



Council Chambers
12 April 2024

The **3800th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 22 April 2024. The agenda is as follows.

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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**
Nil
 - 9. Reports of Committees**
Nil
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10. Reports to Council

- 10.1 2024 Australian Local Government Association Annual Conference (National General Assembly)
- 10.2 Investment and Loan Borrowings Report as at 31 March 2024
- 10.3 Submission to Federal Inquiry into Local Government Sustainability
- 10.4 Housing Density and the Housing Crisis - Development Application Process
- 10.5 Community Centres - Joint Strategic Plans review 2022/2023
- 10.6 Cultural Facilities - Joint Strategic Plans review 2022/2023
- 10.7 Draft Community Grants and Subsidies 2024/2025
- 10.8 North Sydney Olympic Pool Redevelopment Project Update
- 10.9 Workforce Development Day

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 04/24 - Bradfield Park bike ramp - Cr Mutton
- 11.2 Notice of Motion 05/24 - Revesting of southern portion of Bradfield Park - Cr Mutton

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

3800th MEETING OF COUNCIL TO BE HELD ON MONDAY 22 APRIL 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 3799th Council Meeting held on Monday 8 April 2024 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

Nil

9. REPORTS OF COMMITTEES

Nil

10. REPORTS TO COUNCIL

10.1 2024 Australian Local Government Association Annual Conference (National General Assembly)

Report of Ian Curry, Manager Governance

The purpose of this report is to consider the appointment of delegates for attendance at the 2024 National General Assembly, and any proposed Motions.

The 2024 Australian Local Government Association (ALGA) National General Assembly (NGA) will be held in Canberra, from 2 to 4 July 2024.

The theme for this year's NGA will be "Building Community Trust." ALGA is seeking motions that align with this theme, and which identify opportunities for new federal programs and policies that will support councils to build stronger communities. Motions are due by 30 April 2024.

In addition, Council may resolve the appointment of delegates to attend the 2024 NGA. The early bird deadline for registrations is 7 June 2024.

This matter was previously considered by Council at its meeting on 26 February 2024.

Recommending:

1.THAT Council consider any proposed Motions for submission to the Conference, noting the deadline of 30 April 2024.

2.THAT any Councillor wishing to attend the Conference advise the Chief Executive Officer before 7 June 2024.

10.2 Investment and Loan Borrowings Report as at 31 March 2024

Christian Menday, Manager Financial Services

The purpose of this report is to provide details of the performance of Council's investments and loans for the month ending 31 March 2024.

All investments have been made in accordance with the Local Government Act and Regulations and Council's Financial Investments Policy.

For the month of March, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.31% (actual), or +3.70% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.37% (actual), or +4.41% p.a. (annualised). This is due to Council holding term deposits made in a low inflation environment when interest rate rises were not expected.

Returns on investments exceed the YTD budget by \$885.55 thousand. The total return for the 2023/2024 financial year to date is approximately \$4.18 million. The better-than-expected return is due to payments for the capital works program progressing slower than expected in the first two quarters. The budget will be reviewed in the March Quarterly Budget Review.

Recommending:

1. THAT the report on Investments held 31 March 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

10.3 Submission to Federal Inquiry into Local Government Sustainability

Report of Ian Robertson, Service Unit Manager Corporate Governance

The purpose of this report is to inform Council:

- of the withdrawal of the IPART review of the local government financial model, as it will now be considered by the NSW Parliament's Standing Committee on State Development; and
- to present the draft terms of reference of The Federal House of Representatives Standing Committee on Regional Development, Infrastructure, and Transport's inquiry into local government sustainability.

The NSW Government has withdrawn the review of the financial model of local government in NSW by the Independent Pricing and Regulatory Tribunal (IPART), with the announcement the matter will now instead be considered by the NSW Parliament's Standing Committee on State Development.

There is a previous Council submission on the Terms of Reference for the IPART review, as endorsed by Council in their meeting of 11 March 2024. IPART has advised all previous submissions will be provided to the NSW Standing Committee on State Development to inform their review.

A further review of local government financial sustainability has been announced by the Federal Government House of Representatives Standing Committee on Regional Development, Infrastructure, and Transport. The draft terms of reference are included in this report. Due to the deadline to provide feedback by 3 May 2024 a comprehensive draft submission will be circulated to Councillors prior to lodgement.

Recommending:

- 1. THAT** Council note the previously announced IPART review of the financial model of local government will now be considered by the NSW Parliament's Standing Committee on State Development.
- 2. THAT** Council note the draft Terms of Reference from The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport's review into local government sustainability.

