



MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 25 October 2021.



1. Opening Meeting	4
2. Acknowledgement of Country	4
3. Apologies	4
4. Confirmation of Minutes	4
5. Disclosures of Interest	5
6. Mayoral Minutes	5
7. Reports of Committees.....	6
7.1. <i>Legal and Planning Committee Minutes - 11 October 2021</i>	<i>6</i>
7.2. <i>Waverton Peninsula Working Group Minutes - 5 October 2021.....</i>	<i>7</i>
7.3. <i>Audit, Risk and Improvement Committee - Minutes 15 October 2021</i>	<i>7</i>
7.4. <i>Traffic Committee Minutes - 15 October 2021</i>	<i>8</i>
8. Reports to Council	11
8.1. <i>Matters Outstanding October 2021.....</i>	<i>11</i>
8.2. <i>Disclosure of Pecuniary Interests by Councillors and Designated Persons.....</i>	<i>12</i>
8.3. <i>2022 Schedule of Meetings.....</i>	<i>13</i>
8.4. <i>Code of Conduct Statistics Report.....</i>	<i>13</i>
8.5. <i>Financial Statements for the Year Ended 30 June 2021</i>	<i>14</i>
8.6. <i>Report on the Special Rate Variation (SRV) funded projects for 2020/21.....</i>	<i>16</i>
8.7. <i>Quarterly Operational Plan Review - September 2021/22.....</i>	<i>17</i>
8.8. <i>Quarterly Budget Review - September 2021.....</i>	<i>18</i>
8.9. <i>Investment and Loan Borrowings Report held as at 30 September 2021</i>	<i>19</i>
8.10. <i>Planning Proposal 1/21 - 270-272 Pacific Highway, Crows Nest</i>	<i>21</i>
8.11. <i>Planning Proposal 8/21 - North Sydney Centre, Height of Buildings Variation.....</i>	<i>22</i>
8.12. <i>Planning Proposal 5/20 - 52 Alfred Street South, Milsons Point - Planning Proposal Authority.....</i>	<i>24</i>
8.13. <i>Managing Council's Parks: New Booking Arrangements and Proposed Fees - Post Exhibition</i>	<i>26</i>
8.14. <i>Draft North Sydney DCP 2013 amendment: North Sydney CBD - Commercial tower setbacks and separation - Post-exhibition report</i>	<i>28</i>
8.15. <i>Holtermann Street Carpark Redevelopment - Public Exhibition of Concept Designs .</i>	<i>30</i>
8.16. <i>North Sydney Olympic Pool Monthly Progress Report October 2021</i>	<i>31</i>
8.17. <i>Air Quality Monitoring Station - St Leonards Park.....</i>	<i>32</i>
8.18. <i>Children's Services Review 2021</i>	<i>33</i>
8.19. <i>Homeless Strategy (Update) Community Engagement Strategy</i>	<i>34</i>
8.20. <i>Cities Race to Zero.....</i>	<i>35</i>
9. Notices of Motion.....	36
9.1. <i>Questions with Notice - Councillor Brodie.....</i>	<i>36</i>
10. Confidential Matters	Error! Bookmark not defined.

10.1. *Tender 22/2021 - Provision of Website Services*39
10.2. *North Sydney Olympic Pool - Quarterly Project Governance Report - October 2021*.39
10.3. *Land Negotiations*.....39
11. Closure**40**

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 at 7.37pm those present in the chamber were: The Mayor, Councillors Keen, Brodie, Barbour, Drummond and Mutton.

Those present remotely were: Councillors Baker, Beregi and Carr.

The Meeting was opened by the Mayor

2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Mutton.

3. Apologies

There were no apologies.

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3750th Council Meeting held on Monday, 27th September 2021 be taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning		Absent
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

THAT THE MINUTES of the previous 3750th Council Meeting held on Monday, 27 September 2021 be taken as read and confirmed.

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

THAT THE MINUTES of the previous and the 3571st Extraordinary Council Meeting held Monday, 11 October 2021 be taken as read and confirmed.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Absent	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

THAT THE MINUTES of the previous and the 3571st Extraordinary Council Meeting held Monday, 11 October 2021 be taken as read and confirmed.

5. Disclosures of Interest

- Re: 8.14 Draft North Sydney DCP 2013 amendment: North Sydney CBD - Commercial tower setbacks and separation - Post-exhibition report
Councillor Keen As a friend of a submitter declared a non-pecuniary and less than significant interest.
- Re: 8.18 Children's Services Review 2021
Councillor Keen As a member of the Neutral Bay Public School Council declared a non-pecuniary and less than significant interest.

6. Mayoral Minutes

Nil.

Councillor Gunning was admitted to the meeting online at 7.41pm.

Items to be Considered By Exception

It was moved by Councillor Baker and seconded by Councillor Keen that the recommendations for the following items 7.1, 7.2, 7.3, 7.4, 8.2 and 8.3 be adopted.

Councillor Beregi left the meeting at 7.42pm.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1.THAT the recommendations for the following items 7.1, 7.2, 7.3, 7.4, 8.2 and 8.3 be adopted.

Councillor Beregi returned to the meeting at 7.43pm

7. Reports of Committees

7.1. Legal and Planning Committee Minutes - 11 October 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 Legal and Planning Committee held on 11 October 2021 for Council adoption. The minutes are attached for information.

There are no financial implications associated with the recommendations of the committee.

RECOMMENDATION:

- 1. THAT** the Development Applications received 1 April - 30 June 2021 report be received. (4.1)
- 2. THAT** the Variations to Development Standards – 2020/21 Q4 Reporting Period report be received. (4.2)
- 3. THAT** the Current Appeals and Results – October 2021 report be received. (5.1)
- 4. THAT** the report be treated as confidential and remain confidential until Council determines otherwise. (5.1)

This item was adopted by exception (see page 5).

RESOLVED:

- 1. THAT** the Development Applications received 1 April - 30 June 2021 report be received. (4.1)
- 2. THAT** the Variations to Development Standards – 2020/21 Q4 Reporting Period report be received. (4.2)
- 3. THAT** the Current Appeals and Results – October 2021 report be received. (5.1)
- 4. THAT** the report be treated as confidential and remain confidential until Council determines otherwise. (5.1)

7.2. Waverton Peninsula Working Group Minutes - 5 October 2021

AUTHOR: Peita Rose, Governance Officer

This report presents the Minutes of the last meeting of the Waverton Peninsula Working Group held on 5 October 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 5 October 2021.

2. THAT should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 5 October 2021, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

This item was adopted by exception (see page 5).

RESOLVED:

1. THAT Council receives the Minutes of the Waverton Peninsula Working Group held on 5 October 2021.

2. THAT should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 5 October 2021, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

7.3. Audit, Risk and Improvement Committee - Minutes 15 October 2021

AUTHOR: Ian Curry, Manager Council & Committee Services

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

This report presents the recommendations of the last meeting of the Audit, Risk and Improvement Committee held on 15 October 2021 for Council adoption. The minutes are attached for information.

There are no financial implications associated with this report.

