



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney
at 6:30 PM on Monday 27 May 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, 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 Lamb.

3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors

It was moved by Councillor Beregi and seconded by Councillor Welch:

1. THAT Council grant permission for Councillors Gibson, Mutton, Santer, and Spenceley to attend remotely for the following reason: travel.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Lepouris and Councillor Welch

Against: Nil

Absent: Nil

104. RESOLVED:

1. THAT Council grant permission for Councillors Gibson, Mutton, Santer, and Spenceley to attend remotely for the following reason: travel.

4. Confirmation of Minutes

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

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

Against: Nil

Absent: Nil

105. RESOLVED:

1. THAT THE MINUTES of the Council Meeting held on Monday 13 May 2024 be taken as read and confirmed.

5. Disclosures of Interest

The following Disclosures of Interest were made:

Item 10.3	2023 to 2024 Small Grants Successful Applicants
Councillor Welch	Member of the Kayak Share Club (Pecuniary, less than significant)

Item 10.5	Neutral Bay Village Planning Study - Post Exhibition Report
Councillor Lepouris	Owns a business and property in the vicinity. (Pecuniary)

6. Public Forum

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

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

- Item 10.5 Neutral Bay Village Planning Study - Post Exhibition Report

The Motion was put and **Carried**.

For/Against 8 / 0

Voting was as follows:

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

RESOLVED:

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

- Item 10.5 Neutral Bay Village Planning Study - Post Exhibition Report

7. Items Considered by Exception

See page 17.

8. Mayoral Minutes

6.35pm , Councillor Santer joined the meeting remotely

6.40pm, Councillor Spenceley joined the meeting remotely

8.1. MM01: 25th Anniversary of a remarkable Bushcare/Landcare partnership - Building Bridges to Booroowa

Early last Friday morning, 27 bushcare volunteers, six Council staff members from the Bushcare team, and four councillors set off on a really special annual pilgrimage to Booroowa.

That afternoon, 1,200 trees were planted at Hawk Hill. At dusk, after the planting was completed, we stood on a hilltop on the property and looked out over a landscape of thousands of mature trees that have been planted by North Sydney Council Bushcare volunteers and staff in partnership with the Booroowa Landcare Group over the last quarter century.

Before returning to Sydney yesterday, the group planted 4,000 trees over two properties.

The Building Bridges to Booroowa programme began 25 years ago, partly in response to the shrinking habitat of the Superb Parrot. It has been a remarkable partnership between rural and metropolitan councils.

Through drought, flood, freezing weather, bushfires, and a global pandemic, the Building Bridges to Booroowa project has endured. Over the years, hundreds of volunteers have planted more than 72,000 local native plants across 45 properties. This work has made a tangible contribution to the local environment – landscape-scale change. Green connections are

forming across the land, improving biodiversity outcomes, and addressing issues of salinity, erosion, stock exposure, and weed competition.

More importantly, the project has touched the lives of the hundreds of people who have been involved over the years. Deep connections have been forged between the North Sydney and Boorowa communities. For those of us from North Sydney, the partnership has opened our eyes to the challenges and the joys of rural life. Longtime participants have shared that through first-hand experience, they have improved their understanding of the environmental hurdles faced by our rural partners. Long time friendships have been fostered while working in the paddocks in rain, wind, or sleet; or over dinner and drinks at the end of the day. Relationships have developed over the years between the organisers, volunteers, landholders, and the wider Boorowa community. The project has led to the rediscovery of past connections, reciprocal visits between Sydney and Boorowa unrelated to the annual planting weekend, and even marriage proposals.

Every volunteer knows how rewarding it is to see corridors of native trees and bushes across the district out of the bus windows travelling between work sites – the results of their work planting from previous years. There is, too, an enormous satisfaction not only in the “instant gratification” hit of looking back at hundreds of tree guards in place at the end of the day, but also in the teamwork required to plant the trees. The first half hour on the first afternoon is a little clunky but within an hour everyone finds their place and a productive rhythm develops.

Council has funded a bird survey of sites that have been planted through the project as a follow-up to a 2014 survey, which found that some of the more mature planted sites had become havens for local animals.

