



Council Chambers
18 October 2024

An Ordinary Meeting of Council will be held on Cammeraygal lands at the Council Chambers, North Sydney at 7.00pm on Monday 28 October 2024. The agenda is as follows.

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CHIEF EXECUTIVE OFFICER

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

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- 1. Opening of Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**
 - 6. Public Forum**
 - 7. Items by Exception**
 - 8. Mayoral Minutes**

Nil
 - 9. Reports of Committees**
 - 9.1 Access and Inclusion Committee Minutes - 6 August 2024
 - 9.2 Waverton Peninsula Working Group Minutes - 20 August 2024
 - 9.3 Traffic Committee Minutes - 30 August 2024
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10. Reports to Council

- 10.1 State of North Sydney Report
- 10.2 Matters Outstanding to 8 October 2024
- 10.3 Financial Statements for the Year Ended 30 June 2024
- 10.4 Investment and Loan Borrowings Report as at 30 September 2024
- 10.5 Review of Delegations
- 10.6 Disclosure of Pecuniary Interests by Councillors and Designated Persons
- 10.7 Appointments to Committees and External Bodies
- 10.8 2024 Local Government NSW Annual Conference - Delegates and Motions
- 10.9 Council Christmas Closure 2024-2025
- 10.10 Contact Centre system replacement
- 10.11 NSW Government EV charging grants
- 10.12 Grosvenor Lane, Neutral Bay - Shared Zone
- 10.13 Young Street Plaza upgrade: consultation outcomes and preferred concept
- 10.14 Review of On-street Parking Infrastructure (see Addendum at 10.19)
- 10.15 Update on Acquisition of Lease by Transport for NSW for construction of Sydney Harbour Cycleway
- 10.16 Tender 18/24 Seawall Restoration Works
- 10.17 North Sydney Olympic Pool Redevelopment - Project Update
- 10.18 North Sydney Olympic Pool - Aqua Dining Tenancy Fitout
- 10.19 Addendum to Item 10.14 - Review of On-street Parking Infrastructure

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 16/24: Review of the NSW Electoral Commission - Cr Santer
- 11.2 Notice of Motion 17/24: Parking Meters in the North Sydney Local Government Area - Cr Keen & Cr Carr
- 11.3 Notice of Motion 18/24: Establishment and promotion of a Visitor Economy in North Sydney - Cr Santer

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 Antonini, Beregi, Carr, Holding, Hoy, Keen, Santer, Spenceley, and Welch

MEETING OF COUNCIL TO BE HELD ON MONDAY 28 OCTOBER 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 Ordinary Council Meeting held on Monday 28 August 2024, and the Extraordinary Council meeting held on Tuesday 8 October 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 Access and Inclusion Committee Minutes - 6 August 2024

Report of Miranda Shoppee, Meeting Administration Coordinator

The purpose of this report is to convey the proceedings of the Access and Inclusion Committee meeting to Council, and for Council to consider any recommendations from the Committee.

The Terms of Reference of the Access and Inclusion Committee state:

8.1 The Access and Inclusion Committee is not a decision-making body. The Committee is an advisory body to Council. Council may adopt or reject the Committee's advice.

8.2 The Committee has no delegated powers from Council.

This report presents the recommendations of the last meeting of the Access and Inclusion Committee held 6 August 2024.

The Minutes are attached for the information of Council.

Recommending:

1. THAT the Minutes of the Access and Inclusion Committee meeting dated 6 August 2024 be noted and received by Council.

9.2 Waverton Peninsula Working Group Minutes - 20 August 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to advise Council of the proceedings of the Waverton Peninsula Working Group meeting held on 20 August 2024.

This report presents the Minutes of the Waverton Peninsula Working Group meeting held on 20 August 2024 for Council adoption.

The following matters were discussed at the Waverton Peninsula Working Group meeting:

- Woodleys Shed and Brick Administration building; and
- a new boating program to support safer and more accessible waterways.

The minutes of the meeting are attached for information.

Recommending:

1.THAT the Minutes of the Waverton Peninsula Working Group meeting of 20 August 2024 be noted.

9.3 Traffic Committee Minutes - 30 August 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 30 August 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 30 August 2024 be received.

10. REPORTS TO COUNCIL

10.1 State of North Sydney Report

Report of Jenny Gracey, Corporate Planning Coordinator

The purpose of this report is to present the *State of North Sydney Report* to Council. This report provides an overview of Council's progress in achieving the objectives outlined in the *Community Strategic Plan (CSP) – North Sydney's Vision 2040*. The report reflects on key achievements, areas needing improvement, and priorities for the future.

The *State of North Sydney Report* serves as a strategic tool to assess Council's performance against the Community Strategic Plan (CSP) – North Sydney's Vision 2040, which identified 70 community indicators.

The outcomes are as follows:

- 60% (42) targets were met;
- 36% (25) targets were not met; and
- three indicators could not be measured due to insufficient data.

