



MINUTES

The Minutes of the Council held at the
Council Chambers, North Sydney
at 7:00 PM on Monday 11 November 2024.



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1. Opening Meeting

At the commencement of business (7.00pm) those present were: The Mayor, and Councillors Antonini, Beregi, Carr, Keen, Holding, Hoy, Santer, Spenceley, 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 Carr.

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

Nil

4. Confirmation of Minutes

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

229. RESOLVED:

1. **THAT** the Minutes of the Council Meeting held on Monday 28 October 2024 be taken as read and confirmed.

5. Disclosures of Interest

The following Disclosure of Interest was made:

Re: 10.7	Creation of a Plaza at Grosvenor Lane, Neutral Bay
Councillor Spenceley	Placed electoral material in businesses in the area (Non-pecuniary, less than significant)

6. Public Forum

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

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

10.7	Creation of a Plaza at Grosvenor Lane, Neutral Bay
10.9	Monford Place, Cremorne - potential road closure and sale

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

230. RESOLVED:

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

10.7	Creation of a Plaza at Grosvenor Lane, Neutral Bay
10.9	Monford Place, Cremorne - potential road closure and sale

7. Items Considered by Exception

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

1.THAT the Recommendations for the following Items be considered by exception:

9.1	Audit, Risk, and Improvement Committee Minutes - 26 July and 11 October 2024
9.2	Traffic Committee Minutes - 18 October 2024
10.1	Policy Review - Code of Conduct Councillors and Staff, and Code of Meeting Practice
10.2	Policy Review - Councillor and Staff Interaction
10.6	Landowners Consent: Transport for NSW - Balls Head Coal Loader Wharf

10.8	4th Quarterly Property Portfolio Report 2023/2024
10.10	Tender 24/2024 - Gross Pollutant Trap at Waverton Park

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

231. RESOLVED:

1.THAT the Recommendations for the following Items be considered by exception:

9.1	Audit, Risk, and Improvement Committee Minutes - 26 July and 11 October 2024
9.2	Traffic Committee Minutes - 18 October 2024
10.1	Policy Review - Code of Conduct Councillors and Staff, and Code of Meeting Practice
10.2	Policy Review - Councillor and Staff Interaction
10.6	Landowners Consent: Transport for NSW - Balls Head Coal Loader Wharf
10.8	4th Quarterly Property Portfolio Report 2023/2024
10.10	Tender 24/2024 - Gross Pollutant Trap at Waverton Park

8. Mayoral Minute

8.1. MM01: Review of allocation of sporting fields and facilities to promote gender equity, access, and inclusion

Australian and international studies abound with evidence that demonstrates that socially connected and diverse communities have less mental illness and cognitive decline, and are safer, more vibrant and interesting places to live, study, play, and work. Access to safe recreational and sporting facilities promotes health and wellbeing. Yet for girls, women, and people living with a disability, access to safe sporting facilities is too often limited or unavailable.

In North Sydney, and the northern Sydney region more generally, demand for sporting fields and facilities is significantly higher than supply. The December 2023 report commissioned by the Northern Sydney Regional Organisation of Councils (NSROC) reviewing the supply and demand for sports facilities in the northern Sydney region, revealed a significant and growing shortfall in supply across Local Government Areas (LGAs) in the region. The North Sydney LGA had the least available whilst also the subject of the most intense (and increasing) population pressure.

Council's Community Strategic Plan Vision 2040 supports diversity and inclusion and relevantly includes:

*1.4 Our Living Environment - Provide infrastructure to encourage and support participation in healthy, physical activity and recreation **for all***

*4.1 Our Social Vitality - Increase, celebrate and foster community connectedness, health, **inclusivity** and safety through services and programs*

Indeed, Council's Disability Inclusion Action Plan 2022-2026 (DIAP) states "[a] community with environments, buildings, products, services and information that are equally usable and inclusive has social and economic benefits for everyone" (p.4). Focus Area 2 of the DIAP aims "[t]o increase participation of people with disability in all aspects of community life, including social and cultural engagement and wellbeing (p.15). Action 2.5 states "[p]rovide more and improved inclusive parks, playgrounds and sporting and fitness opportunities (p.17)".