Through Council’s Environmental Sustainability Strategy 2030, we are committed to not just promoting environmental rehabilitation and sustainability, but also engaging our community in this work. North Sydney residents have a long history of working together towards positive outcomes for the environment. There is no better example of this than the grassroots community work of the Building Bridges to Boorowa project.

On Saturday night, North Sydney Council, Hilltops Council, and Booroowa Landcare signed a Memorandum of Understanding committing to work together for another five years.

I therefore recommend:

- 1. THAT** Council acknowledge the longevity and endurance of the extraordinary partnership with Hilltops Council and Booroowa Landcare Group.
- 2. THAT** Council thank and acknowledge the passion, commitment and hard work of the North Sydney Bushcare volunteers, the participating property owner, Hilltops Council (and its predecessor, Booroowa Shire Council), Booroowa Landcare Group Council members, coordinators, and volunteers both past and present.
- 3. THAT** Council extend acknowledgement and appreciation to the entire North Sydney Bushcare team for their dedication, patience, unfailing generosity, knowledge and experience.

The Motion was moved by The Mayor.

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

106. RESOLVED:

- 1. THAT** Council acknowledge the longevity and endurance of the extraordinary partnership with Hilltops Council and Booroowa Landcare Group.
- 2. THAT** Council thank and acknowledge the passion, commitment and hard work of the North Sydney Bushcare volunteers, the participating property owner, Hilltops Council (and its predecessor, Booroowa Shire Council), Booroowa Landcare Group Council members, coordinators, and volunteers both past and present.
- 3. THAT** Council extend acknowledgement and appreciation to the entire North Sydney Bushcare team for their dedication, patience, unfailing generosity, knowledge and experience.

Councillor Lepouris declared an interest in Item 10.5 and left the meeting at 6.41pm.

10.5. Neutral Bay Village Planning Study - Post Exhibition Report

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

AUTHOR: Jing Li, Senior Strategic Planner - Urban Design

PURPOSE

To report on the submissions received in response to the public exhibition of the draft Neutral Bay Town Centre Planning Study (renamed 'Neutral Bay Village Planning Study'), and to recommend a way forward (final study at Attachment 1).

EXECUTIVE SUMMARY

- On 12 February 2024, North Sydney Council resolved to endorse the draft Neutral Bay Town Centre Planning Study (the 'draft planning study') for public exhibition.
- The draft planning study provides a strategic planning framework for Neutral Bay local centre that aims to:
 - address the ongoing decline of the employment-generating floorspace occurring under existing planning controls;

- leverage a range of public benefits and public domain improvements from planned and targeted growth; and
 - maintain and enhance the local character and amenity of the Neutral Bay local centre.
- The draft planning study is an opportunity to provide a framework for future development in a way that better aligns with our community's needs and generates tangible public benefits for the enhancement of the Neutral Bay Village.
 - The draft planning study was placed on public exhibition from 27 February to 2 April 2024. 343 submissions were received (summary table at Attachment 2).
 - During the exhibition period, the draft planning study received considerable support from the community, local businesses, and landowners, particularly in relation to the proposed public domain upgrades, pedestrian access improvements, tree protection measures, preservation of local character, and protection of retail and commercial floorspace in Neutral Bay.
 - Key issues raised during the exhibition period relate to landowner and resident expectations for height and density, the long-term employment function of the centre, concerns relating to the public car park at Grosvenor Lane, and traffic impacts arising from any additional growth.
 - In response to the submissions made, it is recommended that the draft planning study be revised as follows:
 - reinforce advice in the study that the proposed designs of two plazas and the basement car park are indicative concept designs only, and that further detailed design work will be required;
 - clarify the potential staging plan for delivery of Grosvenor Plaza, including a short-term solution;
 - encourage the provision of a covered through-site link at Site 2A connecting Military Road with any future plaza, and investigate adding a maximum building length requirement for built forms over six storeys;
 - encourage the provision of a covered through-site link at Site 3B if it can be demonstrated that the through site link can meet desired urban design outcomes;
 - reduce the proposed non-residential floor space ratio (FSR) at Sites 1, 2, and 3A from 1.5:1 to 1.2:1;
 - amend the eight-storey building height limit boundary southward at Site 1 while ensuring no additional overshadowing impacts on Grosvenor Plaza;
 - reduce the proposed podium height along the Grosvenor Plaza southern frontage from three storeys to two storeys;
 - increase the proposed podium heights on the western and eastern sides of Military Lane from two storeys to three storeys;
 - clarify the identified public benefit contributions for Rangers Road Plaza from both Site 3A and Site 3B;
 - add a diagram to indicate the desired amalgamation pattern for Site 2;
 - allow some flexibility for the landscape design at Grosvenor Plaza if a new design can meet canopy size and deep soil requirements,