This report summarises the successes and challenges faced during the previous term of Council. It is designed to give the *newly elected* Council a clear understanding of where the community stands in relation to the CSP's long-term goals.

Recommending:

1. **THAT** Council endorse the *State of North Sydney Report*.

10.2 Matters Outstanding to 8 October 2024

Report of Ian Curry, Manager Council & Committee Services

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 8 October 2024 Extraordinary Meeting of Council.

Recommending:

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

10.3 Financial Statements for the Year Ended 30 June 2024

Report of Christian Menday, Financial Controller, Daniel Peacock, Assets and Taxation Accountant, and Aigul Utegenova, Chief Financial Officer

The purpose of this report is to present the draft Financial Statements for the year ended 30 June 2024 and seek Council's approval.

Once approved, the financial statements will be submitted to the Audit Office of NSW for the issuance of the final Independent Auditor's Report on the General Purpose Financial Statements and the Report on the Conduct of the Audit for the year ended 30 June 2024.

Net operating surplus: \$13.1 million (Original budget: \$1.6 million)

Net operating result before Capital Grants and Contributions: -\$3.6 million deficit (original budget: -\$2 million deficit)

Operating Performance Ratio: -0.02 (below OLG benchmark of >0)

Short-term financial position: Adequate, but strategic attention needed to address ongoing cost increases and budget deficits

The Audit Office of NSW has largely completed the audit of the General Purpose Financial Statements and Special Schedule of Permissible Income for general rates, with the final reports pending Council's approval.

The General Purpose Financial Statements were presented to the Audit, Risk, and Improvement Committee on 11 October 2024.

Recommending:

1. THAT Council resolves that, in its opinion, the General Purpose Financial Statements and Special Schedules for the year ended 30 June 2024:

- have been properly drawn up in accordance with the provisions of the Act and the associated Regulations thereunder, the Australian Accounting Standards and professional pronouncements and the Local Government Code of Accounting Practice and Financial Reporting;
- to the best of Council's knowledge and belief, the statements present fairly Council's operating result and financial position for the year and accord with Council's accounting and other records; and
- Council is unaware of any matter that would render the Financial Statements false or misleading in any way.

2. THAT Council declares there are no business activities requiring the preparation of Special Purpose Financial Statements.

3. THAT the Statement by Councillors and Management for the General Purpose Financial Statements be signed by the Mayor, Deputy Mayor, Chief Executive Officer, and Responsible Accounting Officer.

4. THAT the Financial Statements be referred to the Audit Office of NSW for audit.

5. THAT arrangements be made to place copies of the audited Financial Statements on public exhibition and the necessary advertisements be published.

6. THAT a copy of the audited Financial Statements be forwarded to the NSW Office of Local Government.

7. THAT in accordance with Section 418 of the Act, the audited Financial Statements be presented to the ordinary meeting of 25 November 2024.

10.4 Investment and Loan Borrowings Report as at 31 July 2024

Report of Christian Menday, Financial Controller, 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 September 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 September, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.30% (actual), or +3.76% p.a. (annualised), under-performing the benchmark AusBond Bank Bill Index return of +0.36% (actual), or +4.45% p.a. (annualised). This is due to Council holding term deposits made in a low inflation environment, and a higher than usual percentage held as cash to pay for expected project costs.

Returns on investments exceed the YTD budget by \$282,000.

Recommending:

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

10.5 Review of Delegations

Report of Ian Robertson, Service Unit Manager Corporate Governance

The purpose of this report is to address the requirement for Council to review delegations within 12 months of an election.

The Local Government Act 1993 and other relevant legislation authorise Council to undertake a range of functions.

Delegations enable the efficient and effective administration of Council by allowing decisions to be made at the appropriate level across the organisation.

Section 377 of the Local Government Act allows the elected Council to delegate authority to the Chief Executive Officer, by Council resolution, to make decisions and perform functions required for Council to operate business as usual activities. The Chief Executive Officer sub-delegates these functions to Council staff in order to provide for the day-to-day operation of the Council.

It is recommended that the Mayor and Chief Executive Officer's current delegations be re-affirmed.

Recommending:

1. THAT the Chief Executive Officer's delegations be re-affirmed by Council, delegating to the Chief Executive Officer, or to the person acting in the position of Chief Executive Officer, all the powers and functions of the Council that it may under any Act of Parliament lawfully delegate, subject to the limitations set out below:

- a. those functions designated in Section 377(1) of the *Local Government Act 1993* as functions which may not be delegated.
- b. any function designated in any other Act of Parliament as a function which may not be delegated.
- c. the writing off of debts over the amount of \$10,000 in accordance with clause 213(2) of the *Local Government (General) Regulation 2005*, in that the amount above which debts may be written off only by resolution of the Council is set at \$10,000.
- d. the writing off of an individual rate or charge over the amount of \$1,000 in accordance with clause 131(1) of the *Local Government (General) Regulation 2005*, in that the amount above which any individual rate or charge may be written off only by resolution of the council is set at \$1,000.
- e. any adopted policy, decisions or directions of the Council.

