



MINUTES

The Minutes of the 3748th **MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on Monday 26 July 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 (7.36pm) those present were: The Mayor

Those participating remotely were:

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

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Keen.

3. Apologies, Applications for Leave of Absence and Remote Attendance by Councillors

There were no apologies or applications for Leave of Absence.

4. Confirmation of Minutes

THAT THE MINUTES of the previous 3746th Council Meeting held on Monday, 28th June 2021 and the 3747th Extraordinary Council Meeting held on Monday 5 July 2021 be taken as read and confirmed.

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

1. THAT THE MINUTES of the previous 3746th Council Meeting held on Monday, 28th June 2021 be taken as read and confirmed.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

Against: Councillor Beregi

Absent: Councillor Gunning

157. RESOLVED:

1. THAT THE MINUTES of the previous 3746th Council Meeting held on Monday, 28th June 2021 be taken as read and confirmed.

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

1. THAT THE MINUTES of the previous 3747th Extraordinary Council Meeting held on Monday 5 July 2021 be taken as read and confirmed.

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 Barbour, Councillor Drummond, Councillor Mutton and Councillor Baker

Against: nil

Absent: Councillor Gunning

158. RESOLVED:

1. THAT THE MINUTES of the previous 3747th Extraordinary Council Meeting held on Monday 5 July 2021 be taken as read and confirmed.

Councillor Gunning entered the meeting at 7.40pm.

5. Disclosures of Interest

Re: 8.3	NSLEP 2013 Amendment No. 30 (North Sydney LEP Review 2019) - Post gazettal report
Councillor Keen	As a parent of a child attending Loretto Kirribilli Councillor Keen declared a non-significant and less than pecuniary interest in the item. Councillor Keen remained in the meeting and participated in voting on the matter.

6. Mayoral Minutes

6.1. MM01: Council's commitment to reducing waste to landfill

The Department of Planning, Infrastructure and Environment has set a resource recovery target of 80% from all waste streams by 2030 for the waste management industry (NSW Waste and Sustainable Materials Strategy 2041). To achieve this aspirational target, councils are required to undertake waste management practices which minimise waste disposal at landfill and maximise resource recovery.

Council currently undertakes the following resource recovery initiatives-

- All recyclables collected in the yellow lidded bin are transported to Visy at Smithfield for sorting and processing.
- All greenwaste collected at kerbside is transferred to an organics processing facility.
- To reduce food waste from going to landfill, Council provides subsidised compost bins and worm farms to residents who are encouraged to participate in workshops to enhance their knowledge of composting (172 compost and worm farm bins were provided to residents in the last 12 months).

Prior to 2019, Council had contracted Suez to transfer the material collected in the red bins, to a processing facility at Eastern Creek where waste was separated into streams such as metals, plastics and organics, diverting approximately 65% of waste from landfill. The organics waste stream was ultimately converted into a compost like material used in mine rehabilitation and broad acre agriculture applications. However, the waste exemption orders that allowed for such applications were rescinded due to concerns about contamination, resulting in the entire red bin being landfilled.

There is now a view that the organics fraction of the red bin, approximately 35% of the bin's contents, should be source separated and processed at recognised Food Organics and Garden Organics facilities. Council resolved to undertake a food waste trial to determine to what extent a separate Food Organics collection and processing program was feasible.

Under the trial, approximately 400 multi-unit dwellings were to be given a separate food waste bin, with the food waste transferred to Veolia's Earthpower facility at Camellia for processing. The aim of the trial was to determine whether the material collected was suitable for processing, the extent of contamination in the food waste collected and whether such a program could be rolled out throughout the LGA. Unfortunately, the trial has not progressed due to the following reasons-

- Limited capacity at Earthpower – Veolia has advised that Earthpower has no capacity to accept additional material from any sources for processing. Additionally, the facility runs strict contamination thresholds meaning organic waste which contains materials such as plastic bags are rejected and landfilled. Earthpower has been closed for waste processing for the last eight months for upgrading.
- Earthpower is in negotiations with alternative processing facilities outside of the Sydney Metropolitan Area, including a site near Forbes, NSW. Essentially, Veolia's Camellia facility would be used as a transfer station for collected food waste before being transferred to a rural location. Again, contamination management is a major concern.

To achieve the mandated 80% resource recovery target, it is imperative that there are financially viable processing options within the Sydney metropolitan area. Currently there is only one foodwaste (food organics FO) processing option available to Sydney councils – Veolia's Earthpower. Barriers to entry for new participants is high as it requires a considerable investment in land and infrastructure, there are stringent regulations around noise and odour management, customers are usually locked in to long-term contracts and there is not a large enough market for the end product, given contamination concerns.

To move past this stalemate, I propose Council petition the NSW Government to provide the waste management industry with more assistance, both regulatory and financial, to incentivise

the development of new waste processing facilities within the Sydney metropolitan area. The Government needs to explore options for processing that address the contamination issues and provide councils and the waste industry with long term certainty over processing contracts and over the regulatory environment.

I therefore recommend:

1. THAT Council write to the Minister for Planning, Industry and the Environment calling on the NSW Government to provide financial and regulatory support to the waste industry so that organic waste can be diverted from landfill.

2. THAT Council reiterates its commitment to delivering a foodwaste pick-up service across our LGA.

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 Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning and Councillor Baker

Against: Councillor Mutton

Absent: nil

159. RESOLVED:

1. THAT Council write to the Minister for Planning, Industry and the Environment calling on the NSW Government to provide financial and regulatory support to the waste industry so that organic waste can be diverted from landfill.

2. THAT Council reiterates its commitment to delivering a foodwaste pick-up service across our LGA.

6.2. MM02: Waiving of sportsfield ground hire fees

During the last winter sports season, COVID-19 pandemic restrictions resulted in significant disruptions to the season. At that time the Council waived ground hire fees for not-for-profit community sporting clubs for a two-month period to assist the Clubs financially impacted.

Twelve months on and the current Covid-19 pandemic lock down and restrictions on community movement is again impacting on the winter sports season as local community sport cannot be conducted.

Whilst it is hoped that we can overcome the current infection outbreak and current necessary restrictions on the community will come to an end in the not-too-distant future, our community sports clubs that are very important to the health and social vitality of our community are again suffering financially.

I therefore recommend:

1. THAT all not-for-profit community sporting clubs that have paid for their bookings for the use of Council facilities in advance are provided a refund of ground hire fees for the period that they have been unable to use our sports field facilities.

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

160. RESOLVED:

1. THAT all not-for-profit community sporting clubs that have paid for their bookings for the use of Council facilities in advance are provided a refund of ground hire fees for the period that they have been unable to use our sports field facilities.

6.3. MM03: Fishing for a solution

In 2019, I presented a Mayoral Minute to Council after hearing the heart-breaking story of Golden Retriever Posy who swallowed a fishhook with bait at Sawmillers Reserve. Posy had to undergo emergency surgery. Sadly, that incident was not the first time it had happened to her or to other dogs in our community.

In response to the Mayoral Minute, Council tried a number of different approaches. We installed signage to increase awareness in fishing spots across our LGA. We installed special bins where fishhooks could be safely discarded (which instead were misused) and we even tried to talk to the fishers one-to-one because we hoped an education campaign would suffice.

While most fishers are doing the right thing, Council is still getting numerous reports of these dangerous fishhooks and lines being littered and not disposed of properly. A few weeks ago, Federal Member for North Sydney Trent Zimmerman wrote to Council after his dog almost swallowed a hook on his regular walk at Sawmillers Reserve. I have come across a fair share of littered fishhooks when my partner and I have been out walking. I couldn't tell you how many people have contacted me and told me this was a problem that still needed to be addressed.

