



MINUTES

The Minutes of the Council meeting held at the
Council Chambers, North Sydney
at 6.30pm Monday 11 March 2024



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1. Opening Meeting

Statement of ethical obligations

Councillors are reminded of the oath or affirmation taken upon commencement of office that they will undertake the duties of the office of councillor in the best interests of the people of North Sydney and the North Sydney Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the [Local Government Act 1993](#) or any other Act to the best of their ability and judgment.

Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

At the commencement of business (6:30 pm) those present were: The Mayor, and Councillors Beregi, Bourke, Gibson, Lamb, Lepouris, Mutton, Santer, Spenceley, and Welch.

The meeting was opened by the Mayor.

2. Acknowledgement of Country

RECOGNITION OF THE CAMMERAYGAL PEOPLE

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The Acknowledgement of Country was read by Councillor Spenceley.

3. Apologies and applications for leaves of absence or remote attendance

It was moved by Councillor Gibson and seconded by Councillor Lamb:

1. THAT Council grant permission for Councillor Mutton to attend remotely for the following reason: other.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

33. RESOLVED:

1. THAT Council grant permission for Councillor Mutton to attend remotely for the following reason: other.

4. Confirmation of Minutes

THAT THE MINUTES of the Council Meeting held on Monday 26 February 2024 be taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

34. RESOLVED:

1. THAT THE MINUTES of the Council Meeting held on Monday 12 February 2024 be taken as read and confirmed.

5. Disclosures of Interest

The following Disclosure of Interest was made:

Re: Item 10.5	Amended Outdoor Dining and Goods on Footpath Policy
Councillor Lepouris	Cafe in the LGA which utilises outdoor dining (Pecuniary/Significant)

6. Public Forum

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

1. THAT the Public Forum be opened, and that the following Items be considered as part of the Public Forum:

Item 10.3	Planning Proposal 9/22 and Voluntary Planning Agreement - 17-25 Falcon Street Crows Nest
Item 10.4	North Sydney Oval - Event Proposal

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

35. RESOLVED:

1. THAT the Public Forum be opened, and that the following Items be considered as part of the Public Forum:

Item 10.3	Planning Proposal 9/22 and Voluntary Planning Agreement - 17-25 Falcon Street Crows Nest
Item 10.4	North Sydney Oval - Event Proposal

10.3. Planning Proposal 9/22 and Voluntary Planning Agreement - 17-25 Falcon Street Crows Nest

This matter was moved forward as part of the Public Forum (see page 4).

AUTHOR: Tom Mojsiejuk, Strategic Planner

PURPOSE

The purpose of this report is to present to Council the assessment report for Planning Proposal 9/22 at 17-25 Falcon Street Crows Nest (which seeks to amend the North Sydney Local Environmental Plan 2013) and the accompanying Voluntary Planning Agreement offer.

The matter was deferred by Council at its meeting of 11 December 2023 so that additional supporting documentation (provided by the applicant's representative at the meeting) could be considered.

- On 1 November 2022, Council received a Planning Proposal (Attachment 1) to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 17-25 Falcon Street Crows Nest.
- The site is located within the area covered by two planning studies, being the *St Leonards and Crows Nest 2036 Plan (2036 Plan)* adopted by the Department of Planning and Environment (DPE) in August 2020, and Council's *Civic Precinct Planning Study (CPPS)*, endorsed in November 2020.

- The Planning Proposal seeks to amend NSLEP 2013 as follows:
 - increase the maximum building height control from 10m to 21m (six storeys); and
 - amend the height of buildings map to extend “Area 2” under clause 4.3A, to allow for an exceedance of the maximum mapped height limit (by up to three metres) for lift overruns and associated structures for access to communal rooftop space.

- The intent of the Planning Proposal is to facilitate the delivery of a six-storey mixed-use commercial/residential development. The accompanying indicative reference scheme includes 2,450m² residential floorspace (23 apartments), 1,062m² of commercial floorspace, and 45 car parking spaces across four basement levels.