2. THAT in accordance with section 381 of the *Local Government Act 1993*, the Council re-affirms and delegates to the Chief Executive Officer of the Council, or to the person acting in the position of Chief Executive Officer, the plan making functions under Section 3.36 of the *Environmental Planning & Assessment Act 1979*.

3. THAT the Council re-affirms and delegates to the Mayor and Mayor and Chief Executive Officer jointly as outlined in the attached instrument of delegation.

10.6 Disclosure of Pecuniary Interests by Councillors and Designated Persons

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to report on compliance as required under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2021*. Councillors and persons holding designated positions must complete and lodge a Disclosure of Pecuniary Interests Return.

Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions, as at 30 June, complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e., 30 September).

Section 4.25 of the Model Code of Conduct requires that Returns are lodged under Section 4.21 and tabled at the first meeting of the council after 30 September 2023.

All 2022/23 Returns have been duly completed and lodged within the prescribed period by Councillors. Two designated officers currently on secondment and extended leave did not complete their Returns by the statutory date, however they will be asked to do so upon their return to work.

Pecuniary Interest Returns are available for inspection on Council's website.

Recommending:

1. THAT the report be received, and Council note the tabling of Returns as required under Clause 4.25 of the Model Code of Conduct.

10.7 Appointments to Committees and External Bodies

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to appoint Councillors as representatives to the Northern Suburbs Regional Organisation of Councils (NSROC) and Council's CEO Performance Review Panel.

Council considered a report on this matter at its meeting on 8 October 2024.

An additional 'alternate' representative is required for NSROC.

Representatives are also required to be appointed to Council's CEO Performance Review Panel.

Recommending:

1. THAT in addition to the Mayor, Deputy Mayor, and Councillor Welch (alternate), Council appoint Councillor _____ as an second alternate representative to the Northern Sydney Regional Organisation of Councils (NSROC) for the term until September 2026.

2. THAT Council appoint the Mayor, the Deputy Mayor, and Councillor _____ to Council's Performance Review Panel, for the term of this Council.

10.8 2024 Local Government NSW Annual Conference - Delegates and Motions

Report of Ian Curry, Manager Council & Committee Services

The purpose of this report is to seek a replacement voting delegate for the LGNSW Conference an endorsement of four propose Motions.

The Local Government NSW (LGNSW) Annual Conference is taking place from 17 to 19 November 2024, at Tamworth Regional Entertainment and Conference Centre, and will feature a range of keynote speakers, workshops, training sessions, and more.

As the main policy-making event for the NSW local government sector, the Annual Conference is an opportunity to help set the advocacy agenda for the year ahead. Motions passed at the Conference become Resolutions, which LGNSW actions on behalf of its members, as part of its advocacy program.

Council appointed four voting delegates at the meeting on 8 October 2024. Due to Councillor Hoy's inability to attend, a replacement delegate is required.

A series of proposed Motions are submitted for Council's endorsement

Recommending:

1. THAT Council nominate a fifth voting delegates for the 2024 LGNSW Conference at Tamworth Regional Entertainment and Conference Centre, to replace Councillor Hoy.

2. THAT the four proposed Motions to the LGNSW Annual Conference contained in this report entitled:

I. Housing reforms – funding for community infrastructure

II. Remote attendance at meetings

III. Accessible and liveable housing – universal design principles for new housing in NSW

IV. Review of NSW Electoral Commission

be endorsed by Council

10.9 Council Christmas Closure 2024-2025

Report of Jennie Walker, Service Unit Manager Customer and Communications, and Luke Harvey, Director Corporate Services

The purpose of this report is to seek Council's approval for the closure of Council offices and facilities (excluding Stanton Library and essential services) from 12pm Tuesday 24 December 2024 until 9am Thursday 2 January 2025.

This closure aims to support employee wellbeing and manage employee leave by providing staff with time to rest and recharge during the holiday season – improving overall workplace performance and service delivery.

Council proposes a closure of Council facilities from 12pm Tuesday 24 December 2024 until Thursday 2 January 2025. Stanton Library and essential services will remain operational.

Customer Service will be closed, however calls will be directed to our out-of-hours service, and online self-service will remain available.

This closure is consistent with many other councils (including NSROC members Willoughby City Council, Lane Cove Council, Hornsby Shire Council, and Ryde City Council), who have implemented similar initiatives in recent years to support staff wellbeing without compromising essential service delivery.

This closure is expected to enhance employee job satisfaction and performance, positively impacting service delivery in the new year.

Recommending:

1. THAT Council endorse the closure of Council offices and facilities (excluding Stanton Library and essential services) from 12pm Tuesday 24 December 2024 until 9am Thursday 2 January 2025.