I have heard some people say owners should take better care of their dogs. I do not believe it is fair to put the blame on the dog or dog owner, for someone else's selfish negligence. Our parks and harbour foreshore are for everyone to share. Councillors may be surprised to learn that in the 2018/19 period we had 225 dog registrations but in 2019/20 we had 797 registrations. This is an extraordinary increase in dog ownership and I believe we have an obligation to rethink the services for the dog owners.

I agree that fishing is an important recreational activity for many who enjoy this leisurely pastime. I'm therefore proposing we continue our education campaigns and seek further assistance from NSW Fisheries on patrolling problem areas and perhaps push for harsher penalty infringements for offenders who are ruining it for everyone else.

As Sawmillers Reserve seems to be the largest problem area, I also propose we trial making the reserve fishing free. This will give our dog community a designated place to exercise and socialise with other dogs in safety.

I therefore recommend:

- 1.THAT** Council thank the Parks and Rangers staff for the work they have already done in signage, bins, monitoring our parks and educating fishers about the safe disposal of fish hooks.
- 2.THAT** Council write to NSW Fisheries seeking additional patrols of our fishing areas and requesting an increase in the penalty that applies to offenders.
- 3.THAT** a brief report be prepared for Council outlining the steps and costs involved in trialling a fishing ban in Sawmillers Reserve.

A Motion was moved by The Mayor.

- 1.THAT** Council thank the Parks and Rangers staff for the work they have already done in signage, bins, monitoring our parks and educating fishers about the safe disposal of fish hooks.
- 2.THAT** Council write to NSW Fisheries seeking additional patrols of our fishing areas.
- 3.THAT** Council adjust the existing signage to inform the public of the relevant fines for littering and clearly indicate the penalties.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

Against: Councillor Baker

Absent: nil

161. RESOLVED:

- 1.THAT** Council thank the Parks and Rangers staff for the work they have already done in signage, bins, monitoring our parks and educating fishers about the safe disposal of fish hooks.
- 2.THAT** Council write to NSW Fisheries seeking additional patrols of our fishing areas.
- 3.THAT** Council adjust the existing signage to inform the public of the relevant fines for littering and clearly indicate the penalties.

6.4. MM04: Infrastructure Contributions Reform

I am calling on Council to actively respond to legislation currently before the NSW Parliament by advocating for additional modelling, consultation, and a mechanism to ensure no council is worse off under the proposed reforms to infrastructure contributions

Development infrastructure contributions help deliver the infrastructure needed as communities grow and change. They are a means of financing the public infrastructure and increased service provision that is required as a direct or indirect result of new dwellings, alterations/additions and knockdown rebuilds, and new non-residential developments such as office and retail places.

Councils require contributions from all types of development to deliver the high quality infrastructure, open spaces, services and the placemaking activities that communities and governments expect. Rate revenue is required to fund the on-going delivery and maintenance of existing services and assets.

Councils' social licence for increased density/development comes from the associated improvements to community infrastructure and services. Any proposals that shift the burden of funding new infrastructure from developers, or the State government, to residents fractures this licence.

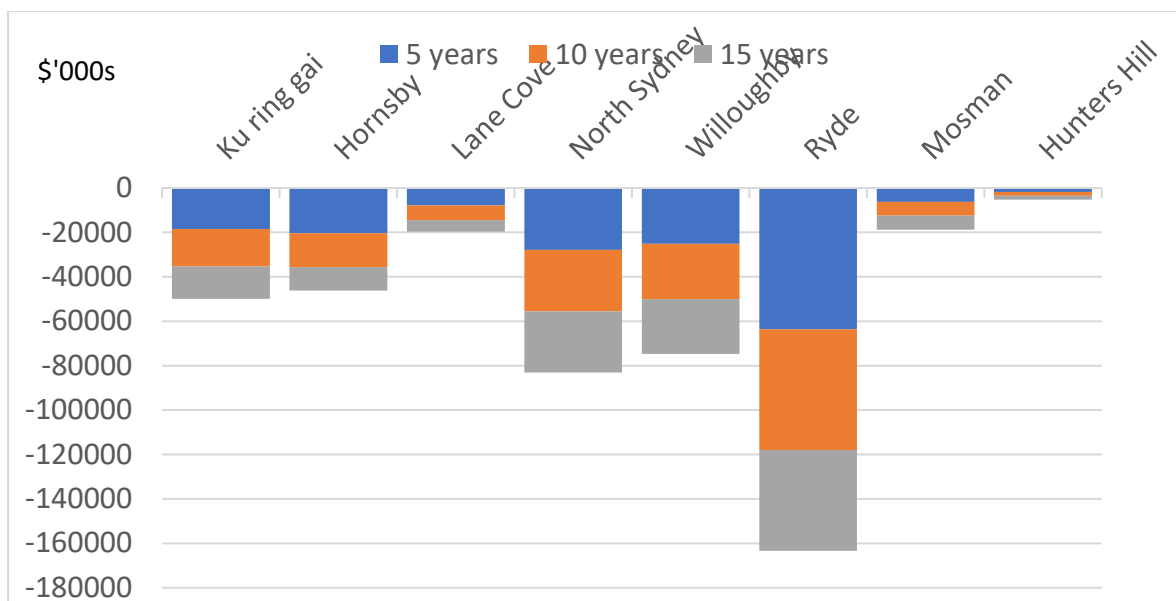
Reduced revenue from development infrastructure contributions will drive the cost of meeting increased infrastructure demand generated by development from developers to existing community members. Council will need to respond by scaling back community infrastructure and service levels or not deliver some at all.

Reduced spend on the public realm will have significant economic impacts. Investors wish to do so in areas of high quality public realm. Any reductions in infrastructure projects will reduce employment of planners, architects, designers, builders, surveyors and other trades. This will impact local retail outlets.

Implications

Although the details of the infrastructure contributions reforms are not available, modelling based on the information available indicates significantly reduced income for NSROC councils. Declines are likely to occur to both the s7.11 contributions and s7.12 fixed-rate levy projected income levels depending on the details – as yet unsighted and not consulted upon.

Under the proposed reforms NSROC councils face losses of \$171 million in the first five years, \$325 million over 10 years and \$461 million over 15 years.



Note: Scenario assumes community and indoor recreation facilities are excluded from the 7.11 essential works list, there is no s7.12 levy for alterations/additions and a consistent annual average development yield applies.

Even with potentially increased rates revenue due to the inclusion of a population growth factor, the impact of the reforms for North Sydney are significant.

The specific impacts on North Sydney Council are detailed in Item 8.11 on this agenda and the submission and detailed modelling attached thereto.

This issue is currently before NSW Parliament and has the potential to impact on the operations of the North Sydney LGA for decades to come. It is critical that all councils proactively advocate for meaningful modelling, consultation and a mechanism to ensure that no council is worse off.

I therefore recommend:

1.THAT Council notes the significant impact on Council's revenue of the NSW Government's proposed reforms to infrastructure contributions that under the most likely definition of essential infrastructure will cost Council \$7.3 M per annum or \$124M over 20 years

2.THAT Council supports LGNSW and NSROC advocacy efforts including submissions to the Parliamentary Inquiry into the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*.

3.THAT Council writes to the:

- a. Premier, The Hon Gladys Berejiklian
- b. Treasurer, The Hon Dominic Perrottet
- c. Minister for Planning and Open Space, The Hon Robert Stokes
- d. Minister for Local Government, The Hon Shelley Hancock
- e. Opposition Leader Mr Chris Minns and
- f. Local Members of Parliament

to advocate for additional modelling, consultation and a mechanism to ensure that contributions are paid in a timely way and that no council is worse off under the proposed reforms

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

162. RESOLVED:

1.THAT Council notes the significant impact on Council's revenue of the NSW Government's proposed reforms to infrastructure contributions that under the most likely definition of essential infrastructure will cost Council \$7.3 M per annum or \$124M over 20 years

2.THAT Council supports LGNSW and NSROC advocacy efforts including submissions to the Parliamentary Inquiry into the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*.