- update advice in the study to reflect the transport study, which has been amended to correct errors in existing retail floorspace assumptions (Attachment 3); and
- no changes required to reflect the economic and feasibility study, which has been amended to correct errors relating the valuation of the community centre (Attachment 4).

The report also provides Council with an overview of the next steps and potential future processes in implementing the desired outcomes of the Planning Study. In particular, it provides a high-level outline of a future Planning Proposal, ahead of it being reported to Council's Local Planning Panel to give effect to the Planning Study if adopted. In addition, it broadly outlines changes that would be required to Council's DCP to ensure that the two planning instruments align.

Furthermore, it is recommended that Council endorse, for public exhibition, site specific draft amendments to NSDCP 2013 (refer to Attachment 5) in relation to 1-7 Rangers Road, 50 Yeo Street and 183-185 Military Road (Sites 3A and 3B) to be progressed as a matter of expediency. This is to ensure that there is an appropriate level of guidance for future development on these sites as they are likely to proceed via state led rezoning processes before the adoption of the more comprehensive amendments to Council's planning controls to implement the desired outcomes of the Planning Study.

RECOMMENDATION:

- 1. THAT** Council note the submissions made to the public exhibition of the draft planning study.
- 2. THAT** Council adopt the Neutral Bay Village Planning Study, as amended, as the strategic development framework for Neutral Bay local centre (Attachment 1).
- 3. THAT** Council note the Neutral Bay Village Planning Study will guide future Planning Proposals.
- 4. THAT** Council endorse the preparation and progression of a planning proposal and associated development control plan amendment to give effect to the aspects of the Neutral Bay Village Planning Study outlined in this report.
- 5. THAT** Council endorse the draft amendment to North Sydney Development Control Plan 2013 (Attachment 5 to this report) as it relates to the redevelopment of land at 1-7 Rangers Road, 50 Yeo Street and 183-185 Military Road consistent with the desired outcomes of the Neutral Bay Village Planning Study and the associated Planning Proposals being progressed separately by the proponents of these sites and to place that draft amendment on public exhibition.
- 6. THAT** the outcomes of the public exhibition identified in 5 above, be reported back to Council.

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

- Richard Hamilton (Titanium Property, on behalf of Coles)
- Meredith Trevallyn-Jones (local resident)
- Ben Craig, remotely (Ethos Urban, on behalf of Woolworths)

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

1. **THAT** Council note the submissions made to the public exhibition of the draft planning study.
2. **THAT** Council reiterates its commitment to maintaining public ownership of public land.
3. **THAT** Council adopt the Neutral Bay Village Planning Study, as amended, as the strategic development framework for Neutral Bay local centre (Attachment 1) with the following amendment:
 - i) THAT Council adopt a maximum building height of six storeys by deleting action A5 on page 75 of the study (page 111/525 of the report), amending Figure 7-2 Proposed Building Heights to delete references to eight storeys, and replacing eight storeys with six storeys.
 - ii) THAT consistent with the Probity Plan - Grosvenor Lane Carpark, Council delete figure 7-14 and 7-15 on page 125 of 525 of the report (page 89 of the study)
 - iii) THAT Council support the inclusion of affordable housing in all new developments, with the affordable housing being part of the maximum building height of six storeys
 - iv) THAT affordable housing remains in perpetuity.
4. **THAT** Council note the Neutral Bay Village Planning Study will guide future Planning Proposals.
5. **THAT** Council endorse the preparation and progression of a planning proposal and associated development control plan amendment to give effect to the aspects of the Neutral Bay Village Planning Study outlined in this report.
6. **THAT** a Councillor briefing be held on the draft amendment to the North Sydney Development Control Plan 2013 (Attachment 5 to this report) as it relates to the redevelopment of land at 1-7 Rangers Road, 50 Yeo Street, and 183-185 Military Road consistent with the desired outcomes of the Neutral Bay Village Planning Study and the associated Planning Proposals.
7. **THAT** the Councillor briefing include a discussion of the solar impacts of the 12 storeys approved by the Sydney North Planning Panel.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