2. **THAT** the community be actively informed of the closure through all available communication channels.

10.10 Contact Centre system replacement

Report of Luke Harvey, Director Corporate Services

The purpose of this report is to inform Council of the planned migration of Council's contact centre system and to seek approval for the funding required.

A contact centre system manages customer interactions across multiple channels such as phone, email, and chat. It is primarily used within Council by our customer service team in our call centre.

Council's current contact centre system is an on-premise solution that faces functionality challenges and limitations.

A review of available contact centre systems has been undertaken, with a recommended solution identified. This will enable Council to service customers more effectively and allow us to access additional functionality including webchat.

The cost of implementing the recommended solution is \$68,486 (GST exclusive).

Recommending:

1. **THAT** Council note the planned implementation of a new contact centre system.

2. **THAT** Council approve the spend of \$68,486 (excluding GST) from the IT Projects reserve for the system implementation.

10.11 NSW Government EV charging grants

Report of Jordan Moy, Sustainability Education Officer

The purpose of this report is to seek Council's endorsement of an approach regarding the electric vehicle (EV) charge point operators who were recipients of the NSW Government EV charging grants for locations in North Sydney.

In November 2023, North Sydney Council provided letters of in-principle support to charge point operators who successfully applied for the NSW Government EV Fast Charging and Kerbside Grant programs. One of the conditions for this support was that, at this stage, this infrastructure be accommodated on Council carparks only.

The successful charge point operators who obtained grant funding for EV charging in North Sydney are NRMA, EVIE, and ChargePost.

There are 24 dual DC fast charging bays and 40 AC charging bays that have been proposed to be installed across 10 North Sydney Council carparks.

The funding provided to the charge point operators for DC charging, which is significantly more expensive than AC charging, will facilitate a balanced mix of charging options in North Sydney that would otherwise not be commercially viable.

As part of the key milestones for the EV charging grants, charge point operators are required to install 50% of the funded chargers by November 2024. All remaining EV charger installs are required to be installed by March 2025.

Charge point operators have indicated that they will not be able to meet their grant milestones, will withdraw, or significantly reduce the number of EV chargers they will install, if they do not receive a commitment from Council to proceed or are required to be part of a Council expression of interest (EOI) process.

There is a 40% reduction in funding available for the Round 2 NSW EV Kerbside grant program for charging locations in North Sydney compared to Round 1.

Sydney-based Councils (Waverley, Hornsby, Randwick, Willoughby and others) have successfully facilitated the installation of EV charging infrastructure in their carparks without undue negative community feedback or financial / safety risks.

Recommending:

1. THAT Council support the use of Council land for the purposes of implementing the NSW Government grant funding to install EV chargers in North Sydney Council carparks.

2. THAT in the context of the challenging timelines associated with the EV Charging Grant Funding and the de-risking which has already occurred at State level to assess the successful grant applicants, that Council proceed to negotiating terms with NRMA, EVIE, and ChargePost regarding the installation of EV Charging in Council's carparks as outlined in this report.

3. THAT the CEO be granted delegated authority to negotiate the terms of the installations, lease and other necessary arrangements for the EV charges in North Sydney Council carparks.

10.12 Grosvenor Lane, Neutral Bay - Shared Zone

Report of Bec Thomas, Road Safety Coordinator, and Eoin Cunningham, Service Unit Manager Traffic & Transport Operations

The purpose of this report is to seek *Council* approval for a 'Left Only' restriction for drivers travelling from Grosvenor Lane Shared Zone to Young Street.

Council has reviewed safety on Grosvenor Lane, Neutral Bay in accordance. The review identified high vehicle volumes and speeds as contributing concerns in the Shared Zone

A number of options were considered as part of the assessment, and It is recommended that a 'Left Only' restriction be implemented for drivers travelling from Grosvenor Lane into Young Street. This option will reduce the number of cars, and the speed of drivers, travelling along the Lane to access the Grosvenor Lane car park

Approval from Transport for NSW (TfNSW) is required to implement restrictions to traffic flow on local roads. This includes 'Left Only' restrictions. The TfNSW Delegation to Councils for the Regulation of Traffic outlines that a resolution of Council approving the change is required prior to TfNSW granting consent to Councils to implement the change.

The proposed change was consulted as part of the wider proposal for the reopening of Young Street, however the proposed 'Left Only' restriction is a stand-alone safety improvement to resolve concerns on Grosvenor Lane.

Recommending:

1. THAT Council note the contents of this report and the options assessment and community consultation undertaken in relation to Grosvenor Lane.

2. THAT Council approve the 'Left Only' restriction from Grosvenor Lane into Young Street, Neutral Bay subject to traffic committee endorsement.