RECOMMENDATION:

1. THAT the 2020/21 Financial Statements be adopted. (5.1)

2. THAT the internal audit plan and resourcing position be received and noted. (5.2)

3. THAT the feedback provided with respect to the OLG's Risk Management and internal Audit Guidelines be received and noted. (5.2)

4. THAT the status of past internal audit recommendations be received and noted. (5.3)

5. THAT the report on privacy and information awareness be received and noted. (5.4)

6. THAT the report on Section 7.11 Contributions and Section 7.12 Levies be received and noted. (5.4)

7. THAT the Infosec Risk Register update be noted. (5.5)

8. THAT the revised Council Leased Properties update report be noted. (5.6)

9.THAT the current proposed workplace for Governance developed against the NSW Audit Office Governance Lighthouse be noted. (5.7)

10.THAT the Draft Guidelines - Risk Management and Internal Audit for local councils in NSW report be noted. (5.8)

This item was adopted by exception (see page 5).

RESOLVED:

1.THAT the 2020/21 Financial Statements be adopted. (5.1)

2.THAT the internal audit plan and resourcing position be received and noted. (5.2)

3.THAT the feedback provided with respect to the OLG's Risk Management and internal Audit Guidelines be received and noted. (5.2)

4.THAT the status of past internal audit recommendations be received and noted. (5.3)

5. THAT the report on privacy and information awareness be received and noted. (5.4)

6.THAT the report on Section 7.11 Contributions and Section 7.12 Levies be received and noted. (5.4)

7.THAT the Infosec Risk Register update be noted. (5.5)

8.THAT the revised Council Leased Properties update report be noted. (5.6)

9.THAT the current proposed workplace for Governance developed against the NSW Audit Office Governance Lighthouse be noted. (5.7)

10.THAT the Draft Guidelines - Risk Management and Internal Audit for local councils in NSW report be noted. (5.8)

7.4. Traffic Committee Minutes - 15 October 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 15 October 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/2021/15_October_2021

Please note that where the recommendations below are unclear in the minutes, additional information has been provided in brackets for clarity.

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

RECOMMENDATION:

1. THAT the information regarding Delegated Authority items be received. (5.1)

2. THAT Council does not proceed with the raised pedestrian crossing (at Humphrey Place, Burton Street, Kirribilli) in light of the traffic calming effects of the new Burton Street Plaza and taking into consideration residents' concerns regarding loss of parking. (5.2)

3. THAT Council look for and promptly apply for funding this financial year for an alternate project (to the raised pedestrian crossing project at Humphrey Place, Burton Street) under the Federal Government Stimulus Road Safety Program (School Zone Infrastructure). (5.2)

4. THAT Council proceed with the installation of an additional parking spot on the southern side of Willoughby Street, west of Elamang Avenue. (5.2)

- 5. THAT** the current restrictions (to parking) on the northern side of Burton Street remain. (5.2)
- 6. THAT** Council thank members of the community that participated in the survey (on the Burton Street Crossing project). (5.2)
- 7. THAT** Council does not proceed to replace approximately 3 metres of 2 Hour parking with motor bike parking on the southern side of Kirribilli Avenue between No.65 to No.69. (5.3)
- 8. THAT** Council continue to monitor the traffic flow in Thrupp Street between Aubin Street and Kurraba Road and that the matter be brought back to the February Traffic Committee meeting. (5.4)
- 9. THAT** Council proceed with community consultation on the proposed pedestrian refuge and kerb buildouts on the western side of Holt Avenue at the intersection of Spofforth Street. (5.5)
- 10. THAT** Council approve the proposed pedestrian refuge and kerb-buildouts in Florence Street at Spofforth Street as per the attached plan ([to the Traffic Committee report](#)) with the following amendments, and detailed design and timing of construction dependent on cost estimate, availability of funding from the LATM Traffic Facilities budget and project priorities within the LATM Actions:
- i) the existing Bus Stop 209052 to be retained (net gain of one parking space only)
 - ii) a Stop sign to be incorporated on Florence Street at Spofforth Street. (5.5)
- 11. THAT** Council notes the comments made by the Holt Street residents and incorporate a garden bed into the kerb extension (in Florence Street at Spofforth Street). (5.5)
- 12. THAT** the cancellation of the 27 November 2021 Traffic Committee meeting be noted. (5.6)
- 13. THAT** Council authorise the General Manager or his delegate to vote on behalf of Council in the event that an urgent traffic issue arises over the caretaker period and holiday break, noting that a delegation email would be sent to the NSW Police, Transport for NSW and the local State Member for approval, as well as the Mayor to be notified for information and a report on the issue arising would also be referred to the first Traffic Committee meeting of the new year. (5.6)
- 14. THAT** the proposed North Sydney Traffic Committee meeting dates for 2022 be adopted. (5.7)
- 15. THAT** the information concerning Standing Item - Pedestrian Safety be received. (6.1)
- 16. THAT** the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (6.2)
- 17. THAT** the information concerning Sydney Metro City & South-West Construction Update be received. (6.3)
- 18. THAT** the updates concerning Standing Item - Blues Point Road – Vehicle Noise & Traffic Issues be received. (6.4)
- 19. THAT** Council proceed with CCTV monitoring immediately after Blues Point Road is reopened. (6.4)
- 20. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (6.5)
- 21. THAT** Council traffic Engineers investigate traffic and pedestrian safety in the vicinity of Cammeray Public School with particular focus on Amherst Street and Miller Street and Palmer and Miller Streets. (8.1)
- 22. THAT** Council’s Road Safety Officer meet with the (Cammeray Public) school. (8.1)

- 23. THAT** the report (on the pedestrian safety at Cammeray Public School) be bought back to the February Traffic Committee meeting. (8.1)
- 24. THAT** Council staff urgently investigate and install signage on the corner of Grosvenor Lane and Ben Boy Road to discourage through traffic. (8.3)
- 25. THAT** Council investigate ways to improve pedestrian safety on the corner of Grosvenor Lane and Young Street. (8.3)
- 26. THAT** Pedestrian safety be a major design consideration in the permanent closure of Young Street. (8.3)
- 27. THAT** consideration be given to further pedestrian safety in Grosvenor Lane and Young Street. (8.3)

This item was adopted by exception (see page 5).

RESOLVED:

- 1. THAT** the information regarding Delegated Authority items be received. (5.1)
- 2. THAT** Council does not proceed with the raised pedestrian crossing (at Humphrey Place, Burton Street, Kirribilli) in light of the traffic calming effects of the new Burton Street Plaza and taking into consideration residents' concerns regarding loss of parking. (5.2)
- 3. THAT** Council look for and promptly apply for funding this financial year for an alternate project (to the raised pedestrian crossing project at Humphrey Place, Burton Street) under the Federal Government Stimulus Road Safety Program (School Zone Infrastructure). (5.2)
- 4. THAT** Council proceed with the installation of an additional parking spot on the southern side of Willoughby Street, west of Elamang Avenue. (5.2)
- 5. THAT** the current restrictions (to parking) on the northern side of Burton Street remain. (5.2)
- 6. THAT** Council thank members of the community that participated in the survey (on the Burton Street Crossing project). (5.2)
- 7. THAT** Council does not proceed to replace approximately 3 metres of 2 Hour parking with motor bike parking on the southern side of Kirribilli Avenue between No.65 to No.69. (5.3)
- 8. THAT** Council continue to monitor the traffic flow in Thrupp Street between Aubin Street and Kurraba Road and that the matter be bought back to the February Traffic Committee meeting. (5.4)
- 9. THAT** Council proceed with community consultation on the proposed pedestrian refuge and kerb buildouts on the western side of Holt Avenue at the intersection of Spofforth Street. (5.5)
- 10. THAT** Council approve the proposed pedestrian refuge and kerb-buildouts in Florence Street at Spofforth Street as per the attached plan ([to the Traffic Committee report](#)) with the following amendments, and detailed design and timing of construction dependent on cost estimate, availability of funding from the LATM Traffic Facilities budget and project priorities within the LATM Actions:
 - i) the existing Bus Stop 209052 to be retained (net gain of one parking space only)
 - ii) a Stop sign to be incorporated on Florence Street at Spofforth Street. (5.5)
- 11. THAT** Council notes the comments made by the Holt Street residents and incorporate a garden bed into the kerb extension (in Florence Street at Spofforth Street). (5.5)
- 12. THAT** the cancellation of the 27 November 2021 Traffic Committee meeting be noted. (5.6)

