

Council Chambers 12 July 2024

The **3804th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 22 July 2024. The agenda is as follows.

MARCELO OCCHIUZZI ACTING 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.

- 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
 - 9.1 Traffic Committee Minutes 7 June 2024

10. Reports to Council

- 10.1 Matters Outstanding to 24 June 2024
- 10.2 Investment and Loan Borrowings Report as at 30 June 2024
- 10.3 Social Media Policy
- 10.4 Draft Amendment to NSDCP 2013 183-185 Military Rd, 1-11 Rangers Rd, and 50 Yeo St, Neutral Bay
- 10.5 New Years Eve access arrangements in Balls Head Reserve
- 10.6 Season Extension for Winter Sport
- 10.7 The Sydney Library of Things: renewal of lease at The Coal Loader
- 10.8 Tender 22/2023 Lease of Primrose Park tennis courts
- 10.9 Loan funding for the North Sydney Olympic Pool project
- 10.10 North Sydney Olympic Pool tenancy fitout
- 10.11 North Sydney Olympic Pool redevelopment project update
- 10.12 North Sydney Olympic Pool Redevelopment Project Design Services Contract No: 34/2018

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 10/24: Report on LGNSW Conference Destination and Visitor Economy Cr Santer
- 11.2 Notice of Motion 11/24: 2024 Mayoral election 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

3804th MEETING OF COUNCIL TO BE HELD ON MONDAY 22 JULY 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 Extraordinary Council Meeting held on Tuesday 18 June 2024 and the 3803rd Council Meeting held on Monday 24 June 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**

9.1 Traffic Committee Minutes - 7 June 2024

Report of Peita Rose, Governance Officer

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.*

This report presents the Minutes of the last meeting of the Traffic Committee held 7 June 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. Recommending:

1. THAT the Minutes of the Traffic Committee dated 7 June 2024 be received.

10. REPORTS TO COUNCIL

10.1 Matters Outstanding to 24 June 2024

Report of Ian Curry, Manager Governance

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

Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

The attached table has been updated to include resolutions up to the 24 June 2024 Ordinary Meeting of Council.

Recommending:

1. THAT the report be received.

10.2 Investment and Loan Borrowings Report as at 30 June 2024

Report of Christian Menday, Manager Financial Services, and Aigul Utegenova, Chief Financial Officer

The purpose of this report is to provide details of the performance of Council's investments and loans for the month ending 30 June 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 June, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.28% (actual), or +3.50% p.a. (annualised), marginally under-performing the benchmark AusBond Bank Bill Index return of +0.35% (actual), or +4.34% 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 are less than the adjusted YTD budget by \$21,276. The total return for the 2023/2024 financial year is \$5.47 million. The original budget was \$2.50 million. The better-than-expected return is due to payments for the capital works program progressing slower than expected in the first two quarters.

Recommending:

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

10.3 Social Media Policy

Report of Ian Robertson, Service Unit Manager Corporate Governance, and Jennie Walker, Service Unit Manager Customer and Communications

The purpose of this report is for Council to consider a proposed *Social Media Policy* for the purpose of public exhibition.

Council does not currently have a social media policy applicable to staff and Councillors.

Council is committed to engaging with its community on official social media profiles in a way that optimises engagement but manages risk.

Council's proposed *Social Media Policy* articulates the framework under which Council engages on social media and has been developed to address the challenges and risks associated with its use.

The proposed policy is based upon the Model Social Media Policy from the Office of Local Government (OLG).

The proposed *Social Media Policy* seeks to support Council in adhering to industrybest practice standards and ensuring social media engagement by Officers and Councillors encourages participation, is timely, accurate, inclusive, accessible, respectful, and transparent.

Recommending:

1. THAT Council endorse the attached draft *Social Media Policy* for the purpose of public exhibition for a period of 28 days.

2. THAT a further report be provided to Council following the conclusion of the public exhibition period, for the purpose of considering any submissions received and adopting a *Social Media Policy*.

10.4 Draft Amendment to NSDCP 2013 - 183-185 Military Road, 1-11 Rangers Road, and 50 Yeo Street, Neutral Bay

Report of Ben Boyd, Executive Strategic Planner, and Neal McCarry, Service Unit Manager Strategic Planning

The purpose of this report is to seek Council's endorsement of a draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to help guide the future redevelopment of 183-185 Military Road, 1-7 Rangers Road, and 50 Yeo Street, Neutral Bay, and place that draft amendment on public exhibition.

On 27 May 2024, Council considered a post-exhibition report with regard to the Neutral Bay Village Planning Study (NBVPS). In recommending that a revised NBVPS be adopted, the report also recommended that Council endorse site-specific amendments to NSDCP 2013 for public exhibition in relation to 1-7 Rangers Road, 50 Yeo Street, and 183-185 Military Road Neutral Bay, and that it be progressed as a matter of expediency.