10.13 Young Street Plaza upgrade: consultation outcomes and preferred concept

Report of Diana Mejia, Engineering Project Manager

The purpose of this report is to present the outcomes of the community consultation on the proposed designs for the Young Street Plaza Upgrade and outline the next steps for finalising the designs for tender and construction.

At its meeting of 11 December 2023, Council resolved to seek community feedback on the concept designs developed for Young St Plaza.

Concept designs were placed on public exhibition from 1 May to 12 June 2024.

Community consultation revealed broad support for the concept design

General feedback suggestions included greenery, gardens, walkways, shade and seating, along with a desire for the inclusion of native plants, non-slip surfaces, and adequate lighting. All these elements can be incorporated into the further development of the design.

Based on the consultation results, this report recommends proceeding to the detailed design phase, incorporating key feedback to enhance pedestrian safety while maintaining the overall concept.

Recommending:

- 1. THAT** Council notes the submissions report for the public exhibition and consultation of the concept designs for the upgrade of the Young Street Plaza in Neutral Bay
- 2. THAT** Council endorses the concept design for upgrade of the Young Street Plaza in Neutral Bay to proceed to detailed design, tender and construction.
- 3. THAT** Council notes that the concept designs for upgrade of the Young Street Plaza will be referred to Council's Access and Inclusion Committee to inform the development of these designs.
- 4. THAT** Council allocate the \$2,749,042 Transport for NSW B-Line grant funding, currently held in external restrictions, to the detailed design, further consultation, tender, and construction of the Young Street Plaza.

10.14 Review of On-street Parking Infrastructure (see Addendum at 10.19)

Report of Eoin Cunningham, Service Unit Manager Traffic & Transport Operations, and Jennie Walker, Service Unit Manager Customer and Communications

The purpose of this report is to provide a review of the recent replacement of on-street parking meters across the North Sydney LGA.

Revenue generated through on-street car parking is used to fund local services and infrastructure for the community.

On 12 September 2023, Council called open tenders for the supply, installation, commissioning, and management of the North Sydney on-street paid parking meter (contract 12/2023).

Following the assessment of tenders, Council engaged the highest-ranked and preferred tenderer Orikan, whose submission ranked highest in capacity, experience, methodology, product & Customer Outcomes, and sustainability.

Orikan's system includes Touch N Go (TNG) meters and mobile app functionality, bridging traditional parking meters with pay-by-phone technology.

Orikan commenced installation of parking meters on 20 May 2024, and the new parking infrastructure was fully operational on 24 July 2024.

Despite a reduction in revenue, an increase in transactions has seen 25,000 transactions occur across Council's on-street parking network each week.

This early transaction data indicating an increase in transactions across the network and a drop in revenue, would indicate users are utilising the PayStay App which enables payment for the period used and the termination of parking session rather than minimum stay.

Community feedback on the new parking meters has been mixed, with concerns primarily about needing to access digital technology to pay for parking. Council has recognised these concerns and has moved to alleviate issues raised, including the installation of additional meters. Despite the negative feedback, there has been some general positive feedback about the functionality of the parking app.

Recommending:

- 1. THAT** Council notes the contents of the report and ongoing initiatives to assist with the transition to the new on-street parking infrastructure.
- 2. THAT** Council notes an additional 20 parking meters will be installed in high demand areas to increase availability and operational by the end of October 2024.
- 3. THAT** Council proceeds with a full review of its metered parking framework including the development of local guidelines for the use and placement of parking meters.

10.15 Update on Acquisition of Lease by Transport for NSW for construction of Sydney Harbour Cycleway

Report of Gary Parsons, Director Open Space and Infrastructure

This report provides Council with advice in relation to the Valuer General's determination regarding land within Bradfield Park recently compulsorily acquired by Transport for NSW (TfNSW), and recent correspondence received from TfNSW regarding the acquisition of additional land for the construction of the Sydney Harbour Bridge Cycleway.

On 14 May 2024, Council's Chief Executive Officer (CEO) submitted a claim for compensation in accordance with the Land Acquisition (Just Terms Compensation) Act for land within Bradfield Park to be compulsorily acquired by TfNSW for the construction of the Sydney Harbour Bridge Cycleway.

The NSW Government formally acquired the subject land on the 21 June 2024.

The Valuer General issued its final determination on the 20 September 2024 advising compensation of \$773,655.42 for the subject land within Bradfield Park compulsorily acquired by TfNSW.

TfNSW has recently approached Council advising of further land to be compulsorily acquired within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway, and requesting a reduction in the proposed ninety (90) day notification period required to be provided under a Proposed Acquisition Notice.

Recommending:

- 1. THAT** Council note the Valuer General's determination regarding land within Bradfield Park recently acquired under leasehold by Transport for NSW (TfNSW)

through the Land Acquisition (Just Terms Compensation) Act for the construction of the Sydney Harbour Bridge Cycleway.