On 2 August 2024 I met with a representative from "Pitch Up" to discuss issues with access to sporting fields and facilities for girls. Pitch Up is Australia's first online sports booking platform focused on increasing fair access to participation opportunities for women and girls. They contacted me in relation to my comments urging schools in our LGA to open their facilities to the community after hours, and to discuss their work in Victoria with LaunchVic and VicHealth to provide fair access for women and girls to higher grade sporting infrastructure and increase opportunities in their local communities.

Pitch Up surveyed 342 sports clubs in 2023 and found that female athletes face barriers that make it harder to participate and reach their best, as they have less than 50% access to fields and facilities, and access times are usually subordinate to male clubs and teams.

Given that the DIAP is almost two years old (adopted in 2022) and the well-documented demand for and barriers to girls' and women's participation in organised sport, it is timely for Council to undertake an urgent review of the allocation of sporting fields and facilities to ensure that gender equity and disabled access is promoted and facilitated to align with Council policies and plans.

I therefore recommend:

- 1. THAT** Council conduct an urgent review of allocation of sporting fields and facilities to be undertaken before the commencement of the winter season to measure access to facilities for training and competition for girls and women and that the review include a breakdown of training and playing hours, times of day allocated between genders and that the review initially focus on Cammeray Park, Anderson Park and North Sydney Oval (including Ovals 1 and 2).
- 2. THAT** Council undertake an audit in relation to opportunity for access to sporting fields and facilities for people with a disability including policies and actions of any sporting clubs hiring Council fields and facilities.
- 3. THAT** Council also review any Hiring Policies and Conditions of Use to ensure that they align with gender equity and access and inclusion principles.
- 4. THAT** a further report be provided to Council and the Access and Inclusion Committee for consideration prior to commencement of the winter sporting season.

A Motion was moved by The Mayor:

- 1. THAT** Council conduct an urgent review of allocation of sporting fields, facilities and amenities including changing rooms and toilets, to be undertaken before the commencement of the winter season to measure access to facilities for training and competition for girls and women and that the review include a breakdown of training and playing hours, times of day allocated between genders and that the review initially focus on Cammeray Park, Anderson Park and North Sydney Oval (including Ovals 1 and 2).
- 2. THAT** Council undertake an audit in relation to opportunity for access to sporting fields and facilities for people with a disability including policies and actions of any sporting clubs hiring Council fields and facilities.
- 3. THAT** Council also review any Hiring Policies and Conditions of Use to ensure that they align with gender equity and access and inclusion principles.
- 4. THAT** a further report be provided to Council and the Access and Inclusion Committee for consideration prior to commencement of the winter sporting season.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

232. RESOLVED:

- 1. THAT** Council conduct an urgent review of allocation of sporting fields, facilities and amenities including changing rooms and toilets, to be undertaken before the commencement of the winter season to measure access to facilities for training and competition for girls and women and that the review include a breakdown of training and playing hours, times of day allocated between genders and that the review initially focus on Cammeray Park, Anderson Park and North Sydney Oval (including Ovals 1 and 2).
- 2. THAT** Council undertake an audit in relation to opportunity for access to sporting fields and facilities for people with a disability including policies and actions of any sporting clubs hiring Council fields and facilities.
- 3. THAT** Council also review any Hiring Policies and Conditions of Use to ensure that they align with gender equity and access and inclusion principles.
- 4. THAT** a further report be provided to Council and the Access and Inclusion Committee for consideration prior to commencement of the winter sporting season.

8.2. MM02: Closure of Alfred Street North exit from Warringah Freeway until May 2025

This week, Transport for NSW (TfNSW) commenced a community survey in relation to the “long term temporary closure (24/7)” of the Alfred Street off-ramp from the Warringah Freeway. The south-bound ramp access is proposed to be closed from 22 November 2024 until mid-2025. TfNSW states:

We understand that this would result in longer journey times for people who would normally travel south along the Warringah Freeway to access North Sydney, Kirribilli and Neutral Bay, however, this closure will help reduce impact to the nearby community.