- A detailed assessment of the Planning Proposal was undertaken and referred to the North Sydney Local Planning Panel (NSLPP) for its consideration on 31 May 2023.

- The NSLPP generally endorsed the recommendations of the Council Officer’s assessment report and recommended the Planning Proposal be supported to proceed to a Gateway Determination subject to amendments, which included:
 - a recommended maximum building height of 22m and an additional allowance of 3m in height for rooftop structures;
 - the removal of subterranean commercial floorspace;
 - amendments to podium height and setbacks; and
 - a revised Voluntary Planning Agreement (VPA) offer.

- On 26 September 2023, the applicant submitted a revised built form concept (Attachment 2) and VPA offer (Attachment 3), addressing the recommendations of Council’s initial assessment report and the NSLPP.

- The revised VPA offer proposes a monetary contribution of \$300,000 to Council towards identified public benefits and is in addition to developer contributions applicable under the (section 7.11) North Sydney Local Infrastructure Contributions Plan.

- Council, at its meeting on 11 December 2023, considered a report into the planning proposal at 17-25 Falcon Street Crows Nest. At this meeting the applicant’s representatives presented new information requesting additional height to that being recommended. In response to this Council resolved:
 1. *THAT the matter be deferred to the next Council meeting to allow consideration of new material provided by the applicant.*

- On 19 January 2024, the applicant submitted amended design details (Attachment 4) and a supporting letter (Attachment 5) for Council’s consideration.

- This report recommends that the Planning Proposal and revised VPA offer be supported, subject to the Planning Proposal being formally amended to incorporate the recommendations of Council’s assessment report and the NSLPP, prior to being

forwarded to the DPE with a request for a Gateway Determination.

RECOMMENDATION:

- 1. THAT** the Planning Proposal and accompanying reference scheme, forming Attachment 1 to this report, be amended to Council's satisfaction to incorporate the applicant's response to the recommendations of Council's assessment report and the North Sydney Local Planning Panel, forming attachment 2 of this report. Specifically, the Planning Proposal be amended to a maximum building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.
- 2. THAT** Council grant delegated authority to the General Manager to negotiate the detailed terms and provisions of the VPA consistent with the applicant's revised letter of offer (Attachment 3).
- 3. THAT** upon completion of Recommendation 1, the Planning Proposal be forwarded to the Department of Planning and Environment in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.
- 4. THAT** upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal.
- 5. THAT** the outcomes of any public exhibition be reported to Council.

The following person spoke on this item as part of the Public Forum:

- Ian Cady (Director Mecone, proponent to the Development Application)

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

36. RESOLVED:

- 1. THAT** the Planning Proposal and accompanying reference scheme, forming Attachment 1 to this report, be amended to Council's satisfaction to incorporate the applicant's response to the recommendations of Council's assessment report and the North Sydney Local Planning Panel, forming attachment 2 of this report. Specifically, the Planning Proposal be amended to a maximum building height of 22m; a minimum non-residential FSR of 1:1; and to include an additional local provision allowing the maximum building height to be exceeded by no more than 3m for lift overrun and associated structures for access to communal rooftop space.
- 2. THAT** Council grant delegated authority to the General Manager to negotiate the detailed terms and provisions of the VPA consistent with the applicant's revised letter of offer (Attachment 3).

3. THAT upon completion of Recommendation 1, the Planning Proposal be forwarded to the Department of Planning and Environment in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 to seek a Gateway Determination.

4. THAT upon receipt of a Gateway Determination, the associated draft Voluntary Planning Agreement be exhibited concurrently with the Planning Proposal.

5. THAT the outcomes of any public exhibition be reported to Council.

10.4. North Sydney Oval - Event Proposal

This matter was moved forward as part of the Public Forum (see page 4).