2. THAT Council authorises the Chief Executive Officer (CEO) to complete the claim form together with a Deed of Release and Indemnity to acquire the compensation proposed for the leasehold of the subject land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway by TfNSW.

3. THAT Council notes correspondence received from TfNSW dated 4 October 2024, regarding their intention to issue a Proposed Acquisition Notice regarding the further acquisition of land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway.

4. THAT Council authorises the CEO to write to TfNSW advising that Council will require the maximum time available to consider the Proposed Acquisition Notice, which TfNSW intends to issue to Council regarding the further acquisition of land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway.

5. THAT Council authorises the CEO to submit a claim for compensation in accordance with the Land Acquisition (Just Terms Compensation) Act, in response to the Proposed Acquisition Notice, which TfNSW proposes to issue to Council for the further acquisition of additional land within Bradfield Park for the construction of the Sydney Harbour Bridge Cycleway.

6. THAT Council notes that a further report will be brought back to Council in relation to the Valuers General determined compensation for the additional land to be acquired by TfNSW within Bradfield Park for the purposes of the construction of the Sydney Harbour Bridge Cycleway.

10.16 Tender 18/24 Seawall Restoration Works

Report of Ashraf Doureih, Engineering Project Manager

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for Tender 18/2024 - Seawall Restoration Works.

Tenders were called and received until 3pm 12 September 2024 for the submission of tenders to undertake seawall restoration works.

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

(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.

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council 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.

Recommending:

1. THAT Council accept the tender of the highest ranked tenderer for Tender 18/2024.

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

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

(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.

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council 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.

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.

10.17 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 continues. The reinstallation of the structural steel roof over the 25-metre indoor pool hall roof commenced in August 2024 and primary and secondary steel components are now in place. Removal of temporary propping has now complete, and the framing is being prepared for roof sheeting.

Council continues to work towards confirmation of delay timeframes associated with the structural steel issues. Once resolved, the outcome will result in an adjustment to the date for Practical Completion within the contract, which is currently May 2024.

The contract date for practical completion may not equal the forecast date if the contractor is responsible for any delay.

The current construction contract value is \$91.47m as of 30 August 2024 inclusive of all agreed variations outlined within this report.

Council continues to receive variations associated with latent conditions, along with design and construction-related issues.

Council is required to extend APP Pty Ltd for Project Management services due to the delays associated with the structural steel over the 25m indoor pool.

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 authorise the Chief Executive Officer to extend the agreement with the APP Group for Project Management resources by an additional \$400K 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 notes the contents of this report in relation to the redevelopment of the North Sydney Olympic Pool.

10.18 North Sydney Olympic Pool - Aqua Dining Tenancy Fitout

Report of Gary Parsons, Director Open Space and Infrastructure

The purpose of this report is 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 commercial premises within North Sydney Olympic Pool.

In March 2021 Council entered into an Agreement for Lease with Aqua Dining Pty Ltd; the lease on-foot was surrendered 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), which 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 Pty Ltd 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 Chief Executive Officer 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.
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10.19 Addendum to Item 10.14 - Review of On-street Parking Infrastructure

Report of Eoin Cunningham, Service Unit Manager Traffic & Transport Operations

This report is an addendum to Item 10.14 – Review of On-Street Parking Infrastructure and provides additional information in relation to fees and charges.

Recommending:

1. THAT the addendum to the Review of On-Street Parking Infrastructure report to the Council meeting on the 28 October 2024 (item 10.14) be received.

11. NOTICES OF MOTION**11.1 Notice of Motion 16/24: Review of the NSW Electoral Commission - Cr Santer**

1. THAT, in the light of a number of irregularities in the procedures of the NSW Electoral Commission (EC) during the recent local government election:

- i. Council approach Local Government for NSW (LGNSW) and the NSW State Government seeking a review of the Commission’s electoral procedures;
- ii. the review include the streamlining of the forms the EC requires candidates to complete, including the possible merger of the Registration and Nomination forms, and the timing of the deadlines for these forms;
- iii. the EC recognises the importance of How to Vote forms for the correct functioning our voting system;
- iv. the EC reduces the number of polling booths it requires, while maintaining the service the booths deliver for voters; and
- v. the EC is more appropriately and adequately funded from general government revenue, rather than from ‘fee for service’ local government sources.

Background

During the 2024 Council elections campaign, the EC required candidates to undertake a number of procedures, with the filling in of many forms, including a registration form and a nomination form, which required the reproduction of information already provided, either in an earlier form or in another section of the same form. Not only was this time-consuming for the candidates but should also have been unnecessary if the EC’s computerised system was programmed to cross-record the information already provided.

The most ponderous, time-consuming form required by the EC to be submitted within a short time frame, and only five weeks before the Election, at a time when campaigning requirements were heaviest, was the Nomination Form.