TfNSW further states that the “benefits” of the closure include:

- *removing around 90 nights of noisy work*
- *removing up to 10 weekends of extended work*
- *completing work in this area 6 months earlier*
- *eliminating 5 traffic changes that would otherwise be needed in this location.*

If, or when, these changes proceed, it is very likely that many south-bound motorists seeking to access North Sydney, Kirribilli, and Neutral Bay will take the existing Mosman exit on the Freeway which allows direct entry to Military Road at the Falcon Street/Military Road interchange. The Mosman exit is tolled. It is reasonable to expect that TfNSW waive the toll to that Mosman exit for the duration of the closure of the Alfred Street exit in order to ensure that residents using that exit from the Freeway are not paying a toll to do so.

I therefore recommend:

1. THAT Council urgently seek a commitment from Transport for NSW to waive the toll on the Mosman exit upon commencement of the “long term temporary closure” of the Alfred Street exit, and that the waiver expire upon the reopening of the Alfred Street exit.

A Motion was moved by The Mayor:

1. THAT Council urgently seek a commitment from Transport for NSW to waive the toll on the Mosman exit upon commencement of the “long term temporary closure” of the Alfred Street exit, and that the waiver expire upon the reopening of the Alfred Street exit.

2. THAT Council make a submission on behalf of the community to Transport for NSW regarding the closure, and that the submission raise likely rat runs, congestions, and the inequity impacts on the LGA.

3. THAT the closure be delayed until such time as Transport for NSW has undertaken emergency access and traffic management modelling, and that any closures do not occur prior to January 2025 at the earliest.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

233. RESOLVED:

- 1. THAT** Council urgently seek a commitment from Transport for NSW to waive the toll on the Mosman exit upon commencement of the “long term temporary closure” of the Alfred Street exit, and that the waiver expire upon the reopening of the Alfred Street exit.
- 2. THAT** Council make a submission on behalf of the community to Transport for NSW regarding the closure, and that the submission raise likely rat runs, congestions, and the inequity impacts on the LGA.
- 3. THAT** the closure be delayed until such time as Transport for NSW has undertaken emergency access and traffic management modelling, and that any closures do not occur prior to January 2025 at the earliest.

Public Forum

10.7. Creation of a Plaza at Grosvenor Lane, Neutral Bay

This item was moved forward as part of the Public Forum (see page 4).

AUTHOR: Marcelo Occhiuzzi, Director Planning and Environment

PURPOSE:

The purpose of this report is to provide Council with an outline of the recent history of actions to pursue the creation of a plaza at Grosvenor Lane, Neutral Bay and options to pursue that outcome consistent with the vision endorsed under the *Neutral Bay Village Planning Study*.

EXECUTIVE SUMMARY

- In April 2023, Council granted owner’s consent to Coles to lodge a development application (DA) for its site at 41-53 Grosvenor Street Neutral Bay for a mixed-use development including a supermarket and shop top housing. That DA was lodged in September 2023 and included the undergrounding of public parking (under Council land, being the Grosvenor Lane carpark) (Council Land) to facilitate the creation of a public pedestrian plaza above. This included an in-principle offer to enter into a planning agreement with Council.
- In September 2023, Council granted owner’s consent to a nearby landowner, Arkadia, to also lodge a DA concerning that Council Land. At the time of writing, a DA had not been lodged by Arkadia.

- In May 2024, Council endorsed the *Neutral Bay Village Planning Study* which identified the vision to convert the existing carpark, to a pedestrianised plaza.
- To date, discussions with Coles about a future plaza have been limited, given the challenging merit issues associated with the assessment of its proposed development under the current DA process.
- This report outlines negotiations with Coles to date and provides an overview of potential options to realise Council's vision for the creation of a new plaza at Neutral Bay.
- Should Council wish to discuss this report it is noted that the attached confidential document includes commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. 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 invite tenders under Section 55 of the *Local Government Act 1993* (NSW) to interested parties to enter into commercial dealings with Council to deliver an at grade plaza as per the Neutral Bay Village Planning Study endorsed by Council on 27 May 2024 for land generally described as the Grosvenor Lane carpark in Neutral Bay and ancillary adjacent areas.