Council resolved to adopt the NBVPS, subject to further amendments in response to community concerns. With regard to the proposed draft DCP amendments, Council resolved to defer its decision until a Councillor briefing had been held. The purpose of the briefing was to obtain a better understanding of (i) how the draft DCP controls were derived with regard to the implementation of the NBVPS, and (ii) separate progression of two planning proposals for 183-185 Military Road, 1-7 Rangers Road, and 50 Yeo Street Neutral Bay.

The draft NSDCP 2013 amendment seeks to guide the future built form arising from increases in height and density resulting from the State Government-approved changes likely to be made to the North Sydney LEP 2013.

Recommending:

 THAT Council endorse the draft amendment to North Sydney Development Control Plan 2013, forming Attachment 1 to this report, for the purposes of public exhibition.
THAT the draft amendment be placed on public exhibition for a minimum of 28 days.

3. THAT the outcomes of the public exhibition be reported back to Council.

10.5 New Years Eve access arrangements - Balls Head Reserve

Report of Gareth Debney, Bushland Management Coordinator The purpose of this report is to detail the impact of previously unmanaged access to Balls Head Reserve on NYE, and to propose alternate options for future management.

Balls Head Reserve is North Sydney's single largest bushland remnant, occupying 10Ha of the Waverton Peninsula, with iconic bushland-framed views of Sydney Harbour. The Reserve has been a popular destination for members of the public to view the New Years Eve (NYE) fireworks displays yet is an unmanaged vantage point with no Council supervision, no enforcement of alcohol restrictions, no limit on attendees, nor an emergency evacuation plan.

Bushland vegetation at Balls Head has been damaged every NYE due to large numbers of attendees spilling out of the formal vantage points and into sensitive bushland areas. This has led to a cycle of declining vegetative cover, soil loss/instability, weed invasion, and reducing species diversity, all of which has required rehabilitation resources to be reallocated from other, more ecologically, significant areas in the reserve.

From January 2019 to December 2022, NYE attendance in Balls Head Reserve was either absent or very limited, due to severe bushfire conditions, COVID-19, and inclement weather. During this time, previously impacted bushland vegetation made a substantial recovery.

In 2023, larger-than-expected crowds returned to Balls Head Reserve for NYE, resulting in significant damage to these regenerating bushland areas.

Options to address the costly environmental impact caused by unmanaged NYE crowds to the Reserve include full reserve closure (as recommended in Council's Bushland Plan of Management 2022) or supervised/regulated access with numbers capped at a sustainable level.

Recommending:

1. THAT the report on management of public access to Balls Head Reserve on NYE be noted.

2. THAT Council implement the closure of Balls Head Reserve on NYE as per Option 2 outlined in this report.

10.6 Season Extension for Winter Sport

Report of David Manson, Manager Parks and Reserves

The purpose of this report is to seek Council's approval to extend the 2024 Winter sporting season due to prolonged wet weather conditions.

The 2024 winter season to date has seen an unusually high amount of rain, resulting in prolonged closures of many sports fields.

The Northern Suburbs Football Association (NSFA) has approached Council to request a one-week extension of the current Winter season.

Council staff have contacted other sports field season hirers, who have expressed interest in this proposal.

Recommending:

1. THAT Council endorse the extension of the 2024 Winter season by one week to 1 September 2024.

10.7 The Sydney Library of Things: renewal of lease at The Coal Loader

Report of Danielle Birbeck, Senior Sustainability Programs Coordinator

The purpose of this report is to provide an overview of the achievements of the volunteer organisation, The Sydney Library of Things, throughout their tenure in the Coal Loader Workshop space. The report also seeks approval to renew the Coal Loader Workshop licence agreement between Council and The Sydney Library of Things for a further five years.

In February 2021, Council approved the trial of a community tool library at the Coal Loader Centre for Sustainability run by the volunteer, non-profit group, The Sydney Library of Things (TSLoT).

A licence agreement for the tenure of the Coal Loader Workshop space was signed in November 2021 for a trial period of 12 months. Due to the ongoing impacts of COVID-19 on the group's establishment and functioning, the trial period was extended to a period of three years to allow sufficient time for the circular economy concept and volunteer group to grow.

Since establishment, TSLoT has grown to include 36 volunteers, 158 active memberships, and has completed 1,607 loans from 350 items available to borrow.

TSLoT has requested to continue its occupancy of the Coal Loader Workshop space and is seeking approval to renew the licence agreement for a period of five years. **Recommending:**

1. THAT the licence agreement between Council and The Sydney Library of Things for the Coal Loader Workshop space be renewed for a period of five years.

10.8 Tender 22/2023 - Lease of Primrose Park tennis courts

Report of Risha Joseph, Senior Property Officer

The purpose of this report is to advise Council on the outcome of the Tender 22/2023 for the lease of the Primrose Park tennis courts.

