



Council Chambers
15 March 2024

The **3798th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 25 March 2024. The agenda is as follows.

THERESE COLE
CHIEF EXECUTIVE OFFICER

North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

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- 1. Opening of Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
 - 6. Public Forum**
 - 7. Items by Exception**
 - 8. Mayoral Minutes**
 - 8.1 MM01: Noise Pollution
 - 8.2 MM02: Resident parking and enforcement along the Warringah Freeway Upgrade/Western Harbour Tunnel corridor for the construction period
 - 8.3 MM03: 70th Anniversary – Greenway, Milsons Point
 - 8.4 MM04: Request from Kylea Tink, MP to support a “Stand Up and Rock Out” youth-led climate action concert in support of the Duty of Care campaign
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9. Reports of Committees

Nil

10. Reports to Council

- 10.1 Election of Deputy Mayor
- 10.2 Draft Fees and Charges Schedule 2024/2025
- 10.3 Investment and Loan Borrowings Report as at 29 February 2024
- 10.4 2024 Elections - Constitutional Referendum and Poll Questions
- 10.5 Planning Proposal 5/23: 121, 123, and 125 Holt Avenue Cremorne - Post Exhibition Report
- 10.6 Draft Administrative Amendment to NSDCP 2013 - Post Exhibition Report
- 10.7 Tree Vandalism in North Sydney - Response to Council Resolution
- 10.8 Appointments to the North Sydney Council Disability Inclusion Committee
- 10.9 Application for Reference Group Membership
- 10.10 2nd Quarterly Property Portfolio Report 2023/2024
- 10.11 Transport for NSW litigation
- 10.12 Quotation assessment under Contract 1/2021 Willoughby Road (West side), Crows Nest, Paving Upgrade

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 02/24 - Referendum Question for Council elections 2024 - Cr Gibson

12. Matters of Urgency

Raised by Councillors

13. Closure of Meeting

In the spirit of open, accessible, and transparent government, the Council meetings of North Sydney Council will be streamed live via Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory, or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in Closed Session will not be recorded.

TO: The Mayor Zoë Baker, and Councillors Beregi, Bourke, Gibson, Lamb, Lepouris, Mutton, Santer, Spenceley, and Welch

3798th MEETING OF COUNCIL TO BE HELD ON MONDAY 25 MARCH 2024

1. OPENING MEETING

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

4. CONFIRMATION OF MINUTES

THAT THE MINUTES of the 3797th Council Meeting held on Monday 11 March 2024 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

8.1 MM01: Noise Pollution

Over the last decade noise pollution has steadily increased. The noise generated from increased traffic congestion, increased construction, and construction of major State Government infrastructure projects which are impacting health and quality of life in our Local Government Area (and across Greater Sydney more generally).

On 17 February 2024 I received a thoughtful letter from a resident of McMahons Point, Mr Bruce Handmer, raising concerns about noise pollution. That letter was referred to, tabled, and considered by the Environment Reference Group meeting held on 5 March 2024.

Subsequently, I received a letter from Mr Steven Cooper dated 13 March 2024. I attach a copy of those letters to this Minute.

The Environment Reference Group meeting resolved to recommend to Council that it lobby the State Government to review noise criteria and review Council's own conditions of consent and approach to noise.

Notably, Mr Cooper submits that

I believe the following approaches to these sources of noise pollution can practically and affordably reduce the level of noise disruption and affect an overall improvement to health and quality of living:

- 1. Transition to electric powered buses*
- 2. Install traffic calming*
- 3. Encourage (via council enforcement) the use of electric (battery or cord) powered gardening tools*
- 4. Implement permanent noise meters and CCTV cameras and follow up with warnings and fines issued to repeat offenders in the area*
- 5. Legislate and enforce acceptable noise levels by commercial operators, by hour of the day.*

These residents are expressing frustration and concern that is reflected throughout our community.