2.THAT Council provide a community update on its website to assist with the community's understanding of the potential pathways for delivery of a pedestrian plaza for Neutral Bay.

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

(i) prejudice the commercial position of the person who supplied it

It is further noted that release of this 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.

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

- Richard Hamilton (Director Titanium property Pty Ltd, on behalf of Coles)
- Peter Ellis (Co-Chair Brightmore Precinct)
- Meredith Trevallyn-Jones (local resident)

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

1.THAT Council invite tenders under Section 55 of the *Local Government Act 1993* (NSW) to interested parties to enter into commercial dealings with Council to deliver an at grade plaza as per the Neutral Bay Village Planning Study endorsed by Council on 27 May 2024, including suitable underground parking, for land generally described as the Grosvenor Lane carpark in Neutral Bay and ancillary adjacent areas.

2.THAT Council provide a community update on its website to assist with the community's understanding of the potential pathways for delivery of a pedestrian plaza for Neutral Bay.

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

(i) prejudice the commercial position of the person who supplied it

It is further noted that release of this 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.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Holding, Councillor Hoy, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Councillor Carr and Councillor Keen

Absent: Nil

234. RESOLVED:

1.THAT Council invite tenders under Section 55 of the *Local Government Act 1993* (NSW) to interested parties to enter into commercial dealings with Council to deliver an at grade plaza as per the Neutral Bay Village Planning Study endorsed by Council on 27 May 2024, including suitable underground parking, for land generally described as the Grosvenor Lane carpark in Neutral Bay and ancillary adjacent areas.

2.THAT Council provide a community update on its website to assist with the community's understanding of the potential pathways for delivery of a pedestrian plaza for Neutral Bay.

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

(i) prejudice the commercial position of the person who supplied it

It is further noted that release of this 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.

10.9. Monford Place, Cremorne - potential road closure and sale

This item was moved forward as part of the Public Forum (see page 4).

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE:

The purpose of this report is to seek authorisation from Council to allow the Chief Executive Officer to enter into negotiations with SCEGGS Redlands for the potential sale of Monford Place, Cremorne.

EXECUTIVE SUMMARY

- In May 2021, SCEGGS Redlands approached Council with a proposal to purchase Monford Place, Cremorne, a cul-de-sac of area 791.4m².
- Section 38A and s43 of the Roads Act (1993) enables Councils to close and sell public roads in certain circumstances.
- Council previously investigated and considered the sale and closure of Monford Place in June 2022 and resolved not to proceed with the sale of the land.
- SCEGGS Redlands has made further recent representations seeking Council's reconsideration of its June 2022 decision.

RECOMMENDATION:

- 1. THAT** Council authorise the Chief Executive Officer to enter negotiations with SCEGGS Redlands regarding the potential closure of sale of Monford Place, Cremorne.
- 2. THAT** Council notes that a further report will be brought to Council outlining the outcomes of the negotiation.
- 3. THAT** Council resolves that the document attached to this report be considered confidential, as per section 11(3) of the Local Government Act, due to its content being classified under section 10A(2)(d) as commercial information of a sensitive nature. Disclosure of this information could potentially harm the commercial interests of the contributing party, compromise the competitive process, and, by extension, affect the public interest by deterring future tender participation and undermining the Council's ability to secure economically advantageous agreements.

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

- Lesley Sommerville (Secretary Brightmore Precinct)

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

- 1. THAT** Council note the representations made by SCEGGS Redlands to Council in relation to their desire to purchase and close Monford Place, Cremorne.