Against: Councillor Gibson, Councillor Mutton and Councillor Spenceley

Absent: Councillor Lepouris

107. RESOLVED:

1. **THAT** Council note the submissions made to the public exhibition of the draft planning study.
2. **THAT** Council reiterates its commitment to maintaining public ownership of public land.
3. **THAT** Council adopt the Neutral Bay Village Planning Study, as amended, as the strategic development framework for Neutral Bay local centre (Attachment 1) with the following amendment:
 - i) THAT Council adopt a maximum building height of six storeys by deleting action A5 on page 75 of the study (page 111/525 of the report), amending Figure 7-2 Proposed Building Heights to delete references to eight storeys, and replacing eight storeys with six storeys.
 - ii) THAT consistent with the Probity Plan - Grosvenor Lane Carpark, Council delete figure 7-

14 and 7-15 on page 125 of 525 of the report (page 89 of the study)

iii) THAT Council support the inclusion of affordable housing in all new developments, with the affordable housing being part of the maximum building height of six storeys

iv) THAT affordable housing remains in perpetuity.

4. THAT Council note the Neutral Bay Village Planning Study will guide future Planning Proposals.

5. THAT Council endorse the preparation and progression of a planning proposal and associated development control plan amendment to give effect to the aspects of the Neutral Bay Village Planning Study outlined in this report.

6. THAT a Councillor briefing be held on the draft amendment to the North Sydney Development Control Plan 2013 (Attachment 5 to this report) as it relates to the redevelopment of land at 1-7 Rangers Road, 50 Yeo Street, and 183-185 Military Road consistent with the desired outcomes of the Neutral Bay Village Planning Study and the associated Planning Proposals.

7. THAT the Councillor briefing include a discussion of the solar impacts of the 12 storeys approved by the Sydney North Planning Panel.

Councillor Lepouris returned to the meeting at 7.16pm.

9. Reports of Committees

9.1. Traffic Committee Minutes - 3 May 2024

AUTHOR: Peita Rose, Governance Officer

PURPOSE

Council is required to consider the Minutes of this Committee. Section 5.3.2 of the RMS Delegation to Council for the Regulation of Traffic states that: *All proposals recommended by the LTC must still be formally endorsed by the elected Council (or their sub-delegate), subject to certain limitations.*

EXECUTIVE SUMMARY

- This report presents the Minutes of the last meeting of the Traffic Committee held 3 May 2024 for Council adoption. The Minutes are attached for information.
- The full reports to the Traffic Committee can be viewed at <https://www.northsydney.nsw.gov.au/homepage/82/traffic-committee>.

RECOMMENDATION:

1. THAT the Minutes of the Traffic Committee dated 3 May 2024 be received.

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

The Motion was put and **Carried**.

For/Against 10 / 0

Voting was as follows:

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

108. RESOLVED:

1. THAT the Minutes of the Traffic Committee dated 3 May 2024 be received.

10. Reports to Council

10.1. Quarterly Budget Review - March 2024

AUTHOR: Christian Menday, Manager Financial Services

PURPOSE

The purpose of this report is to:

- review the budget for the quarter ended 31 March 2024; and
- highlight and track variances from the original budget.

This report should be read in conjunction with Item 10.2, Q3 Review of the Delivery Program/Operational Plan 2023/24, provided to this Council meeting.