I therefore recommend:

- 1. THAT** Council strongly advocate for the State Government to address increasing noise pollution through a review of the EPA Noise Guidelines, adoption of electric vehicles, provisions in relation to the use of electric power tools in urban areas, noise and CCTV monitoring in areas experiencing a rise in "hoon" cars.
- 2. THAT** Council undertake a review of standard noise conditions of consent for both construction period and general operation.

8.2 MM02: Resident parking and enforcement along the Warringah Freeway Upgrade/Western Harbour Tunnel corridor for the construction period

All along the Warringah Freeway Upgrade/Western Harbour Tunnel (WFU/WHT) corridor, residents are experiencing extreme disruption to their daily lives, whether it is the impact of night works or the daily struggle to find on-street parking close to their homes due to the influx of construction workers using local streets to park.

Council and councillors are contacted daily by residents extremely distressed by the impacts of the current works for the WFU/WHT projects, and frustrated that contractors are not being required to comply with conditions of consent imposed under the planning approval to mitigate the impacts of noise, vibrations, construction vehicles, and parking. Residents are at their wits' end and want Council to help them with the loss of parking, and to waive parking fines issued to residents who have resident parking permits.

The planning approval for these works includes conditions providing:

- a requirement to prepare a Construction Parking and Access Strategy (CPAS) to identify and mitigate impacts resulting from on-and off- street parking changes during construction (condition E140),
 - management of vehicles (including light and heavy vehicles) associated with the works (condition E139)
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- mitigation of the loss of on-street parking in Alfred Street North between Wyagdon Street and Whaling Road (condition E142), and
- measures implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties (condition E141).

It is, therefore, important that Council not only ask the Department of Planning to enforce the relevant conditions, but that Council actively work to mitigate the impacts of the projects on residents using any and all tools available including resident parking permits, changes to parking times etc.

I therefore recommend:

1. THAT Council suspend the ordinary parking regime along the WFU/WHT corridor for the term of the construction period to allow discretion in managing parking in the construction corridor, with the specific purpose of prioritising resident, pedestrian, and vehicular access, and prioritising on-street parking for residents.

2. THAT Council continue to monitor the impacts and liaise with Transport for NSW and their contractors to address impacts on residents, and compliance with the relevant conditions of consent.

8.3 MM03: 70th Anniversary – Greenway, Milsons Point

Greenway” celebrates 70 years on 28 March 2024 – an important and historic milestone for one of a series of public housing projects built by the State Government led by Premier J J Cahill in response to the post World War Two (WWII) housing crisis. Between 1948 and 1954, 309 x one- and two-bedroom flats were constructed at Milsons Point. The project took six years to build due to the shortage of labour and building materials following WWII. On completion, Greenway was the largest residential flat building project in the Southern Hemisphere at that time.

At the opening ceremony, the Hon Clive Evatt, MP, Minister for Housing, acknowledging the housing crisis, said *It is time that the citizens of Australia woke up and demanded homes in which to live*. Whilst Mrs P Burke, a member of the NSW Housing Commission, said Greenway flats represented *a blue print for the future... People scoffed at the Commission’s achievements, but here we have a promise in concrete, put up by private enterprise in partnership with the Government*. She said that there were *600 private builders throughout NSW engaged on housing contracts for the Government. Nothing was more important at the moment than housing the Australian people”*.

(see <https://trove.nla.gov.au/newspaper/article/224515245>)

Council’s historian, Dr Ian Hoskins, wrote on the occasion of the 50th Anniversary:

The experiences of ‘Greenway’ residents have varied much over the five decades since its opening. At first, the Housing Commission let the flats primarily to families and couples – ‘working class’ people unable to get adequate housing in the inadequate private rental market. Tenants ‘won’ their place there in publicly announced ‘lotteries’. In the 1980s, tenants were being drawn from a wide range of groups – single parents, aged pensioners, the unemployed and the disabled. The result is an increasingly diverse body of residents. Similarly in 1954 Australia was still a predominantly Anglo-Celtic society and most of those who lived at ‘Greenway’

were English-speaking. In 2001 there were 23 language groups represented in the buildings.