10.4 Housing Density and the Housing Crisis - Development Application Process

Report of Stephen Beattie, Manager Development Services

The purpose of this report is to address various aspects of a Council resolution regarding strategic planning at the state level, housing density and affordability, and the Development process.

In October 2023, the Minister for Planning wrote to all Councils in NSW requesting that planning controls be urgently reviewed to address the housing crisis in NSW.

In response, Council considered a Mayoral Minute at its meeting on 27 November 2023, which included a request that:

Council undertake an urgent review of DA (development applications) assessment/determination times with reference to the model put forward by Newcastle City Council at the recent Local Government Conference and collaborate with other councils to adopt best practice.

This report describes the Newcastle City Council model of development assessment in response to that resolution and provides an analysis of whether such model may be workable and successful in North Sydney.

It also outlines what progress Council staff have made and are continuing to invest in, to achieve improved determination times and customer service in North Sydney.

Recommending:

1. **THAT** Council note the contents of this report.
2. **THAT** a Council briefing be held to discuss opportunities contained within this report.

10.5 Community Centres - Joint Strategic Plans review 2022/2023

Report of Kate Stewart, Manager Library Services

The purpose of this report is to present to Council the 2022/2023 review of Council's Joint Strategic Plans with each of the North Sydney Community Centres:

The four community centres in the North Sydney Local Government Area operate as independent not-for-profits out of Council-owned properties. Council provides annual operational grants to each centre, as well as providing subsidies for rates, waste, and property maintenance.

Each centre has a Joint Strategic Plan, a joint planning statement with Council based on the Centre's strategic plan, and Council's Community, Cultural, and Recreational Facilities Policy. The joint strategic plan for each community centre is reviewed annually and referred to Council.

As part of the review, centres provide comments on broad, shared management objectives, as well as on progress and achievements in delivering their strategic objectives. Financial data is also considered and informs Council's annual grants and subsidies allocation for the following financial year.

Recommending:

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

10.6 Cultural Facilities - Joint Strategic Plans review 2022/2023

Report of Kate Stewart, Manager Library Services

The purpose of this report is to present to Council the 2022/2023 review of Council's Joint Strategic Plans with each of North Sydney's Cultural Facilities:

- May Gibbs' Nutcote Museum
- Primrose Park Art and Craft Centre Inc
- North Sydney Men's Shed

Council supports several creative and cultural facilities which operate out of Council-owned properties and are managed by not-for-profit organisations.

Council supports their activities in a variety of ways including annual operational grants and subsidies for rates, waste, and property maintenance. Centres can also apply for small, project-based grants.

Council officers provide professional support and advice on operational and strategic matters and create opportunities for partnerships and involvement in Council programs.

Each centre has a joint strategic plan, a joint planning statement with Council based on their own strategic plan and Council's Community, Cultural and Recreational Facilities Policy. The joint strategic plan for each cultural centre is reviewed annually and referred to Council.

Cultural centres provide comments on broad, shared management objectives, as well as on progress and achievements in delivering on their own strategic objectives. Financial data is also considered and informs Council's annual grants and subsidies allocation for the following financial year.

Recommending:

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

10.7 Draft Community Grants and Subsidies 2024/2025

C Kate Stewart, Manager Library Services

The purpose of this report is to provide Council with the proposed Community Grants and Subsidies budget for 2024/2025, which allocates operational and special purpose funding support for Community Centres, Community Childcare Centres, Community Housing, Cultural activities, and a range of other Community groups and initiatives.

The proposed grants and subsidies budget for 2024/2025 was formulated to direct Council support to the following community groups and areas of need:

- Aboriginal and Torres Strait Islanders
- Aged Care Accommodation
- Arts and Culture
- Children and Families
- Community Centres
- Community Childcare Centres
- Community Housing
- Cultural Centres
- Community Transport
- Food Grants
- Migrants and Refugees
- Older People
- Recreational Facilities
- Small Grants – New and Innovative Projects and Sporting Organisations
- Volunteers
- Youth Services

In addition to financial contributions, Council encourages local community organisations to build capacity by strengthening their relationships with each other, seeking to build better local connections, and sharing their spaces, assets, and resources.

The outcome is increased community participation, engagement, and wellbeing.

Recommending:

1. **THAT** the Draft Grants and Subsidies 2024/2025 report be placed on public exhibition for a period of 28 days.
 2. **THAT** a further report be prepared for Council's consideration at the end of the submission period to facilitate the endorsement of the final Grants and Subsidies 2024/2025 budget.
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10.8 North Sydney Olympic Pool Redevelopment Project Update

Report of Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is to provide Council with an update on the North Sydney Olympic Pool redevelopment.

