



MINUTES

The Minutes of the Council meeting held at the
Council Chambers, North Sydney
at 7:00 PM on Monday 25 November 2024.



1. Opening Meeting.....	4
2. Acknowledgement of Country	4
3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors	4
4. Confirmation of Minutes	4
5. Disclosures of Interest.....	5
6. Public Forum	5
7. Items Considered by Exception	29
8. Mayoral Minutes.....	30
9. Reports of Committees	30
10. Reports to Council	30
10.3. <i>Financial Statements for the Year Ended 30 June 2024</i>	<i>8</i>
10.4. <i>Quarterly Budget Review - September 2024</i>	<i>9</i>
10.7. <i>Proposed consultation for a special rate variation (SRV) for long term financial sustainability.....</i>	<i>12</i>
10.8. <i>Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report</i>	<i>15</i>
10.9. <i>Planning Proposal 2/23 - 601 Pacific Highway, St Leonards - Post Exhibition Report</i>	<i>18</i>
10.10. <i>Berrys Bay Masterplan - Woodley's Shed.....</i>	<i>20</i>
10.11. <i>Tender 8/2024 - Open Space Mowing Services</i>	<i>22</i>
10.12. <i>Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of gym equipment - North Sydney Olympic Pool.....</i>	<i>24</i>
10.13. <i>North Sydney Oval - Cricket Australia Multi-Year Venue Hire Agreement - 2024/25-2028/29</i>	<i>26</i>
10.14. <i>North Sydney Olympic Pool Redevelopment Update</i>	<i>27</i>
10.1. <i>Matters Outstanding to 11 November 2024</i>	<i>30</i>
10.2. <i>North Sydney Council Annual Report 2023/24</i>	<i>31</i>
10.3. <i>Financial Statements for the Year Ended 30 June 2024</i>	<i>31</i>
10.4. <i>Quarterly Budget Review - September 2024</i>	<i>31</i>
10.5. <i>Investment and Loan Borrowings Report as at 31 October 2024</i>	<i>31</i>

10.7. Proposed consultation for a special rate variation (SRV) for long term financial sustainability.....	32
10.8. Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report	32
10.9. Planning Proposal 2/23 - 601 Pacific Highway, St Leonards - Post Exhibition Report	32
10.10. Berrys Bay Masterplan - Woodley's Shed.....	32
10.11. Tender 8/2024 - Open Space Mowing Services	32
10.12. Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of gym equipment - North Sydney Olympic Pool.....	32
10.13. North Sydney Oval - Cricket Australia Multi-Year Venue Hire Agreement - 2024/25-2028/29	33
10.14. North Sydney Olympic Pool Redevelopment Update	33
11. Notices of Motion	33
11.1. Notice of Motion 19/24 - Safety Concerns Relating to New Ausgrid Critical Staffing Levels - Cr Hoy.....	33
11.2. Notice of Motion 20/24 - The Sydney Marathon 31 August 2025 - Crs Beregi and Santer.....	34
12. Matters of Urgency	35
13. Closure.....	35

1. Opening Meeting

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

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

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

1. THAT Council grant Leave of Absence to Councillor Carr.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

249. RESOLVED:

1. THAT Council grant Leave of Absence to Councillor Carr.

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 9 / 0

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

Against: Nil

Absent: Nil

250. RESOLVED:

1. THAT the Minutes of the Council Meeting held on Monday 11 November 2024 be taken as read and confirmed.

5. Disclosures of Interest

The following Disclosure of Interest was made:

Re: 11.2	Notice of Motion 20/24 - The Sydney Marathon 31 August 2025 - Crs Beregi and Santer
Councillor Keen	Work for a national tourism organisation (Non-pecuniary, less than significant)

6. Public Forum

A Motion was moved by Councillor Beregi and seconded by Councillor Keen.:

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

10.2	North Sydney Council Annual Report 2023/24
10.3	Financial Statements for the Year Ended 30 June 2024
10.4	Quarterly Budget Review - September 2024
10.6	Informing Strategies - planning for our next 10 years
10.7	Proposed consultation for a special rate variation (SRV) for long term financial sustainability
10.8	Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report
10.9	Planning Proposal 2/23 - 601 Pacific Highway, St Leonards - Post Exhibition Report
10.10	Berrys Bay Masterplan - Woodley's Shed
10.11	Tender 8/2024 - Open Space Mowing Services
10.12	Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of gym equipment - North Sydney Olympic Pool
10.13	North Sydney Oval - Cricket Australia Multi-Year Venue Hire Agreement - 2024/25-2028/29
10.14	North Sydney Olympic Pool Redevelopment Update

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

251. RESOLVED:

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

10.2	North Sydney Council Annual Report 2023/24
10.3	Financial Statements for the Year Ended 30 June 2024
10.4	Quarterly Budget Review - September 2024
10.6	Informing Strategies - planning for our next 10 years
10.7	Proposed consultation for a special rate variation (SRV) for long term financial sustainability
10.8	Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report
10.9	Planning Proposal 2/23 - 601 Pacific Highway, St Leonards - Post Exhibition Report
10.10	Berrys Bay Masterplan - Woodley's Shed
10.11	Tender 8/2024 - Open Space Mowing Services
10.12	Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of gym equipment - North Sydney Olympic Pool
10.13	North Sydney Oval - Cricket Australia Multi-Year Venue Hire Agreement - 2024/25-2028/29
10.14	North Sydney Olympic Pool Redevelopment Update

Public Forum

10.2. North Sydney Council Annual Report 2023/24

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Jenny Gracey, Corporate Planning Coordinator

PURPOSE

The purpose of this report is to present the North Sydney Council Annual Report 2023/24 to Council for endorsement, together with the Audited Financial Statements for the year ended 30 June 2024.

