. (5.3)
- 11. THAT** Council seeks clarification on the timeline and status of the Metro works in the North Sydney LGA. (5.3)
- 12. THAT** the application for Blues Point Road 40km/h speed zone ensures that there is no loss of parking. (5.3)
- 13. THAT** the previous resolution of the 30th April Traffic Committee (Item 5.4) regarding line marking and signage on Blues Point Road be prioritised (subject to Public Health Orders). (5.3)
- 14. THAT** the Council acknowledge that there is a pedestrian safety issue alongside the Pacific Highway between Arthur Street and Blue Street. (5.4)
- 15. THAT** this matter be included as a part of the pedestrian safety standing item. (5.4)
- 16. THAT** the alternative existing on road cycling route down Miller Street and Lavender Street be the official route to the harbour bridge. (5.4)
- 17. THAT** Council promptly remove 'shared path' signage on western side of Pacific Highway between Blue Street and Arthur Street and installing of 'no cycling' signage at Arthur Street and at Blue Street (5.4)
- 18. THAT** 'no cycling' footpath stencils be installed on the footpath on the western side of Pacific Highway between Blue Street and Arthur Street in the same manner as St Peters Park. (5.4)
- 19. THAT** the parking restrictions installed in North Sydney and Neutral Bay Resident Parking Area 1 in December 2020, remain. (5.5)
- 20. THAT** the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (6.1)
- 21. THAT** a request is made to TfNSW that any damage at Winter Avenue and Alfred Street North pedestrian crossing be promptly remediated. (6.1)
- 22. THAT** a request is made to TfNSW that the public be informed through signage that the works for the Warringah Freeway Upgrade at St Leonards Park are temporary. (6.1)
- 23. THAT** the information concerning Standing Item – Pedestrian Safety be received. (6.2)
- 24. THAT** the decisions of Item 5.4 (Pacific Highway, North Sydney - Shared Path between Arthur Street and Blue Street) be included in this report. (6.2)
- 25. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received (6.3)

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

The General Manager confirmed that in moving the recommendation that the Council was moving the recommendation as amended at item 9a.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning and Councillor Mutton

Against: Councillor Baker and Councillor Beregi

Absent: Nil

195. RESOLVED:

- 1. THAT** the information regarding Delegated Authority items be received. (5.1)
- 2. THAT** the matter *concerning Moodie Street, Cammeray – Footpath design and Parking Re-arrangement, Community Consultation* be deferred to until after the September Local Government election and until such time that residents can attend in person to address the Committee. (5.2)
- 3. THAT** the submitters be notified of the deferral of this matter. (5.2)
- 4. THAT** the Committee thank the staff involved in the report for the efforts in ameliorating the traffic in Moodie Street. (5.2)
- 5. THAT** that Council apply to TfNSW for a 40km/h speed zone on Blues Point Road between Lavender Street and Blues Point Reserve. The scheme should incorporate the traffic and pedestrian upgrades identified in the McMahons Point (Blues Point Road) Public Domain Upgrade Masterplan, and as minimal use of *raised flat top thresholds* as possible between Princes Street and Blues Point Reserve to address the TfNSW criteria for the proposed 40km/h speed zone. (5.3)
- 6. THAT** the raised flat top threshold be used instead of speed cushions. (5.3)
- 7. THAT** if the scheme cannot be implemented with a maximum of two raised flat top thresholds, then the matter be brought back to the Committee. (5.3)
- 8. THAT** following discussions with TfNSW on the proposed scheme, a report be brought back to Council outlining the proposed scheme, the cost implications of the proposed scheme, potential funding, proposed schedule and details of further community engagement if required. (5.3)
- 9. THAT** Council notes a preferred position for full width concrete or asphalt raised thresholds rather than rubber speed cushions for any speed humps proposed on Council roads, where it is practical and feasible to do so (5.3)
- 10. THAT** Council be included in the consultation process for the beautification works in Blues Point Reserve following the completion of the Metro works. (5.3)
- 11. THAT** Council seeks clarification on the timeline and status of the Metro works in the North Sydney LGA. (5.3)
- 12. THAT** the application *for Blues Point Road 40km/h speed zone* ensures that there is no loss of parking. (5.3)
- 13. THAT** the previous resolution of the 30th April Traffic Committee (Item 5.4) regarding line marking and signage on Blues Point Road be prioritised (subject to Public Health Orders). (5.3)
- 14. THAT** the Council acknowledge that there is a pedestrian safety issue alongside the Pacific Highway between Arthur Street and Blue Street. (5.4)