At the 50th Anniversary celebrations, then-resident and historian Geoffrey Barrett wrote from direct experience: *I'm sure that the people responsible for the construction of Greenway... would be delighted, if not amazed, to know that their efforts are still providing decent housing half a century on, and within their building is a proud, neighbourly community - a community that has survived. (Greenway the great survivor: Fifty Years in the Life of a Public Housing Estate, 2004)*

On the eve of the 70th Anniversary, as we experience another intense housing crisis, those words resonate.

It is the strong sense of community and the incredible residents of Greenway that must be celebrated as a vital part of the broader North Sydney local government area community.

As part of the 70th Anniversary celebrations, Council is supporting an exhibition by artist Christopher Ireland, *All Things Considered*, which opens at the Kirribilli Neighbourhood Centre on 27 March 2024. In addition, a History Walk with Dr Ian Hoskins will be undertaken as part of the National Trust's Australian Heritage Festival. On 28 March 2024, the Greenway Tenants' Association will be holding a special event to celebrate the 70th Anniversary. They have sought Council support for the event including that Council pay for a person to provide a Welcome to Country.

Given the importance of Greenway to our community and Council's commitment to affordable and social housing, it is appropriate that Council provide assistance and a gift to mark the occasion.

I therefore recommend:

1. THAT Council provide support to the Greenway Tenants' Association 70th Anniversary event by paying for a person to provide a Welcome to Country on 28 March 2024 (estimated cost \$550) and the funds be provided from the existing Subsidies and Grants allocation.

2. THAT Council commission an artist to work with Greenway tenants and the local community to produce a public artwork celebrating Greenway to be located on the Ennis Road retaining wall, Broughton Street, Kirribilli between Greenway Drive and the stairs to Ennis Road and that the public artwork be funded from existing the Public Art budget allocation.

8.4 MM04: Request from Kylea Tink, MP to support a "Stand Up and Rock Out" youth-led climate action concert in support of the Duty of Care campaign

On Friday 22 March 2024, I received the attached letter from the Federal Electorate Office of the Member for North Sydney, Kylea Tink MP.

You are no doubt aware of the landmark Federal case of *Sharma v Minister for the Environment* – an appeal to the Federal Court brought by Australian children arguing that the children of Australia are owed a duty of care to protect them from the impacts of climate change. The Commonwealth government appealed the successful decision, and it was consequently overturned.

You may also have heard Anjali Sharma, the lead litigant, eloquently and passionately argue that the duty ought to be legislated.

The Commonwealth Parliament will soon be considering the Duty of Care Bill sponsored by Senator David Pocock. The Bill seeks to add two conditions to decisions made under six existing pieces of legislation including the *Environmental Protection and Biodiversity Conservation Act 1999* to:

- require decision makers to consider the impact of decision that could harm the climate or the health and wellbeing of current and future children, and
- prevent decisions that would harm the climate if the decision poses a material risk of harm to the health and wellbeing of the current and future children of Australia.

Section 8A(2) of the Local Government Act 1993 provides principals to apply to all decisions made by councils including:

(c) Councils should consider the long term and cumulative effects of actions on future generations.

North Sydney Council's Community Strategic Plan – Vision 2040 states:

Climate change is recognised as a threat to the future of our community, requiring action by all levels of government

Objective 1.1 provides for: *Increase awareness of biodiversity conservation through education and community partnerships.*

Council's Environmental Sustainability Strategy 2030 vision includes

the North Sydney community actively looks after the environment for current and future generations making sure that North Sydney remains clean and healthy

Kylea Tink, MP proposes that Council partner with her office on a joint event promoting the work of the Duty of Care Campaign which seeks to encourage young Australians to be mindful of their opportunities to advocate for intergeneration equity.

The event is consistent with Council's declaration of a Climate Emergency in 2019 and the strategies and policies set out above.