EXECUTIVE SUMMARY

- The North Sydney Council Annual Report 2023/24 outlines Council's achievements in implementing the second year of its Delivery Program 2022-2026, contributing to the strategic outcomes outlined in the Community Strategic Plan, North Sydney's Vision 2040.
- Council is required to prepare and endorse an Annual Report within five months of the end of the financial year which is 30 November 2024.

RECOMMENDATION:

- 1. THAT** Council endorse the North Sydney Council Annual Report 2023/24, which has been prepared in accordance with section 428 of the Local Government Act 1993.
- 2. THAT** the Chief Executive Officer be authorised to make minor administrative changes to the Annual Report if required.
- 3. THAT** a copy of the Annual Report be posted on Council's website and subsequent advice made to the Minister for Local Government as to the specific web address (URL).

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

- Davie Macdonald (local resident)

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

253. RESOLVED:

- 1. THAT** Council endorse the North Sydney Council Annual Report 2023/24, which has been prepared in accordance with section 428 of the Local Government Act 1993.
- 2. THAT** the Chief Executive Officer be authorised to make minor administrative changes to the Annual Report if required.
- 3. THAT** a copy of the Annual Report be posted on Council's website and subsequent advice made to the Minister for Local Government as to the specific web address (URL).

10.3. Financial Statements for the Year Ended 30 June 2024

This item was brought forward as part of the Public Forum (see page 6).

AUTHORS: Christian Menday, Financial Controller, Daniel Peacock, Assets and Taxation Accountant, and Aigul Utegenova, Chief Financial Officer

PURPOSE

The purpose of this report is to present to Council the audited Annual Financial Statements and the related submissions received for the year ended 30 June 2024.

EXECUTIVE SUMMARY

- At its meeting of 28 October 2024, Council endorsed the draft Annual Financial Statements and referred them for audit in Report 10.03, Financial Statements for the Year Ended 30 June 2024 (Report 10.03).
- This report outlines the statutory process required to finalise the Statements. It also provides a comprehensive analysis of financial performance compared to the original budget, along with an assessment of the financial position.
- A representative from the Audit Office of New South Wales presented the report on the Conduct of the Audit at Council's meeting on 28 October 2024. With the audit now complete, the Statements are tabled.

RECOMMENDATION:

1. THAT the presentation of Annual Financial Statements for the year ended 30 June 2024, incorporating the General Purpose Financial Statements and the Special Schedules, be received and noted in accordance with section 419 of the Local Government Act 1993.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

254. RESOLVED:

1. THAT the presentation of Annual Financial Statements for the year ended 30 June 2024, incorporating the General Purpose Financial Statements and the Special Schedules, be received and noted in accordance with section 419 of the Local Government Act 1993.

10.4. Quarterly Budget Review - September 2024

This item was brought forward as part of the Public Forum (see page 6).

AUTHORS: Christian Menday, Financial Controller, Daniel Peacock, Assets and Taxation Accountant, and Aigul Utegenova, Chief Financial Officer

PURPOSE

The purpose of this report is to:

- review the budget for the quarter ended 30 September 2024, highlighting and tracking variances from the original budget; and
- seek Council’s approval to carry forward unspent funds from 2023/24.

EXECUTIVE SUMMARY

The Quarterly Budget Review shows:

- **Decrease in Operating Deficit (before Capital Grants and Contributions):** The deficit decreased by \$1.954 million, bringing it down to \$6.479 million. This was primarily due to a \$2.3 million reduction in depreciation costs. The initial budget was based on an assumption that construction costs would continue to reflect recent high inflation trends, which subsequently eased. Depreciation expenses for the pool have decreased due to construction delays and the delayed commissioning of the asset. Additionally, other budgeted income and operating expenses for the North Sydney Olympic Pool (NSOP), originally included in the budget, have been excluded in this review. Furthermore, revenue from parking meters fell by \$1 million, partially offset by higher-than-expected returns from financial investments.
- **Increase in Operating Surplus (including Capital Grants and Contributions):** An increase of \$7.851 million, bringing the surplus to \$3.399 million.
- **Capital carry overs from prior year.** A total of \$29.441 million is proposed to be carried forward from 2023/24. This includes \$11.345 million for NSOP, \$2.865 million for the Young Street Plaza redevelopment, and \$1.531 million for the parking meter upgrade. These projects were committed at 30 June 2024 but were not completed for reasons such as project delays, community consultation, scheduling with contractors, and coordinating with other authorities.
- **TCorp Corporation loan.** Council has received a \$20 million loan from TCorp Corporation. It was externally restricted on receipt and is being utilised for the NSOP project this financial year.
- **North Sydney Pool Project.** This budget review includes additional variations for the Project in the amount of \$17.203 million, arising from delays due to issues identified with the structural steel.

- **The Unrestricted Current Ratio** projected to 30 June 2025 is **0.66**. This fails the Office of Local Government benchmark of 1.50. As it is less than 1.00, there is a risk that Council will not have sufficient short-term assets to meet its short-term liabilities.
- Due to a high level of outstanding capital works, actual liquidity as at 30 September is manageable, however critical repair will be required prior to the next Quarterly Review, including a review of existing budgets for reduction. If budgets cannot be contracted, additional borrowings may be required.
- Council's financial position continues to deteriorate, primarily due to losses in income from its own funding streams and increased costs associated with the North Sydney Olympic Pool project.

RECOMMENDATION:

- 1. THAT** Council adopt the Quarterly Budget Review Statement – September 2024 report in accordance with clause 203 of the Local Government (General) Regulation 2021.
- 2. THAT** Council endorse the budget variations in this report.

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

- *Davie Macdonald (local resident)*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

- For:** Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Holding, Councillor Hoy, Councillor Santer, Councillor Spenceley, and Councillor Welch
- Against:** Councillor Keen
- Absent:** Nil

255. RESOLVED:

- 1. THAT** Council adopt the Quarterly Budget Review Statement – September 2024 report in accordance with clause 203 of the Local Government (General) Regulation 2021.
- 2. THAT** Council endorse the budget variations in this report.