AUTHOR: Jacqueline St Jacques, Business Support & Performance Coordinator

PURPOSE

The purpose of this report is to outline a proposal from the North Sydney District Rugby League to hold an event at North Sydney Oval, from 18 to 19 May 2024.

- The festival seeks to build on the strong community connection established by the North Sydney Bears, enhancing local engagement.
- This festival has demonstrated growing success since its inception at Henson Park, suggesting a sound model for replication in North Sydney.
- Anticipated economic benefits include increased local business patronage and broader community participation and increased revenue for Council.

RECOMMENDATION:

1. THAT Council notes the approach from the North Sydney Bears to bring the Beer, Food and Footy Festival to North Sydney Oval on 18 – 19 May 2024.

2. THAT Council authorise the General Manager to finalise negotiations and enter into a formal agreement with the North Sydney Bears for the proposed event.

The following people spoke on this item as part of the Public Forum:

- Matthew Rule (Director The Music and Booze Company, event organiser)
- Gareth Holmes (CEO North Sydney Bears)

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

37. RESOLVED:

1. THAT Council notes the approach from the North Sydney Bears to bring the Beer, Food and Footy Festival to North Sydney Oval on 18 and 19 May 2024.

2. THAT Council authorise the General Manager to finalise negotiations and enter into a formal agreement with the North Sydney Bears for the proposed event.

7. Items Considered by Exception

No items were considered by exception.

8. Mayoral Minutes

Nil

9. Reports of Committees

Nil

10. Reports to Council

10.1. Matters Outstanding to February 2024

AUTHOR: Ian Curry, Manager Governance

PURPOSE

The purpose of this report is to update Council regarding the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

- Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.
- The attached table has been updated to include resolutions up to the 26 February 2024 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

38. RESOLVED:

1. THAT the report be received.

10.2. IPART - Terms of Reference for the Review of the Council Financial Model in NSW

AUTHOR: Luke Harvey, Director Corporate Services

PURPOSE

The purpose of this report is to inform Council of the Independent Pricing and Regulatory Tribunal's (IPART) review of the council financial model in NSW. The report also seeks Council endorsement for a submission to IPART.

EXECUTIVE SUMMARY:

- IPART has received a draft Terms of Reference from the NSW Government to investigate and report on the financial model for NSW councils.
- The draft Terms of Reference asks IPART to review Councillor and community visibility over the financial and operational performance of their councils, whether current budget and financial processes deliver value for money and whether the current funding model will sustainably support the needs of communities.
- IPART is seeking feedback on the Terms of Reference until 15 March 2024.
- Council staff have reviewed the draft Terms of Reference and produced a draft response to IPART, pending Council's approval.

RECOMMENDATION:

- 1. THAT** Council note the draft Terms of Reference from IPART.
- 2. THAT** Council approve the submission to IPART on the review's draft Terms of Reference.

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

- 1. THAT** Council note the draft Terms of Reference from IPART.
- 2. THAT** Council make a submission to IPART of the review's draft Terms of Reference.
- 3. THAT** Council's submission include the attached submission with the following additions:
 - a) In relation to draft Terms of Reference Item 1, include a new paragraph 2:

Consideration should be given to the process of Council decision-making in relation to large contract approvals, to ensure that decisions are transparent and accountable to the community.
 - b) In relation to Draft Terms of Reference Item 3, include a new paragraph 5:

North Sydney Council would like to suggest that the IPART Terms of Reference be forward-looking and include a comprehensive review of the rating structure based on today's and tomorrow's residential and commercial reality. This could include consideration of:

 - a rating system based on usage and/or zoning;
 - a contribution from the users of non-rateable land to support the cost of the infrastructure and services used by those users (such as private schools, hospitals, churches); and
 - a per student levy paid to Councils by the State Government to contribute covering the increasing usage of public parks and sporting grounds by local public schools.
 - c) In relation to Draft Terms of Reference Item 6, include a new paragraph 1:

That IPART consider reviewing the oversight provisions for Councils when undertaking major capital works projects with forecast expenditure of over \$25million to ensure that they are strong, transparent and accountable to the community. These could include the introduction of strict and timely protocols which require a Council to hold a preliminary meeting with an expert infrastructure panel to ensure that the proposed project is achievable and reasonable. Councils should then be required to lodge regular reports when specific milestones are achieved or when specific measures depart from forecast by a pre-determined variation. To ensure the community is kept informed and all Councillors are kept fully informed, Councils should also have a standing item on its agenda each month for the life of the project so as to ensure all Councillors have access to the same information.
- 4. THAT** Council attach a copy of the Council report of 26 April 2023 - 10.09 North Sydney Olympic Pool Redevelopment Project - Project Review and Outcomes - to the submission to IPART.

An Amendment was moved by Councillor Gibson and seconded by Councillor Lepouris:

- 1. THAT** Council note the draft Terms of Reference from IPART.
- 2. THAT** Council approve the submission to IPART on the review's draft Terms of Reference.

The Amendment was put and **Lost**.

For/Against 3 / 7

Voting was as follows:

For: Councillor Gibson, Councillor Lepouris and Councillor Mutton
Against: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley, and Councillor Welch
Absent: Nil

The Motion was put and **Carried**.

For/Against 7 / 3

Voting was as follows:

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley, and Councillor Welch
Against: Councillor Gibson, Councillor Lepouris and Councillor Mutton
Absent: Nil

39. RESOLVED:

- 1. THAT** Council note the draft Terms of Reference from IPART.
- 2. THAT** Council make a submission to IPART of the review's draft Terms of Reference.
- 3. THAT** Council's submission include the attached submission with the following additions:
 - b) In relation to draft Terms of Reference Item 1, include a new paragraph 2:

Consideration should be given to the process of Council decision-making in relation to large contract approvals, to ensure that decisions are transparent and accountable to the community.
 - b) In relation to Draft Terms of Reference Item 3, include a new paragraph 5:

North Sydney Council would like to suggest that the IPART Terms of Reference be forward-looking and include a comprehensive review of the rating structure based on today's and tomorrow's residential and commercial reality. This could include consideration of:

 - a rating system based on usage and/or zoning;
 - a contribution from the users of non-rateable land to support the cost of the infrastructure and services used by those users (such as private schools, hospitals, churches); and
 - a per student levy paid to Councils by the State Government to contribute covering the increasing usage of public parks and sporting grounds by local public schools.
 - c) In relation to Draft Terms of Reference Item 6, include a new paragraph 1:

That IPART consider reviewing the oversight provisions for Councils when undertaking major capital works projects with forecast expenditure of over \$25million to ensure that they are strong, transparent and accountable to the community. These could include the introduction of strict and timely protocols which require a Council to hold a preliminary meeting with an expert infrastructure panel to ensure that the proposed

project is achievable and reasonable. Councils should then be required to lodge regular reports when specific milestones are achieved or when specific measures depart from forecast by a pre-determined variation. To ensure the community is kept informed and all Councillors are kept fully informed, Councils should also have a standing item on its agenda each month for the life of the project so as to ensure all Councillors have access to the same information.

4. THAT Council attach a copy of the Council report of 26 April 2023 - 10.09 North Sydney Olympic Pool Redevelopment Project - Project Review and Outcomes - to the submission to IPART.

10.3. Planning Proposal 9/22 and Voluntary Planning Agreement - 17-25 Falcon Street Crows Nest

This item was considered as part of the Public Forum (see page 5).

10.4. North Sydney Oval - Event Proposal

This item was considered as part of the Public Forum (see page 5).

Councillor Lepouris declared a Pecuniary/Significant interest in Item 10.5 and left the meeting at 7:01 pm.

10.5. Amended Outdoor Dining and Goods on Footpath Policy

AUTHOR: Risha Joseph, Senior Property Officer

PURPOSE

This report outlines proposed amendments to *the Outdoor Dining and Display of Goods on the Footpath Policy* and its accompanying *Guidelines* to ensure alignment with the relevant legislation and Council policies; and seeks endorsement to publicly exhibit the proposed amendments.