- 15. THAT** this matter be included as a part of the pedestrian safety standing item. (5.4)
- 16. THAT** the alternative existing on road cycling route down Miller Street and Lavender Street be the official route to the harbour bridge. (5.4)
- 17. THAT** Council promptly remove 'shared path' signage on western side of Pacific Highway between Blue Street and Arthur Street and installing of 'no cycling' signage at Arthur Street and at Blue Street (5.4)
- 18. THAT** 'no cycling' footpath stencils be installed on the footpath on the western side of Pacific Highway between Blue Street and Arthur Street in the same manner as St Peters Park. (5.4)
- 19. THAT** the parking restrictions installed in North Sydney and Neutral Bay Resident Parking Area 1 in December 2020, remain. (5.5)
- 20. THAT** the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (6.1)
- 21. THAT** a request is made to TfNSW that any damage at Winter Avenue and Alfred Street North pedestrian crossing be promptly remediated. (6.1)
- 22. THAT** a request is made to TfNSW that the public be informed through signage that the works for the Warringah Freeway Upgrade at St Leonards Park are temporary. (6.1)
- 23. THAT** the information concerning Standing Item – Pedestrian Safety be received. (6.2)
- 24. THAT** the decisions of Item 5.4 (Pacific Highway, North Sydney - Shared Path between Arthur Street and Blue Street) be included in this report. (6.2)
- 25. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received (6.3)

7.2. Waverton Peninsula Working Group Minutes - 27 July 2021

AUTHOR: Peita Rose, Governance Officer

This report presents the Minutes of the last meeting of the Waverton Peninsula Working Group held on 27 July 2021.

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

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

RECOMMENDATION:

- 1. THAT** Council receives the Minutes of the Waverton Peninsula Working Group held on 27 July 2021.
- 2. THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 27 July 2021, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

This Item was moved By Exception. Please refer to page 13.

196. RESOLVED:

- 1. THAT** Council receives the Minutes of the Waverton Peninsula Working Group held on 27 July 2021.
- 2. THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 27 July 2021, a report be

prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

8. Reports to Council

8.1. Election of Deputy Mayor

AUTHOR: Ian Curry, Manager Council & Committee Services

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

As resolved by Council on 28 September 2020, the current term of office for the Deputy Mayor will expire on 3 September 2021.

As the current term of Council, including that of the Mayor, has been extended to 3 December 2021, it is proposed that an election of the Deputy Mayor for the balance of the Council term take place at the Council meeting to be held on Monday 23 August 2021.

Nominations may be made without notice and must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached. Schedule 7 governs the election of a mayor or deputy mayor by councillors.

By close of business on Wednesday 18 August 2021) three (3) nominations were received for:

- Cr Stephen Barbour
- Cr Kathy Brodie
- Cr Jessica Keen

As more than one nomination has been received, an election will be conducted in accordance with The Schedule.

RECOMMENDATION:

- 1. THAT** an election be held to elect a Deputy Mayor for the balance of the Council term.
- 2. THAT** Council determine the method of voting, giving consideration to the provisions of the Deputy Mayor Policy for Open Voting and the online participation by Councillors at Council meetings due to the current Public Health Order.
- 3. THAT** the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning,

Councillor Mutton and Councillor Baker

Against: Nil

Absent: Nil

197. RESOLVED:

- 1. THAT** an election be held to elect a Deputy Mayor for the balance of the Council term.
- 2. THAT** Council determine the method of voting, giving consideration to the provisions of the Deputy Mayor Policy for Open Voting and the online participation by Councillors at Council meetings due to the current Public Health Order.
- 3. THAT** the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

The Mayor handed over to the General Manager, Mr Gouldthorp, to fulfil the role of Returning Officer.

The General Manager confirmed that there were three nominations for Deputy Mayor, being Councillors:

- Barbour,
- Brodie and
- Keen.

The General Manager confirmed that all nominations had been provided in the correct form with two nominators and nominations accepted by the nominees.

Prior to proceeding, the General Manager asked if there were any further nominations. There were no further nominations and so the vote proceeded with nominations for Councillors Barbour, Brodie and Keen.

The General Manager clarified that the method of voting was to be open voting by the show of hands. No alternative voting methods were raised by the Council.

The General Manager explained that the nominations would be drawn randomly to select the order of the voting. There would then be two rounds of voting with three nominees. After the first round of voting the Councillor with the least votes would be excluded for round two. The second round would then proceed with the two remaining Councillors to determine the winner.

The General Manager then placed the names of the three candidates in the receptacle and drew out the names to determine the order of voting. The order of voting was:

1. Councillor Keen
2. Councillor Barbour
3. Councillor Brodie

The following votes were then cast:

Councillor Keen: Crs Keen, Mutton (2 votes)
Councillor Barbour: Crs Barbour, Carr (2 votes)
Councillor Brodie: Crs Brodie, Drummond, Gibson, Gunning (4 votes)

Councillors Baker and Beregi abstained from the vote.

As the two lowest votes were drawn, the General Manager drew names out of the receptacle to determine which candidate would be excluded. Councillor Keen's ballot was drawn and was excluded from round 2.

The following votes were then cast:

Councillor Barbour: Crs Barbour, Carr, Mutton (3 votes)
Councillor Brodie: Crs Brodie, Drummond, Gibson, Gunning, Keen (5 votes)

Councillors Baker and Beregi abstained from the vote.