10.6. Informing Strategies - planning for our next 10 years

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Emma FitzRoy, Executive Manager Organisational Improvement

PURPOSE

The purpose of this report is to seek approval from Council to exhibit and seek community feedback on the eight Draft Informing Strategies.

EXECUTIVE SUMMARY

- In 2024, Council undertook a comprehensive community engagement program, the 'Have your say on North Sydney's next ten years' campaign, to understand the needs and priorities of our community.
- The valuable insights gathered through engagement, along with extensive research, have shaped a suite of eight Informing Strategies that articulate the projects and services that Council needs to deliver to meet the current and future priorities of our community.
- Approval is sought to undertake community consultation on the eight Draft Informing Strategies from 27 November 2024 to 10 January 2025. Following consideration of community feedback, the Informing Strategies will be presented to Council for adoption in early 2025.
- Delivery of new and expanded projects and services will require additional funding. A separate report (10.7) is presented to Council that considers Council's financial position and provides options for delivery of a financial strategy that fixes the current financial deficit and provides the projects and services that are required to address community needs and priorities now and in the future.
- Subject to adoption of a financial approach that provides funding for delivery, the priorities identified in the adopted Informing Strategies will form the basis of our new 2025-35 Community Strategic Plan and 2025-29 Delivery Program, which will be prepared and exhibited in the first half of 2025.

RECOMMENDATION:

- 1. THAT** Council undertake community consultation on the eight Draft Informing Strategies attached to this report from 27 November 2024 to 10 January 2025.
- 2. THAT** Council receive a report on the outcomes and feedback from the community engagement on the Informing Strategies at the Ordinary Meeting of Council scheduled for 10 February 2025.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Holding, Councillor Hoy, Councillor Santer, Councillor Spenceley, and Councillor Welch
Against: Councillor Keen
Absent: Nil

256. RESOLVED:

- 1. THAT** Council undertake community consultation on the eight Draft Informing Strategies attached to this report from 27 November 2024 to 10 January 2025.
- 2. THAT** Council receive a report on the outcomes and feedback from the community engagement on the Informing Strategies at the Ordinary Meeting of Council scheduled for 10 February 2025.

10.7. Proposed consultation for a special rate variation (SRV) for long term financial sustainability

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Aigul Utegenova, Chief Financial Officer

PURPOSE

For Council to consider undertaking community engagement on the proposal for a special rate variation (SRV) and to undertake public exhibition of the updated draft Long Term Financial Plan (LTFP), draft Amended Delivery Program, and draft Asset Management Strategy.

EXECUTIVE SUMMARY

- Currently, **Council's financial position is very weak and the financial outlook is unsustainable**, requiring significant structural reform. Existing revenue is insufficient to cover current service levels, loan repayments, asset maintenance backlogs, infrastructure renewals, upgrades, and the development of new assets to meet the demands of a growing and evolving population.
- Council's financial performance has led to increased infrastructure renewal backlogs which cannot be addressed through existing levels of revenue.
- Responsible and sustainable financial management is a core responsibility of Council, including consideration of intergenerational equity.
- A strategy has been developed and includes four options to address Council's financial position and build a strong and sustainable outlook, including a focus on strategic direction, improved governance and administration, and structural reform to Council's Revenue Policy.

- All four Options require a Special Rate Variation application to be submitted.
- This report should be read in conjunction with **Item 10.6**, which presents Council with Draft Informing Strategies for the next ten-year period.
- Prior to determining whether it wishes to make an application for an SRV, it is necessary for Council to undertake community engagement, ensuring the community is aware of the need and extent of the rate rises proposed.

RECOMMENDATION:

- 1. THAT** Council undertake community consultation on the proposed Special Rate Variation (SRV) options, as detailed in the report and attachments, from 27 November 2024 to 10 January 2025.
- 2. THAT** Council place the updated draft updated 2022-26 Delivery Program, revised Long-Term Financial Plan (LTFP) and revised Asset Management Strategy (attached to the report) on public exhibition from 27 November 2024 to 10 January 2025.
- 3. THAT** the Chief Executive Officer be authorised to make minor administrative changes to the strategic planning documents if required.
- 4. THAT** Council receive a report on the outcomes and feedback from the community engagement on the proposed SRV and the exhibition of the updated draft Delivery Program and LTFP at the ordinary meeting of Council scheduled for 10 February 2025.

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

- George Loiterton (local resident)
- Kate Branch (local business owner)
- Davie Macdonald (local resident)
- Linden Stokes (local resident)

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

- 1. THAT** the notes of speaker George Loiterton be tabled.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 2/ 7

For: Councillor Keen, and Councillor Spenceley

Against: Councillor Baker, Councillor Antonini, Councillor Beregi, Councillor Holding, Councillor Hoy, Councillor Santer, and Councillor Welch

Absent: Nil

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

An Amendment was moved by Councillor Spenceley and seconded by Councillor Keen:

- 1. THAT** Council undertake community consultation on the proposed Special Rate Variation (SRV) options, as detailed in the report and attachments, from 27 November 2024 to 10 January 2025, including the following additional rate increase options:
-

a) 10, 15, and 20% across three years (2025, 2026, 2027), noting that a number of non-critical services will need to be reduced in these lower rate categories.

b) 10,15, and 25% across three years (2025, 2026, 2027), noting that a number of non-critical services will need to be reduced in these lower rate categories.

2. THAT Council place the updated draft updated 2022-26 Delivery Program, revised Long-Term Financial Plan (LTFP) and revised Asset Management Strategy (attached to the report) on public exhibition from 27 November 2024 to 10 January 2025.

3. THAT the Chief Executive Officer be authorised to make minor administrative changes to the strategic planning documents if required.