3.THAT Council writes to the:

- a. Premier, The Hon Gladys Berejiklian
- b. Treasurer, The Hon Dominic Perrottet
- c. Minister for Planning and Open Space, The Hon Robert Stokes
- d. Minister for Local Government, The Hon Shelley Hancock
- e. Opposition Leader Mr Chris Minns and
- f. Local Members of Parliament

to advocate for additional modelling, consultation and a mechanism to ensure that contributions are paid in a timely way and that no council is worse off under the proposed reforms.

6.5. MM05 Amendment to Council Meeting Schedule

As Councillors are aware, on 24 July 2021 the Minister for Local Government delayed the date of the Local Government elections from Saturday 4 September 2021 to Saturday 4 December 2021 as a result of the Covid outbreak in Greater Sydney. I understand staff are already working with the NSW Electoral Commission to make the necessary arrangements.

In anticipation of the September election date, the Ordinary Meeting of Council scheduled for 23 August 2021 was brought forward to 9 August 2021, by resolution of Council on 28 June 2021. The 9 August meeting was proposed to be limited principally to consideration of the End of Term Report. In accordance with Local Government Act, the End of Term Report must be presented to the last meeting of Council.

As the election date has now been postponed, there is a need to reschedule Council meetings around the proposed new date.

I therefore recommend:

1. **THAT** the 9 August 2021 meeting be cancelled and a full Ordinary Meeting be reinstated on 23 August 2021;
2. **THAT** the 22 November Ordinary Meeting be brought forward to 8 November 2021;
3. **THAT** the agenda for the 8 November 2021 meeting, which will be in the revised Caretaker period, be limited to the End of Term Report and emergent matters of urgency.

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

163. RESOLVED:

1. **THAT** the 9 August 2021 meeting be cancelled and a full Ordinary Meeting be reinstated on 23 August 2021;
2. **THAT** the 22 November Ordinary Meeting be brought forward to 8 November 2021;
3. **THAT** the agenda for the 8 November 2021 meeting, which will be in the revised Caretaker period, be limited to the End of Term Report and emergent matters of urgency.

Items considered By Exception

It was moved by Councillor Barbour and seconded by Councillor Baker that the Recommendations for Items 8.3, 8.5, 8.6, 8.7, 8.8, 8.10, 8.12 & 8.13; and the Confidential Report Items 10.1, 10.2, 10.3, 10.4 & 10.5 be adopted.

The General Manager confirmed with Councillors that, in moving Items 10.1, 10.2, 10.3, 10.4, 10.5 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

164. RESOLVED:

THAT the Recommendations for Items 8.3, 8.5, 8.6, 8.7, 8.8, 8.10, 8.12 & 8.13; and the Confidential Report Items 10.1, 10.2, 10.3, 10.4 & 10.5 be adopted.

7. Reports of Committees

7.1. Audit, Risk and Improvement Committee - Minutes 25 June 2021

AUTHOR: Ian Curry, Manager Governance & 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 25 June 2021 for Council adoption. The minutes are attached for information.

RECOMMENDATION:

1. **THAT** the 2021 internal audit plan and resourcing position be received and noted. (4.1)
2. **THAT** the Internal audit performance survey be received and noted. (4.1)
3. **THAT** the 2021 internal audit plan and resourcing position be received and noted. (4.2)
4. **THAT** the Internal audit performance survey be received and noted. (4.2)
5. **THAT** the 2021 internal audit plan and resourcing position be received and noted. (4.3)
6. **THAT** the Internal audit performance survey be received and noted. (4.3)
7. **THAT** the Council Leased Properties update report be deferred until the next Committee meeting and the valuations provided be updated with the figures available at 30 June 2021. (4.4)
8. **THAT** the progress of the Privacy of Information Audit be noted and the final report be submitted to the October Committee meeting. (GB)
9. **THAT** the Committee thanks Mr Ross for his assistance and support over many years and wishes him well in his retirement. (GB)

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

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

165. RESOLVED:

1. **THAT** the 2021 internal audit plan and resourcing position be received and noted. (4.1)
2. **THAT** the Internal audit performance survey be received and noted. (4.1)
3. **THAT** the 2021 internal audit plan and resourcing position be received and noted. (4.2)
4. **THAT** the Internal audit performance survey be received and noted. (4.2)
5. **THAT** the 2021 internal audit plan and resourcing position be received and noted. (4.3)
6. **THAT** the Internal audit performance survey be received and noted. (4.3)
7. **THAT** the Council Leased Properties update report be deferred until the next Committee meeting and the valuations provided be updated with the figures available at 30 June 2021. (4.4)

8. THAT the progress of the Privacy of Information Audit be noted and the final report be submitted to the October Committee meeting. (GB)

9. THAT the Committee thanks Mr Ross for his assistance and support over many years and wishes him well in his retirement. (GB)

8. Reports to Council

8.1. Matters Outstanding - July 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 Barbour and seconded by Councillor Brodie.

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

166. RESOLVED:

1. THAT the report be received.

8.2. Amended Long Term Financial Plan - Post Exhibition

AUTHOR: Darren Goode, Manager Accounting Services

The purpose of this report is to recommend adoption of the amended Long Term Financial Plan (LTFP) section within Council's *Resourcing Strategy 2018-2028* (Attachment 1) following its public exhibition, con-current with the *2021/22 Operational Plan & Budget*.

The amended LTFP was endorsed for exhibition at the Council meeting held 24 May 2021. The public exhibition period ran from 26 May to 22 June 2021. No submissions were received during the period.

It has been necessary to make some post-exhibition amendments to the LTFP. The majority of these arose from amendments to the 2021/22 Operational Plan & Budget and their ongoing impact on subsequent years of the LTFP. These amendments were reported to Council on 28 June 2021 (Item 8.2 - Operational Plan & Budget - Post Exhibition).

There were some additional minor amendments which only impact the subsequent years of the LTFP (i.e. from 2022/23 to 2027/28). These include adjustments to forecast contributions from

other Council towards the operating costs of the Community Recycling Centre, interest on the loan taken out to fund the redevelopment of North Sydney Olympic Pool, depreciation of right of use assets and the introduction of superannuation payments for Councillors from 1 July 2022 - which the Council ultimately has to resolve on; a separate report will be provided in due course.

The impact of the post-exhibition amendments on the forecast Net Operating Result before Capital Grants and Contributions over the remaining life of the LTFP is summarised in the following table:

	2021/2	2022/2	2023/2	2024/2	2025/2	2026/2	2027/2
Net Operating Result before Capital Grants & Contributions	2	3	4	5	6	7	8
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Pre-exhibition	5,272	7,142	6,838	6,727	6,054	6,837	6,751
Post-exhibition	5,054	6,862	6,549	6,350	6,870	7,197	7,246
Improvement/ (Deterioration)	(218)	(280)	(289)	(377)	816	360	495

RECOMMENDATION:

1. THAT Council adopt the amended Long Term Financial Plan (section within Council's Resourcing Strategy), attached to this report.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

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

Against: Councillor Beregi, Councillor Carr, Councillor Gunning and Councillor Baker

Absent: nil

167. RESOLVED:

1. THAT Council adopt the amended Long Term Financial Plan (section within Council's Resourcing Strategy), attached to this report.