- 13. THAT** Council authorise the General Manager or his delegate to vote on behalf of Council in the event that an urgent traffic issue arises over the caretaker period and holiday break, noting that a delegation email would be sent to the NSW Police, Transport for NSW and the local State Member for approval, as well as the Mayor to be notified for information and a report on the issue arising would also be referred to the first Traffic Committee meeting of the new year. (5.6)
- 14. THAT** the proposed North Sydney Traffic Committee meeting dates for 2022 be adopted. (5.7)
- 15. THAT** the information concerning Standing Item - Pedestrian Safety be received. (6.1)
- 16. THAT** the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (6.2)
- 17. THAT** the information concerning Sydney Metro City & South-West Construction Update be received. (6.3)
- 18. THAT** the updates concerning Standing Item - Blues Point Road – Vehicle Noise & Traffic Issues be received. (6.4)
- 19. THAT** Council proceed with CCTV monitoring immediately after Blues Point Road is reopened. (6.4)
- 20. THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received. (6.5)
- 21. THAT** Council traffic Engineers investigate traffic and pedestrian safety in the vicinity of Cammeray Public School with particular focus on Amherst Street and Miller Street and Palmer and Miller Streets. (8.1)
- 22. THAT** Council’s Road Safety Officer meet with the (Cammeray Public) school. (8.1)
- 23. THAT** the report (on the pedestrian safety at Cammeray Public School) be bought back to the February Traffic Committee meeting. (8.1)
- 24. THAT** Council staff urgently investigate and install signage on the corner of Grosvenor Lane and Ben Boy Road to discourage through traffic. (8.3)
- 25. THAT** Council investigate ways to improve pedestrian safety on the corner of Grosvenor Lane and Young Street. (8.3)
- 26. THAT** Pedestrian safety be a major design consideration in the permanent closure of Young Street. (8.3)
- 27. THAT** consideration be given to further pedestrian safety in Grosvenor Lane and Young Street. (8.3)

8. Reports to Council

8.1. Matters Outstanding October 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 27 September 2021 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

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

The Motion was put and **Carried**.

Councillor Beregi left the meeting at 7.43pm

Voting was as follows:

For/Against 9/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

- 1. THAT** the report be received.

8.2. Disclosure of Pecuniary Interests by Councillors and Designated Persons

AUTHOR: Ian Curry, Manager Governance & Committee Services

To report on compliance with the requirement under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2005* for Councillors and persons holding designated positions to complete and lodge a Disclosure of Pecuniary Interests Return.

On 28 September 2020 Council adopted the revised Model Code of Conduct for Local Councils in NSW. Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*) requires Councillors and persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e. 30 September). Section 4.25 of the Model Code of Conduct requires that Returns that are required to be lodged under Section 4.21 must be tabled at the first meeting of the council after 30 September 2021.

All 2020/21 Returns have been duly completed and lodged within the prescribed period by Councillors and designated officers. Pecuniary Interests Returns are available for inspection on Council's website. There are no financial implications associated with the recommendation of this report.

RECOMMENDATION:

- 1. THAT** the report be received and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

This item was adopted by exception (see page 5).

RESOLVED:

- 1. THAT** the report be received and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

8.3. 2022 Schedule of Meetings

AUTHOR: Ian Curry, Manager Council & Committee Services

To consider the proposed schedule of Council, Committee and Reference Group meetings for 2022.

In October each year, a report is submitted to Council to set the meeting dates for the following year. This Schedule is submitted to Council to allow planning to commence for Ordinary Meetings of Council in 2022.

Following the conduct of the election, it will be a matter for the newly elected Council to determine the meeting cycle and structure. As a result, a report will be provided to the new Council for consideration of the meeting structure and any relevant changes to the Code of Meeting Practice. The Council will also have the opportunity to consider the Committee structure and determine any changes.

Related financial implications include staff costs. The spread of 'ordinary hours' under the Local Government (State) Award 2020 are from 6am to 6pm. Hours worked outside this spread of hours are payable at the overtime rate. The overtime rate of pay is time-and-a-half for the first two hours and double time after that. Employees may elect to take Time In Lieu instead.

This clause does not apply to Senior Staff (as defined in the *Local Government Act 1993*) nor to those employees engaged under the Award in the Executive Classifications (Band 4) where the following applies:

"Employees engaged in Executive Band 4 may be required in addition to their ordinary hours, to attend meetings of Council and standing and/or special committee meetings. For the purpose of this subclause an employee who is required to attend these meetings may be entitled to claim overtime for actual hours worked after 11pm".

RECOMMENDATION:

1.THAT Council endorse the draft 2022 meeting schedule, as detailed in Attachment 2, noting that the Council Meeting cycle, Committee structure and schedule is subject to review and adoption by the new Council,

2.THAT in order to provide flexibility in the event of the declaration being bought forward or delayed, the General Manager be authorised to amend the date of the first meeting of the new Council to meet the requirements of section 290 of the *Local Government Act 1993* and facilitate a smooth transition to the new Council.

This item was adopted by exception (see page 5).

RESOLVED:

1.THAT Council endorse the draft 2022 meeting schedule, as detailed in Attachment 2, noting that the Council Meeting cycle, Committee structure and schedule is subject to review and adoption by the new Council,

2.THAT in order to provide flexibility in the event of the declaration being bought forward or delayed, the General Manager be authorised to amend the date of the first meeting of the new Council to meet the requirements of section 290 of the *Local Government Act 1993* and facilitate a smooth transition to the new Council.

8.4. Code of Conduct Statistics Report

AUTHOR: Ian Curry, Manager Council & Committee Services

To report on the Code of Conduct complaints for the period 1 September 2020 to 31 August 2021, as required by the Office of Local Government (OLG).

In accordance with Council's Code of Conduct - Councillors and Staff, Council's Complaints Coordinator must report on a range of complaints statistics to the Council and to the Office of Local Government by 30 November 2021, for the period 1 September 2020 to 31 August 2021.

The number of Code of Conduct complaints received is Nil, compared to two (2) for the period 1 September 2019 to 31 August 2020.

Costs incurred through the administration of the Code of Conduct in the reporting period were Nil.

RECOMMENDATION:

1. THAT the Code of Conduct Statistics Report be received and provided to the Office of Local Government in accordance with Clause 11.2 of the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2020*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. THAT the Code of Conduct Statistics Report be received and provided to the Office of Local Government in accordance with Clause 11.2 of the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2020*

8.5. Financial Statements for the Year Ended 30 June 2021

AUTHOR: Darren Goode, Accounting Services Manager

To present the audited Financial Statements for the year ended 30 June 2021, which require certification and referral to the Audit Office of New South Wales.

The audited Financial Statements for the year ended 30 June 2021 consist of the following sections:

- General Purpose Financial Statements; and
- Special Schedules.