4. THAT Council receive a report on the outcomes and feedback from the community engagement on the proposed SRV and the exhibition of the updated draft Delivery Program and LTFP at the ordinary meeting of Council scheduled for 10 February 2025.

The Amendment was put and **Lost**.

Voting was as follows:

For/Against 2 / 7

For: Councillor Keen, and Councillor Spenceley

Against: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Holding, Councillor Hoy, Councillor Santer, and Councillor Welch

Absent: Nil

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

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

Against: Councillor Keen and Councillor Spenceley

Absent: Nil

257. RESOLVED:

1. THAT Council undertake community consultation on the proposed Special Rate Variation (SRV) options, as detailed in the report and attachments, from 27 November 2024 to 10 January 2025.

2. THAT Council place the updated draft updated 2022-26 Delivery Program, revised Long-Term Financial Plan (LTFP) and revised Asset Management Strategy (attached to the report) on public exhibition from 27 November 2024 to 10 January 2025.

3. THAT the Chief Executive Officer be authorised to make minor administrative changes to the strategic planning documents if required.

4. THAT Council receive a report on the outcomes and feedback from the community engagement on the proposed SRV and the exhibition of the updated draft Delivery Program and LTFP at the ordinary meeting of Council scheduled for 10 February 2025.

10.8. Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Ben Boyd, Executive Strategic Planner

PURPOSE

The purpose of this report is to address the issues raised in the submissions to the public exhibition of the draft amendment to North Sydney Development Control Plan 2013 relating to 183-185 Military Road, 1-11 Rangers Road and 50 Yeo Street, and to finalise the draft amendment.

EXECUTIVE SUMMARY

- On 22 July 2024, North Sydney Council resolved to place a draft amendment to North Sydney Development Control Plan 2013 (NSDCP 2013) on public exhibition. The purpose of the draft DCP amendment is to give effect to identified desired outcomes of the Neutral Bay Village Planning Study (NBVPS), with consideration given to the concurrent progression of two separate but associated planning proposals at 183-185 Military Road, and 1-7 Rangers Road and 50 Yeo Street, Neutral Bay.
- The draft amendment to NSDCP 2013 was publicly exhibited from 26 August 2024 to 23 September 2024.
- Council received 20 submissions during the exhibition period, of which:
 - o Two were made by directly affected property owners (proponents to two concurrent planning proposals);
 - o 14 were made by indirectly affected property owners; and
 - o Four were made by precinct committees.
- The following key issues were specifically raised:
 - o solar access / overshadowing controls;
 - o absence of vehicular servicing and maneuvering controls;
 - o traffic congestion and car parking;
 - o proposed podium height controls along Yeo Street;
 - o absence of overall building height controls;
 - o proposed setback controls;
 - o financial viability;
 - o planning processes;
 - o proposed active frontage controls;
 - o proposed land use diversity controls;
 - o non-residential Floor Space Ratio (FSR) control;
 - o Floor Space Ratios; and
 - o Construction impacts.

- In response to the submissions made, it is recommended the draft amendment to NSDCP 2013 be further revised to:
 - o amend the podium height provision to Yeo Street to apply a 10m height restriction in addition to the proposed 3-storey height limit;
 - o removal of the basement setback controls to Military Road;
 - o amend the proposed setback control to the western boundary of 183-185 Military Road to the ground level only; and
 - o include a new objective to the Diversity control to ensure conflicts between uses are minimised.

- It is recommended that Council adopt the draft amendment as revised (Attachment 3) and complete the necessary steps to enable its implementation.

RECOMMENDATION:

- 1. THAT** Council note the submissions made to the exhibition of the draft DCP amendment.
- 2. THAT** Council adopt the draft amendment to NSDCP 2013 as amended, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021.
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council’s website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.
- 4. THAT** all submitters be notified of Council’s decision and thanked for their submissions.

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

- 1. THAT** Nea McCulloch be permitted to speak to this item as part of the Public Forum.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

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

- Cathy Peters (on behalf of Neutral Precinct)
- Chris Boseley (on behalf of Neutral Precinct)
- Meredith Trevallyn-Jones (on Behalf of Willoughby Bay Precinct)
- Aleksandra Serafimovska (local resident)
- Anthony Brogan – remotely (Principal, Ethos Urban, representing Fabcot Pty Ltd as owners of 1-7 Rangers Road)
- Nea McCulloch (local resident)

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

- 1. THAT** Council note the submissions made to the exhibition of the draft DCP amendment.
- 2. THAT** Council adopt the draft amendment to NSDCP 2013, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021, as amended,
- 3. THAT**, in addition to the above, the following amendments are to be made:
 - a) 5.1.5.2 Form massing and scale, be amended to read: “P4: ensure that all dwellings in Yeo Street receive a minimum two hours of sunlight to living areas at the winter solstice”;
 - b) 5.1.5.9 Access, to be amended to include: P6: the number of retail and commercial customer spaces for the Woolworths site redevelopment, is to be limited to 180 spaces;
 - c) P3 to be changed to read: “despite P2, vehicular access may be provided from Yeo Street subject to adequate demonstration that it will not present any adverse conflicts to the traffic flow on Yeo Street”; and
 - d) an additional performance measure to 5.1.5.9 Access be included as follows: P7 “there be the provision of a single ingress and egress on Yeo Street in order to promote pedestrian safety.”
- 3. THAT** public notice of the publication of the amendment to NSDCP 2013 be given on Council’s website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.
- 4. THAT** all submitters be notified of Council’s decision and thanked for their submissions.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

258. RESOLVED:

- 1. THAT** Council note the submissions made to the exhibition of the draft DCP amendment.
- 2. THAT** Council adopt the draft amendment to NSDCP 2013, forming Attachment 3 to this report, in accordance with clause 14(1) of the Environmental Planning and Assessment Regulation, 2021, as amended,
- 3. THAT**, in addition to the above, the following amendments are to be made:
 - a) 5.1.5.2 Form massing and scale, be amended to read: “P4: ensure that all dwellings in Yeo Street receive a minimum two hours of sunlight to living areas at the winter solstice”;
 - b) 5.1.5.9 Access, to be amended to include: P6: the number of retail and commercial customer spaces for the Woolworths site redevelopment, is to be limited to 180 spaces;
 - c) P3 to be changed to read: “despite P2, vehicular access may be provided from Yeo Street subject to adequate demonstration that it will not present any adverse conflicts to the traffic flow on Yeo Street”; and
 - d) an additional performance measure to 5.1.5.9 Access be included as follows: P7 “there be the provision of a single ingress and egress on Yeo Street in order to promote pedestrian safety.”