EXECUTIVE SUMMARY

The Quarterly Budget Review shows:

- A decrease in the Operating Deficit before Capital Grants and Contributions of \$2.05 million to \$4.84 million.

This is driven by a further increase to investment income of \$1 million due to a larger than expected cash balance, resulting from slower than expected payments for the capital works program, and a saving of \$1.4 million in salaries wage expense. There were also increases in parking fine revenue of \$275 thousand and legal fees recovery of \$250 thousand. The increases in revenue and reduction in salaries and wages expense were partially offset by a further reduction in hoarding permit fees of \$500 thousand, and a reduction in development fees of \$175 thousand due to decreased activity.

- An increase in Operating Surplus, including Capital Grants and Contributions of \$1.81 million to \$8.27 million.
- A total of \$4.22 million from the current capital budget is proposed to be carried forward to 2024/25. This comprises \$2.85 million for the Young Street Plaza redevelopment, \$719

thousand for the Active Transport Young Street project, \$618 thousand for the 287 Miller Street redevelopment, and \$30 thousand for the Active Transport St Leonards Park concept plan.

- The proposed additional \$20 million loan for the NSOP project has been included in this review. It is forecasted to be restricted as at 30 June 2024 with expectations it will start to be expended early next Financial Year.
- The projected Unrestricted Current Ratio as of 30 June 2024 is 1.51, which has improved marginally since the last forecast and is slightly above the OLG benchmark of 1.5 times. This ratio assesses the adequacy of working capital and its ability to satisfy obligations in the short term. The improvement is due to savings projected this quarterly review.
- While the financial position is adequate in the short-term, the forecast deficit, ongoing deterioration in income sources and the need to service additional debt for the North Sydney Olympic Pool project require close strategic attention to maintain a satisfactory financial position.
- This budget review does not include any variations for financial risks associated with the North Sydney Olympic Pool Project.

RECOMMENDATION:

1. THAT Council adopts the Quarterly Budget Review Statement – March 2024 report in accordance with clause 203 of the Local Government (General) Regulation 2021.

2. THAT Council endorses the budget variations in this report.

The Motion was moved by Councillor Welch 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

109. RESOLVED:

1. THAT Council adopts the Quarterly Budget Review Statement – March 2024 report in accordance with clause 203 of the Local Government (General) Regulation 2021.

2. THAT Council endorses the budget variations in this report.

10.2. Q3 Review of the Delivery Program/Operational Plan 2023/24

AUTHOR: Jenny Gracey, Corporate Planning Coordinator

PURPOSE

This Quarterly Review presents a progress update against the Delivery Program/Operational Plan 2023/24 for the third quarter (Q3), 1 January to 31 March 2024; and includes project status (traffic lights) and the corporate scorecard.

EXECUTIVE SUMMARY

- The Operational Plan 2023/24 (Year 3 of the Delivery Program 2022-2026) was adopted by Council on 26 June 2023 and commenced on 1 July 2023.
- In Q3 2023/24, 204 projects were scheduled to commence, or continue. Of these,
 - 167 were on track (blue or green status);
 - 23 were delayed (amber or red status);
 - 12 were completed (blue status); and
 - 2 projects were discontinued.

RECOMMENDATION:

1. THAT the Quarterly Review (January – March 2024) of the Operational Plan be received.

The Motion was moved by Councillor Welch 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

110. RESOLVED:

1. THAT the Quarterly Review (January – March 2024) of the Operational Plan be received.

Councillor Welch declared an interest in Item 10.3 and left the meeting at 7.23pm.

10.3. 2024 to 2025 Small Grants Successful Applicants

AUTHOR: Kylie Davies, Acting Arts Officer

PURPOSE

The purpose of this report is to provide Council with the recommended Small Grant applicants and proposed funded allocation for the 2024/2025 grant round.