- On 20 December 2013, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* was amended and introduced 'Footpath-Outdoor Dining' as an exempt development type, subject to meeting specific criteria within the Policy.
- The amendments to the *Codes SEPP* affect Council's *Outdoor Dining and Display of Goods on the Footpath Policy* and accompanying *Guidelines* as well as *Section 8 - Outdoor Dining and Display of Goods on the Footpath* to Part B of the *North Sydney Development Control Plan (NSDCP) 2013*.

- On 24 February 2020, the Council considered a report to amend its *Outdoor Dining and Display of Goods on the Footpath Policy* and accompanying *Guidelines* in light of the amendments made to the Codes SEPP. Council resolved to defer the matter to a Councillor Briefing, to discuss issues pertaining to fees for the use of the footpath.
- Council also considered a separate report on 24 February 2020 outlining draft amendments to NSDCP 2013, which included, but was not limited to, amendments to the NSDCP 2013 to take into account the amendments made to the Codes SEPP in relation to outdoor dining. Council resolved to adopt these draft amendments for exhibition and the finalised amendments to NSDCP 2013 were subsequently made on 24 August 2020 and came into effect on 14 September 2020.

RECOMMENDATION:

- 1. THAT** the Council endorses the public exhibition of the amended *Outdoor Dining and Display of Goods on the Footpath Policy* and *Guidelines* for 28 days; and
- 2. THAT** the Council notes that a further report will be provided to the Council following the conclusion of the public exhibition period.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

40. RESOLVED:

- 1. THAT** the Council endorses the public exhibition of the amended *Outdoor Dining and Display of Goods on the Footpath Policy* and *Guidelines* for 28 days; and
- 2. THAT** the Council notes that a further report will be provided to the Council following the conclusion of the public exhibition period.

Councillor Lepouris returned to the meeting at 7.08pm.

10.6. Status Update - Revenue from street furniture advertising contract

AUTHOR: Ashraf Doureih, Engineering Project Manager

PURPOSE

This report provides an update on revenue projections associated with the Council's street furniture advertising contract.

- Anticipated advertising revenue projections have decreased due to the Suppliers inability to secure Development Consent for digital advertising panels proposed under the contract.
- Should Council wish to discuss this report it is noted that the attached confidential document includes commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. Further, release of the information would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

RECOMMENDATION:

1. THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

- (d) commercial information of a confidential nature that would, if disclosed*
- (i) prejudice the commercial position of the person who supplied it*

It is further noted that release of this information would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

2. THAT Council note the information provided within this report in relation to a decrease in projected revenue related to Council's Street furniture advertising contract.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

Against: Nil

Absent: Nil

41. RESOLVED:

1. THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

- (d) commercial information of a confidential nature that would, if disclosed*
- (i) prejudice the commercial position of the person who supplied it*

It is further noted that release of this information would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

2. THAT Council note the information provided within this report in relation to a decrease in projected revenue related to Council's Street furniture advertising contract.

10.7. North Sydney Olympic Pool Redevelopment Project Update

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE

The purpose of this report is to update Council in relation to matters discussed at the Council meeting of 12 February 2024.

- The confidential attachment to this report provides further information in relation to matters resolved at the Council meeting of 12 February 2024.
- The identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is further noted that release of this information would, on balance, be contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

RECOMMENDATION:

1. THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

It is further noted that release of this information would, on balance, be contrary to the public interest as:

- publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services; and
- it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

Against: Councillor Gibson

Absent: Nil

42. RESOLVED:

1. THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

It is further noted that release of this information would, on balance, be contrary to the public interest as:

- publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services; and
- it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

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

11. Notices of Motion

Nil

12. Matters of Urgency

Nil

13. Closure

The Meeting concluded at 7:12 pm.