I therefore recommend:

1. THAT Council accept the invitation to partner with Kylea Tink MP on an event in St Leonards Park to be held on Sunday 19 May 2024 on the basis of the letter dated 22 March 2024 including waiver of park hire fee, technical support (sound system/PA etc), waste management, promotion, crowd control support via equipment such as bollards, signs and joint public insurance liability.

2. THAT the support for the event be funded via the existing Events budget.

9. REPORTS OF COMMITTEES

Nil

10. REPORTS TO COUNCIL

10.1 Matters Outstanding to February 2024

Report of Ian Curry, Manager Governance

The purpose of this report is to facilitate an election for the position of Deputy Mayor, in accordance with Council's Deputy Mayor Policy, following the resignation of

Councillor Bourke from the role. In accordance with the Local Government (General) Regulation 2005, the Chief Executive Officer is the Returning Officer.

Councillor William Bourke has resigned as Deputy Mayor.

Council's Deputy Mayor Policy and Section 231 of the Local Government Act 1993 states that Council may elect a Deputy Mayor. The Policy provides that the Deputy Mayor will be appointed for a period from 1 October to 30 September. However, the legislation provides that the Deputy Mayor may be elected for the Mayoral term, or a shorter term.

Nominations must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached to the previous report.

Nominations must be provided to the Chief Executive Officer (via Governance, or directly) prior to the commencement of the election. Councillors are encouraged to submit nominations in advance to ensure their validity is confirmed prior to the election. Schedule 7 governs the election of a Mayor, or Deputy Mayor, by councillors.

Recommending:

- 1. THAT** Council resolve to appoint a Councillor to be the Deputy Mayor in accordance with section 231(1) of the Local Government Act 1993.
- 2. THAT** an election be held to elect a Deputy Mayor for the period 26 March 2024 to 14 September 2024.
- 3. THAT** Council determine the method of voting as open voting in accordance with Council's Deputy Mayor Policy.
- 4. THAT** the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

10.2 Draft Fees and Charges Schedule 2024/2025

Report of Daniel Peacock, Acting Manager Accounting Services, and Christian Menday, Manager Financial Services

The purpose of this report is to provide details of the proposed fees and charges for the financial year commencing 1 July 2024, and to seek endorsement from Council for the Schedule to be placed on public exhibition prior to final adoption.

Fees and Charges equate to approximately 26% of Council's total annual income.

All existing and proposed fees and charges have been assessed under Council's Revenue Policy.

- 29 existing fees and charges are proposed to be discontinued.
- 34 new fees and charges are proposed.

The Draft Fees and Charges Schedule 2024/25 was formulated around comparable market rates and a general increase of 5.6% over the previous year's adopted schedule. Fees that have materially increased above that default level are noted in the report.

Recommending:

- 1. THAT** the Draft Fees and Charges Schedule 2024/25 be endorsed and placed on public exhibition for 42 days.
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2. THAT a further report be prepared for Council's consideration at the submissions closing period to facilitate adoption of the Fees and Charges Schedule 2024/25 by 30 June 2024.

10.3 Investment and Loan Borrowings Report as at 29 February 2024

Report of Christian Munday, Manager Financial Services

The purpose of this report is to provide Council with the details of the performance of Council's investments and details of loans for the month ending 29 February 2024.

All investments have been made in accordance with the Local Government Act and Regulations. The balance held with Commonwealth Bank of Australia exceeds the counter party limits in Council's Financial Investments Policy due to the need to hold liquid balances in the Business Online Saver account and the transaction account to pay a large invoice on 29 February. The Policy permits a limit of 30% of the portfolio with an Australian Major Bank counterparty, 35.82% was held.

For the month of February, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.30% (actual), or +3.83% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.34% (actual), or +4.43% p.a. (annualised). This is due to recent interest rate rises and Council holding term deposits made in a low inflation environment, when rises were not expected.

Returns on investments exceed the YTD budget by \$746.29 thousand. The total return for the 2023/2024 financial year to date is approximately \$3.82 million. The better-than-expected return is due to the payments for the capital works program progressing slower than expected in the first two quarters.