- The form itself was little changed from that for previous local government campaigns, but with one major change. Unlike in previous campaigns, where a blank form could be downloaded, photocopied, filled in, scanned, and submitted electronically, this time each of the five parts, A to E, had to be filled in electronically and ‘correctly’, before the candidate was advised which part it was and was allowed to move to the next part. If the candidate chose to pause the filling in of the form, a step which the complexity of each part made inevitable, that part would be given a ‘version number’ which had to match the version numbers of previous parts.
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- One part required statutory declarations for each candidate, with signatures to be witnessed by a NSW JP or other NSW-authorized witness. If a candidate happened to be overseas or interstate during the short period allowed for lodgement of the Form, this requirement made the form even more difficult to complete.
- A substantial component of the Form also required the resubmission of information already supplied by candidates in a Registration Form required to be lodged a few months beforehand.
- While the Form required electronic completion and submission, it also required ink only signatures, rather than the electronic signatures already registered with the EC and allowed on the large number of other forms required by the EC.
- Further complicating the procedure for this Form, one part had to be completed by each candidate's political party if they were seeking election as members of that party.
- As well as the Registration Form discussed above, donations disclosures are required every six months by each candidate and separately by a group of candidates, as well as an annual disclosure of expenditures for each candidate and the group. This is an ongoing requirement, even after the election.

Given the proliferation of forms required by the EC and the multiple provision of the same information which each form requires, it is recommended that the Registration and Nomination forms be merged into one form and that its completion be timed well in advance of the election, not at a time just before the election, when candidates are fully occupied with their campaigns.

It is also recommended that a review be undertaken of the large number of forms, with a view to streamlining them, while also ensuring that the legal requirements for candidates are maintained.

The cumbersome nature of the form filling procedures currently required by the EC must surely be a barrier to the democratic process, given the difficulties encountered by candidates and the resulting disincentive to become a candidate or a volunteer in support of candidates.

The EC also appears to have scant regard for candidates and supporting volunteers, if the manner in which it conducts elections is a guide. In Council elections it has chosen to select multiple polling booths in close proximity to each other when one booth would satisfactorily meet the needs of voters. One example to illustrate this was the establishment by the EC of polling booths at North Sydney Girls High School, Cammeraygal High, and North Sydney Public (formerly Demonstration) School, only a few hundred metres from each other and close to other booths at North Sydney Boys High School and Waverton Uniting Church Hall. Some of these booths had multiple entry points, requiring large numbers of volunteers to staff each one for the 10 hours of operation on polling day.

Also of concern is the EC's apparent attitude towards volunteers and the distribution of How to Vote forms (HTVs) at the booths. At best their view of the forms and towards the volunteers handing them out could be described as reluctant tolerance. The EC seems to fail to realise the necessity of having these forms given that our voting system is either preferential or proportional. While the obvious intention of the form is to persuade the voter to cast their vote in favour of the candidate(s) on the form, it also educates the voter in how to ensure their choice is effectively implemented. Experience over many elections shows that a substantial number of voters choose not

to take the HTV with them into the booth because they know who they want to vote for and therefore don't need the HTV; but they don't realise that without an HTV they don't know how to do so. They find that, when in the booth and they see the ballot paper with just a list of names, they don't have the required knowledge to correctly implement their voting wish.

This lack of knowledge of the correct voting procedure is confounded by the existence of an above and below the line ballot paper.

- The educational component of candidates' HTVs should be recognised by the EC, perhaps through allowing a wall in each polling booth to be dedicated to the installation of corflute sized How to Vote posters, thus enabling voters to view them while filling in the ballot papers in their individual booths. This would also cut down on the number of papers that HTVs candidates have to have printed.

The charges that the EC levies against Councils for the service it provides at elections also need to be reviewed. The cost to North Sydney Council for having the EC run the local election was more than \$1 million. This is a great impost on local government at a time of straitened financial circumstance for them.

- The review should include investigation of the funding of the EC from general government revenue rather than through a fee for service approach, to ensure the EC is properly and adequately funded.

I do not wish to include individual EC staff members in these criticisms of the EC's procedures. In every case when I have had to seek help from the EC through their helpline, I have found the staff to be friendly, courteous, sympathetic to my problem, and helpful in solving it.

11.2 Notice of Motion 17/24: Parking Meters in the North Sydney Local Government Area - Cr Keen & Cr Carr

1. THAT North Sydney Council:

conduct a comprehensive review of the recently installed parking meters focusing on:

- a. user accessibility and the ease and methods of payment available; and
 - b. feedback from residents and local businesses regarding functionality, including reported difficulties in using the meters.
- II. gather community feedback through:
- a. a public consultation process, including online surveys and community forums, to identify specific issues, particularly concerning the cost of parking and user experience, ensuring that the voices of residents and local businesses are heard.
- III. assess the financial impact of the new parking meters, including:
- a. monitoring how current pricing structures affect parking usage and local businesses; and
 - b. evaluating whether the cost is prohibitive for residents and visitors, potentially discouraging patronage of local shops.
- IV. consider adjustments to the parking meter settings such as:
- a. implementing simpler payment options to address difficulties experienced by users;
 - b. real time availability updates to assist drivers in finding available parking; and
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- c. ensuring users' privacy protection and secure credit card facilities.
 - V. prepare a report to be presented to Council within three months outlining findings and recommendations based on the review, community feedback, and recommendations for necessary adjustments to improve the parking meter system.
 - VI. seek alternative providers such as 'Park'nPay' as a part of the recommendation.
 - VII. support the State Government Legislation to issue drivers with immediate notifications of parking fines.
 - VIII. consider an expansion of the existing resident parking permit system.
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Background

Since the installation of the new parking meters in July 2024, it has become apparent that the current parking meters are not user friendly. They are providing quite bit of angst throughout the community – they are hard to use and very confusing. In addition, there is a requirement to own a smart phone to pay for parking and requesting personal information of the user.

This is not an equitable option for the North Sydney residents hence the importance of the Notice of Motion.

There are some new systems such as ‘Park’nPay’ that the State Government are suggesting as the preferred alternative. This system is driven via an app and has been rolled out in many Local Government Areas (LGAs) across the State. This system allows you to establish an existing account and you can use the same app in many LGA’s. In addition, the app allows you to extend your parking (if appropriate according to the street signs), remotely allowing the user to avoid receiving a parking fine.

11.3 Notice of Motion 18/24: Establishment and promotion of a Visitor Economy in North Sydney - Cr Santer

1. THAT Council note the following report on the outcomes for North Sydney of a recent NSW Visitor Economy Forum conducted by Destination NSW (DNSW); and

2. THAT Council seek to establish with DNSW and other relevant public and private tourism industry bodies, appropriate tourism destination experiences, including tour guide and hospitality product, in the North Sydney and North Shore region.

3. THAT Council staff liaise with DNSW to organise a Councillor briefing session and a program of relevant tourism site inspections.

Background

At a NSW Visitor Economy Forum held on 3 October, DNSW provided the following statistics.

- In FY 2023/2024 there were 102 million visitors - domestic and international - to NSW, an annual increase of nearly 4%,
- Of this number Sydney received 37.5 million visitors, an increase of 9% compared to YE June 2019.
- Domestic travellers increased by 2.6% and international by 35%.
- Expenditure was \$53 billion, an increase of 9%, with international up by 42%.
- Visitor expenditure in NSW has grown 83% since 2015; and by 2030 it should be worth more than \$60 billion.
- By YE June 2023, there were almost 300,000 tourism jobs in NSW, increasing by 8% compared with 2018/19 and 117,000 tourism businesses, an increase of 6%.
- Over the next decade the tourism industry workforce should increase by 50,000.

In his address to the forum the DNSW CEO, Steve Cox made the following points.

- The latest edition of the international reputable magazine, Conde Nast Traveller, has rated Sydney as the world’s number one tourism destination.
 - The new Western Sydney Airport, due to open in 2026 is expected to increase arrivals in Sydney by 10 million by 2031-2033, with over 80 million passengers by 2063.
 - DNSW research has pointed to changing expectations by travellers for their holiday. They are looking more for a ‘live like a local’ experiential holiday; and they are less
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interested in being motivated to travel by the display of traditional icons (eg. The Opera House and Bridge) and more interested in travelling to new places which offer them unique experiences, such as first nation insights, bush walking and unique scenery in a sustainable environment. The tourism product offered to them should reflect these values.

- Given this finding, DNSW is looking for new destinations in our state which offer for NSW residents and interstate visitors: harbourside, coastal, and beach experiences, history and heritage, great shopping, and good food and wine and for international visitors: beautiful natural environments, natural wonders, culturally significant sites, and good food and beverages.
- The industry is also seeking new and interesting venues for the growing events, meetings and conferences market.

Given this approach and the fact that current Sydney-based tourism packages presented to the travel industry are confined to destinations south of the harbour and the Blue Mountains, there is a great potential for North Sydney and the Northern Beaches to offer new tourism product based on our unique location (“the finest view of the finest Harbour in the world”), our First Nations sites (petroglyphs and middens), our European settler history, our Harbourside walks and boating/kayaking experiences, with rare coastal rainforest, mangroves etc., and our unique dining experiences for individuals and small groups in Kirribilli, Crows Nest, and Neutral Bay. The Olympic Pool, with its unique harbour views, could offer, perhaps in cooperation with Luna Park, meetings and events facilities.

Destination NSW is willing to host a briefing session for Councillors and staff and an opportunity to meet with industry representatives, including taking them to relevant site inspections. The industry representatives could advise on how to package our product for presentation to consumers.

I recommend that Council liaise with DNSW and organise a Council briefing and a program of potential tourism site inspections.

12. Matters of Urgency

Nil

13. CLOSURE