8.3. NSLEP 2013 Amendment No. 30 (North Sydney LEP Review 2019) – Post gazettal report

AUTHOR: Ben Boyd, Executive Strategic Planner

To inform Council of the making of Amendment 30 to North Sydney Local Environmental Plan 2013 which gives effect to Planning Proposal 7/19 – North Sydney LEP Review 2019.

On 25 November 2019, Council resolved to adopt Planning Proposal 7/19 – North Sydney LEP Review 2019 which in-principal, sought to implement the outcomes of Council's Local Strategic Planning Statement LSPS and Local Housing Strategy and to address a number of minor house-keeping amendments. It also resolved to forward the adopted Planning Proposal

to the Department of Planning, Industry and Environment (DPIE) to receive a Gateway Determination.

A Gateway Determination was issued on 19 April 2020 permitting the Planning Proposal to be placed on public exhibition. Council was not granted delegation to finalise the LEP making processes for this Planning Proposal.

The Planning Proposal was subsequently placed on public exhibition from 25 May 2020 to 22 June 2020. Following this, Council considered a post exhibition report at its meeting on 24 August 2020, where it resolved to adopt a revised version of the Planning Proposal incorporating a number of minor amendments and forward it to the DPIE with a request that an LEP be made.

In accordance with Council's resolution of 24 August 2020, the Planning Proposal was forwarded to the DPIE on 28 August 2020 with a request to make an LEP giving effect to the Planning Proposal.

North Sydney Local Environmental Plan 2013 (Amendment 30) gives effect to the Planning Proposal and came into force on 30 June 2021 following its publication on the NSW legislation website. This report is for the information of the Councillors and provides a brief overview of the Planning Proposal history.

There are no direct financial implications arising from this report.

RECOMMENDATION:

1. **THAT** Council receive and note the report.

This Item was moved By Exception (see page 13).

168. RESOLVED:

1. **THAT** Council receive and note the report.

8.4. Green Park Tennis Courts - Variation to Hours of Operation in the Temporary Lease to Primrose Park Tennis Court Operator

AUTHOR: Risha Joseph, Property Officer

The purpose of this report is to address a request made by the Operator of Primrose Park Tennis Courts, who is currently operating under a temporary lease arrangement at Green Park, to increase his operating hours from a total of 44.5 to 52.15 per week.

At the meeting of 26 April 2021, Council resolved to formalise the temporary lease to the Operator of Primrose Park Tennis Courts (Dalbech Pty Ltd) for the use of the Green Park Tennis Courts, for a total of 44.5 hours a week during the refurbishment of the Primrose Park Tennis Courts.

The Operator has now requested that the hours be varied by increasing the operating times on a weekday, as well as a Saturday, to a total of 52.15 hours per week, with Sundays being available for public use, and a decrease to a total of 46 hours during the school vacation period. Whilst the refurbishment of the Primrose Park Tennis Courts is being funded through a combination of Federal Government Grant Funding and Councils Property Capital Works Budget, the operator of the Primrose Park Tennis Courts is paying a lease fee for the use of the courts at Green Park. The lease fee was reported to Council at the 26 April 2021 meeting.

RECOMMENDATION:

1. **THAT** Council approves the request of the Primrose Park Tennis Court operator, now operating at Green Park, to increase the operating hours from a total of 44.5 to 52.15 per week, which includes weekdays and Saturday, excluding Sundays; and a corresponding decrease to a total of 46 hours per week during the school holiday periods.
2. **THAT** all costs in relation to the variation of the lease is to be borne by lessee.

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

1. THAT Council does not approve the request for additional operating hours.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

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

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

Absent: nil

169. RESOLVED:

1. THAT Council does not approve the request for additional operating hours.

8.5. Youth Visual Storytelling Program 2020/2021 Pilot Program Report

AUTHOR: Lisa Woolfe, Arts and Culture Officer

To report the outcomes of the 2020/2021 Youth Visual Storytelling Program Pilot.

In 2020/2021, in line with the vision and directions set out in the North Sydney Arts & Cultural Strategic Plan 2019-2022, the Arts & Culture team identified an opportunity to strengthen Council's existing youth-based arts and cultural program to meet the changing needs of young people in the North Sydney LGA. In 2020/2021 the arts team piloted a revised and innovative 'in school artist in residence program' where Council partnered visiting artists and arts workers with local public high schools to mentor young people to create visual narrative from concept through to presentation.

Local schools Bradfield Senior College and Monte Sant Angelo Mercy College participated in the pilot program, enthusiastically endorsing the outcomes and benefits to the young people of the LGA.

The cost of the program was \$10,490 (excl. GST). In previous years, Council funds and resources were allocated towards marketing and advertising to recruit young people to the extra-curricular program, as well as towards venue hire and other administrative tasks such as enrolments and parental permissions. The piloted in-school program utilised school resources for recruitment, venue and administrative tasks, ensuring that Council funds and resources are used more effectively to achieve the program objectives.

RECOMMENDATION:

1. THAT the report be received.

This item was adopted by exception (see page 13)

170. RESOLVED:

1. THAT the report be received.

8.6. Shoreshocked Youth Festival

AUTHOR: Greg Nikoletos, Youth Services and Partnerships Coordinator

To report on the Shoreshocked Youth Festival which was held April 2021.

This report is to brief Council on its flagship annual youth event, Shoreshocked Youth Festival, which was held in St Leonards Park on Saturday 17 April 2021.

The concert, the peak event in Youth Week, was held under Covid Safe conditions following its postponement in 2020.

The event reduced the number of bands performing to four and capped the attendance numbers to 500. The event was organised in collaboration with 6 Northern Sydney area Councils.

The event expenditure was \$44,014.

North Sydney Council allocated \$17,000 to Shoreshocked in the 2020/21 budget and this included \$2,044.90 grant income from NSW Youthweek.

Contributions from partner Councils were:

- City of Ryde \$6,300.00
- Ku-ring-gai Council \$5,000.00
- Lane Cove \$7,000.00
- Mosman Council \$4,770.00
- Willoughby Council \$4,863.27

Total contributions from partners: \$27,933.27

RECOMMENDATION:

1. THAT the report be received.

This Item was moved By Exception (see page 13).

171. RESOLVED:

1. THAT the report be received.

8.7. New Year's Eve Alcohol Free Zones and Alcohol Prohibited Areas renewal

AUTHOR: Joanna Gibson, Team Leader Events

The purpose of this report is to request the renewal of the expired New Year's Eve (NYE) Alcohol Free Zones and Alcohol Prohibited Areas that were last approved in 2017. Although confirmed plans for NYE 2021 have yet to be advised from the City of Sydney and the NSW Government, the latest advice at the time of writing is that the fireworks will be going ahead and that restrictions will be in place to manage the impacts of COVID-19, including fencing and ticketing. The approval of the Alcohol Free Zones and Prohibited Areas is therefore in preparation for the safe delivery of the event.

Alcohol Free Zones and Alcohol Prohibited Areas have assisted in managing the negative impacts of alcohol consumption on NYE. The NYE Special Event Alcohol Free Zones and Alcohol Prohibited Areas have expired and need to be renewed for the next four years from 2021 – 2024, the maximum time allowed under Ministerial guidelines.

This report requests the extension of the Alcohol Free Zones and Alcohol Prohibited Areas that were endorsed by Council on 26 June 2017 and also to clarify the definition and timing of NYE to be from 7am on 31 December – 7am on 1 January. This timing change will ensure the NYE Alcohol Free and Alcohol Prohibited Zones in place align to the timings of the Alcohol Free Zones and Alcohol Prohibited Areas in place year-round.