The project has been delayed due to ongoing issues associated with the structural steel roof over the 25-metre pool. Practical Completion is anticipated late 2024/early 2025 as previously reported to Council.

Council's project team has addressed over 1,200 Requests for Information and have now assessed 371 Variations and 145 Extensions of time associated with the design and construction of the project.

The current construction contract value is \$88.12M as of 13 March 2024, however Council continues to receive variations associated with latent conditions, along with design and construction-related issues.

Recommending:

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 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.

(g) 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.

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

3. THAT Council notes the contents of this report, which provides an update in relation to the North Sydney Olympic Pool redevelopment project.

10.9 Workforce Development Day

Report of Therese Cole, Chief Executive Officer

The purpose of this report is to seek Council's approval for the closure of Council offices and facilities for the day of Thursday 16 May 2024. The purpose of the closure is to allow all staff the ability to attend a Council-wide workforce development day.

Council is currently working through a multi-year review and improvement process focused on structure, strategy, process, and system improvement.

These elements of Local Government administration, combined with learning and development opportunities, contribute to a high-performing and engaged workforce culture.

Our workforce is diverse, with over 100 different services delivered to the community from multiple locations across the Local Government Area (LGA).

By coming together for one day each year to learn and contribute together with colleagues from across Council, employees can be informed and engaged in plans for the year ahead.

Recommending:

1. **THAT** Council endorse the closure of Council's administration office, Stanton Library, and other Council facilities on Thursday 16 May 2024 for a workforce development day.
2. **THAT** the community be actively informed of the closure through all communication channels available.

11. NOTICES OF MOTION**11.1 Notice of Motion 03/24 Notice of Motion 04/24 - Bradfield Park bike ramp - Cr Mutton**

1. **THAT** a report be prepared and presented to the next meeting of Council detailing each:

- contact(s) and arrangement(s) entered into; and
- understanding(s) arrived at

by Council with the NSW Government (including its departments and instrumentalities) concerning Bradfield Park in general and the proposed cycleway in particular since 1 January 2023 and that attached to that report be a copy of each contract and arrangement.

2. **THAT** a report be prepared and presented to the next meeting of Council detailing the actions taken by Council to discharge its obligations with respect to the land that is Bradfield Park as trustee under the trust established by the proclamation dated 19 March 1935.

BACKGROUND (provided by the submitter)

By an instrument dated 19 March 1935 the Governor of New South Wales proclaimed:

"WHEREAS a proposal that the lands described in the Schedule (Bradfield Park) hereto be vested in the Council of the Municipality of North Sydney for an estate in fee simple upon trust for public parks and for public recreation and for the purposes of public parks and public recreation has been approved by resolutions passed by the Legislative Council of New South Wales and the Legislative Assembly of New South Wales on the fourteenth day of February, one thousand nine hundred and thirty-five, and the fifth day of March, one thousand nine hundred and thirty-five, respectively : Now, therefore, I, the Honourable Sir Alexander Gore Arkwright Hore-Ruthven, Governor of the State of New South Wales in the Commonwealth of Australia, upon the recommendation of the Commissioner for Main Roads, concurred in by the Minister for Transport, the Minister administering the abovementioned Act, and with the advice of the Executive Council of the said State, do by this my Proclamation, in pursuance of subsection three of section eleven of the Sydney Harbour Bridge (Administration) Act, 1932, and of all other powers me thereunto enabling, vest the lands described in the Schedule hereto in the Council of the Municipality of North Sydney for an estate in fee simple upon trust for public parks and for public recreation and for the purposes of public parks and public recreation."

The motion is intended to ensure that Councillors are informed on the discharge of the trust-imposed obligations.

11.2 Notice of Motion 05/24 - Revesting of southern portion of Bradfield Park - Cr Mutton

1. THAT A report be prepared and presented to the next meeting of Council, detailing actions taken by Council with an intention to have the land revested in Council or otherwise secured for the benefit of the residents of North Sydney.

BACKGROUND (provided by the submitter)

Pursuant to the Sydney Harbour Tunnel (private Joint Venture) Act 1987, part of the southern end of Bradfield Park was vested in Commissioner for Main Roads, That Act contains a revesting mechanism that could see the land revested in our Council.

Discussions between Council and the Government have taken place. A briefing was to be provided to Councillors in February.

12. Matters of Urgency

Nil

13. CLOSURE