3. THAT public notice of the publication of the amendment to NSDCP 2013 be given on Council's website in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation, 2021.

4. THAT all submitters be notified of Council's decision and thanked for their submissions.

10.9. Planning Proposal 2/23 - 601 Pacific Highway, St Leonards - Post Exhibition Report

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Katerina Papas, Senior Strategic Planner

PURPOSE

The purpose of this report is to present to Council the outcomes of the public exhibition of Planning Proposal (PP2/23) and accompanying draft Voluntary Planning Agreement for 601 Pacific Highway St Leonards, and to seek Council's endorsement to progress the Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* and proceed with the execution of the Voluntary Planning Agreement.

EXECUTIVE SUMMARY

- On 27 November 2023, Council resolved to support and forward a Planning Proposal (PP2/23) lodged by Stockland Pty Ltd as it relates to land at 601 Pacific Highway, St Leonards to the Department of Housing and Infrastructure (DPHI) with a request for a Gateway Determination.
- The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA), which proposes a \$172,000 monetary contribution to Council to be used towards community infrastructure.
- The Planning Proposal seeks to amend *North Sydney Local Environmental Plan (NSLEP) 2013* to increase the maximum building height control for the site from 49m to RL 259 (equivalent to 171m) and establish a maximum floor space ratio (FSR) control of 20:1. No amendment to the existing land use zone is proposed. The site is currently zoned E2 – Commercial Centre under NSLEP 2013.
- The intent of the Planning Proposal is to facilitate a 42-storey commercial retail/office development, as envisaged for the subject site under the NSW Government's St Leonards and *Crows Nest 2036 Plan (2036 Plan)*.
- The Planning Proposal and draft VPA were placed on public exhibition from 18 July - 22 August 2024. 26 submissions were received, including 22 submissions that objected to or raised concerns with the proposal.
- The site is within an area subject to the State-led Crows Nest Transit Oriented Development (TOD) accelerated rezoning process, announced by the NSW Government

on 7 December 2023. The TOD draft rezoning proposal, which was exhibited in July 2024, includes planning controls for the subject site consistent with the Planning Proposal. The most current advice from the DPPI is that the Crows Nest TOD rezoning proposal will be finalised in November - December 2024.

- Notwithstanding, it is recommended that Council support the Planning Proposal and accompanying VPA to proceed to finalisation, subject to the inclusion of an additional provision to address Council's concerns regarding the ongoing application of the NSW Government's 'Build-to-Rent' (BTR) housing provisions to the subject site, which could significantly compromise St Leonards' employment capacity and ability to meet identified State employment targets.
- It is recommended that a minimum non-residential FSR control of 19:1 be included in the Planning Proposal to ensure the intended commercial outcome of the Planning Proposal is achieved. Alternatively, a special provision to exclude the site from 'Built-to-Rent' provisions under Part 4 of *State Environmental Planning Policy (Housing) 2021* could be requested. This is consistent with the policy position expressed in Council's resolution of 26 August 2024 regarding to the Crows Nest TOD exhibition.
- The inclusion of a minimum non-residential FSR control is recommended to provide greater certainty that the intended employment outcome will be achieved on the site. It is consistent with both the *2036 Plan* and Crows Nest TOD and does not materially change the Planning Proposal nor trigger the need for re-exhibition.

RECOMMENDATION:

1. THAT Council endorse the Planning Proposal provided at Attachment 1 subject to the inclusion of a minimum non-residential floorspace provision of 19:1 to ensure the site delivers an employment outcome.

2. THAT Council note that the finalisation of the Planning Proposal and LEP amendment process will be incorporated into the State Government's Crows Nest Transit Oriented Development Program.

3. THAT Council, in supporting the progression of this Planning Proposal, consistent with its resolution of 26 August 2024, reiterate to the State Government the need for St Leonards to provide for adequate employment generating floorspace capacity to fulfil its identified function as a Strategic Centre.

4. THAT Council grant delegation to the Chief Executive Officer to execute the Voluntary Planning Agreement (VPA) (Attachment 2) with a view to having this VPA executed as soon as practical.

5. THAT Council note the submissions made, forming Attachment 3 to this report.

6. THAT Council notify all submitters of Council's decision and thanked for their submission.

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

- *Davie Macdonald (local resident)*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

259. RESOLVED:

1.THAT Council endorse the Planning Proposal provided at Attachment 1 subject to the inclusion of a minimum non-residential floorspace provision of 19:1 to ensure the site delivers an employment outcome.

2. THAT Council note that the finalisation of the Planning Proposal and LEP amendment process will be incorporated into the State Government's Crows Nest Transit Oriented Development Program.

3. THAT Council, in supporting the progression of this Planning Proposal, consistent with its resolution of 26 August 2024, reiterate to the State Government the need for St Leonards to provide for adequate employment generating floorspace capacity to fulfil its identified function as a Strategic Centre.

4. THAT Council grant delegation to the Chief Executive Officer to execute the Voluntary Planning Agreement (VPA) (Attachment 2) with a view to having this VPA executed as soon as practical.