- 2. THAT** Council authorise the Chief Executive Officer to enter into discussions with SCEGGS Redlands regarding their proposal to purchase and close Monford Place, Cremorne.
- 3. THAT** a further report be brought back to Council following the discussions.
- 4. THAT** Council resolves that the document attached to this report be considered confidential, as per section 11(3) of the Local Government Act, due to its content being classified under section 10A(2)(d) as commercial information of a sensitive nature. Disclosure of this information could potentially harm the commercial interests of the contributing party, compromise the competitive process, and, by extension, affect the public interest by deterring future tender participation and undermining the Council's ability to secure economically advantageous agreements.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

235. RESOLVED:

- 1. THAT** Council note the representations made by SCEGGS Redlands to Council in relation to their desire to purchase and close Monford Place, Cremorne.
- 2. THAT** Council authorise the Chief Executive Officer to enter into discussions with SCEGGS Redlands regarding their proposal to purchase and close Monford Place, Cremorne.
- 3. THAT** a further report be brought back to Council following the discussions.
- 4. THAT** Council resolves that the document attached to this report be considered confidential, as per section 11(3) of the Local Government Act, due to its content being classified under section 10A(2)(d) as commercial information of a sensitive nature. Disclosure of this information could potentially harm the commercial interests of the contributing party, compromise the competitive process, and, by extension, affect the public interest by deterring future tender participation and undermining the Council's ability to secure economically advantageous agreements.

9. Reports of Committees

9.1. Audit, Risk, and Improvement Committee Minutes - 26 July and 11 October 2024

AUTHOR: Ian Curry, Manager Governance

PURPOSE

The purpose of this report is to enable Council to consider the Minutes of this Committee as required under the Audit, Risk, and Improvement Committee Terms of Reference.

EXECUTIVE SUMMARY

- This report presents the decisions of the meetings of the Audit, Risk and Improvement Committee held on 26 July and 11 October 2024 for Council adoption. The Minutes are attached for information.

RECOMMENDATION:

1.THAT the Minutes of the Audit, Risk, and Improvement Committee meetings held on 26 July and 11 October 2024 be endorsed.

This item was considered by exception (see page 5).

236. RESOLVED:

1.THAT the Minutes of the Audit, Risk, and Improvement Committee meetings held on 26 July and 11 October 2024 be endorsed.

9.2. Traffic Committee Minutes - 18 October 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 18 October 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 meeting dated 18 October 2024 be received.

This item was considered by exception (see page 5).

237. RESOLVED:

1. THAT the Minutes of the Traffic Committee meeting dated 18 October 2024 be received.

10. Reports to Council

10.1. Policy Review - Code of Conduct Councillors and Staff, and Code of Meeting Practice

AUTHOR: Ian Robertson, Service Unit Manager, Corporate Governance

PURPOSE

The purpose of this report is to present Council with updated versions of the *Code of Conduct Councillors and Staff* and the *Code of Meeting Practice*.

EXECUTIVE SUMMARY

- *The Code of Conduct Councillors and Staff* establishes the minimum standard of conduct for Councillors, administrators, members of staff, and delegates of Council (including members of council committees who are delegates of a council), as required under section 440 of the *Local Government Act 1993*. The provisions of the code relating to the disclosure of pecuniary interests also apply to members of a committee of Council (including the Audit, Risk and Improvement Committee) or an adviser to Council.
- *The Code of Meeting Practice* provides guidelines for the conduct of meetings, including procedures for decision making, public participation, and the management of conflicts of interest, for the meetings of Council and its committees as required under section 360 of the *Local Government Act 1993*.
- These policies are based on the Office of Local Government (OLG) Models, being the Model Code of Conduct and the Model Code of Meeting Practice respectively.
- Section 440 and section 365 of the Local Government Act respectively, require a review of these policies within 12 months of a new Council term.
- The updated Policies reflect changes to titles and the organisational structure across 2023 and 2024.

RECOMMENDATION:

1. THAT Council readopt the *Code of Conduct Councillors and Staff* and the *Code of Meeting Practice* as attached to this report.

This item was considered by exception (see page 5).

238. RESOLVED:

1. THAT Council readopt the *Code of Conduct Councillors and Staff* and the *Code of Meeting Practice* as attached to this report.

10.2. Policy Review - Councillor and Staff Interaction

AUTHOR: Ian Robertson, Service Unit Manager, Corporate Governance

PURPOSE

The purpose of this report is to present Council with an updated version of the *Councillor and Staff Interaction Policy*.