The Council's Income Statement for the year ended 30 June 2021 reports a Net Operating Result for the year of \$23.7 million, in accordance with relevant accounting standards and reporting requirements. Excluding capital grants and contributions, the result was a deficit of \$507,000. The 2021 draft audited Financial Statements were presented to the Audit, Risk &

Improvement Committee on 15 October 2021, together with the External Audit Engagement closing report.

The main reasons for the better than forecast result inclusive of capital grants and contributions were: -

- The receipt of an additional \$12.9 million in developer contributions in excess of that originally forecast.
- An additional \$7.8 million of capital grants in excess of that originally forecast.
- An additional \$6.7 million in revenue from user charges and fees in excess of that originally forecast.
- A \$1.3 million reduction in the provision for employee leave entitlements.
- A \$913,000 increment on revaluation of Council's investment property portfolio.

Positive Variances were offset by the following:

- \$1.3 million decrement on revaluation of the Other Structures.
- Increased depreciation charges of \$2.4 million for NSOP.
- \$605,000 increase in the provision for doubtful debts.
- An unbudgeted \$646,000 expense arising from the parking space levy.

The 2020/21 Financial Statements disclose a net operating surplus for the year of \$23.7 million including capital grants and contributions. Excluding capital grants and contributions, the result was a deficit of \$507,000.

All outstanding audit items listed in the Engagement Closing Report have been completed.

RECOMMENDATION:

- 1. THAT** the attached 2021 audited Financial Statements be endorsed by Council.
- 2. THAT** Council authorise the completion of the "Statement by Councillors and Management" for the General Purpose Financial Statements.
- 3. THAT** in accordance with Section 418(1) of the Local Government Act, 1993, both the audited financial reports and the auditor's reports on the financial statements (Section 417(2) LGA), be placed on public exhibition and reported to the Council meeting on 8 November 2021.

Councillor Beregi returned to the meeting at 7.45pm.

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

- 1. THAT** Council note the attached draft Financial Statement for the Year ended 30 June 2021
- 2. THAT** Council authorise the completion of the "Statement of Councillors and Management" for the General Purpose Financial Statements noting that the final Audited Financial Statements may require amendment in accordance with advice provided by the Audit Office NSW Technical team; in particularly in respect to the accounting treatment of Council Land improvement revaluation which remains subject to clarification
- 3. THAT** subject to finalisation of the auditor's report, in accordance with Section 418(1) of the Local Government Act both the audited financial reports and the auditors reports on the financial statements be reported to Councils meeting of 8 November 2021

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6/4

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning		N
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

- 1. THAT** Council note the attached draft Financial Statement for the Year ended 30 June 2021
- 2. THAT** Council authorise the completion of the “Statement of Councillors and Management” for the General Purpose Financial Statements noting that the final Audited Financial Statements may require amendment in accordance with advice provided by the Audit Office NSW Technical team; in particularly in respect to the accounting treatment of Council Land improvement revaluation which remains subject to clarification
- 3. THAT** subject to finalisation of the auditor’s report, in accordance with Section 418(1) of the Local Government Act both the audited financial reports and the auditors reports on the financial statements be reported to Councils meeting of 8 November 2021

8.6. Report on the Special Rate Variation (SRV) funded projects for 2020/21

AUTHOR: John Van Hesden, Assets Manager

To report to Council on the status of Special Rate Variation (SRV) funded projects for 2020/21 and to outline what projects and programs are SRV funded in 2021/22 financial year.

At its meeting of 29 October 2018, Council resolved its ‘intent’ to apply for combined special rate variation (SRV) and minimum rate increase under its preferred financial option of the North Sydney Council Resourcing Strategy 2018/19-2027/28, for a 7% increase per annum, for 5 years, inclusive of the annual rate peg.

On 13 May 2019, IPART approved a 7% increase per annum, for 3 years, inclusive of the annual rate peg, and noted that Council could make a further application to amend the approval or submit a new application at the end of the three-year period.

Subsequently there were several SRV projects funded in the 2020/21 financial year across various asset classes. These projects included the replacing of drainage infrastructure, gross pollutant trap, wharf, boardwalk, retaining walls, seawalls, streetscapes, lighting, and walking tracks infrastructure assets in poor to very poor condition. These projects and associated costs are detailed in Attachment 1 of this report.

The projects and programs to be funded through the SRV in the 2021/22 financial year are detailed in the body of this report

The total SRV funding allocated to capital works Projects in 2020/21 was \$5,163,390. The total amount of the allocated funds actually spent at the end of the 2020/21 financial year was \$4,192,522. Refer to the detail section of this report which explains why not all the allocated funds were spent last financial year.

RECOMMENDATION:

- 1. THAT** this report on the status of Special Rate Variation (SRV) funded projects be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6/4

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning		N
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

1. THAT this report on the status of Special Rate Variation (SRV) funded projects be received.

8.7. Quarterly Operational Plan Review - September 2021/22

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

This Quarterly Review reports project status updates against projects scheduled to have commenced or are in progress in Q1 2021/22.

The Operational Plan 2021/22, i.e. Year 4 of the Delivery Program, was adopted by Council on 27 June 2021 and commenced 1 July 2021.

The adopted Delivery Program includes projects and services. This Quarterly Review includes a status update of these projects.

Attachment 1 details the performance against projects by operational view (by Division) for the period 1 July to 30 September 2021. Two hundred and thirteen projects were scheduled to commence/continue this quarter. 84% projects are on track (green and blue status) and 16% projects are behind schedule/delayed (red and amber status). Two projects are unfunded and these projects are not included in the statistics.

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

RECOMMENDATION:

1. THAT the Quarterly Review of the Operational Plan - 1 July to 30 September 2021 be received.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6/4

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning		N
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

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

8.8. Quarterly Budget Review - September 2021

AUTHOR: Darren Goode, Manager Accounting Services

This report should be read in conjunction with Item 8.7 Q1 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 30 September 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 \$5.1 million before capital grants and contributions of \$25.7 million and a net operating surplus of \$30.7 million after capital grants and contributions.

The original budget was established in the period March – June 2020 when the economy was initially recovering from the Pandemic and prior to the severe lockdown following the impact of the Delta strain. The original budget addressed the 2021/2022 financial year independently of carry forward works from 2020/2021. This Quarter 1 budget review therefore incorporates carried forwards from the previous financial year into the 2021/2022 budget in accordance with Council’s usual practice.

At the end of the September quarter, actual operating income was \$3 million (3.6%) below the year-to-date current budget and actual operating expenditure was \$2.1 million (8.4%) below the year-to-date current budget.

The proposed Quarter 1 budget amendments include \$4 million in non-capital carried forwards and \$21.5 million in capital carried forwards. Of the \$25.5 million to be carried forward, \$13.4 million is funded from specific purpose grants or contributions.

After the proposed adjustments disclosed within this report, the forecast net operating result for 2021/22 before capital grants and contributions is a deficit of \$2.5 million which is a deterioration \$7.6 million from the \$5.1 million surplus forecast in the Original Budget. The forecast operating result after capital grants and contributions is now a surplus of \$25.6 million, a deterioration of \$5.1 million from the \$30.8 million surplus forecast in the Original Budget.

Funding the budget will now require a net drawdown from reserves of \$31.8 million. This is inclusive of the \$25.5 million in carried forwards that are processed through the reserves at 30 June. The underlying net reduction in reserves is \$3.4 million, largely due to reduced revenues available to fund capital in 2021/2022 as a result of the escalation of the impacts from Covid-19 and the associated lockdown.

The adjustments to the budget outlined in this report have increased the drawdown from reserves by \$28.5 million to \$31.8 million. The forecast balance of cash reserves at 30 June 2022 is \$57.2 million.