EXECUTIVE SUMMARY

- The Small Grants program forms part of the Community Grants and Subsidies budget for 2024/2025, which allocates operational and special purpose funding support for community services, community centres, community childcare centres, community housing, cultural activities, and a range of other community groups and initiatives.
- Applications for the Small Grants Program open in mid-January each year and close mid-March.
- Successful recipients receive their funding in the first quarter of the following financial year.
- North Sydney Council supports the provision of community services through financial assistance by way of small grants to not-for-profit community organisations.
- Financial grant allocations are determined according to a project review, the project's capacity to address areas of high priority social need, and the organisation's financial capabilities.
- Small Grants are cash grants from Council, though they may include services on which a dollar value is placed.
- Funding amounts are in the range of \$500 to \$2,000 with \$2,000 being the maximum awarded per project per year.

RECOMMENDATION:

1. THAT Council endorse the recommended Small Grant applicant recipients and the amount of funding recommended.

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

1. THAT Council endorse the recommended Small Grant applicant recipients and the amount of funding recommended with the following amendment:

2. THAT the grant of \$1,938.35 of recommended to the Kayak Share Club be re-allocated to Kelly's Place Children's Centre to engage a weekly early childhood music consultant to support the professional development of the educators, enhancing the children's educational curriculum, and that the amount of the grant be rounded to the \$2,000 requested.

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 Lepouris, Councillor Mutton, Councillor Santer and Councillor Spenceley

Against: Nil

Absent: Councillor Welch

111. RESOLVED:

1. THAT Council endorse the recommended Small Grant applicant recipients and the amount of funding recommended with the following amendment:

2. THAT the grant of \$1,938.35 of recommended to the Kayak Share Club be re-allocated to Kelly's Place Children's Centre to engage a weekly early childhood music consultant to support the professional development of the educators, enhancing the children's educational curriculum, and that the amount of the grant be rounded to the \$2,000 requested.

Councillor Welch returned to the meeting at 7.26pm.

Councillor Gibson retired from the meeting at 7.27pm.

7. Items Considered by Exception

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

1. THAT the Recommendations for the following Items be adopted:

10.4	Investment and Loan Borrowings Report as at 30 April 2024
10.7	Don Bank Writer in Residence 2024
10.8	Microsoft Enterprise Licence Renewal Tender 5-2024
10.9	Loan funding for the North Sydney Olympic Pool project
10.10	North Sydney Olympic Pool Redevelopment Project Update

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

112. RESOLVED:

1. THAT the Recommendations for the following Items be adopted:

10.4	Investment and Loan Borrowings Report as at 30 April 2024
10.7	Don Bank Writer in Residence 2024
10.8	Microsoft Enterprise Licence Renewal Tender 5-2024
10.9	Loan funding for the North Sydney Olympic Pool project
10.10	North Sydney Olympic Pool Redevelopment Project Update

10.4. Investment and Loan Borrowings Report as at 30 April 2024

AUTHOR: Christian Menday, Manager Financial Services

PURPOSE

The purpose of this report is to provide details of the performance of Council's investments and loans for the month ending 30 April 2024.

EXECUTIVE SUMMARY

- All investments have been made in accordance with the Local Government Act and Regulations and Council's Financial Investments Policy.
- For the month of April, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.30% (actual), or +3.65% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.35% (actual), or +4.37% 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 adjusted YTD budget by \$924.35 thousand. The total return for the 2023/2024 financial year to date is approximately \$4.59 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.

RECOMMENDATION:

1. THAT the report on Investments held 30 April 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

This Item was moved by exception (see at top of this page).

113. RESOLVED:

1. THAT the report on Investments held 30 April 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

10.5. Neutral Bay Village Planning Study - Post Exhibition Report

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

10.6. Changes to the NSW Government Beachwatch Program

AUTHOR: Danielle Birkbeck, Team Leader, Sustainability

PURPOSE

The purpose of this report is to outline proposed changes to the NSW State Government Beachwatch Program.

EXECUTIVE SUMMARY

- In December 2023, the NSW Government advised that it will be cutting funding to its Beachwatch Program.
- The program tests water quality at coastal and estuarine locations and results are made publicly available through the Beachwatch website.
- There is one sampling location in the North Sydney Local Government Area (LGA), Hayes Street beach, Neutral Bay.
- In March 2024, representation was made by the Sydney Coastal Councils Group (SCCG) on behalf of member Councils to the Minister for the Environment.
- In May 2024, the Minister for the Environment agreed to extend consultation with local councils until June 2025.