Alcohol Free Zones apply to streets and footpaths and are in force 24 hours a day. Alcohol can be carried not opened, but cannot be consumed in these zones. Alcohol Prohibited Areas apply to parks, plazas and car parks and the hours can be flexible. Alcohol cannot be taken into or consumed in these areas and may be confiscated or tipped out. The Alcohol Free Zones and

Alcohol Prohibited Areas are to be established, respectively, under Sections 644, 644A and 644B of the Local Government Act 1993. The cost of renewing the signage has been factored into the 2021/2022 NYE budget.

The City of Sydney has taken back planning control for NYE 2021/2022 after temporary custodianship was given to the Department of Premier and Cabinet (DPC) late in 2020. The City of Sydney has yet to provide advice on the exact format of NYE celebrations for 2021, however, the advice received at the June Department of Premier and Cabinet Events Operation Group meeting was that the City is planning for the fireworks to go ahead with restrictions in place that may include fencing and ticketing.

The current COVID-19 outbreak in Sydney may change that advice in the coming months. Council will be advised when NYE plans have been confirmed detailing the impact that COVID-19 and Public Health Orders (PHO) will have on the delivery of the event in the North Sydney Local Government Area.

The cost to update Alcohol Prohibited Area and Alcohol Free signage is approximately \$6,000 and has been factored into the NYE 2021/22 budget.

RECOMMENDATION:

1. THAT the 2017-2020 Alcohol Free Zones and Alcohol Prohibited Areas for NYE, with the amended definition and timing of NYE to be from 7am, 31 December – 7am, 1 January, to be placed on Public Exhibition for 28 days and licensed venues in the affected areas notified.

2. THAT if no submissions are received then the NYE Alcohol Free Zones and Alcohol Prohibited Areas renewals will be implemented for NYE 2021 - 2024. If submissions are received these will be reviewed and a further report submitted to Council if required.

This item was adopted by exception (see page 13)

172. RESOLVED:

1. THAT the 2017-2020 Alcohol Free Zones and Alcohol Prohibited Areas for NYE, with the amended definition and timing of NYE to be from 7am, 31 December – 7am, 1 January, to be placed on Public Exhibition for 28 days and licensed venues in the affected areas notified.

2. THAT if no submissions are received then the NYE Alcohol Free Zones and Alcohol Prohibited Areas renewals will be implemented for NYE 2021 - 2024. If submissions are received these will be reviewed and a further report submitted to Council if required.

8.8. Expressions of Interest - On-Street Parking Management System 2022

AUTHOR: Leonie Wishart, Manager Parking Meters

The purpose of this report is to inform Council that an “Expression of Interest” (EOI) will be called for Councils new “On-Street Parking Management System Contract”, followed by a Select Tender process.

Council’s current “On-Street Parking Management System for Parking Meter, Parking Sensor & Cash Collection” Contract is due to expire on 31 December 2021.

It is intended to call for “Expressions of Interest” (EOI) for the new “On-Street Parking Management System” in August 2021.

The EOI process will assist Council in determining what is currently the best system in the marketplace that is suited to Council's requirements. The EOI will also provide Council with an opportunity to shortlist the best service providers for a Select Tender process for Council’s new On-Street Parking Management System Contract. A Select Tender will be run in November this year.

The financial implications will be reported as part of the Select Tender Process.

RECOMMENDATION:

1. THAT the information in relation to Council calling “*Expressions of Interest*” (EOI) for the new “*On-Street Parking Management System Contract*” be received.

This item was adopted By Exception (see page 13)

173. RESOLVED:

1. THAT the information in relation to Council calling “*Expressions of Interest*” (EOI) for the new “*On-Street Parking Management System Contract*” be received.

8.9. Investments and Loan Borrowings Held as at 30 June 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 30 June 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 30 June 2021 had a market value of \$86.0 million, with an annualised return of 1.52% for the year to date, 1.46% above the reportable BBSW Bank Bill Index of 0.06%. Cash deposits at call total \$25.0 million which enables liquidity for day-to-day operational availability and the increased end of financial year liabilities for completed Capital projects

The actual returns for cash and investments for the year to date as at 30 June 2021 were \$1,316,399 which was \$33,601 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 30 June 2021 is \$7,253,977.04. 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 30 June 2021 be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

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

Against: Councillor Baker, Councillor Beregi, Councillor Carr and Councillor Gunning

Absent: nil

174. RESOLVED:

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

8.10. NSW Government Infrastructure Contributions Reforms

AUTHOR: Marcelo Occhiuzzi, Manager Strategic Planning

To outline the provisions of the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 and summarise Council's response.

Council endorsed a new Local Infrastructure Contributions Plan (LIC) in November 2020 which came into effect on 1 March 2021. The Plan was formulated pursuant to the provisions of the Environmental Planning and Assessment Act and is a combination section 7.11 (nexus based) and s7.12 (flat rate) Plan. The North Sydney LIC represents a total works program of \$410M of which approximately \$181M is projected to be funded by the Plan over its 16-year life span.

In March 2021, the NSW Government's released;

- its endorsement of the Productivity Commission's (PC's) recommendations in its November 2020 final report of the Review of Infrastructure Contributions in New South Wales for the Government ('PC final report'),
- Centre for International Economics (CIE) modelling of the revenue projection impacts on local councils in NSW as a result of the reforms (December 2020).

North Sydney Council engaged GLN planning consultants to undertake an assessment of the potential impacts of the proposed reforms upon Council's capacity to levy development contributions and fund public infrastructure (attachment 1).

A draft Bill amending the Environmental Planning and Assessment Act, 1979 was subsequently slated to be introduced into Parliament as part of the budget papers process. The draft Bill gives the Minister for Planning various powers to enact changes to the way that current local infrastructure contribution plans are structured as well as new powers to levy regional development contributions (to be paid to State Government). Importantly for Council, a significant proposed change is the need to ensure that only infrastructure that fits into an "essential works list" (EWL) be allowed to be included in Council's contributions plans. These works are yet to be defined but could have a fundamental impact upon Council's contributions revenue.

Council's consultant has estimated that this may represent approximately \$7.3M per annum reduced revenue (or \$124m from 2024/25 to 2040/41 representing a reduction of 45% in revenue) in the most likely scenario inclusions on that EWL. The worst-case scenario in GLNs assessment would be a \$13.3M decrease in expected revenue per annum or \$227M over 20 years

Council is responsibly planning for and delivering the NSW Government's growth targets. Fundamental to managing and sustaining this growth, is Council's capacity to deliver corresponding local infrastructure. Medium to long term plans to deliver such infrastructure, may have to be reconsidered, reduced or abandoned under the proposed reforms. The community's resistance to such growth will only be exacerbated if this occurs.

Significantly, the draft reforms will shift the cost burden of local infrastructure associated with new development, from developers, to the community. Any notion that the reforms are design to assist with housing affordability, simply do not hold true.

The capacity for the NSW Government to introduce a new category of regional contributions at the same time as curbing local government's capacity to levy local contributions, is of great concern. It is widely acknowledged that there is a limit to the extent that development sites can be reasonably levied and that the NSW Government has many more revenue streams at its disposal to fund infrastructure projects. The high degree of transparency that has characterised local government infrastructure funding collection and expenditure is unlikely to be replicated by the State.

Following deferral of the legislation to a Parliamentary Committee, Councils were provided an opportunity to make submissions to that Committee by Sunday 11 July. The General Manager, having conducted various discussions with NSROC, made a submission to this Upper House Committee (attachment 2).

The financial implications of these mooted reforms represent a very significant ongoing impact on Council's capacity to fund infrastructure associated with new development. Whilst all the details associated with the exact changes are not yet known, the most likely amendments were quantified by GLN to represent a reduction in projected contributions income of around \$7.3M per annum or \$124M over 20 years. The worst-case scenario in GLNs assessment would be a \$13.3M decrease in expected revenue per annum or \$227M over 20 years.