EXECUTIVE SUMMARY

- The Councillor and Staff Interaction Policy was first adopted in 2004, to provide a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- The Policy complements, and should be read in conjunction with, North Sydney Council's *Code of Conduct - Councillors and Staff* (the Code of Conduct), and *Code of Meeting Practice*.
- The aim of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of North Sydney Council.
- The Policy lists staff members who have the delegated authority to provide Councillors with information on matters relating to their civic functions.
- The updated Policy reflects the changes to the organisational structure across 2023 and 2024, and is based on the Office of Local Government's Model Councillor and Staff Interaction Policy.

RECOMMENDATION:

1. THAT Council readopt the *Councillor and Staff Interaction Policy* as attached to this report.

This item was considered by exception (see page 5).

239. RESOLVED:

1. THAT Council readopt the *Councillor and Staff Interaction Policy* as attached to this report.

10.3. Submission on Review of Councillor Conduct and Meeting Practices

AUTHOR: Ian Robertson, Service Unit Manager, Corporate Governance

PURPOSE

The purpose of this report is to seek Council's approval for a submission to the Office of Local Government's discussion paper titled 'Councillor conduct and meeting practices, A new framework'.

EXECUTIVE SUMMARY

- The Office of Local Government (OLG) released a discussion paper on 5 September 2024 titled 'Councillor conduct and meeting practices, A new framework', inviting submissions by 15 November 2024.
- The discussion paper proposes changes to the investigation of *Code of Conduct* complaints and penalties, Mayoral powers under the *Code of Meeting Practice*, increased focus from the Office of Local Government on pecuniary and non-pecuniary interest declarations, and the banning of Councillor briefings that are closed to the public.
- The aim of the framework is intended to improve local decision making and the investigative framework for Councillor Code of Conduct complaints
- A draft submission has been prepared and is attached to this report.

RECOMMENDATION:

1. THAT Council approve the draft submission to the Office of Local Government's 'Councillor conduct and meeting practices, A new framework' discussion paper.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

240. RESOLVED:

1. THAT Council approve the draft submission to the Office of Local Government's 'Councillor conduct and meeting practices, A new framework' discussion paper.

10.4. Development Application Determination Times

AUTHOR: Marcelo Occhiuzzi, Director Planning and Environment

PURPOSE

The purpose of this report is to outline measures required and actions undertaken to improve Council's Development Application processing times in order to meet targets set by the NSW Government.

EXECUTIVE SUMMARY

- Development Application processing is of clear community and Council interest and is increasingly the subject of State Government review and direction.
- In the context of accelerating and facilitating the supply of new housing as well as general increases in efficiency in process, the Minister for Planning and Public Spaces issued a Statement of Expectations for Local Government in July 2024, setting out various requirements. One of these was the expected average development application (DA) determination target of 115 days for the current financial year, with this decreasing to 85 days by 2027.
- North Sydney Council's average determination time for DAs (as at September 2024), was 152 days. There are various factors which contribute to North Sydney Council's current performance. This report outlines the various initiatives and changes that are currently being pursued in order to bring these times down.

RECOMMENDATION:

- 1. THAT** Council note the limitations of Council's existing systems for Development Application Processing.
- 2. THAT** Council endorse changes to service levels contained within this report.
- 3. THAT** Council note the initiatives and ongoing process changes to improve development application determination times as identified in this report.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

241. RESOLVED:

- 1. THAT** Council note the limitations of Council's existing systems for Development Application Processing.
- 2. THAT** Council endorse changes to service levels contained within this report.
- 3. THAT** Council note the initiatives and ongoing process changes to improve development application determination times as identified in this report.

10.5. Tender 10/2024 - Shorelink Library Management System

AUTHOR: Kate Stewart, Manager Library Services

PURPOSE

The purpose of this report is to provide Council with recommendations following the tender process for Tender 10/2024, provision of a Library Management System for the Shorelink Library Network.