RECOMMENDATION:

- 1. THAT** Council object to cost-shifting by the NSW Government and affirm Beachwatch as a NSW Government responsibility.
- 2. THAT** Council advocate to the NSW Government and the Minister for the Environment throughout the consultation period to maintain Beachwatch as a State Government-funded program.

The Motion was moved by Councillor Welch 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

114. RESOLVED:

- 1. THAT** Council object to cost-shifting by the NSW Government and affirm Beachwatch as a NSW Government responsibility.
- 2. THAT** Council advocate to the NSW Government and the Minister for the Environment throughout the consultation period to maintain Beachwatch as a State Government-funded program.

10.7. Don Bank Writer in Residence 2024

AUTHOR: Amanda Hudson, Community Development Librarian

PURPOSE

The purpose of this report is the selection of the Don Bank Writer in Residence for 2024.

EXECUTIVE SUMMARY

- Through the Writer in Residence program, Council offers writers exclusive use of the Don Bank Museum studio for twelve months, for the completion of a creative project. Writers also contribute to Stanton Library's schedule of public programs through the delivery of workshops and talks for the community.
- Expressions of Interest for the 2024 Writer in Residence at the Don Bank Museum Studio have been processed and reviewed by the selection panel. For the 2024 residency there were three applications received, two of which were short-listed, and both are of very high quality. The third applicant failed to respond to the criteria.
- The selection panel seeks the support of Council in offering the 2024 residency to the recommended applicant, with details provided in the attached confidential briefing note.
- Should Council wish to discuss this report it is noted that the attached confidential document includes personnel matters that relate to the employment conditions of specific individuals. It is noted that this item does not deal with personnel matters of a group but is specific to individuals and as such 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:

(a) personnel matters concerning a particular individual

2. THAT Council supports the selection of Applicant 1 for the Don Bank Program commencing 1 July 2024.

This Item was moved by exception (see page 17).

115. 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:

(a) personnel matters concerning a particular individual

2. THAT Council supports the selection of Applicant 1 for the Don Bank Program commencing 1 July 2024.

10.8. Microsoft Enterprise Licence Renewal Tender 5-2024

AUTHORS: Michael Beard, Chief Information Officer, and Jacqueline Singh, Team Leader
Application Services

PURPOSE

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for Tender No 5/2024 Microsoft Enterprise License Renewal.

EXECUTIVE SUMMARY

- Tenders were called and received until 3:00pm Sydney time Thursday 4 April 2024 for the supply of Microsoft Enterprise Licensing.
- The existing Information Technology budget and forward estimates have sufficient funds allocated to cover the proposed per annum costs over the three-year term of the Microsoft Enterprise Licensing Agreement.
- If Council wishes to discuss the report, the meeting should be closed to the public to do so, in accordance with 10A(2) of the Local Government Act 1993:
(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.

RECOMMENDATION:

- 1. THAT** Council accept the recommended tenderer for Tender 5/2024 for Microsoft Enterprise Licensing.
- 2. THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into 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** 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)(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.

This Item was moved by exception (see page 17).

116. RESOLVED:

- 1. THAT** Council accept Data#3 Limited's option 2 for Tender 5/2024 for Microsoft Enterprise Licensing.

2. THAT the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into 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 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)(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.

10.9. Loan funding for the North Sydney Olympic Pool project

AUTHOR: Luke Harvey, Director Corporate Services

PURPOSE

The purpose of this report is to provide Council with an update on the \$20 million loan required for the completion of the North Sydney Olympic Pool project.

EXECUTIVE SUMMARY

- At its meeting of 12 February 2024, Council approved a \$20 million loan to complete the North Sydney Olympic Pool project.
- The long-term financial plan has been updated for the purposes of acquiring the loan and demonstrates that Council has capacity to finance and maintain this level of debt.
- The confidential report contains details of available loan options, with their durations, interest rates, and a recommended option.