RECOMMENDATION:

1. THAT Council endorses the submission made to the Development Contributions Upper House Committee dated 9 July 2021 as attached to this report.

2. THAT Council makes representations to the Minister for Planning and Public Spaces to withdraw the current Infrastructure Contributions Bill and that more detailed analysis be undertaken, greater level of consultation be conducted with local government and that the full impacts on Councils' capacity to fund infrastructure to support growth in the context of changes proposed under the Bill, be better understood.

This item was adopted By Exception (see page 13).

175. RESOLVED:

1. THAT Council endorses the submission made to the Development Contributions Upper House Committee dated 9 July 2021 as attached to this report.

2. THAT Council makes representations to the Minister for Planning and Public Spaces to withdraw the current Infrastructure Contributions Bill and that more detailed analysis be undertaken, greater level of consultation be conducted with local government and that the full impacts on Councils' capacity to fund infrastructure to support growth in the context of changes proposed under the Bill, be better understood.

8.11. 1 Shirley Road Wollstonecraft - Proposed Heritage listing

AUTHOR: Stephen Beattie, Manager Development Services

At its meeting of 22 March 2021 Council considered a report of Council's Heritage Planner regarding a potential Interim Heritage Order (IHO) to be placed on 1 Shirley Road, Wollstonecraft. This report provides an update on this matter.

On 13 January 2021, Council received development application (DA 2/21) for 1 Shirley Road, Wollstonecraft involving alterations to the internal layout of the existing dwelling, a dormer addition, changes to the existing garage and pool.

The property is currently listed as a contributory item within the Wollstonecraft Heritage Conservation Area under North Sydney Local Environmental Plan 2013 (NSLEP 2013). Following preliminary research, which included an external and internal inspection of the

building, Council's Heritage Conservation Planner concluded: "That the dwelling at 1 Shirley Road is worthy of listing as an Item of Environmental Heritage in Council's Local Environmental Plan. As such, its protection by way of an Interim Heritage Order is warranted and the extent of demolition proposed as part of DA 2/21 should not be consented to at this time."

The Council considered the imposition of the proposed Order at its meeting of 2 March 2021 and resolved;

1. *THAT the matter be deferred for the owners to be informed and invited to make a submission before the matter returns to Council.*

Since the Council meeting, the development application was amended to achieve an outcome not dissimilar to that which would be acceptable had the property had the benefit of a full heritage listing. The applicant's response to Council's request for amendments and intent to achieve an acceptable heritage-based solution is to be commended. DA 2/21 was subsequently approved under the delegated authority, with there being no reason to further delay a determination.

An IHO at this time is deemed unnecessary and the intent should be withdrawn. The heritage status of the property should however be reviewed in the event of a comprehensive heritage review being undertaken.

RECOMMENDATION:

1. **THAT** Council not proceed with an Interim Heritage Order.
2. **THAT** further consideration of the heritage status of 1 Shirley Road Wollstonecraft be undertaken as part of any future comprehensive Heritage review.

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

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

190. RESOLVED:

1. **THAT** Council not proceed with an Interim Heritage Order.
2. **THAT** further consideration of the heritage status of 1 Shirley Road Wollstonecraft be undertaken as part of any future comprehensive Heritage review.

8.12. Draft Environmental Sustainability Strategy 2030 - Post Consultation Report

AUTHOR: Peter Massey, Environmental Services Manager

The purpose of this report is to recommend adoption of the Environmental Sustainability Strategy 2030 (Attachment #2) following its public exhibition.

This report provides a summary of the submissions received through the public consultation undertaken on the Draft Environmental Sustainability Strategy 2030. The consultation generated 22 submissions, some of these have been incorporated into the final version.

The report provides the rationale for these amendments.

The initiatives proposed in the Draft Environmental Sustainability Strategy align with existing work plans and budgets.

RECOMMENDATION:

1. **THAT** Council notes the community feedback received during the consultation period.
2. **THAT** Council endorses the Environmental Sustainability Strategy 2030 with changes applied as outlined in this report.

This item was adopted By Exception (see page 13)

177. RESOLVED:

1. **THAT** Council notes the community feedback received during the consultation period.
2. **THAT** Council endorses the Environmental Sustainability Strategy 2030 with changes applied as outlined in this report.

8.13. New Application for Reference Group Membership

AUTHOR: Josh Jongma, Governance Coordinator

The purpose of this report is to seek approval of Council for an application received for the Sport and Recreation Reference Group citizen membership.

Mr Kim Ryan of the Northside Running Group has applied to join the Sport & Recreation Reference Group as a Citizen Member.

There are no direct financial implications associated with this report.

RECOMMENDATION:

1. **THAT** the application from Mr Kim Ryan for citizen membership of the Sport & Recreation Reference Group be accepted.

This item was adopted By Exception (see page 13)

178. RESOLVED:

1. **THAT** the application from Mr Kim Ryan for citizen membership of the Sport & Recreation Reference Group be accepted.

9. Notices of Motion

9.1. Notice of Motion No. 12/21 by Councillors Baker, Beregi and Carr -- North Sydney Olympic Pool Redevelopment

1. **THAT** the General Manager provide an update/report on the progress of the redevelopment of the North Sydney Olympic Pool to each Council meeting until the redevelopment is completed.

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

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.

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

179. RESOLVED:

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.

9.2. Notice of Motion No. 13/21 by Councillors Baker, Beregi and Carr - COVID parking relief for residents

1. THAT Council agree to waive any parking fines that have been issued to residents who are working from home under the public health orders which commenced on 25 June 2021, where the fine has been issued for parking infringements relating to residents parking without a permit in resident parking areas and for overstaying parking time limits.

In accordance with the *Code of Meeting Practice* section 10.6, the Mayor ruled the Motion on the Agenda out of order as the implementation of the Motion would have been unlawful.

At 9.34pm the Mayor adjourned the meeting.

The meeting resumed at 9.42pm with all councillors present except Councillor Barbour who retired from the meeting during the adjournment.

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

1. THAT Council acknowledge the lenient approach already applied to Parking enforcement since the commencement of the stay at home orders on 24 June 2021.

2. THAT Council agree to consider withdrawing penalty notices issued to residents during the current stay at home orders if the following criteria is met:

1. The person requests a review of the penalty notice;
2. The person submits proof that the penalty notice was issued during a time period when the person was working from home as a result of the current public health orders
3. The person substantiates that alternate residential parking was not available at the premise or via residential parking permit arrangements and they had made reasonable attempt to park the vehicle in compliance with parking regulations.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Carr, Councillor Gunning and Councillor Baker

Against: Councillor Brodie, Councillor Drummond and Councillor Mutton

Absent: Councillor Barbour

180. RESOLVED:

1. THAT Council acknowledge the lenient approach already applied to Parking enforcement since the commencement of the stay at home orders on 24 June 2021.

2. THAT Council agree to consider withdrawing penalty notices issued to residents during the current stay at home orders if the following criteria is met:

1. The person requests a review of the penalty notice;
2. The person submits proof that the penalty notice was issued during a time period when the person was working from home as a result of the current public health orders
3. The person substantiates that alternate residential parking was not available at the premise or via residential parking permit arrangements and they had made reasonable attempt to park the vehicle in compliance with parking regulations.

9.3. Question With Notice - Councillors Baker, Beregi and Carr

What is the current status of the construction of NSOP as at Friday 16 July 2021? Please provide details of any cost over-runs and any time delays to 16 July 2021, and any anticipated cost over-runs and delays.

Response

Reporting to Council on the NSOP project is being undertaken in accordance North Sydney Olympic Pool Governance Structure established at the commencement of construction and reported to Council at is February 2021 Ordinary meeting. In accordance with this project governance structure, reports are provided to the elected Council via the Governance and Finance Committee on a quarterly basis coinciding with the quarterly operational plan and quarterly budget reviews.