The General Manager then declared Councillor Brodie as the Deputy Mayor, having the majority of votes

The Mayor congratulated Councillor Brodie on her election to the position.

8.2. Matters Outstanding - August 2021

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 5 July 2021 Extraordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

The Recommendation was moved by Councillor Keen and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Beregi

Absent: Nil

198. RESOLVED:

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

8.3. Amendments to 2021 Meeting Schedule

AUTHOR: Josh Jongma, Governance Coordinator

This report seeks Council approval to amend the meeting schedule due to the postponement of the Local Government Elections.

On 23 July 2021 Council amended the Council Meeting schedule in response to the postponement of the Local Government elections. This report recommends that the previously cancelled August meeting of the Traffic Committee be scheduled for 3 September 2021. This report also recommends that the Sustainable Transport and Environment Reference Groups currently scheduled for 15 November 2021 and the Sport and Recreation Reference Group currently scheduled for 9 November 2021 be cancelled to avoid being held during the caretaker period.

There are no direct financial implications that arise from this report.

RECOMMENDATION:

1. **THAT** a meeting of the Traffic Committee be rescheduled for 3 September 2021.
2. **THAT** the Sport and Recreation Meeting currently scheduled for 9 November 2021 be cancelled.
3. **THAT** the Sustainable Transport and Environment Reference Groups currently scheduled for 15 November 2021 be cancelled.

This Item was moved By Exception. Please refer to page 13.

199. RESOLVED:

1. **THAT** a meeting of the Traffic Committee be rescheduled for 3 September 2021.
2. **THAT** the Sport and Recreation Meeting currently scheduled for 9 November 2021 be cancelled.
3. **THAT** the Sustainable Transport and Environment Reference Groups currently scheduled for 15 November 2021 be cancelled.

8.4. 2021 Local Government NSW Board Elections

AUTHOR: Ian Curry, Manager Council & Committee Services

To consider the nomination of Council delegates to vote in the Local Government NSW (LGNSW) Board Elections.

The LGNSW Conference was scheduled for November 2021. As a result of the delay of the 2021 Local Government election the LGNSW in-person annual conference (now called 'Special Conference') has been moved to 28 February to 2 March 2022. While Conference Motions will be dealt with at that Conference, the Fair Work (Registered Organisations) Act requires that LGNSW conduct an Annual Conference still be held this calendar year.

The Annual Conference will run for approximately 1 hour and the Financial Statements and Annual report will be presented. LGNSW still requires Councils to nominate voting delegates for this meeting. North Sydney Council is entitled to nominate five delegates.

Nominations for LGNSW Board Positions open on 7 September 2021 and close at 12pm on 5 October 2021.

There is no cost to Council for attendance at the one hour Annual Conference to be held on 29 November 2021.

RECOMMENDATION:

1.THAT Council nominates up to three voting delegates to participate in the LGNSW Board elections on 29 November 2021, in addition to the Mayor and Deputy Mayor (voting delegates).

2.THAT a further report be submitted to Council regarding proposed Motions for the 'Special Conference' to be held 28 February to 2 March 2022.

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

1.THAT Council nominates Councillor Keen, Councillor Barbour and Councillor Baker to participate in the LGNSW Board elections on 29 November 2021, in addition to the Mayor and Deputy Mayor (voting delegates).

2.THAT a further report be submitted to Council regarding proposed Motions for the 'Special Conference' to be held 28 February to 2 March 2022.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Nil

200. RESOLVED:

1.THAT Council nominates Councillor Keen, Councillor Barbour and Councillor Baker to participate in the LGNSW Board elections on 29 November 2021, in addition to the Mayor and Deputy Mayor (voting delegates).

2.THAT a further report be submitted to Council regarding proposed Motions for the 'Special Conference' to be held 28 February to 2 March 2022.

8.5. Use of Corporate Email Domain

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is to seek Council cooperation with the intent of Councillor correspondence being directed to email addresses using the @northsydney email domain only, from 1 September 2021.

All Councillors have received a corporate email address using the North Sydney Council email domain to be used for all email related to the Councillor's civic role. Over time there has been a tendency to use a mix of both Councillors formal email addresses and personal email addresses to distribute internal documentation, memorandum and notices, This practice appears to have developed from convenience. From 1 September 2021, the North Sydney Council email domain will be used for all email related to the Councillor's civic role.

This is to ensure Council meets its obligations in respect to the maintenance and security of Council records. These include:

- Obligations under the State Records Act 1998 regarding the creation, sending, receiving, storage and disposal of Council information.
- Requirements under Council's Privacy Management Plan to use Council-issued systems and processes
- Requirement to appropriately separate personal and civic interactions with Council as required under the Code of Conduct
- General cyber security expectations and ability to manage and respond to cyber-security threats including phishing.

Any relevant policies including the *Councillor Access to Information and Interaction with Staff Policy*, and *Mayor and Councillor Facilities and Benefits Policy* will be updated to reflect this provision by way of a further report to Council following the conduct of the election.