RECOMMENDATION:

- 1. THAT** the meeting be closed to the public to discuss the Confidential Report in accordance with Section 10A(2)(d).
- 2. THAT** Council approve the amended Long Term Financial Plan.
- 3. THAT** the recommendations of the Confidential Report be adopted.

This Item was moved by exception (see page 17).

117. RESOLVED:

- 1. THAT** the meeting be closed to the public to discuss the Confidential Report in accordance with Section 10A(2)(d).
- 2. THAT** Council approve the amended Long Term Financial Plan.

3. THAT the recommendations of the Confidential Report be adopted.

10.10. North Sydney Olympic Pool Redevelopment Project Update

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE

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

EXECUTIVE SUMMARY

- Construction activity across the site is continuing, however the program to completion has been delayed due to ongoing issues associated with the structural steel roof over the 25-metre indoor pool hall.
- Practical Completion is anticipated late 2024/early 2025 as previously reported to Council.
- Council has received four additional variations since the report to Council on 22 April 2024, which includes the variation for structural steel roof over the 25-metre pool. These variations are under assessment.
- No contract variations have been approved since the last report to Council on 22 April 2024.
- The current construction contract value is \$88.12M as of 23 April 2024, however Council continues to receive variations associated with latent conditions, along with design and construction-related issues.
- A review of the project program and related procurement requires Council to consider the exercise of authority under section 55(3)(i) of the Local Government Act for project management and legal services.

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 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 the Council determines otherwise.

3. THAT Council authorise the Chief Executive Officer to extend the agreement with the APP Group for Project Management resources by an additional \$570K for the North Sydney Olympic Pool redevelopment using the extenuating circumstances provisions within s55(3)(i) of the Local Government Act 1993.

4. THAT Council authorise the Chief Executive Officer to extend the service of Sparke Helmore for the North Sydney Olympic Pool beyond the \$1,000,000 (incl GST) threshold prescribed within Council's Procurement Policy by an additional \$270K, using the extenuating circumstances provisions within s55(3)(i) of the Local Government Act 1993.

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

This Item was moved by exception (see page 17).

118. RESOLVED:

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 the Council determines otherwise.

3. THAT Council authorise the Chief Executive Officer to extend the agreement with the APP Group for Project Management resources by an additional \$570K for the North Sydney Olympic Pool redevelopment using the extenuating circumstances provisions within s55(3)(i) of the Local Government Act 1993.

4. THAT Council authorise the Chief Executive Officer to extend the service of Sparke Helmore for the North Sydney Olympic Pool beyond the \$1,000,000 (incl GST) threshold prescribed within Council's Procurement Policy by an additional \$270K, using the extenuating circumstances provisions within s55(3)(i) of the Local Government Act 1993.

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

11. Notices of Motion

11.1. Notice of Motion 07/24 - Accessibility and Inclusion budgetary allowance - Cr Beregi

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

- 1. THAT**, as part of Council’s financial strategy going forward, Council quarantine an agreed annual budget amount sufficient to fund initiatives, infrastructure, and services that will advance accessibility and inclusion within our Local Government Area and ensure that Council meets its obligations in accordance with the requirements of the Disability Inclusion Act 2014.
- 2. THAT**, once the agreed annual budget has been determined, Council include a progress update in its annual report for this important area.
- 3. THAT** Council adopt the recommendation from the recent meeting, and agree to rename the Committee as the “Access and Inclusion Committee”.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

119. RESOLVED:

- 1. THAT**, as part of Council’s financial strategy going forward, Council quarantine an agreed annual budget amount sufficient to fund initiatives, infrastructure, and services that will advance accessibility and inclusion within our Local Government Area and ensure that Council meets its obligations in accordance with the requirements of the Disability Inclusion Act 2014.
- 2. THAT**, once the agreed annual budget has been determined, Council include a progress update in its annual report for this important area.
- 3. THAT** Council adopt the recommendation from the recent meeting, and agree to rename the Committee as the “Access and Inclusion Committee”.

12. Matters of Urgency

Nil

13. Closure

The Meeting concluded at 7:33 pm.