Tenders were called and received until 3pm 4 April 2024 for the submission of tenders to undertake Tender 22/2023.

If Council wishes to discuss the report, the meeting should be closed to the public to do so, in accordance with Section 10A(2)(c) Commercial Advantage.

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 person with whom the Council is conducting (or proposes to conduct) business. Further, release of the information would on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

Recommending:

1. THAT Council accept the tender of the highest ranked tenderer for Tender 22/2023.

2. THAT Council resolve to enter into a five-year lease with a further five-year option.3. THAT Council notes and implements the recommendations outlined in the confidential attachment, which is to form part of the lease agreement.

4. THAT the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into associated contracts.

5. 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

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.

10.9 Loan funding for the North Sydney Olympic Pool project

Report of Aigul Utegenova, Chief Financial Officer

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.

At its meeting on 12 February 2024, Council approved a \$20 million loan for a 10-year period to complete the North Sydney Olympic Pool project.

The long-term financial plan was updated to incorporate the loan application and was approved by Council on 27 May 2024.

The confidential report contains details of the current loan offer with the indicative rate and draw down requirements.

Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, reveal a trade secret. As such should this matter be discussed it should be considered in closed session.

Recommending:

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

(d) commercial information of a confidential nature that would, if disclosed (iii)reveal a trade secret

2.THAT the recommendations of the confidential report be adopted.

10.10 North Sydney Olympic Pool - Aqua Dining Tenancy Fitout

Report of Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is for Council to consider a request from Aqua Dining Pty Ltd for Council to provide landowner's consent to accompany the lodgement of a Development Application for the fitout of premises within North Sydney Olympic Pool, which is currently subject to redevelopment by Council.

In March 2021 Council entered into an Agreement for Lease with Aqua Dining Pty Ltd; the lease was surrendered on-foot in April 2021 to enable Council to redevelop North Sydney Olympic Pool.

The Agreement for Lease requires Aqua Dining to fit out the tenancy upon handover of the premises by the landlord (Council); this requires the submission of a Development Application.

The Environmental Planning and Assessment Act (1979) requires Development Applications to be accompanied by landowner's consent. Under the Agreement for Lease, Council is required to provide landowner's consent to lodge an application for Development Consent.

The works proposed by the tenant are primarily restricted to inside the building, with the exception of the proposed demolition of the existing line of glazing along the external terrace, which is proposed to be replaced by new bi-folding windows in alignment with the balustrade of the external terrace.

Recommending:

1. THAT Council note that there is an Agreement to Lease between Council and Aqua Dining Pty Ltd for premises within the North Sydney Olympic Pool which is currently being redeveloped by Council.

2. THAT Council note Aqua Dining is required to submit a Development Application for the fitout of the premises within the North Sydney Olympic Pool under the Agreement to Lease with Council.

3. **THAT** Council note that Aqua Dining has now approached Council to provide landowner's consent to accompany the submission of a Development Application for the fitout of the premises within the North Sydney Olympic Pool.

4. THAT Council authorise the CEO to grant landowner's consent to enable the submission of a Development Application by Aqua Dining Pty Ltd for the fitout of the premises within the North Sydney Olympic Pool.

10.11 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

redevelopment of the North Sydney Olympic Pool.

Construction activity across the site is progressing, however the program to completion continues to be delayed due to ongoing issues associated with the structural steel roof over the 25-metre indoor pool hall.

Practical Completion (handover) is anticipated early 2025, however this will be heavily influenced by the structural steel erection which has been delayed further and will now commence in late July 2024.

The current construction contract value is \$89.1M as of 25 June 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 the Council determines otherwise.

3. THAT Council note the contents of this report.

10.12 North Sydney Olympic Pool Redevelopment Project - Design Services Contract No: 34/2018

Report of Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is to seek Council's approval to instruct Council's legal representatives to commence legal proceedings against Brewster Hjorth Pty Ltd, T/AS Brewster Hjorth Architects.

Council entered into an agreement in or around August 2018 with Brewster Hjorth Pty Ltd T/AS Brewster Hjorth Architects (BHA) for design services on North Sydney Olympic Pool.

Council has commenced a dispute resolution process, however, the dispute has been unable to be resolved.

Council can now commence proceedings against BHA if it wishes to press its claims, as outlined within the confidential advice attached herein.

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 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.

2. THAT Council note the contents of this report and the confidential advice attached herein in relation to the agreement between Council and Brewster Hjorth Pty Ltd T/AS Brewster Hjorth Architects (BHA) for design services related to the redevelopment of North Sydney Olympic Pool.

3. THAT Council authorise the Chief Executive Officer to instruct Council's legal representative Sparke Helmore, to commence legal proceedings against Brewster Hjorth Pty Ltd T/AS Brewster Hjorth Architects (BHA) as outlined within the confidential advice attached to this report.