There are no specific financial implications as a result of this recommendation. The provision and use of North Sydney Council email domain addresses does not represent any cost to Council. It is possible that the increased security provision may mitigate the risk of cyber security incidences that result in a cost to Council.

RECOMMENDATION:

1. THAT Council note that from 1 September 2021 that all Councillor email correspondence and communication will go through the North Sydney Council email domain.

2. THAT following the conduct of the 2021 local government election that the *Councillor Access to Information and Interaction with Staff Policy*, *Mayor and Councillor Facilities and Benefits Policy* and any other relevant policy be updated to reflect this provision.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Drummond, Councillor Gunning and Councillor Baker

Against: Councillor Carr, Councillor Barbour and Councillor Mutton

Absent: Nil

201. RESOLVED:

- 1. THAT** Council note that from 1 September 2021 that all Councillor email correspondence and communication will go through the North Sydney Council email domain.
- 2. THAT** following the conduct of the 2021 local government election that the *Councillor Access to Information and Interaction with Staff Policy, Mayor and Councillor Facilities and Benefits Policy* and any other relevant policy be updated to reflect this provision.

8.6. Q4 Review of the Operational Plan 2020/21

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

In accordance with Statutory requirements this Quarterly Review reports project status updates against Delivery Program/Operational Plan projects scheduled to have commenced or in progress in Q4 2020/21. It also includes a review of the biannual result for cross functional operational key performance indicators (KPIs).

In accordance with statutory requirements this Quarterly Review reports project status updates against Delivery Program projects scheduled to have commenced or in progress in Q4 2020/21 and reviews the biannual result for cross functional operational key performance indicators (KPIs).

The Operational Plan 2020/21, i.e. Year 3 of the Delivery Program 2018/19-2021/22, was adopted on 27 July 2020. The plan commenced 1 July 2020 and concluded 30 June 2021.

The adopted Delivery Program includes projects and services. Attachment 1 details the performance against projects by operational view (by Division) for the period 1 April to 30 June 2021.

In summary, 250 projects were scheduled to commence/continue this quarter. 94% projects are on track (green and blue status) and 6% projects are behind schedule/delayed (red and amber status).

The 2020/21 Annual Financial statements are being prepared in accordance with Audit timeframes.

RECOMMENDATION:

- 1.THAT** the Quarterly Review of the Operational Plan - April to June 2021 be received.
- 2.THAT** the Committee notes the remedial action for those projects that were not on track for the period ending 30 June 2021.

A Motion was moved by Councillor Keen and seconded by Councillor Brodie.

- 1.THAT** the Quarterly Review of the Operational Plan - April to June 2021 be received.
- 2.THAT** the Council notes the remedial action for those projects that were not on track for the period ending 30 June 2021.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Beregi

Absent: Nil

202. RESOLVED:

1.THAT the Quarterly Review of the Operational Plan - April to June 2021 be received.

2.THAT the Council notes the remedial action for those projects that were not on track for the period ending 30 June 2021.

8.7. Investment and Loan Borrowings Held as at 31 July 2021

AUTHOR: Asif Ali, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 July 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 31 July 2021 had a market value of \$86.0 million, with an annualised return of 1.34% for the year to date, 1.30% above the reportable BBSW Bank Bill Index of 0.04%. Cash deposits at call total \$32.0 million. The investment portfolio is managed to ensure liquidity to meet operational requirements, with cashflow being monitored and assessed on an on-going basis.

The actual returns for cash and investments for the year to date as at 31 July 2021 were \$88,806 which was \$2,194 less than the year-to-date budgeted estimate. The medium-longer term outlook for financial markets indicate that the RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached and that rate rises are not expected until at least 2024.

Borrowings:

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 31 July 2021 is \$7,037,040.24. Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool.

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:

1. THAT the report on Investments and Loan Borrowings held as at 31 July 2021 be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning and Councillor Mutton

Against: Councillor Beregi, Councillor Carr and Councillor Baker

Absent: Nil

203. RESOLVED:

1. THAT the report on Investments and Loan Borrowings held as at 31 July 2021 be received.

8.8. Post Gazettal report - NSLEP 2013 Amendment No.31 (173-179 Walker Street and 11-17 Hampden Street North Sydney)

AUTHOR: Neal McCarry, Team Leader - Policy

The purpose of this report is to present to Council the details and implications of a recent amendment to North Sydney Local Environmental Plan 2013 (Amendment No.31) relating to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 173-179 Walker Street and 11- 17 Hampden Street, North Sydney.

The Planning Proposal sought the following amendments to NSLEP 2013:

- Increase the maximum building height from 12m to RL133 (representing approximately 62- 72m of additional height)
- Establish a minimum floor space ratio of 6.1:1
- Introduce a new special provision to establish controls for the site relating to overshadowing, and allowance for maximum height and FSR greater than the above associated with amalgamation of all lots within the site.