Recommending:

1. THAT the report on Investments held on 29 February 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

10.4 2024 Elections - Constitutional Referendum and Poll Questions

Report of Ian Curry, Manager Governance

The purpose of this report is to advise Council of the process for submitting a constitutional referendum or poll question for the 2024 local government elections.

The NSWEC has reminded all NSW Councils about the conduct for a poll, or a constitutional referendum, at the elections in September.

A council may take a poll of electors for its information and guidance on any matter.

A constitutional referendum is a poll initiated by a council in order to give effect to four matters specified under the Local Government Act.

Based upon advice from the electoral office, the cost of a referendum or poll is \$73,977.00.

Recommending:

1. THAT Council notes any constitutional referendum, or poll questions, intended for the 2024 local government elections will need to be considered by Council by no later than the 24 June 2024 Council meeting.

10.5 Planning Proposal 5/23: 121, 123, and 125 Holt Avenue Cremorne - Post Exhibition Report

Report of Amita Maharjan, Strategic Planner

The purpose of this report is to present the outcomes of the public exhibition of a Council-initiated Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013 which originally intended to list 115-125 Holt Avenue Cremorne as heritage items of local significance.

The report provides Council with the recommendations of a revised heritage report prepared by a qualified heritage consultant, following the recent demolition of 115-119 Holt Avenue Cremorne, and seeks endorsement to forward the Planning Proposal to the Department of Planning, Housing, and Infrastructure with a request that the Plan be made consistent with the recommendations of the revised heritage report.

At its meeting of 14 August 2023, Council resolved to forward a Planning Proposal (PP5/23) to amend NSLEP 2013 to the Department of Planning, Housing, and Infrastructure, to list 115-123 Holt Avenue Cremorne as a group local heritage item and 125 Holt Avenue Cremorne as an individual local heritage item.

On 21 August 2023, the Minister for Heritage revoked the Interim Heritage Order (IHO) applying to 115, 117, and 119 Holt Avenue Cremorne after which, a private certifier issued a Complying Development Certificate (CDC 175596) permitting the demolition of the dwellings located at 115, 117, and 119 Holt Avenue.

On 5 September 2023, the Minister for Planning issued a Gateway Determination allowing the Planning Proposal to proceed to public exhibition, subject to meeting certain conditions.

The Planning Proposal was placed on public exhibition for a period of 29 calendar days from 19 September 2023 to 17 October 2023, consistent with the requirements of the Gateway Determination conditions.

61 submissions were received during the exhibition period. Despite the demolition of 115-119 Holt Avenue Cremorne, 59 submissions supported the Planning Proposal for the listing of the remaining three dwellings, and two submissions raised objections to the proposed heritage listings.

An updated heritage assessment of the remaining items was received in February 2024. The Holt Avenue group (initially comprising 115, 117, 119, 121, and 123 Holt Avenue) was previously recommended for heritage listing as a group of Federation houses, the overall integrity of which has been lost due to the demolition of 115-119 Holt Avenue Cremorne.

The revised assessment advises that:

- two properties at 123 and 125 Holt Avenue meet the threshold of NSW Heritage Criteria for local heritage listing as individual heritage items; and
- 121 Holt Avenue does not meet the relevant threshold for heritage listing as an individual item and/or as a pair with 123 Holt Avenue.

Recommending:

1. THAT Council accept the recommendations of the Heritage Assessment Report prepared by GML, dated February 2024 (Attachment 1); Schedule 5 Environmental Heritage and the draft planning proposal be amended to include only 123 and 125 Holt Avenue Cremorne as individual local heritage items.

2. THAT the exhibited planning proposal (Attachment 4) be endorsed, subject to being

amended in accordance with resolution 1, and having completed the community consultation requirements of the Gateway Determination, Council write to the Department of Planning, Housing, and Infrastructure with a request that the Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979.

