



# MINUTES

The Minutes of the Council held at the  
Council Chambers, North Sydney  
at 6:30 PM on Monday 22 July 2024.



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## 1. Opening Meeting

### Statement of ethical obligations

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

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

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

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

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

**1. THAT** Council grant permission for Councillor Lepouris and Councillor Spenceley to attend remotely for the following reason: travel.

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 Mutton, Councillor Santer, and Councillor Welch  
**Against:** Nil  
**Absent:** Councillor Spenceley

**148. RESOLVED:**

**1. THAT** Council grant permission for Councillor Lepouris and Councillor Spenceley to attend remotely for the following reason: travel.

**4. Confirmation of Minutes**

**1. THAT** the Minutes of the Extraordinary Council Meeting held on Tuesday 18 June 2024 and the Council Meeting held on Monday 24 June 2024 be taken as read and confirmed.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** Nil

**Absent:** Councillor Spenceley

**149. RESOLVED:**

**1. THAT** the Minutes of the Extraordinary Council Meeting held on Tuesday 18 June 2024 and the Council Meeting held on Monday 24 June 2024 be taken as read and confirmed.

**5. Disclosures of Interest**

The following Disclosures of Interest were made:

Re: 10.8	Tender 22/2023 - Lease of Primrose Park tennis courts
Councillor Beregi	Cr Beregi: family plays at Primrose Park (pecuniary)
Councillor Lepouris	Cr Lepouris: friends with the Operator (non-pecuniary/significant)
Councillor Welch	Cr Welch: significant personal interest in the tennis courts (non-pecuniary/significant)

**6. Public Forum**

There was no Public Forum

## 7. Items Considered by Exception

Nil

## 8. Mayoral Minutes

Nil

## 9. Reports of Committees

### 9.1. Traffic Committee Minutes - 7 June 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 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>.

#### **RECOMMENDATION:**

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

**Against:** Councillor Gibson

**Absent:** Councillor Spenceley

**150. RESOLVED:**

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

Councillor Spenceley joined the meeting via Zoom at 6.34pm.

## **10. Reports to Council**

### **10.1. Matters Outstanding to 24 June 2024**

**AUTHOR:** Ian Curry, Manager Governance

#### **PURPOSE**

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

#### **EXECUTIVE SUMMARY**

- 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.

#### **RECOMMENDATION:**

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Gibson

**Absent:** Nil

**151. RESOLVED:**

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

## 10.2. Investment and Loan Borrowings Report as at 30 June 2024

**AUTHORS:** Christian Menday, Manager Financial Services, and Aigul Utegenova, Chief Financial Officer

### PURPOSE

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.

### 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 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.

### RECOMMENDATION:

**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.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** Nil

**Absent:** Nil

### 152. RESOLVED:

**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

**AUTHOR:** Jennie Walker, Service Unit Manager, Customer and Communications

#### **PURPOSE**

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

#### **EXECUTIVE SUMMARY**

- 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 industry-best practice standards and ensuring social media engagement by Officers and Councillors encourages participation, is timely, accurate, inclusive, accessible, respectful, and transparent.

#### **RECOMMENDATION:**

**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*.

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

**1. THAT** this matter be deferred for consideration by the new Council.

An Amendment was moved by Councillor Beregi and seconded by Councillor Lamb:

**1. THAT** Council endorse the attached draft *Social Media Policy* for the purpose of public exhibition for a period of 45 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*.

The Amendment was put and **Carried**, on the casting vote of the Mayor.

Voting was as follows:

For/Against 5 / 5

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

**Against:** Councillor Bourke, Councillor Gibson, Councillor Lepouris, Councillor Mutton and Councillor Spenceley

**Absent:** Nil

The Amendment became the Motion.

The Mayor used her casting vote for the Motion.

The Motion was put and **Carried**, on the casting vote of the Mayor..

Voting was as follows:

For/Against 5 / 5

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

**Against:** Councillor Bourke, Councillor Gibson, Councillor Lepouris, Councillor Mutton and Councillor Spenceley

**Absent:** Nil

**153 RESOLVED:**

- 1. THAT** Council endorse the attached draft *Social Media Policy* for the purpose of public exhibition for a period of 45 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**

**AUTHOR:** Ben Boyd, Executive Strategic Planner

**PURPOSE**

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.

## EXECUTIVE SUMMARY

- 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.

### RECOMMENDATION:

1. **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.
2. **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.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

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

**Against:** Councillor Gibson and Councillor Mutton

**Absent:** Nil

### 154. RESOLVED:

1. **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.
2. **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

**AUTHOR:** Gareth Debney, Bushland Management Co-Ordinator

### PURPOSE

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.