5. THAT Council note the submissions made, forming Attachment 3 to this report.

6. THAT Council notify all submitters of Council's decision and thanked for their submission.

10.10. Berrys Bay Masterplan - Woodley's Shed

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE

The purpose of this report is to provide Council with an update on discussions between various stakeholders in relation to the future reuse of Woodley's Boatyard Precinct.

EXECUTIVE SUMMARY

- Over the past eighteen months Council officers have been working with Transport for NSW (TfNSW) on the development of the Masterplan for Berrys Bay. More recently these discussions have been focused on the options for the Woodley's Boatyard Precinct.
- TfNSW developed the following two options for the Woodleys Boatyard Precinct:
 - Option 1-adaptive reuse; and
 - Option 2-retain and make safe.

These options have been presented to Council's Waverton Peninsula Working Group (WPWG). The WPWG were supportive of Option 1-adaptive reuse, subject to commitments from TfNSW to deliver this option as presented.

- The WPWG have presented the proposed options by TfNSW to Council's Euroka, Waverton, and Lavender Bay Precinct Committees, who have indicated their support for the adaptive reuse of Woodley's Shed (Option 1).
- Council and TfNSW have developed a Functional Brief to inform the redevelopment of the site in alignment with Option 1.

Subject to Council endorsement, TfNSW proposes to develop the functional brief to concept design with the WPWG for incorporation into the broader Place, Design, and Landscape Plan for the site.

RECOMMENDATION:

1. THAT Council notes the discussions regarding the redevelopment of the Woodley's Boatshed Precinct and the support from the Waverton Peninsula Working Group in relation to the proposed adaptive reuse of Woodley's Shed (Option1) for the site.

2. THAT Council notes the support from the Waverton, Lavender Bay, and Euroka Precinct Committees for the proposed adaptive reuse of Woodley's Shed (Option1) for the site.

3.THAT Council note the development of a Functional Brief for the proposed adaptive reuse of Woodley's Shed and the letter from Transport for NSW (TfNSW) confirming their commitment to the development of a design and delivery of a community facility in alignment with the Functional Brief attached to this report.

4.THAT Council endorse the removal of Woodley's Shed on the condition that TfNSW meets its commitment made to the community in relation to the delivery of the adaptive reuse of Woodley's Shed in accordance with the Functional Brief attached to this report.

5.THAT Council note that TfNSW propose to undertake a Fabric Analysis and Interpretive Report of Woodley's Shed and surrounding site to inform the adaptive reuse and redevelopment of the Woodley's Boatyard Precinct.

6.THAT Council endorse the delivery of a new community facility on the Woodley Boatyard site in accordance with Option 1 proposed by TfNSW and the functional brief attached to this report.

7. THAT Council note that funding for the fitout and ongoing costs associated with the new community facility will be required by way of a special rate variation.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

260. RESOLVED:

- 1. THAT** Council notes the discussions regarding the redevelopment of the Woodley's Boatshed Precinct and the support from the Waverton Peninsula Working Group in relation to the proposed adaptive reuse of Woodley's Shed (Option1) for the site.
- 2. THAT** Council notes the support from the Waverton, Lavender Bay, and Euroka Precinct Committees for the proposed adaptive reuse of Woodley's Shed (Option1) for the site.
- 3. THAT** Council note the development of a Functional Brief for the proposed adaptive reuse of Woodley's Shed and the letter from Transport for NSW (TfNSW) confirming their commitment to the development of a design and delivery of a community facility in alignment with the Functional Brief attached to this report.
- 4. THAT** Council endorse the removal of Woodley's Shed on the condition that TfNSW meets its commitment made to the community in relation to the delivery of the adaptive reuse of Woodley's Shed in accordance with the Functional Brief attached to this report.
- 5. THAT** Council note that TfNSW propose to undertake a Fabric Analysis and Interpretive Report of Woodley's Shed and surrounding site to inform the adaptive reuse and redevelopment of the Woodley's Boatyard Precinct.
- 6. THAT** Council endorse the delivery of a new community facility on the Woodley Boatyard site in accordance with Option 1 proposed by TfNSW and the functional brief attached to this report.
- 7. THAT** Council note that funding for the fitout and ongoing costs associated with the new community facility will be required by way of a special rate variation.

10.11. Tender 8/2024 - Open Space Mowing Services

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: David Manson, Manager Parks & Reserves

PURPOSE

The purpose of this report is to provide Council with the outcomes of Tender 08/2024 for Open Space Mowing Services.

EXECUTIVE SUMMARY

- Open tenders were called for recurrent mowing service across the North Sydney Local Government Area on 14 May 2024. When tenders closed at 3pm 12 June 2024, six submissions had been received.
- Tenders have been subsequently received and assessed against a predetermined criterion and a preferred tenderer identified.
- Should Council wish to discuss this report it is noted that the attached confidential document includes information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Further, release of the information would on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from

submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

RECOMMENDATION:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 08/2024 for Open Space Mowing Services.

2. THAT the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering associated contracts related to Tender 08/2024 for Open Space Mowing Services.

3. THAT, once Council has executed the Contract, the information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 – Part 3 Division 5-Government Contracts with Private Sector.

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

(d) 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 person spoke to this item as part of the Public Forum:

- *Davie Macdonald (local resident)*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

261. RESOLVED:

1. THAT Council accept the tender of the highest ranked Tenderer, Hideaway Landscapes Pty Ltd, for Tender 08/2024 for Open Space Mowing Services.

2. THAT the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering associated contracts related to Tender 08/2024 for Open Space Mowing Services.

3. THAT, once Council has executed the Contract, the information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 – Part 3 Division 5-Government Contracts with Private Sector.

4 THAT Council resolves that the identified attachment to this report is to be treated as

confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A (2) of the Local Government Act:

- (d) 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.