3. THAT Council note the submissions made to the public exhibition of the Planning Proposal, forming Attachment 2 of this report.

4. THAT all submitters be notified of Council's resolution and thanked for their submission.

10.6 Draft Administrative Amendment to the North Sydney Development Control Plan 2013 - Post Exhibition Report

Report of Ben Boyd, Executive Strategic Planner

The purpose of this report is to present and respond to the issues raised during the public exhibition of the draft administrative amendment to the North Sydney Development Control Plan 2013, and to seek a resolution as to how to proceed with the amendment.

At its meeting of 27 November 2023, Council resolved to support the public exhibition of a draft amendment to the North Sydney Development Control Plan (NSDCP) 2013. The purpose of the draft DCP amendment is to correct and rectify a number of minor non-policy related matters to ensure that the DCP remains contemporary and relevant.

The Draft DCP amendment was exhibited for a period of 29 calendar days, from 1 February 2024 to 29 February 2023 inclusive.

No public submissions were received during the exhibition period.

Internal discussions have identified a number of issues with regard to interpretation and application of Section 16 – Tree and Vegetation Management to Part B of the DCP. Having regard to the internal issues raised, it is recommended that the Draft DCP amendment be further refined prior to its adoption to incorporate some additional minor amendments to further improve clarity with regard to tree and vegetation management processes.

Recommending:

1. THAT Council note that no public submissions were made.

2. THAT in response to internal issues identified, Council adopt the draft amendment to NSDCP 2013 as outlined in Attachment 2 to this report, in accordance with clause 14(1) of the *Environmental Planning and Assessment Regulation 2021*.

3. THAT public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.

10.7 Tree Vandalism in North Sydney - Response to Council Resolution

Report of Gareth Debney, Bushland Management Coordinator

The purpose of this report is to respond to a Council resolution of 11 December 2023 regarding serious environmental vandalism incidents that occurred in neighbouring local government areas, and the vulnerability of North Sydney to similar attacks.

Council acknowledges unprecedented environmental vandalism that has occurred in the neighbouring local government areas of Willoughby and Lane Cove.

Extensive areas of the North Sydney LGA are vulnerable to tree vandalism. Council has recorded 88 instances of tree vandalism affecting 175 trees over the past 26 years.

Successful prosecution of tree vandals is highly problematic, with detection delayed, making the identification of those responsible, or possible witnesses, very difficult.

Council has a range of policies and strategies that guide the preservation, management, and expansion of our urban forest. Instances of tree vandalism are dealt with under the North Sydney Tree and Vegetation Vandalism Policy.

Council has a range of education and engagement strategies that promote the need to protect and restore our urban forest.

Improvements to the North Sydney Tree and Vegetation Vandalism Policy/Guidelines, could be integrated during the next policy review process.

Recommending:

1. THAT the report be noted.

2. THAT a review of the North Sydney Tree and Vegetation Vandalism Policy and Guidelines be undertaken in line with the existing review schedule to be delivered in early 2025.

10.8 Appointments to the North Sydney Council Disability Inclusion Committee

Report of George Carrick, Access and Inclusions Coordinator

The purpose of this report is to inform Council of the people appointed to the newly formed Disability Inclusion Committee.

The establishment of a Disability Inclusion Committee is identified as an action Council would commit to in Year One of the implementation of the Disability Inclusion Action Plan:

Action 4.4.1 - Establish a disability inclusion advisory group to provide strategic advice to Council.

The Disability Inclusion Committee will be an advisory body tasked with assisting Council in achieving improved access and inclusion services and infrastructure in North Sydney.

Recommending:

1. THAT Council notes the appointment of the eight candidates to the Disability Inclusion Committee, as identified by Council's Access and Inclusion Coordinator.

10.9 Application for Reference Group Membership

Report of Peita Rose, Governance Officer

The purpose of this report is to inform Council of an application received for Reference Group (Sustainable Transport) citizen membership, from Mr Oliver Watt.