RECOMMENDATION:

1. **THAT** the Quarterly Budget Review Statement – September 2022 report be received.
2. **THAT** the revised 2021/22 Budget be adopted.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6/4

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning		N
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

1. **THAT** the Quarterly Budget Review Statement – September 2022 report be received.
2. **THAT** the revised 2021/22 Budget be adopted.

8.9. Investment and Loan Borrowings Report held as at 30 September 2021

AUTHOR: Asif Ali, Manager Financial Services

The report provides details of the performance of Council’s investment portfolio and borrowing limits for the period ending 30 September 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 30 September 2021 had a market value of \$101 million, with an annualised return of 1.34% for the year to date, 1.32% above the reportable BBSW Bank Bill Index of 0.02%.

Cash deposits at call total \$30.5 million. 70 per cent of the cash \$21 million is held in interest bearing AMP and Macquarie Cash Management Accounts. Only \$9 million is held in non-interest-bearing account with Commonwealth bank to meet the day-to-day operational needs of the Council.

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

The actual returns for cash and investments for the year to date as at 30 September 2021 were \$293,173 which was \$10,191 more 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.

Historically, returns on cash (i.e. "at call" accounts) and short-term investments have been quite strong. However, with the low official cash rate, market variability in monthly returns may mean the short to medium term investment returns could be flat or potentially slightly negative. The capacity for Council staff to invest in a manner that meets liquidity requirements whilst achieving the "enhanced" benchmark returns (as detailed in the Investment Policy) is increasingly limited. However, the best available returns are still actively sought when surplus funds are invested.

Borrowings:

Loan Facility for Council Projects

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 30 September 2021 is \$7,037,040.24. Projects are outlined in the body of the report.

North Sydney Olympic Pool Redevelopment

Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool.

Based on anticipated cashflow forecasts, at this stage it is planned that the loan will be drawdown at the end of January 2022. In accordance with the Council Resolution made on 28 September 2020 market testing will be undertaken closer to, and prior to, the drawdown. Based on current interest rate trends which have been rising steadily over the last 3 Months, the drawdown is likely to be in one amount in order to lock in a favourable interest rate.

Council's total investment portfolio performance for the financial year to date is 1.32% above the benchmark (1.34% against 0.02%). The actual returns for cash and investments for the year to date as at 30 September 2021 were \$293,173 which was \$10,191 more than the year-to-date budgeted estimate.

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 30 September 2021 be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7/3

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

1. THAT the report on Investments and Loan Borrowings held as at 30 September 2021 be received.

8.10. Planning Proposal 1/21 - 270-272 Pacific Highway, Crows Nest

AUTHOR: Jayden Perry, Strategic Planner

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.

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.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

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

8.11. Planning Proposal 8/21 - North Sydney Centre, Height of Buildings Variation

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

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

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

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

8.12. Planning Proposal 5/20 - 52 Alfred Street South, Milsons Point - Planning Proposal Authority

AUTHOR: Katerina Papas, Strategic Planner

This report seeks Council's determination on whether it should accept or decline the role of Planning Proposal Authority (PPA) for Planning Proposal 5/20 - 52 Alfred Street South, Milsons Point.

On 2 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 52 Alfred Street South, Milsons Point. The Planning Proposal seeks to increase the maximum building height control from 40m to part RL87.1m (western portion) and RL84m (eastern portion).

The Planning Proposal is accompanied by a site-specific Development Control Plan (DCP) that outlines controls relating to setbacks, through site links and number of storeys.

Due to Council not having made a formal determination within 90 days of the lodgment of the Planning Proposal, the applicant lodged a request with the Department of Planning, Infrastructure and Environment (DPIE) for a Rezoning Review on 29 January 2021.

Council considered an assessment report in relation to the Planning Proposal and the advice from the North Sydney Local Planning Panel (NSLPP) on 22 February 2021, wherein it resolved not to support the progression of the Planning Proposal to Gateway Determination.

On 15 September 2021, the Rezoning Review request was considered by the Sydney North Planning Panel (SNPP), which handed down its recommendation on 22 September 2021. The SNPP recommended that the Planning Proposal proceed to Gateway Determination, contrary to both the NSLPP's recommendations and Council's decision.

The SNPP determined that an increased height limit would be appropriate on the subject site given the prevailing height of buildings in the near vicinity. It concurrently acknowledged, however, that it "has concerns about the indicative future built form, particularly in relation to the amount of floor space and the massing of a future building on the site." The SNPP placed particular importance on the site-specific DCP to ensure that local impacts and amenity issues are satisfactorily addressed during the assessment and determination of a future development application.

Further to this, the SNPP recommended the applicant's site-specific DCP be reviewed and amended to address a list of various specific matters, including reduced floor space to achieve an appropriate built form outcome than that demonstrated in the applicant's reference design. The SNPP also recommended more clarity and certainty be provided by the applicant in relation to a formal public benefit offer in the form of a Voluntary Planning Agreement (VPA).

In its correspondence of 24 September 2021, the SNPP sought Council's advice with respect to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing Planning Proposals through the plan making process, including ensuring the Planning Proposal is consistent with the Gateway Determination, the public exhibition process, consideration of submissions and the making of an amendment to Council's Local Environmental Plan giving effect to the Planning Proposal.

This report considers the implications of taking on the PPA role in light of the recommendations of the SNPP and Council's previous resolutions in relation to the subject

land. In consideration of these implications, it is recommended that Council accept the PPA role, given how central the preparation of a site-specific DCP is to ensuring an appropriate future built form outcome is achieved.

Should Council accept the role of PPA, the applicant of the Planning Proposal would be required to pay the Stage 2 Planning Proposal Fees to cover the expenses of placing the Planning Proposal on public exhibition and the associated administrative requirements of the making of the plan.

If Council does not accept the role of PPA, the applicant of the Planning Proposal would be required to pay a fee to the Department of Planning, Industry and Environment (DPIE) to cover the expenses of placing the Planning Proposal on public exhibition and the making of the plan.

RECOMMENDATION:

1.THAT Council accept the role of the Planning Proposal Authority for Planning Proposal 5/20 – 52 Alfred Street South, Milsons Point.

2.THAT, in accepting the Planning Proposal Authority role, that Council advise the Department of Planning, Industry and Environment:

- a. any recommendations of the Sydney North Regional Planning Panel form conditions to any Gateway Determination issued;
- b. Council prepare a Development Control Plan that addresses the built form concerns raised by Council and the Sydney North Planning Panel;
- c. It consider Council’s assessment report and resolution in relation to the progression of the Planning Proposal in determining the imposition of any conditions on the Gateway Determination;
- d. The terms of any draft Voluntary Planning Agreement or public benefit associated with the Planning Proposal be determined prior to the public exhibition of the Planning Proposal in conjunction with Council; and

3.THAT Council advise the Sydney North Regional Planning Panel of its decision.

4.THAT once Gateway Determination is issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.

5.THAT should Council resolve to accept the role of Planning Proposal Authority, that upon receiving Gateway Determination, Council seek Stage 2 fees to progress the Planning Proposal prior to public exhibition.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 5/5

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y*		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning		N
Brodie		N	Mutton	Y	
Carr		N	Baker		N

**The Mayor used her casting vote to vote for the Motion.*

RESOLVED:

1.THAT Council accept the role of the Planning Proposal Authority for Planning Proposal 5/20 – 52 Alfred Street South, Milsons Point.