EXECUTIVE SUMMARY

- As the Agent Council for the Shorelink Libraries, North Sydney Council has been authorised by the Shorelink Management Committee to undertake the procurement process for a Library Management System on behalf of the three member Councils (North Sydney, Lane Cove, Mosman).
- Tenders were called and received until 3pm Tuesday 6 August 2024, for the provision of a Library Management System that would best deliver on the technical requirements and strategic direction of the Shorelink Libraries.
- On review of the submissions, the evaluation panel determined that the tender responses provided do not present the best outcome for the Shorelink network.
- Given this, the evaluation panel and Council's Procurement Panel, recommend that Council reject all tenders and undertake a subsequent request for quotation process following a review of the system requirements provided to vendors.

RECOMMENDATION:

- 1. THAT** In accordance with Section 178(3e) of the Local Government (General) Regulation Act 2021, Council rejects all current tenders for tender 10/2024 for the provision of a Library Management System.
- 2. THAT** a new request for quotation process be initiated, following a review of the system requirements provided to vendors.
- 3. THAT** Council grants the Chief Executive Officer the authority to negotiate with Shorelink's current Library Management System vendor for an extension of the service contract, if necessary, to allow for the RFQ process to be undertaken.

A Motion was moved by Councillor Keen and seconded by Councillor Spenceley:

1.THAT Council resolve to move to confidential session 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 (ii) confer a commercial advantage on a competitor of the Council

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

242. RESOLVED:

1.THAT Council resolve to move to confidential session 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 (ii) confer a commercial advantage on a competitor of the Council

The meeting was closed to the public and media at 7.57pm.

The open session of Council resumed at 7.58pm.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Councillor Keen

Absent: Nil

243. RESOLVED:

1. THAT In accordance with Section 178(3e) of the Local Government (General) Regulation Act 2021, Council rejects all current tenders for tender 10/2024 for the provision of a Library Management System.

2. THAT a new request for quotation process be initiated, following a review of the system requirements provided to vendors.

3. THAT Council grants the Chief Executive Officer the authority to negotiate with Shorelink's current Library Management System vendor for an extension of the service contract, if necessary, to allow for the RFQ process to be undertaken.

10.6. Landowners Consent: Transport for NSW - Balls Head Coal Loader Wharf

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE

The purpose of this report is to consider a request from Transport for NSW (TfNSW) for Council to provide landowner's consent to enable lodgement of a s60 with the NSW Department of Climate Change, Energy, the Environment, and Water, to undertake make-safe works under and around the Balls Head Coal Loader Wharf.

EXECUTIVE SUMMARY

- TfNSW have responded to a partial collapse of the Balls Head Coal Loader Wharf and have been conducting ongoing daily inspection around the wharf to ensure safe navigation around the area.
- TfNSW have lodged a Section 60 (s.60) with the NSW Department of Climate Change, Energy, the Environment, and Water, to undertake make-safe works for the section of the wharf within their jurisdiction and have subsequently received approval.
- TfNSW have approached Council seeking Landowners' consent to submit a similar s.60 application for the section of the wharf situated within Crown Reserve (R1004268) for which Council is the Crown Land Manager.

RECOMMENDATION:

1. THAT Council note the contents of this report regarding Transport for NSW's (TfNSW) request for Landowners consent from Council to submit a s.60 application for the section of Balls Head Coal Loader wharf located within the Crown Reserve (R1004268), for which Council is the Crown Land Manager.

2. THAT Council authorise Council's Chief Executive Officer to provide Landowners consent to enable TfNSW to submit a s.60 application for the section of wharf located within the Crown Reserve (R1004268), for which Council is the Crown Land Manager.

This item was considered by exception (see page 5).

244. RESOLVED:

1. THAT Council note the contents of this report regarding Transport for NSW's (TfNSW) request for Landowners consent from Council to submit a s.60 application for the section of Balls Head Coal Loader wharf located within the Crown Reserve (R1004268), for which Council is the Crown Land Manager.

2. THAT Council authorise Council's Chief Executive Officer to provide Landowners consent to enable TfNSW to submit a s.60 application for the section of wharf located within the Crown Reserve (R1004268), for which Council is the Crown Land Manager.