Council refused the Planning Proposal at its meeting on 26 August 2019. In response, the applicant lodged a Rezoning Review with the Department of Planning, Infrastructure and Environment (DPIE) on 2 September 2019. On 12 February 2020, the Rezoning Review request was considered by the Sydney North Regional Planning Panel (SNRPP), which recommended that the Planning Proposal progress to Gateway Determination.

A Gateway Determination was issued on 6 July 2020 enabling the Planning Proposal to be exhibited subject to various conditions. Following the exhibition of the Planning Proposal, to which 139 objections were received, the SNRPP conducted a public hearing on 17 March 2021 and on 23 March 2021, issued a report recommending that the Planning Proposal proceed to be made.

On 30 July 2021, the DPIE advised Council that NSLEP 2013 (Amendment No.31) had been made under section 59(2) of the EP&A Act giving effect to the Planning Proposal. NSLEP 2013 (Amendment No.31), will come into force on 31 August 2021.

RECOMMENDATION:

1. THAT Council receive and note the report.

This Item was moved By Exception. Please see page 13.

204. RESOLVED:

1. THAT Council receive and note the report.

8.9. Military Road Corridor – Stage 1 Planning Proposal & DCP

AUTHOR: Jing Li, Senior Strategic Planner - Urban Design

To advise Council of the preparation and progression of a planning proposal and development control plan amendment to give effect to aspects of the *Military Road Corridor Planning Study – Stage 1 Future Directions*, which was adopted by Council on 22 February 2021.

On 22 February 2021, Council resolved to adopt the *Military Road Corridor Planning Study: Stage 1 - Future Directions* (“the Study”). To give effect to the desired outcomes of the adopted Planning Study, amendments are required to Council’s Local Environmental Plan (LEP) and Development Control Plan (DCP). It should be noted that significant changes to height and floor space associated with the three significant development sites identified in the Study, will be pursued separately.

A key component of the Study is an increase in the general height limit from five storeys to six storeys throughout most of the Neutral Bay Town Centre and a corresponding increase in the non-residential floor space requirements. The rationale for this is that employment floor space is systematically being eroded in the Town Centre as the current controls enabled existing levels of employment floor space to be replaced by residential development. This change to the LEP would address that decline.

Other changes like built form setbacks, podium height, active street frontages, solar protection and public domain upgrades are required to ensure that new development responds to the aspirations of the Study and to reinforce the village feel of the Town Centre. It is anticipated that these amendments are proposed to be incorporated into the DCP.

A Planning Proposal is required to give effect to the one storey height increase. Once prepared it must go to the North Sydney Local Planning Panel for advice prior to being reported to Council for determination. This gives rise to an unusual situation in that Council will be considering a Planning Proposal after it has already been publicly ventilated.

The purpose of this report is therefore to provide Council with a high-level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel.

For completeness, this report also broadly outlines changes that will be required to Council’s DCP to ensure that the two planning instruments align with one another. It is proposed to publicly exhibit the DCP amendments with the planning proposal concurrently to ensure a high level of clarity and transparency. Given the need to seek a Gateway Determination from the Department of Planning, Industry and Environment, it is unlikely that such amendments will be exhibited until late 2021 or early 2022.

The work and associated budget required to prepare a planning proposal and associated development control plan amendments for the Military Road Corridor are within existing operational budgets for 2021/22.

RECOMMENDATION:

1. THAT Council endorses the preparation and progression of a planning proposal and development control plan amendment to give effect to the aspects of the *Military Road Corridor Planning Study – Stage 1 Future Directions* outlined in this report.

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

Councillor Gunning left the meeting at 9.47pm.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 6

For: Councillor Gibson, Councillor Brodie and Councillor Drummond

Against: Councillor Beregi, Councillor Keen, Councillor Carr, Councillor Barbour, Councillor Mutton and Councillor Baker

Absent: Councillor Gunning

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

1. THAT Council does not endorse the preparation and progression of a planning proposal and development control plan amendment to give effect to the aspects of the Military Road Corridor Planning Study – Stage 1 Future Directions outlined in this report.

The Mayor ruled the motion out of order as it negated a previous resolution of Council and a notice of rescission had not been submitted.

Councillor Gunning returned to the meeting at 9.52pm.

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

1. THAT item 8.9 be recommitted for a further vote with all Councillors present.

The motion was withdrawn.

8.10. Hayes Street Amenity Block

AUTHOR: Alicja Batorowicz, Landscape Projects Coordinator

The purpose of this report is to provide Council with a progress update on the proposed upgrade of Hayes Street Amenity Block.

This report provides a summary of the Hayes Street Amenity Block upgrade project progress. The procurement process for an appropriate builder is expected to commence in the week starting on 23 August 2021. Assuming that the license agreement is executed within four weeks, it is expected that the works associated with the upgrade of the amenity block could start at the beginning of October 2021 and be completed within two months. Council has allocated \$130,000 to deliver this project in the current financial year

RECOMMENDATION:

1. THAT the report be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Nil

206. RESOLVED:

1. THAT the report be received.

8.11. North Sydney Olympic Pool – Monthly Progress Report – August 2021

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 is the first report which responds to this resolution. As this is the first such report it details all work which has been completed on the project since the work commenced in March 2021.