2.THAT, in accepting the Planning Proposal Authority role, that Council advise the Department of Planning, Industry and Environment:

- a. any recommendations of the Sydney North Regional Planning Panel form conditions to any Gateway Determination issued;
- b. Council prepare a Development Control Plan that addresses the built form concerns raised by Council and the Sydney North Planning Panel;
- c. It consider Council's assessment report and resolution in relation to the progression of the Planning Proposal in determining the imposition of any conditions on the Gateway Determination;
- d. The terms of any draft Voluntary Planning Agreement or public benefit associated with the Planning Proposal be determined prior to the public exhibition of the Planning Proposal in conjunction with Council; and

3.THAT Council advise the Sydney North Regional Planning Panel of its decision.

4.THAT once Gateway Determination is issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.

5.THAT should Council resolve to accept the role of Planning Proposal Authority, that upon receiving Gateway Determination, Council seek Stage 2 fees to progress the Planning Proposal prior to public exhibition.

8.13. Managing Council's Parks: New Booking Arrangements and Proposed Fees - Post Exhibition

AUTHOR: Rob Emerson, Director Open Space & Environmental Services

This report details the findings of the public exhibition of Council's proposal to implement controls that would enable Council to more effectively manage the use of main harbour foreshore parks by large groups of people and commercial operators to ensure the parks remain both available and accessible to the broader community and minimise current inappropriate uses that result in damage to the parks and/or increased costs to council.

At its meeting of 22 February 2021, Council considered *MM01 - Managing Blues Point Reserve* which noted the increased use of Council's parks, particularly those on the main harbour foreshore for private events. In some cases, use of parks for special events and activities means that little space remains for casual community use.

At its meeting of 22 June 2021, Council considered Item 8.18 Managing Council's Main - Harbour Foreshore Parks and resolved to publicly exhibit the following proposal:

2.THAT Council reduces the number of people who can gather in a park without a booking from 60 to 40.

3. THAT Council requires individuals and organisations wishing to use one of Council's prime, Sydney harbour foreshore parks for a special event or prescribed activity to make a booking, regardless of the number of people attending, activities include:

- Corporate promotional activities
- If a jumping castle/amusement/animal farm is present
- Weddings and commitment ceremonies
- Use for a film location
- Commercial Photography
- Special events and activities requiring payment of a fee to a service provider (including companies providing curated picnics, marriage proposal ceremonies, commercial dog walking, commercial fitness training, art classes, and yoga classes)

4. THAT commercial photography be defined with the intent to allow low impact commercial photography such as wedding parties and family photos.

5. THAT Council exhibit the proposed new restrictions and park fees for a period of 28 days and report the feedback from the exhibition process is reported to Council.

Community feedback was sought between 7 September to 4 October 2021 via an online feedback form and general submission, to determine if there is support for the various elements of the exhibited proposal. The online feedback form was structured in accordance with the abovementioned Council resolution - respondents were asked to detail why where did not support elements of the proposal. They were not asked to detail why they supported the proposal.

A total of 193 submissions were received, of these 187 were online feedback forms and six written submissions, including from two Precinct Committees.

The additional fees received by the Council will offset the cost of administration of the booking system and the required follow-up compliance process.

RECOMMENDATION:

1. THAT the number of people who can gather in any park in North Sydney without making a booking is reduced from 60-40 people and a \$195 booking fee is implemented for groups of 40-60 people.

2. THAT groups wishing to use one of Council's prime, Sydney Harbour foreshore parks for one of the following activities are required to make a booking (regardless of the number of people attending): corporate promotional activities, when a jumping castle or animal farm is present, weddings/commitment ceremonies, use for a film location and commercial photography (excluding wedding and family photography).

3. THAT groups wishing to use one of Council's prime, Sydney Harbour foreshore parks for one of the following activities will not be required to make a booking: commercial fitness trainers and commercial dog walkers.

4. THAT groups wishing to use one of Council's prime, Sydney Harbour foreshore parks for one of the following activities through the engagement of a commercial service provider will be required to make a booking and pay the \$100 booking fee: curated picnics, marriage proposal ceremonies and other celebrations.

5. THAT a booking fee of \$100 for less than 40 people gathering in one of Council's prime Sydney Harbour foreshore parks is applied for activities listed in Recommendation 2 only. Fees for activities listed in Recommendation 2 that already require a booking (amusement device or jumping castle, and commercial filming and photography) will remain the same.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6/4

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour		N
Beregi	Y		Drummond	Y	
Keen	Y		Gunning		N
Brodie		N	Mutton	Y	
Carr		N	Baker	Y	

RESOLVED:

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

8.14. Draft North Sydney DCP 2013 amendment: North Sydney CBD - Commercial tower setbacks and separation - Post-exhibition report

AUTHOR: Caitlin Summers, Strategic Planner-Urban Design

To seek Council's endorsement to amend the built form guidelines that apply to commercial towers in the North Sydney CBD under the North Sydney Development Control Plan 2013, following public exhibition of a draft amendment and consideration of submissions.

On 28 June 2021, North Sydney Council resolved to place a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition.

The purpose of the draft amendment to NSDCP 2013 is to provide better design guidance for commercial towers in the North Sydney CBD. Specifically, it identifies building setback and separation distances for commercial towers to:

- protect daylight and sky views, and reduce wind impact on the public domain;
- provide better light and view sharing for offices;
- enhance the character and image of the North Sydney CBD with commercial towers seen "in the round"; and
- better align the CBD's planning controls with other major centres.

The draft amendment supports the endorsed *North Sydney Centre Capacity and Land Use Strategy (2017)* and associated Planning Proposal (*Amendment No.23*) which increased the maximum height limits of commercial buildings in the CBD in 2018.

The draft amendment to NSDCP 2013 and background study were placed on public exhibition from Monday 19 July 2021 to Monday 16 August 2021. The exhibition period was extended by two weeks to Monday 30 August 2021 to provide additional time for submissions given COVID restrictions.

Council received a total of eighty-one (81) submissions during the exhibition period:

- 25 expressed some support for the objectives and/or proposed amendments;
- 68 requested a savings provision to apply to lodged development applications;
- 12 raised concerns regarding a perceived loss of Gross Floor Area (GFA), inability to achieve PCA Premium or A-Grade floorplates, or a lack of economic impact analysis to support the controls;

- 11 made site-specific requests for variations or exceptions to proposed controls to realise development opportunities on particular sites within the North Sydney CBD;
- 7 requested better alignment with the City of Sydney DCP controls.

As a result of the submissions made, it is recommended the draft amendment to NSDCP 2013 be further revised to:

- Increase the proposed maximum façade length control from 55m to 60m to further incentivise amalgamation of smaller lots and ensure viable commercial development on longer sites.

It is recommended that Council adopt the draft amendment as revised and complete the necessary steps to enable its implementation.

RECOMMENDATION:

1. THAT Council note the submissions made to the public exhibition of the draft amendments to North Sydney Development Control Plan 2013 (NSDCP 2013).

2. THAT Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 2 and 3 to this report, in accordance with clause 21 (1) of the Environmental Planning and Assessment Regulation, 2000.

3. THAT public notice of the publication of the amendment to NSDCP 2013 be given on Council’s website in accordance with clause 21(3) of the Environmental Planning and Assessment Regulation, 2000.

4. THAT the North Sydney CBD Setbacks Background Study at Attachment 4 is updated to reflect the draft amendment to the NSDCP 2013, as amended.