The last quarterly report was presented to Council at its meeting on 24 May and remains available to Council on Docs on Tap. Photos of construction progression have also been provided to Councillors through the Council Bulletin.

As at 16 July, construction was progressing well. A number of latent conditions had occurred, including discovery of asbestos associated with piping and within the tile grout of the old pool; however, at this stage the project remains largely on track and costs remain within the budget which includes allowance for latent conditions

The latest Public Health Order requiring the closure of construction sites has impacted on the NSOP project together with many other Council construction projects. Further detail on the impacts of this will be provided in the next quarterly report.

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

1. THAT the answers to the questions be received and 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

181. RESOLVED:

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

9.4. Questions With Notice - Councillor Carr

1. In relation to "*Council's personal information security remediation completed*" announcement on 13 July 2021 on Council's website, who were the stakeholders that were consulted for the revision of the Privacy Management Plan?

Response

On 17 March 2021, the NSW Civil and Administrative Tribunal made Orders, which included (amongst other things) Orders in relation to North Sydney Council (**Council**) taking steps to update certain sections of its Privacy Management Plan (**PMP**). Council took this opportunity to undertake a comprehensive review of its PMP, to ensure its PMP meets the requirements of the *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIP Act**).

Process undertaken to update Council's PMP

In updating its PMP, Council has:

- undertaken a comprehensive privacy review survey involving key stakeholders across Council's divisions and key departments who handle personal information to ensure that the information captured in this PMP is current and up-to-date at the time of publication;
- conducted further consultation with internal stakeholders at Council, including face-to-face meetings, and seeking feedback on working drafts of this PMP;
- facilitated an onsite visit from information security experts and privacy law experts, implementing their recommendations and updating the PMP accordingly;
- used resources provided by the Information and Privacy Commission NSW (**IPC**), including:
 - the IPC's 'Guide to making privacy management plans', to assist with updating Council's PMP; and
 - the IPC's 'Checklist - Privacy Management Plans' tool, to assess the content of the PMP once it was prepared, to ensure the PMP addressed all of the section 33 requirements of the PPIP Act; and
- considered emerging 'good practice' privacy management plans implemented by other NSW public sector agencies and the IPC itself as a quality control benchmark.

The revised PMP has been forwarded to the Privacy Commissioner in accordance with section 33(5) of the *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIP Act**) and the Commissioner has been invited to provide feedback. Council will consider and appropriately reflect this feedback in future versions of its PMP.

2. What is the cost of external consultants used to date for this project?

Response

In the context of the NCAT orders and on-going further proceedings from the same applicant (EIG), the PMP review has been coordinated by Council's solicitor and undertaken principally by Maddocks solicitors who represented Council in these matters. Deloitte carried out the on-site security review visit as outlined above. Council incurred costs of \$143,244 for the privacy matter proceedings in NCAT (NCAT136495/20) inclusive of approximately \$58,000 for the comprehensive PMP review.

A further \$50,236 has been incurred to date with a second privacy complaint, arising from the proceedings, being referred to NCAT (NCAT800162021/21).

3. The website states that "*Council is currently in the process of undertaking a major recordkeeping review (Recordkeeping Review), working closely with an external consultant*". Could the General Manager please advise the budget for this review ?

[https://www.northsydney.nsw.gov.au/Council Meetings/Policies Plans/Plans of Management/Privacy Management Plan](https://www.northsydney.nsw.gov.au/Council%20Meetings/Policies%20Plans/Plans%20of%20Management/Privacy%20Management%20Plan)

Response

North Sydney Council initially implemented an Electronic Document Management System (EDMS), referred to as Dataworks in 2001. A significant upgrade occurred in 2016 with Dataworks being renamed ECM. The change from a traditional records management system to EDMS met with some resistance from staff at the time and the use and practices associated with records management vary across different Departments of Council. With the continued evolution of EDMS, management identified the potential for improved efficiency through establishing and implementing a corporate wide standard approach to record management and processing.

The Record Keeping Review includes engagement of a business analyst with specialist records management skills, to undertake an operational review of Council's policies, processes, and procedures in relation to recordkeeping and document management to help establish strategies for more effective management of Council's information assets.

The budget for this review is \$180,000. This was established and approved by council in the 2020 December Quarterly review. The budget includes \$45,000 for implementation and training.

Councillor Beregi left the meeting at 9.54pm.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

Against: nil

Absent: Councillor Barbour, Councillor Beregi

182. RESOLVED:

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

Councillor Beregi was readmitted to the meeting at 9.57pm.

10. Confidential Matters

10.1. Open Space Schedule of Rates Contract – Tender 18/2021

AUTHOR: David Manson, Manager Parks & Reserves

Council’s current contract for Open Space Schedule of Rates contract number 13/2019 is due for completion. A new tender process has been undertaken in accordance with Council's procurement processes

The following information for the Open Space Schedule of Rates contract provided by tenderers, is commercial-in-confidence, has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

The associated Confidential Report to this item addresses information for the Open Space Schedule of Rates contract. 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 confidential report be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted By Exception (see page 13).

183. RESOLVED:

1. THAT Council accept the tenders of the short listed tenderers as outlined in the following table for Tender 18/2021 – Open Space Schedule of Rates Contract:

PANEL OF CONTRACTORS FOR CONTRACT 13/2019					
In Alphabetical order					
Horticultural Services	Asplundh	Plateau Trees	Skyline	Waratah	Forest Trees
Irrigation Services	Total Water	Watermatic	Forest Trees		

Tree Services	Active	Plateau Trees	Sydney Arbor Trees	Tree Serve	Forest Trees
Playground Services	Asplundh	Astec	Forest Trees	Softfall	Waratah
Turf Services	Evergreen	Waratah	Forest Trees		

2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
3. **THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council’s Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
4. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.2. Tender 19/2021 Smoothey Park Landscape Upgrade

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

The purpose of this report is to provide Council with an analysis of the tender process for Tender No. 19/2021 Smoothey Park Landscape Upgrade.

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)(a) <<change if required>> 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 confidential report be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted By Exception (see page 13)

184. RESOLVED:

1. **THAT** Council accept the tender of GJ’s Landscapes Pty Ltd for Tender No. 19/2021 Smoothey Park Landscape Upgrade.
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
3. **THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council’s Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.
2. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.3. Tender 21/2021 Microsoft Enterprise License EA Renewal

AUTHOR: Michael Macfarlane, Information Technology Manager

The purpose of this report is to provide the Council with an analysis of the tender process for Tender No 21-2021 Microsoft Enterprise Licensing Renewal.

The Council went to tender to renew the Council's Microsoft Enterprise Licensing. Open tenders were called and were received until 3.00pm Sydney time on 1st July 2021 via Tenderlink.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) (d) commercial information of a confidential nature that would, if disclosed;

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the Council, or
- (iii) reveal a trade secret of the Local Government Act (LGA).

The existing Information Technology General Revenue budget is appropriate for the annual cost of the Microsoft Enterprise Licensing. Microsoft Enterprise Licensing is an essential element of the Council's ability to conduct business.

RECOMMENDATION:

1. **THAT** Council accepts the highest ranked tenderer for Tender 21/2021 for Microsoft Enterprise Licensing
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
3. **THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
4. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted By Exception (see page 13)

185. RESOLVED:

1. **THAT** Council accept the tender of Datacom Systems (AU) Pty Ltd for Tender 21/2021 for Microsoft Enterprise Licensing
2. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
3. **THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts with Private Sector.
4. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.4. North Sydney Council - Compensation Claim submitted to the NSW Valuer General-TfNSW Compulsory Acquisitions - Councils Parks & Reserves- Warringah Freeway Upgrade

AUTHOR: Duncan Mitchell, Director Engineering & Property Services

The purpose of this report is to inform Council of the compensation claim that has been lodged with the NSW Valuer General under the "Just Terms Act" on 9 July 2021 in relation to land that has been acquired by TfNSW at the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade.