10.7. Creation of a Plaza at Grosvenor Lane, Neutral Bay

This item was moved forward as part of the Public Forum (see page 4).

10.8. 4th Quarterly Property Portfolio Report 2023/2024

AUTHOR: Alistair White, Commercial Property Specialist

PURPOSE

The purpose of this report is to provide an overview of the performance of Council's property portfolio and activities for the 4th quarter of financial year 2023/2024, covering the period from 1 April 2024 to 30 June 2024.

EXECUTIVE SUMMARY

- The total actual income for the 4th quarter (Q4) of the 2023/2024 financial year, received on a cash basis, amounted to \$1,442,984. This was below the forecasted budget of \$1,617,159 for the quarter by \$174,175, representing an 11% negative variance from the forecasted budget.
- The actual full year income received year to date at the end of the 4th quarter of the financial year 2023/24 on an accrual basis amounted to \$6,101,812. The forecasted full year budget for income on an accrual basis is \$6,351,032. The variance for the full year is negative 4.1%.
- Council's Property Portfolio vacancy rate at the end of June 2024 was 6.63%, which has largely remained the same. Most of the vacant space is office accommodation which remains a challenging commercial property sector post-pandemic in the current economic environment.
- The confidential attachment includes monetary information relating to property income, including Outdoor Dining, as well as leasing transactions, arrears data and carpark income. 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 competitor of the Council. Further, release of the information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.
- If Council wishes to discuss the report, the meeting should be closed to the public to do in accordance with Section 10A(2)(a) of the Local Government Act (LGA).

RECOMMENDATION:

1. **THAT** the report be received.
2. **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 (ii) confer a commercial advantage on a competitor of the Council. It is further noted that the release of this information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.

This item was considered by exception (see page 5).

245. RESOLVED:

1. **THAT** the report be received.
2. **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 (ii) confer a commercial advantage on a competitor of the Council. It is further noted that the release of this information would, on balance, be contrary to the public interest as it would affect Council's ability to obtain value for money services.

10.9. Monford Place, Cremorne - potential road closure and sale

This item was moved forward as part of the Public Forum (see page 4).

10.10.Tender 24/2024 - Gross Pollutant Trap at Waverton Park

AUTHOR: Jim Moore, Engineering Project Manager

PURPOSE

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for an upgrade to the Gross Pollutant Trap at Waverton Park (Tender 24/2024).

EXECUTIVE SUMMARY

- Tenders were called and received until 3pm 25 September 2024 for the submission of tenders to upgrade the GPT at Waverton Park.
- Six tender submissions were received, which have been assessed, and a preferred tenderer has been selected.
- The tender process has been undertaken in accordance with the provision of the Local Government Act, Local Government Regulation and Council's Procurement Policy.

RECOMMENDATION:

1. **THAT** Council accept the tender of the highest ranked tenderer for Tender 24/2024, Waverton Park GPT Upgrade.
2. **THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into contracts associated with the appointment of the highest ranked tenderer for Tender 24/2024, Waverton Park GPT Upgrade.
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.

This item was considered by exception (see page 5).

246. RESOLVED:

1. **THAT** Council accept the tender of the highest ranked tenderer, AZ Build, for Tender 24/2024, Waverton Park GPT Upgrade.
2. **THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into contracts associated with the appointment of the highest ranked tenderer for Tender 24/2024, Waverton Park GPT Upgrade.
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.

11. Notices of Motion

Nil

12. Matters of Urgency

Nil

Suspension of Standing Orders – Remembrance Day

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

1. THAT standing orders be set aside to acknowledge Remembrance Day.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

247. RESOLVED:

1. THAT standing orders be set aside to acknowledge Remembrance Day.

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

1. THAT a minute's silence be observed to mark Remembrance Day.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Carr, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

248. RESOLVED:

1. THAT a minute's silence be observed to mark Remembrance Day.

All those present then stood to observe a minute's silence for Remembrance Day.

13. Closure

The Meeting concluded at 8.02pm.