Future reports will address progress since the previous report.

The financial position of the project is reported through the Quarterly Governance report which will be reported up to Council at the 23 August Meeting

RECOMMENDATION:

1. THAT the report be received.

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

1. THAT the report be received

2. THAT the report at item 10.2 be received and made available to the public.

The Mayor ruled the motion out of order as the matter would be addressed in the order of the agenda and no motion had been moved to bring it forward.

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

1. THAT the report be received.

2. THAT a more detailed report be provided at the next meeting.

The Mayor ruled the Motion out of order as a more detailed report was included separately in the meeting and a proposal to effectively amalgamate them rescinded the previous resolutions of Council.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Carr

Absent: Nil

207. RESOLVED:

1. THAT the report be received.

Councillor Barbour retired from the meeting at 10.06pm.

9. Notices of Motion

9.1. Notice of Motion 14/21 by Councillors Mutton and Keen - Berrys Bay

1. THAT Council resolves to constitute a delegation of three Councillors, headed by the Mayor, to meet with the Premier to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project to transfer the land on the Western side of Berrys Bay (being Lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [6171112 approx.], Lots 101 and 102 in DP 1162896, Lot 104 in DP 1162898 and Lots 1, 2 and 3 in DP 181235) to Council.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Beregi

Absent: Councillor Barbour

208. RESOLVED:

1. THAT Council resolves to constitute a delegation of three Councillors, headed by the Mayor, to meet with the Premier to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project to transfer the land on the Western side of Berrys Bay (being Lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [6171112 approx.], Lots 101 and 102 in DP 1162896, Lot 104 in DP 1162898 and Lots 1, 2 and 3 in DP 181235) to Council.

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

1. THAT the delegation established by item 9.1 comprise the Mayor, Councillor Keen and Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows: For/Against 8 / 1

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, , Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Councillor Carr

Absent: Councillor Barbour

209. RESOLVED:

1. THAT the delegation established by item 9.1 comprise the Mayor, Councillor Keen and Councillor Mutton.

9.2. Notice of Motion No. 15/21 Councillors Baker, Beregi & Carr - On-going compliance issues at 6 John Street, McMahons Point (Noakes Boatyard)

1. THAT Council seek compliance with the terms of the s34 agreement and subsequent Court Orders made by the Court in respect of Land and Environment Court Proceedings No. 2020/00122833; and

2. THAT Council investigate fire safety compliance concerns raised by residents and take any compliance action arising from the investigation as a matter of urgency.

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

1. THAT Council seek compliance with the terms of the s34 agreement and subsequent Court Orders made by the Court in respect of Land and Environment Court Proceedings No. 2020/00122833; and

2. THAT Council investigate fire safety compliance concerns raised by residents and take any compliance action arising from the investigation as a matter of urgency.

3. THAT Council reiterates its commitment to pursuing compliance with condition D51 for the provision of the public jetty.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

210. RESOLVED:

- 1. THAT** Council seek compliance with the terms of the s34 agreement and subsequent Court Orders made by the Court in respect of Land and Environment Court Proceedings No. 2020/00122833; and
- 2. THAT** Council investigate fire safety compliance concerns raised by residents and take any compliance action arising from the investigation as a matter of urgency.
- 3. THAT** Council reiterates its commitment to pursuing compliance with condition D51 for the provision of the public jetty.

9.3. Notice of Motion No. 16/21 by Councillors Baker, Beregi & Carr - Council assistance to the community during COVID lockdown - vaccinations and help for other Local Government Areas

- 1. THAT** Council offer North Sydney Oval to the State Government for use as a regional vaccination hub
- 2. THAT** Council urgently liaise with Foodbank NSW to provide a drop off site for food donations from residents and businesses in North Sydney LGA and provide delivery of donations to metropolitan Sydney Local Government Areas with high demand for Foodbank services under this current lockdown.
- 3. THAT** Council urgently liaise with Local Government NSW to ascertain any other support and assistance that North Sydney Council may facilitate or provide to other local government areas across metropolitan Sydney and the Western Division.

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

- 1. THAT** Council include a link on its website cross promoting foodbank.org.au to those that may wish to make a donation and that Council continue to monitor the situation in relation to food donations and revisit the issue as Public Health Orders evolve.
- 2. THAT** other support agencies be included at the discretion of the Communications department.
- 3. THAT** the Mayor and General Manager continue to participate in regular forums hosted by the Office of Local Government (OLG) with NSW Health and NSW Police.

4. THAT North Sydney Council continue to support and augment the COVID-19 response efforts of key state agencies through promoting their messages and supporting the principles of COVID-safe practices in the local government area as requested by the Health Minister.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

211. RESOLVED:

1. THAT Council include a link on its website cross promoting foodbank.org.au to those that may wish to make a donation and that Council continue to monitor the situation in relation to food donations and revisit the issue as Public Health Orders evolve.