5. THAT all submitters be notified of Council’s decision and thanked for their submissions.

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

1. THAT Council note the quantum of submissions questioning the impact of the proposal on current applications and its ongoing impact on the development of the CBD.

2. THAT a detailed review be undertaken on the impact of the proposal on achievement of Council’s Ward Street Masterplan and future development within the broader CBD.

3. THAT a detailed briefing be provided to Council on:

- i. The submissions; and
- ii. The outcome of the review at item 2 before the proposal is further considered by Council.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. **THAT** Council note the quantum of submissions questioning the impact of the proposal on current applications and its ongoing impact on the development of the CBD.
2. **THAT** a detailed review be undertaken on the impact of the proposal on achievement of Council's Ward Street Masterplan and future development within the broader CBD.
3. **THAT** a detailed briefing be provided to Council on:
 - i. The submissions; and
 - ii. The outcome of the review at item 2before the proposal is further considered by Council.

8.15. Holtermann Street Carpark Redevelopment - Public Exhibition of Concept Designs

AUTHOR: Robert Esdaile, Engineering Project Manager

This report is to provide Council with an update on the development of the concept design options for the Holtermann Street Carpark Redevelopment, Crow's Nest and to seek Council's endorsement for the public exhibition of these options to obtain community input into the development of a preferred option.

The adoption of the St Leonards'/Crow's Nest 2036 Plan ("2036 Plan") by the NSW Government in August 2020, included an initiative to underground the Holtermann Street Carpark to create a new at-grade public park including a funding plan.

Cox Architecture was awarded the Tender for the design of the Holtermann Park project after Council's endorsement at its meeting in April 2021.

The Tender required that two (2) x design concept options be prepared for the purposes of public consultation. The consultants have prepared three (3) x options for consideration by Council. This report outlines the design options developed and seeks Council endorsement to go out to public exhibition on the options.

A Councillor Briefing session on this project was held 11 October 2021.

The design component of this project is 100% funded from the Department of Planning, Industry & Environment (DPIE) under a Funding Agreement. The funding agreement was executed on 26 March 2021.

The estimated cost of the consultation process will be approximately \$40,000 including promotional materials, mail outs, advertising and staff time.

The cost of the concept options varies depending on several factors including the volume of excavation for the underground car park (three levels compared to 4 levels if the excavation can be expanded under Hospital Lane as opposed to deeper excavation to achieve the required number of car spaces), the degree of intervention to the Crows Nest Community Centre façade and the amount of hardscape compared with soft landscaping within the park.

RECOMMENDATION:

1. **THAT** this report on the Holtermann Street Carpark Redevelopment Concept Design Options be noted.
2. **THAT** the Holtermann Street Carpark Redevelopment Concept Design Options be placed on public exhibition for a minimum of 60 days in accordance with the project-specific Engagement Strategy.
3. **THAT** a report on the outcomes of the community consultation be prepared and brought back to Council for consideration at the end of the exhibition and consultation period.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

- 1. THAT** this report on the Holtermann Street Carpark Redevelopment Concept Design Options be noted.
- 2. THAT** the Holtermann Street Carpark Redevelopment Concept Design Options be placed on public exhibition for a minimum of 60 days in accordance with the project-specific Engagement Strategy.
- 3. THAT** a report on the outcomes of the community consultation be prepared and brought back to Council for consideration at the end of the exhibition and consultation period.

8.16. North Sydney Olympic Pool Monthly Progress Report October 2021

AUTHOR: John Thomson, Corporate Contracts Manager

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 third report which responds to this resolution. This report details Progress since the last Council meeting held on 27 September 2021.

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

RECOMMENDATION:

- 1. THAT** the report be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7/3

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi		N	Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr		N	Baker		N

RESOLVED:

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

8.17. Air Quality Monitoring Station - St Leonards Park

AUTHOR: Peter Massey, Environmental Services Manager

Provide details on the outcomes of the monitoring of the background air quality that occurred from March 2020 to March 2021 at St Leonards Park.

The report outlines the ambient air quality concentrations of measured parameters through the installation of an Air Quality Monitoring Station (AQMS) at St Leonards Park. The AQMS was installed on a twelve month temporary basis and the ambient air quality results were all below the NSW EPA goals for particulate matter and oxides of nitrogen. The report also details the relevant conditions of approval for the operation of the Western Harbour Tunnel facility in relation to ambient air quality.

There are no financial implications associated with this report

RECOMMENDATION:

1. **THAT** Council receive and note the Baseline Ambient Air Quality Monitoring Program report.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. **THAT** Council receive and note the Baseline Ambient Air Quality Monitoring Program report.

8.18. Children's Services Review 2021

AUTHOR: Rebecca Aukim, Acting Director Community & Library Services

To provide a report on the recently completed Children's Services Review and to seek Council's support for the adoption of the 17 recommendations.

Council is mid-way through its *Family and Children's Services Strategy 2018-2024*. The Children's Service Review was initiated to review the progress on the *Strategy* and to identify what is working well, what could be improved and what changes could be recommended.

Council enables and facilitates access to children's services by leasing 9 of its facilities to 8 not-for-profit children's services providers. The providers deliver long day care, pre-school, occasional childcare, after-school and vacation care. Council runs and manages a Family Day Care service. Council's services cater for 389 of the 3,713 approved places available in North Sydney per day.

The review noted that council's investment in children's services is successful in achieving quality outcomes for children. Council's children's services are measured annually under the National Quality Standard (NQS), a quality assurance program administered by the Commonwealth. The review has found that council services all have either a Meeting or Exceeding NQS rating, with none classified on the lowest rating of "Working Towards."

In total, the review found that half of all children's services in the LGA are rated as Exceeding NQS, 42% are Meeting NQS and 10% are Working Towards the NQS. Proportionally, more services in the North Sydney LGA provide better quality education and care, compared with all services in Australia where only 29% are Exceeding, 55% are Meeting and 15% are Working Towards NQS (*see Table 9, p32*).

Throughout Australia, private children's services receive proportionally lower quality ratings than not-for-profit community managed services. Regardless of ownership, quality service delivery is higher in North Sydney with all not-for-profit providers being rated as either Meeting or Exceeding NQS and 80% of private providers are rated as either Meeting or Exceeding NQS.

The Australian Early Developmental Census shows that North Sydney children are developmentally better off than many of their counterparts in the Greater Sydney area.

Another important aspect of council's children's services that was reviewed was affordability. This is discussed under Financial Implications.

The Families At Work report has put forward 17 Recommendations, that if implemented, would provide council with a quality and financial sustainability benchmark, enabling council to better measure the success of its grants & subsidies program, as well as providing clear reporting requirements for license holders.

Council's estimated annual expenditure (including cash subsidies, building maintenance and parking subsidies) is \$283,541. The annual depreciation expense for property and equipment utilised by childcare centres is \$224,000. Income from rents is \$82,202. Table 1, p 21 of the report lists a figure of \$518 for each of Council's 389 childcare places. This figure doesn't take into account the annual depreciation which would increase the figure to \$1,093.

The flow on savings to parents is considerable even though the savings varies with each of the centres. For example, a parent with a child in long day care 48 weeks a year in Cammeray, Crows Nest or North Sydney benefits from a lower daily fee of \$17.50 per day or \$4,200 per year (*see Table 7, page 31*). Most of these savings can be attributed to these centres not seeking a profit, the council subsidy and to the volunteer parent committees that help manage the centres.