### EXECUTIVE SUMMARY

- 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.

### RECOMMENDATION:

- 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.

The Motion was moved by Councillor Gibson 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

**155. RESOLVED:**

- 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**

**AUTHOR:** David Manson, Manager Parks & Reserves

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

- 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.

### **RECOMMENDATION:**

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** Nil

**Absent:** Nil

**156. RESOLVED:**

**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**

**AUTHOR:** Danielle Birkbeck, Acting Manager Environmental Services

### **PURPOSE**

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.

### **EXECUTIVE SUMMARY**

- 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.

### **RECOMMENDATION:**

**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.

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

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

**157. RESOLVED:**

**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.

Councillors Beregi, Lepouris, and Welch declared an interest in Item 10.8 and left the meeting at 7.00pm.

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

**AUTHOR:** Risha Joseph, Senior Property Officer

**PURPOSE**

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.

**EXECUTIVE SUMMARY**

- 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.

**RECOMMENDATION:**

- 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.

A Motion was moved by the Mayor and seconded by Councillor Gibson:

**1. THAT** the matter be deferred to the end of the meeting for consideration in Closed Session.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 0

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

**Against:** Nil

**Absent:** Councillor Beregi, Councillor Lepouris and Councillor Welch

**158. RESOLVED:**

**1. THAT** the matter be deferred to the end of the meeting for consideration in Closed Session.

*Please see page 22 for the item resolution made in Closed Session.*

Councillor Beregi and Councillor Welch returned to the meeting at 7.01pm.

## **10.9. Loan funding for the North Sydney Olympic Pool project**

**AUTHOR:** Aigul Utegenova, Chief Financial Officer

### **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 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.

### RECOMMENDATION:

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

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

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

**Against:** Councillor Gibson

**Absent:** Councillor Lepouris

### 159. RESOLVED:

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

- (d) commercial information of a confidential nature that would, if disclosed  
(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

**AUTHOR:** Gary Parsons, Director Open Space & Infrastructure

### PURPOSE

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.

### EXECUTIVE SUMMARY

- 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.

### RECOMMENDATION:

- 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.

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

**1. THAT** Council defer consideration by the new Council, pending further advice in relation to the design changes.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** Nil

**Absent:** Councillor Lepouris

**160. RESOLVED:**

**1. THAT** Council defer consideration by the new Council, pending further advice in relation to the design changes.

Councillor Lepouris returned to the meeting at 7.04pm.

## **10.11.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 redevelopment of the North Sydney Olympic Pool.

### **EXECUTIVE SUMMARY**

- 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.

### **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 note the contents of this report.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Gibson

**Absent:** Nil

**161. 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 note the contents of this report.

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

**AUTHOR:** Gary Parsons, Director Open Space & Infrastructure

### **PURPOSE**

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.

### **EXECUTIVE SUMMARY**

- 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.

### **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:

*(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.

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

**1. THAT** Council move into Closed Session to consider Items 10.8 and 10.12.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Gibson

**Absent:** Nil

**162. RESOLVED:**

**1. THAT** Council move into Closed Session to consider Items 10.8 and 10.12.

The meeting moved into Closed Session at 7.13pm.

*Councillors Lepouris and Spenceley were not present during the Closed Session due to technical difficulties*

## **Open Session**

Open Council resumed at 7.13pm.

The Mayor advised that Council had made the following resolutions in Closed Session:

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

Voting was as follows:

For/Against 7 / 0

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

**Against:** Nil

**Absent:** Councillor Beregi, Councillor Lepouris and Councillor Welch

**163. RESOLVED:**

**1. THAT** Council accept the tender of Dalbech Pty Ltd 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.

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

Voting was as follows:

For/Against 7 / 1

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

**Against:** Councillor Gibson

**Absent:** Councillor Lepouris and Councillor Spenceley

### **164. 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:

*(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.

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

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.
5. **THAT** this report be included in Council's overall economic development strategy.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Lepouris

**Absent:** Nil



**165. RESOLVED:**

**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.

**5. THAT** this report be included in Council's overall economic strategy.

## **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 Motion was moved by Councillor Gibson and seconded by Councillor Mutton.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 3 / 7

**For:** Councillor Gibson, Councillor Lepouris and Councillor Mutton

**Against:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer, Councillor Spenceley and Councillor Welch

**Absent:** Nil

## **12. Matters of Urgency**

Nil

## **13. Closure**

The Meeting concluded at 7:46 pm.