2. THAT other support agencies be included at the discretion of the Communications department.

3. THAT the Mayor and General Manager continue to participate in regular forums hosted by the Office of Local Government (OLG) with NSW Health and NSW Police.

4. THAT North Sydney Council continue to support and augment the COVID-19 response efforts of key state agencies through promoting their messages and supporting the principles of COVID-safe practices in the local government area as requested by the Health Minister.

9.4. Notice of Motion No. 17/21 by Councillors Baker, Beregi & Carr - Council Submission re Review of General Manager and Senior Staff Remuneration

1. THAT Council make a submission to the Office of Local Government's Review of General Manager and Senior Staff Remuneration.

2. THAT Council's submission support and include the following:

- that the remuneration of both General Managers and Senior Staff be determined by an independent, external body such as the Local Government Remuneration Tribunal so that the process is transparent, applies rigorous benchmarking and is public;
- the recruitment of the General Manager continue to follow the process of merit selection which is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the position is appointed, and,
- that the performance review of the General Manager is tasked to the entire elected body, with all members of the elected body provided with all information pertaining to the recruitment of the General Manager. Where a panel is appointed, all

information provided to and by the panel is to be provided to all members of the governing body at the same time, and,

- that General Manager's remuneration be made publicly available on Council websites and updated in real time.

<https://www.olg.nsw.gov.au/wp-content/uploads/2021/06/Review-of-General-Manager-Remuneration-Consultation-Paper.pdf>

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

Adjournment

The Mayor adjourned the meeting at 10:28pm citing constant interruptions from Councillor Beregi and failing to address Councillor Drummond appropriately.

The meeting recommenced at 10.36pm.

Those present were: The Mayor, Councillors Baker, Beregi, Brodie, Carr, Drummond, Keen and Mutton.

Councillor Beregi withdrew and apologised for her comments to Councillor Drummond.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 6

For: Councillor Beregi, Councillor Carr and Councillor Baker

Against: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Drummond, Councillor Gunning and Councillor Mutton

Absent: Councillor Barbour

9.5. Notice of Motion No. 18/21 by Councillors Keen and Mutton - Lawn Bowls

1. THAT Council write to the State Government and request that the same provisions are in place as per last lockdown for lawn bowls.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton

and Councillor Baker

Against: Nil

Absent: Councillor Barbour

213. RESOLVED:

1. THAT Council write to the State Government and request that the same provisions are in place as per last lockdown for lawn bowls.

9.6. Notice of Motion No. 19/21 by Councillors Keen and Mutton - Bike Jumps

1. THAT Council look for suitable bike jumps within the North Sydney Area. Please note this is separate to official cycleways.

2. THAT Council report back to determine the best locations and discuss how to progress this for the North Sydney residents.

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

1. THAT Council look for suitable bike jumps within the North Sydney Area, noting that these are separate to official cycleways.

2. THAT Council report back through the Sport and Recreation Reference Group to determine the best locations including consideration of the southern end of Forsyth Park and discuss how to progress this for the North Sydney residents.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

214. RESOLVED:

1. THAT Council look for suitable bike jumps within the North Sydney Area, noting that these are separate to official cycleways.

2. THAT Council report back through the Sport and Recreation Reference Group to determine the best locations including consideration of the southern end of Forsyth Park and discuss how to progress this for the North Sydney residents.

9.7. Notice of Motion No. 20/21 by Councillors Keen and Mutton - Outdoor Dining Waiver

- 1. THAT** Council acknowledges the current stress that the North Sydney small business community specifically cafes and restaurants is under with the current lockdown.
- 2. THAT** Council considers the financial implications and the possibility of waiving outdoor dining fees for at least 6 months to enable the businesses to recover.

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

- 1. THAT** Council acknowledges the current stress that the North Sydney small business community specifically cafes and restaurants is under with the current lockdown.
- 2. THAT** Council notes that outdoor dining fees have already been waived as a result of the current health orders.
- 3. THAT** a report be brought to Council that considers the financial implications of the possibility of further waiving outdoor dining fees to June 2022 to enable the businesses to recover.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

215. RESOLVED:

- 1. THAT** Council acknowledges the current stress that the North Sydney small business community specifically cafes and restaurants is under with the current lockdown.
- 2. THAT** Council notes that outdoor dining fees have already been waived as a result of the current health orders.
- 3. THAT** a report be brought to Council that considers the financial implications of the possibility of further waiving outdoor dining fees to June 2022 to enable the businesses to recover.

9.8. Notice of Motion No. 21/21 Councillors Keen and Mutton - Infrastructure Changes

- 1. THAT** Council write to all residents regarding the changes to infrastructure charges and the implications for rate payers.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

216. RESOLVED:

1. THAT Council write to all residents regarding the changes to infrastructure charges and the implications for rate payers.