10.12. Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of gym equipment - North Sydney Olympic Pool

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Duncan Rennie, Manager Leisure and Aquatics

PURPOSE

The purpose of this report is to provide Council with the assessment of Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of Gym Equipment for North Sydney Olympic Pool (NSOP).

EXECUTIVE SUMMARY

- Tenders were called and received until 3pm Thursday 29 August 2024 for the submission of tenders to undertake the supply, delivery, installation, commissioning and maintenance of gym equipment at NSOP.
- Tenders were subsequently assessed in accordance with Council's Procurement Policy and s55 of the Local Government Act (1993) and a preferred tenderer identified.
- 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.*

RECOMMENDATION:

1. THAT Council accept the tender of the highest ranked tenderer for Tender 19/2024: Supply, Delivery, Installation, Commissioning, and Maintenance of Gym Equipment at North Sydney Olympic Pool.

2. THAT the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into contracts associated with Tender 19/2024: Supply, Delivery, Installation, Commissioning, and Maintenance of Gym Equipment at North Sydney Olympic Pool.

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.

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

- *Davie Macdonald (local resident)*

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

1. THAT the matter be deferred to a Councillor Briefing.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

262. RESOLVED:

1. THAT the matter be deferred to a Councillor Briefing.

10.13. North Sydney Oval - Cricket Australia Multi-Year Venue Hire Agreement - 2024/25-2028/29

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE

The purpose of this report is to seek Council's endorsement of a Heads of Agreement between North Sydney Council and Cricket Australia (CA), to form the basis of a five-year Venue Hire Agreement (VHA) for the use of North Sydney Oval (NSO) and Bon Andrews Oval (BAO).

EXECUTIVE SUMMARY

- Previous venue arrangements between CA and Council are outdated and do not reflect the increasing costs to Council, the flexibility required to meet the demand for open space in North Sydney, and the length of tenure required by CA.
- A Heads of Agreement has been developed with CA, which provides for increased availability of NSO and BAO for other uses, and secure long-term tenure for CA.

RECOMMENDATION:

1. THAT Council note the contents of this report in relation to the development of a Venue Hire Agreement with Cricket Australia for the use of North Sydney and Bon Andrews Ovals for the period 1 October 2024 to 30 September 2029.

2. THAT Council notes the Heads of Agreement proposed between Cricket Australia and Council (included within the confidential attachment of this report), which will be used to inform a five-year Venue Hire Agreement for the use of North Sydney and Bon Andrews Ovals for the period 1 October 2024 to 30 September 2029.

3. THAT Council authorise the Chief Executive Officer to enter into the proposed Heads of Agreement to inform the development of a five-year Venue Hire Agreement with Cricket Australia for the use of North Sydney and Bon Andrews Ovals.

4. THAT Council authorise the Chief Executive Officer to finalise negotiations with Cricket Australia and enter into a five-year Venue Hire Agreement with Cricket Australia for the use of North Sydney Oval and Bon Andrews Oval, based on the proposed Heads of Agreement.

5. THAT Council resolves that the identified attachments to this report are 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 person spoke to this item as part of the Public Forum:

- *Davie Macdonald (local resident)*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

263. RESOLVED:

1. THAT Council note the contents of this report in relation to the development of a Venue Hire Agreement with Cricket Australia for the use of North Sydney and Bon Andrews Ovals for the period 1 October 2024 to 30 September 2029.

2. THAT Council notes the Heads of Agreement proposed between Cricket Australia and Council (included within the confidential attachment of this report), which will be used to inform a five-year Venue Hire Agreement for the use of North Sydney and Bon Andrews Ovals for the period 1 October 2024 to 30 September 2029.

3. THAT Council authorise the Chief Executive Officer to enter into the proposed Heads of Agreement to inform the development of a five-year Venue Hire Agreement with Cricket Australia for the use of North Sydney and Bon Andrews Ovals.

4. THAT Council authorise the Chief Executive Officer to finalise negotiations with Cricket Australia and enter into a five-year Venue Hire Agreement with Cricket Australia for the use of North Sydney Oval and Bon Andrews Oval, based on the proposed Heads of Agreement.

5. THAT Council resolves that the identified attachments to this report are 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.

10.14. North Sydney Olympic Pool Redevelopment Update

This item was brought forward as part of the Public Forum (see page 6).

AUTHOR: Gary Parsons, Director Open Space & Infrastructure

PURPOSE

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

EXECUTIVE SUMMARY

- The reinstallation of the structural steel framing for roof over the 25-metre indoor pool hall roof is complete and is now being prepared for roof sheeting.
- The current revised Contractual date for Practical Completion of the project is 11 July 2024, however Council's contractor ICON are now reporting a Practical Completion date of 23 May 2025. The major reason for the difference between these dates is the delay associated with the structural steel over the roof of the 25m indoor pool, which remains in dispute
- The project has been the subject of 1,600 Requests for Information, 149 Extension of Time submissions. and 379 Variations. Council's Project Management team continues to respond and address these submissions, however ongoing design and construction related issue continue to emerge.
- The current construction contract value is \$91.5m as at the end of September 2024, inclusive of all agreed variations outlined within this report. There are a number of variations that are currently being assessed and Council is aware of a number of variations that are still to be submitted.
- Current forecast project costs total \$122.2 million. A review of available budgets has been undertaken and it is recommended that additional funding of \$17,203,322 is made available to complete this project. This does not take into account any legal recoveries that may be forthcoming on the project.