Mr Oliver Watt has applied to be a member of the Sustainable Transport Reference Group. Mr Watt lives in Artarmon but travels through North Sydney regularly as a cyclist.

Recommending:

1. THAT the application for Mr Oliver Watt for citizen membership of the Sustainable Transport Reference Group be accepted.

10.10 2nd Quarterly Property Portfolio Report 2023/2024

Report of Risha Joseph, Senior Property Officer

The purpose of this report is to provide an overview of the performance of Council's property portfolio and activities for the 2nd Quarter of 2023/2024, 1 October 2023 to 31 December 2023.

The total actual income for the 1st and 2nd quarters (Q1 and Q2) of the 2023/2024 financial year, received on a cash basis amounted to \$3,096,798. This was slightly under the forecasted budget of \$3,160,529 for the quarter by \$63,731, representing approximately a 2% decrease from the forecasted budget to the actual income for the 1st and 2nd quarters of the 2023/2024 financial year.

The income received on an accrual basis for the 2nd quarter of 2023/24 amounted to \$1,493,623.

Council's Property Portfolio vacancy rate at the end of December 2023 was 6.87%, which is slightly higher than it was at the end of 1nd quarter 2023/24 ie September 2023 at 6.4%.

The confidential attachment includes monetary information relating to property income, including Outdoor Dining, as well as leasing transactions, arrears data and carpark income. Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, confer a commercial advantage on a competitor of the Council. Further, release of the information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.

If the Council wishes to discuss the report, the meeting should be closed to the public to do in accordance with Section 10A(2)(a) of the Local Government Act (LGA).

Recommending:

1. THAT the report be received.

10.11 Transport for NSW Litigation

The purpose of this report is for Council to consider its options and next steps in the *North Sydney Council v Transport for NSW* LEC Proceedings No. 2002/00161074.

Should Council wish to discuss this report it is noted that the attached confidential document includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, 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. As such should this matter be discussed it should be considered in closed session.

Recommending:

1. **THAT** Council adopt the recommendations in the Confidential Report.
2. **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:

(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 be, on balance, 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.

10.12 Quotation assessment under Contract 1/2021 Willoughby Road (West side), Crows Nest, Paving Upgrade

Report of Paul Yang, Engineering Project Manager

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for Request for Quotation 1/2021(64).

Quotations were called and received until 3pm 7 March 2024 for the submission of quotes to undertake Willoughby Road (west side), Crows Nest, Paving Upgrade. These services will be procured under the existing Contract 1/2021 - Schedule of Rates for Civil Works, adopted by Council on 22 June 2020.

If Council wishes to discuss the report, the meeting should be closed to the public to do so, in accordance with:

S10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.

S10A(2) (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter 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.

1. **THAT** Council accept the quotation of the highest ranked tenderer for Contract 1/2021(64).
2. **THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into associated contracts.
3. **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

(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 the release of this information would, on balance, be contrary to the public interest as publication of all tendered documents would discourage

potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

11. NOTICES OF MOTION

11.1 Notice of Motion 02/24 - Referendum Question for Council elections 2024 - Cr Gibson

1.THAT Council resolves to ask the following Referendum question at the Local Government Election in September 2024:

Do you support a popularly elected Mayor where the voters of North Sydney elect the Mayor for a four (4) year term thereby adopting an eleven Councillor model (including the Mayor)?

Background (provided by the submitter)

This Council has a proud history of consultation with stakeholders at election time. It's timely that the community vote on this important issue.

Note from Director Corporate Services

Based upon advice from the NSW Electoral Office, the cost of a referendum will be an additional 10% on top of ordinary election costs. Our current estimated election cost is \$739,775.00, therefore the estimated cost of a referendum is \$73,977.00.

In 2023/24, each North Sydney Councillor was awarded to an allowance of \$26,840.04. This is reviewed annually by the Remuneration Tribunal and this would be an added ongoing cost, in addition to other training expenses and facilities provided, should a eleventh councillor position be created.

12. Matters of Urgency

Nil

13. CLOSURE