A report from the Engineering and Property Services Division was brought to the 30 November 2020 Council Meeting, informing Council that two letters had been received from TfNSW in relation to the issuing of a Proposed Acquisition Notice (PAN) for parts of the Cammeray Golf Course (2 sites), St Leonards Park and ANZAC Park for the purposes of the Warringah Freeway upgrade. The report also identified that Council would be seeking compensation from TfNSW under the “Land Acquisition (Just Terms Compensation) Act 1991” for the proposed acquisition of these four (4) sites and that legal advice was being sought on Councils right to compensation. The actual Proposed Acquisition Notice (PAN) on the compulsory acquisition of the sites was issued to Council by TfNSW on 14 December 2020.

The purpose of this report is to inform Council that the Legal advice sought in November 2020 confirmed that Council does have a right to compensation and that a compensation claim has now been lodged with the NSW Valuer General under the “Just Terms Act”– on 9 July 2021. The relevant sections of the Act that Council has lodged its compensation claim are 2.24 (3) (a) (b) (d) and (e) of the Crown Lands Act for compensation relating to any “Improvements”, loss of “Public Benefit”, “Acquiring Additional Land” that has similar environmental benefits that are comparable to the land that has been acquired and loss attributable to “Disturbance”. The NSW Valuer Generals final report and determination on Councils Claim must be provided to both Council and Transport for NSW under (s 41(3), Just Terms Act). There is no set time frame specified for the Valuer General to provide a final determination, but generally this process takes 4-6 weeks from the time that the Claim is lodged.

If Council is not satisfied with amount awarded by the Valuer General, Council may appeal to the Land and Environment Court in Class 3 of the Court’s jurisdiction, within 90 days of receipt of the compensation notice under (s 45). At that point, Council receives 90% of the compensation awarded by the Valuer General.

The Legal Advice that Council has received in relation to its Compensation Claim is from Senior Counsel – Clifford Ireland and is attached to the Confidential Report.

The Confidential report prepared on Councils Compensation Claim and all attachments to the report are confidential in accordance with Section 10A (2) of the Local Government Act and the Local Government (General) Regulation 2005.

The associated Confidential Report to this item addresses information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(c) of the Local Government Act (LGA).

RECOMMENDATION:

1. **THAT** the meeting be closed to the public in accordance with Section 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business..
2. **THAT** Council notes this report
3. **THAT** Council notes that a further report will be brought back to Council on this matter as soon as any determination is made by the NSW Valuer General on Council’s Compensation Claim.
4. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted By Exception (see page 13)

186. RESOLVED:

1. **THAT** Council notes this report.

2. **THAT** Council notes that a further report will be brought back to Council on this matter as soon as any determination is made by the NSW Valuer General on Council's Compensation Claim.
3. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

10.5. Reformation of Design Excellence Panel for 2021/22 - 2022/23

AUTHOR: Caitlin Summers, Strategic Planner-Urban Design

To seek Council's endorsement of the recommended appointments for the Design Excellence Panel (DEP) for 2021/22 – 2022/23.

North Sydney Council encourages high quality urban design in the North Sydney local government area (LGA). This is achieved, in part, by seeking the independent advice of the Design Excellence Panel (DEP), established under North Sydney Council's *Design Panel Policy*.

In accordance with the *Design Panel Policy*, membership of the DEP should be renewed every two years. Expressions of interest for DEP membership for the 2021/22 – 2022/23 term were sought from Friday 4 June 2021 to Friday 18 June 2021. A total of 23 applications were received.

Support for the recommended appointments will enable the reformed DEP to commence in August 2021. A review of the *Design Panel Policy* and *Design Excellence Panel Charter* was undertaken. No updates are proposed.

The recurrent budget of \$80,000 will cover the operation costs of the DEP. Panel member remuneration is currently a yearly retainer of \$2,000 (provided the Panel member has attended a minimum of two meetings within a 12-month period) and \$1,100 for each meeting attended. The Panel Chairperson shall be paid \$1400 for each meeting attended. If the role is shared, each Panel Co-Chairperson shall be paid \$1250 for each meeting attended.

RECOMMENDATION:

- 1.**THAT** Council endorses the appointment of the recommended panel members nominated within the confidential report for the reformation of the North Sydney Design Excellence Panel for the 2021/22 - 2022/23 term.
- 2.**THAT** Council writes to acknowledge the valuable contribution made by the previous members of the Design Excellence Panel.
3. **THAT** the confidential report be treated as confidential and remain confidential until Council determines otherwise.

This item was adopted By Exception (see page 13)

187. RESOLVED:

1. **THAT** Council endorses the appointment of the following applicants for the Design Excellence Panel for 2021/22 - 2022/23:

- Ms. Anita Morandini, Design Excellence Manager, City of Sydney (Chairperson)
- Emeritus Professor Peter Webber (Community representative)
- Mr. David Tordoff, Studio Director – Hayball
- Ms. Kylie Legge, Director – Place Partners
- Ms. Louise Pearson, Studio Design Director – Aspect Studios
- Mr. Peter St Clair, Design Principal – Nettleton Tribe

2. **THAT** Council writes to acknowledge the valuable contribution made by the following members of the Design Excellence Panel:

- Mr. Philip Graus, original panel member and Chairperson for over eight years
- Ms. Angela Koepp, panel member since 2017.

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

10.6. Performance Review of the General Manager to June 2021

AUTHOR: Matthew McArthur, Chief Executive Officer, McArthur

To report on the performance review of the General Manager, which was conducted on 7 July 2021.

The performance review of the General Manager was conducted on 7 July 2021. The review was conducted by the Performance Review Panel appointed by Council consisting of the following Councillors:

- Mayor, Cr Jilly Gibson
- Deputy Mayor, Cr Stephen Barbour
- Cr Jessica Keen
- Cr Ian Mutton

Also in attendance:

- Ken Gouldthorp, General Manager

The Panel was facilitated by Matthew McArthur from McArthur, a national recruitment, and HR Consulting firm with extensive experience in the conduct of performance reviews in local government.

A separate Confidential Report has been provided to Council.

The associated Confidential Report to this item addresses Personnel Matters Concerning Particular Individuals. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(a) of the Local Government Act (LGA).

Senior staff salaries are reported in the Annual Report in the format and detail stipulated in the Local Government Act.

RECOMMENDATION:

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

2. **THAT** the Confidential Report from the Performance Review Panel and recommendations therein be adopted.

3. **THAT** the Mayor be authorised to implement the recommendations of the Review Panel.

4. **THAT** the Performance Review and associated reports be treated as confidential and remain confidential until Council determines otherwise.

(Note: 4 is in accordance with Office of Local Government Guidelines on the Appointment and Oversight of General Managers and s10A(2)(a) of the Local Government Act)

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

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

188. RESOLVED:

1. **THAT** the Confidential Report from the Performance Review Panel and recommendations therein be adopted.
2. **THAT** the Mayor be authorised to implement the recommendations of the Review Panel.
3. **THAT** the Performance Review and associated reports be treated as confidential and remain confidential until Council determines otherwise.

(Note: 3 is in accordance with Office of Local Government Guidelines on the Appointment and Oversight of General Managers and s10A(2)(a) of the Local Government Act)

11. Closure

The Meeting concluded at 9.59pm.