9.9. Notice of Motion No. 22/21 by Councillors Keen and Mutton - Light Up for Mito

1. THAT Council light up the Council Chambers green for 'Light Up for Mito' on 25 September and encourage other businesses in North Sydney LGA to do the same.

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

1. THAT Council light up the Council Chambers green for 'Light Up for Mito' on 25 September and encourage other businesses in North Sydney LGA to do the same.

2. THAT Council takes consideration of the current Public Health Orders.

3. THAT the Council website communicate the event to residents and businesses to encourage them to participate.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

217. RESOLVED:

1. THAT Council light up the Council Chambers green for 'Light Up for Mito' on 25 September and encourage other businesses in North Sydney LGA to do the same.

2. THAT Council takes consideration of the current Public Health Orders.

3. THAT the Council website communicate the event to residents and businesses to encourage them to participate.

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

1. THAT as the meeting was approaching the 11.00pm deadline to close as specified in clause 18.1 of the Code of Meeting Practice, the meeting be extended for 15 minutes.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

218. RESOLVED:

1. THAT as the meeting was approaching the 11.00pm deadline to close as specified in clause 18.1 of the Code of Meeting Practice, the meeting be extended for 15 minutes.

9.10. Question with Notice from Councillors Baker, Beregi and Carr

General Manager Salary Package

Could all councillors please be advised of the quantum of the General Manager's new salary package, inclusive of super and all benefits, following the General Manager's Performance review which was conducted on 7 July 2021 by the Mayor, Cr Stephen Barbour (Deputy Mayor) and Councillors Jessica Keen and Ian Mutton.

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

1. THAT the answers to the questions be received and that no further action is required.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

219. RESOLVED:

1. THAT the answers to the questions be received and that no further action is required.

10. Confidential Matters

10.1. 4th Quarterly Property Portfolio Report 2020 - 21 (Public)

AUTHOR: Damian Warren, Property Officer

The purpose of this report is to provide Council with information on Council's Property Portfolio for the quarter ending 30 June 2021.

This report provides Council with information on the Property Portfolio for the 4th Quarter of 20/21 – 1 April 2021 to 30 June 2021. The report addresses the following matters:

- Consolidated summary of income received through the Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- Major Property Projects (Maintenance and Capital works) for the quarter
- Update on Councils Car Parking Stations
- Impact of COVID-19 on Council's Property Portfolio
- Outdoor Dining License fee waiver

Council's budgeted income from its entire Property Portfolio for 2020/21 was originally forecast at \$7,235,387. However due to COVID-19, the income forecast was revised down to \$5,726,505. For more detail on the impacts of COVID-19 on Councils Property Portfolio refer to the detail section of this report.

The Year-to-Date total actual income for the 4th quarter of 20/21 which was received on a cash basis through Colliers International was \$5,824,204 as at 30 June 2021, which is \$97,699 above than the revised forecast of \$5,726,505 for the quarter, 102% of the projected budgeted income for the quarter.

The Year-to-Date income which is received on an accrual basis is \$6,477,771 as at 30 June 2021.

The waiving of all the Outdoor Dining Footpath Licence Fees payable on the 171 current Licences effective as of 1 July 2021 will cost Council an estimated \$52,020 per month in revenue foregone.

RECOMMENDATION:

- 1. THAT** the Quarterly Property Portfolio Report for the 4th Quarter of 20/21 (April to June 2021), be received.
- 2. THAT** Council notes the impact that the State Government's COVID-19 restrictions are having on Council's Property Portfolio revenue.

The item was adopted By Exception. Please refer to page 13.

220. RESOLVED:

- 1. THAT** the Quarterly Property Portfolio Report for the 4th Quarter of 20/21 (April to June 2021), be received.
- 2. THAT** Council notes the impact that the State Government's COVID-19 restrictions are having on Council's Property Portfolio revenue.

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

10.2. North Sydney Olympic Pool – Quarterly Project Governance Report – August 2021

AUTHOR: John Thomson, Manager Corporate Contracts

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

The Contract for the Construction of the pool was signed with Icon SI (Aust) Pty Ltd on 31 December 2020 and re-executed as a deed on 18 January 2021. The Contractor took possession of the site on 9 March 2021.

In accordance with the Project Governance structure, the Project Superintendent (Manager Corporate Contracts) liaises with the Project Director (Director Engineering and Property Services) on an ongoing basis, provides detailed reports to the Project Control Group, chaired by the General Manager, on a monthly basis and provides quarterly reports to the full Council via the Governance and Finance Committee. These reports address the financial status of the project, including contractual claims and contentions, as they emerge. This includes commercial in confidence matters that remain under assessment.

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

RECOMMENDATION:

1. 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, or
- (iii) reveal a trade secret..

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Drummond, Councillor Gunning, Councillor Mutton and Councillor Baker

Against: Nil

Absent: Councillor Barbour

222. RESOLVED:

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

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

11. Closure

The Meeting concluded at 11.02pm.