Centrelink determines the Australian Child Care Subsidies (ACCS). Out of pocket expenses for parents are based on their income. For example, a single parent on \$60,000 is eligible for 85% subsidy, two parents on a combined income of \$150,000 would receive 50%. Priority of access is given to those on lower incomes such as single parents with each childcare centre having their own financial hardship policies.

Council’s leases for childcare centres all require preference to be given to North Sydney LGA residents.

With preschools, the costs for parents are similar to privately run preschools. This is due to the higher qualifications required by the staff and the lack of a hands-on parents committee. Most of the rent council receives from its childcare centres is from the preschools.

A centre’s financial sustainability is directly related to its number of childcare places, 60 is the ideal number. The services with less than 60 places such as McMahons Point (24), Greenwood (27) and KidsNest (10+) receive council subsidies each year.

All the other childcare centres have over 40 places. Council’s Infrastructure Plan highlights the need to focus on converting its small centres to 60 place centres in the future.

RECOMMENDATION:

1.THAT Council endorse the Children’s Services Review recommendations 1 -17

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8/2

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning		N
Brodie	Y		Mutton	Y	
Carr		N	Baker	Y	

RESOLVED:

1.THAT Council endorse the Children’s Services Review recommendations 1 -17

8.19. Homeless Strategy (Update) Community Engagement Strategy

AUTHOR: Camelia Tobia, Access and Inclusion Coordinator

This report provides details of Council’s plan to update the Homeless Strategy and seeks endorsement of the proposed engagement strategy developed to inform the Strategy.

Council has a long history of supporting people experiencing, or at risk of becoming, homeless through assertive outreach and community development initiatives, as well as the provision of social and affordable housing stock.

The Homeless Strategy is one of many Council plans and strategies, that is produced to align with Council’s Community Strategic Plan. An update of Council’s Homeless Strategy will provide opportunities to review Council’s role in this area, whilst identifying other initiatives,

programs and policies to address and respond to homelessness within a best-practice framework.

\$1000 from the Access and Inclusion Sundries budget has been allocated to cover costs associated with the proposed Community Engagement Strategy. Identified costs include; incentives and reimbursements, catering and publicity.

RECOMMENDATION:

1. THAT Council adopt the Community Engagement Strategy to inform review of the Homeless Strategy and note the preparation timetable.

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

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. THAT Council adopt the Community Engagement Strategy to inform review of the Homeless Strategy and note the preparation timetable.

8.20. Cities Race to Zero

AUTHOR: Niki Carey, Senior Sustainability Programs Coordinator

This report seeks Council endorsement to join the Cities Race to Zero initiative.

Cities Race to Zero is a collaboration between C40 Cities, the Global Covenant of Mayors, the International Council for Local Environmental Initiatives (ICLEI), the Carbon Disclosure Project (CDP), the World Wildlife Fund (WWF), the World Resources Institute and others. It is a global campaign run by the Presidency of the United Nations Climate Change Conference of the Parties 26 (COP26) to send governments a resounding signal that cities, regions, businesses, and investors are united in meeting the Paris goals, and in creating a more inclusive and resilient economy.

There are no fees involved in joining the program and the proposed pledges align with existing work plans and budgets.

RECOMMENDATION:

1. THAT Council delegate to the General Manager the authority to enter into the Cities Race to Zero.

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

1. THAT Council authorises the General Manager the authority to enter into the Cities Race to Zero.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/1

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning		N
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. THAT Council authorises the General Manager the authority to enter into the Cities Race to Zero.

Councillor Beregi left the meeting at 8.31pm.

9. Notices of Motion

9.1. Questions with Notice - Councillor Brodie

Question 1: How many of the ten councillors have initiated legal proceedings against North Sydney Council during the term of the current council?

[Redacted]

Question 2: What is the total amount of public money that has been spent by Council in legal costs associated with defending actions initiated against Council by currently serving councillors?

\$316,189.53 in total has been expended in direct costs to external legal advisors to date in the current term of council. This does not include costs of Council staff, including internal legal staff.

Question 3: In the interest of open government, what is the nature of all claims constituted in the total requested in (2), above?

[Redacted]

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

1. **THAT** the questions on notice be received and no further action is required.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Absent		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. **THAT** the questions on notice be received and no further action is required.

Councillor Beregi returned to the meeting at 8.37pm.

10. Confidential Matters

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

THAT the meeting be closed to the public to discuss the following matters for the reasons identified:

10.1 Tender 22/2021 - Provision of Website Services

Reason: Section 10A(2)(d) of the *Local Government Act 1993*: 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.

10.2 North Sydney Olympic Pool - Quarterly Project Governance Report - October 2021

Reason: Section 10A(2)(d) of the *Local Government Act 1993*: 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

10.3 Land Negotiations

Reason: Section 10A(2)(d) of the *Local Government Act 1993*: 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

Public Interest

These matters are classified as confidential as on balance, the public interest in preserving the confidentiality of this information outweighs the public interest in openness and transparency in Council decision making by discussing these matters in Open Council.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3/7

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour		N
Beregi		N	Drummond	Y	
Keen		N	Gunning		N
Brodie	Y		Mutton		N
Carr		N	Baker		N

It was moved by Councillor Barbour and seconded by Councillor Brodie that the recommendation for items 10.1 and 10.2 be adopted.

The General Manager confirmed that in moving the recommendations for items 10.1 and 10.2 that the recommendations are those in the confidential report.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

The General Manager read out the resolutions for the following Confidential items:

10.1 Tender 22/2021 - Provision of Website Services

RESOLVED:

1.THAT Council accepts the highest ranked tenderer Jadu Software Pty Ltd for Tender 22/2021 – Provision of Council Website Services.

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

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

RESOLVED

1. THAT the report be received.

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

10.3. Land Negotiations

AUTHOR: Robert Emerson, Director Open Space & Environmental Services

The purpose of this report is to inform Council on the progress of land negotiations and seek Council's support of a proposed framework and principles to advance negotiation to the point of acquisition with concurrence of the other party.

Council officers have been progressing negotiations for Council to acquire key parcels of land for public purposes. The associated Confidential report provides detail on the status of these negotiations and seeks Council's support on the proposed framework and principles to advance the negotiation to acquisition.

The report is confidential in accordance with Section 10A (2) of the Local Government Act for the reasons listed below:

- (d) Commercial information of a confidential nature that would if disclosed:
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the Council, or*
 - (iii) *reveal a trade secret*
- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

Consideration of this matter in open Council would, on balance, be contrary to the public interest at it would affect Council's ability to manage legal matters effectively and to deliver an outcome which is in the best interests of the North Sydney community.

RECOMMENDATION:

1.THAT the meeting be closed to the public to consider a Confidential matter in accordance with Section 10A (2) of the Local Government Act for the reasons listed below:

- (d) *Commercial information of a confidential nature that would if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the Council, or*
 - (iii) *reveal a trade secret*
- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

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

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

1. **THAT** Council refer the terms of the draft Memorandum of Understanding to the Waverton Peninsula Working Group and the Combined Precincts Committee for comment and the matter be reported back to Council for further decision.
2. **THAT** the report be made public.
3. **THAT** wider public consultation be undertaken consistent with Council’s Community Engagement Protocol.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/1

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie		N	Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

1. **THAT** Council refer the terms of the draft Memorandum of Understanding to the Waverton Peninsula Working Group and the Combined Precincts Committee for comment and the matter be reported back to Council for further decision.
2. **THAT** the report be made public.
3. **THAT** wider public consultation be undertaken consistent with Community Engagement Protocol.

11. Closure

The Meeting concluded at 9.18pm.