11. NOTICES OF MOTION

11.1 Notice of Motion 10/24: Report on LGNSW Conference - Destination and Visitor Economy - Cr Santer

1. THAT Council notes the report below on the outcomes of the Conference - Destination and Visitor Economy - held in Wagga Wagga in June 2024.

- **2. THAT** in view of:
- the potential for identifiable visitor tourism sites in the North Sydney Local Government Area;
- the opportunity for the establishment of a viable tourism industry here; and
- the potential revenue increases for existing businesses and Council;

3. THAT Council undertake a program of identifying potential tourism destinations and local business opportunities, in consultation with the State and Federal Governments, inbound tour operators, domestic wholesalers, and accommodation providers, with a view to establishing a tourism industry in North Sydney.

4. THAT Council approach Destination NSW in particular to obtain a briefing on the initial process to establish the industry here.

Background

The Conference was attended by representatives from:

- Tourism Australia (the Federal Government body responsible for marketing Australia as a tourism destination for inbound tourists to consumers and overseas wholesalers);
- Destination NSW (the State Government body for promoting NSW as a holiday destination for domestic and overseas visitors);
- domestic industry representatives; and
- other Councils which have undertaken the establishment and promotion of their Local Government Area (LGA) as a tourism destination.

The Destination NSW representative pointed out that the visitor economy contributes around \$60 billion to the NSW economy, with just under 80% of revenue coming from domestic tourism, and 20% from international. The representative said that a substantial increase in tourism, especially business-related, such as events, conferences, and meetings, can be expected when the new airport (at Badgerys Creek) starts operating.

Destination NSW advises Councils and industry on how to identify tourism locations and how to get their LGA's tourism product to market. Product examples include scenic viewing platforms, sites showing native flora and fauna, indigenous and settler historic sites, events and conference venues, restaurants and bars, entertainment facilities, sporting venues, and theme parks.

Destination NSW's support may also include funding. The Minister, John Graham, referred to a (i) Regional Event Fund and (ii) Statewide vibrancy reforms, with legislation changes to allow longer trading hours and revitalisation of the nighttime economy.

Council participants demonstrated how tourism had raised the profile of their LGAs, created new life in their CBDs (especially in the evenings and over weekends), and increased the prosperity of their local businesses and Councils.

Industry representatives showed how to reach key demographic groups, including Gen Z, retirees, arts/cultural visitors, and private companies sponsoring conference attendance as a reward for employees.

The value of destination branding and festival promotions, such as the Narooma Oyster Festival ("Rock Oysters - Love Longer"), was also discussed, as an effective means of establishing and maintaining the profile of a tourism destination.

Specifically for our consideration, there was discussion of the value of using sporting destinations, street festivals, and theme parks for tourism promotion.

The Tourism Australia representative pointed out that Australia is now in the post-Covid era and is re-emerging as a tourism destination. With the establishment of the new Western Sydney Airport, the time is right for market promotion of new destinations in Australia to help revitalise inbound and domestic tourism revenues.

The time is therefore also right for North Sydney to join in on the anticipated re-growth of tourism.

Acting Chief Executive Officer's note

The desired strategic direction outlined in the Notice of Motion is noted.

Council has recently invested in engaging our community through the publication of a series of Discussion Papers to assist in the formulation of Council's 10-year strategic direction. One of these is the Economic Development Discussion Paper which sought feedback from the community on our future economic development priorities. This is

to ensure Council's resources are focused on delivering prioritised outcomes for our community. The feedback received will be used to inform Council's Economic Development Strategy and its next Community Strategic Plan, with tourism and the visitor economy as inclusions.

One of the key themes of the discussion paper is increasing visitation and length of stay. This includes tourism within the North Sydney area and how we might attract increased tourist numbers.

Community consultation is now closed, and feedback is being analysed to develop the draft strategy. The matters outlined in this Notice of Motion can be considered and addressed holistically in the formulation of the broader strategy, which will be the subject of further discussion and endorsement by Council.

11.2 Notice of Motion 11/24: 2024 Mayoral election - Cr Gibson

1. THAT, at the first meeting of the newly elected Council and immediately preceding the election of the Mayor, an opportunity be provided to all mayoral nominees to address Council for a maximum of ten minutes. Newly elected Councillors should then be afforded an opportunity to put questions to each nominee.

2. THAT this be included on that public meeting agenda as an agenda item.

The current Council has repeatedly articulated a commitment to transparency and accountability. Preceding the election of our current Mayor in 2022, I requested that each candidate speak to their candidacy for Mayor and take questions from the councillors. This request was denied. All newly elected representatives should hear from each candidate before they cast their vote. Otherwise, all the self-promotion by mayoral nominees is done behind closed doors. This flies in the face of open and transparent governance.

12. Matters of Urgency

Nil

13. CLOSURE