RECOMMENDATION:

- 1. THAT** the meeting be closed to the public in accordance with Section 10A (2):
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.*
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.*
- 2. THAT** the confidential report and related attachments be treated as confidential and remain confidential unless the Council determines otherwise.
- 3. THAT** Council note that an additional \$17.2m has been included within the September Quarterly Budget Review to complete the redevelopment of the North Sydney Olympic Pool.
- 4. THAT** Council approve the additional scope including fit out of the kiosk and gelato bar to improve competition and potential returns for the facility.
- 4. THAT** Council note the contents of this report in relation to the redevelopment of the North Sydney Olympic Pool.

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

- *Davie Macdonald (local resident)*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Antonini, Councillor Baker, Councillor Beregi, Councillor Holding, Councillor Hoy, Councillor Keen, Councillor Santer, Councillor Spenceley, and Councillor Welch
Against: Nil
Absent: Nil

264. RESOLVED:

- 1. THAT** the meeting be closed to the public in accordance with Section 10A (2):
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.
- 2. THAT** the confidential report and related attachments be treated as confidential and remain confidential unless the Council determines otherwise.
- 3. THAT** Council note that an additional \$17.2m has been included within the September Quarterly Budget Review to complete the redevelopment of the North Sydney Olympic Pool.
- 4. THAT** Council approve the additional scope including fit out of the kiosk and gelato bar to improve competition and potential returns for the facility.
- 4. THAT** Council note the contents of this report in relation to the redevelopment of the North Sydney Olympic Pool.

7. Items Considered by Exception

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

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

10.1	Matters Outstanding to 11 November 2024
10.5	Investment and Loan Borrowings Report as at 31 October 2024

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

252. RESOLVED:

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

10.1	Matters Outstanding to 11 November 2024
10.5	Investment and Loan Borrowings Report as at 31 October 2024

8. Mayoral Minutes

Nil

9. Reports of Committees

Nil

10. Reports to Council

10.1. Matters Outstanding to 11 November 2024

AUTHOR: Ian Curry, Manager Governance

PURPOSE

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

EXECUTIVE SUMMARY

- Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.
- The attached table has been updated to include resolutions up to the 28 October 2024 Ordinary Meeting of Council.

RECOMMENDATION:

1. THAT the report be received.

This item was considered by exception (see page 6).

265. RESOLVED:

1. THAT the report be received.

10.2. North Sydney Council Annual Report 2023/24

This item was brought forward as part of the Public Forum (see page 6).

10.3. Financial Statements for the Year Ended 30 June 2024

This item was brought forward as part of the Public Forum (see page 6).

10.4. Quarterly Budget Review - September 2024

This item was brought forward as part of the Public Forum (see page 6).

10.5. Investment and Loan Borrowings Report as at 31 October 2024

AUTHORS: Christian Menday, Financial Controller, and Aigul Utegenova, Chief Financial Officer

PURPOSE:

The purpose of this report is to provide details of the performance of Council's investments and loans for the month ending 31 October 2024.

EXECUTIVE SUMMARY

- All investments have been made in accordance with the Local Government Act and Regulations and Council's Financial Investments Policy.
- For the month of October, the total investment portfolio (Term Deposits, Floating Rate Notes and Bonds) provided a return of +0.33% (actual), or +3.92% p.a. (annualised), under-performing the benchmark AusBond Bank Bill Index return of +0.37% (actual), or +4.50% 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 \$712,000.

RECOMMENDATION:

1. THAT the report on Investments held at 31 October 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

This item was considered by exception (see page 6).

266. RESOLVED:

1. THAT the report on Investments held at 31 October 2024, prepared in accordance with clause 212 of the Local Government (General) Regulation 2021, and the information on Loan Borrowings be received.

10.6. Informing Strategies - planning for our next 10 years

This item was brought forward as part of the Public Forum (see page 6).

10.7. Proposed consultation for a special rate variation (SRV) for long term financial sustainability

This item was brought forward as part of the Public Forum (see page 6).

10.8. Draft Amendment to NSDCP 2013: 183-185 Military Rd, and 1-11 Rangers Rd & 50 Yeo St, Neutral Bay - Post Exhibition Report

This item was brought forward as part of the Public Forum (see page 6).

10.9. Planning Proposal 2/23 - 601 Pacific Highway, St Leonards - Post Exhibition Report

This item was brought forward as part of the Public Forum (see page 6).

10.10. Berrys Bay Masterplan - Woodley's Shed

This item was brought forward as part of the Public Forum (see page 6).

10.11. Tender 8/2024 - Open Space Mowing Services

This item was brought forward as part of the Public Forum (see page 6).

10.12. Tender 19/2024 - Supply, Delivery, Installation, Commissioning, and Maintenance of gym equipment - North Sydney Olympic Pool

This item was brought forward as part of the Public Forum (see page 6).

10.13. North Sydney Oval - Cricket Australia Multi-Year Venue Hire Agreement - 2024/25-2028/29

This item was brought forward as part of the Public Forum (see page 6).

10.14. North Sydney Olympic Pool Redevelopment Update

This item was brought forward as part of the Public Forum (see page 6).

11. Notices of Motion

11.1. Notice of Motion 19/24 - Safety Concerns Relating to New Ausgrid Critical Staffing Levels - Cr Hoy

1.THAT Council write to Ausgrid:

- a. expressing its concern at the community safety implications of the reduction of critical staffing levels in Sydney's North;
- b. requesting a reversal of the decision; and
- c. seeking an urgent briefing regarding the justification and impact for the decision to reduce critical staffing levels.

2.THAT Council write to SafeWork, requesting an urgent and formal investigation into the actions taken by Ausgrid, to ensure that no member of the public is being placed at undue risk.

3.THAT Council write to the Minister for Energy, the Minister for Work Health and Safety, and the Minister for Emergency Services, to express their concern at the community safety implications of this decision by Ausgrid.

4.THAT the CEO prepare a report to Council on the risks of an inadequate incident response to blackouts, natural disasters, electrical or fire hazards, or accidents involving electrical infrastructure in the LGA.

The Motion was moved by Councillor Hoy and seconded by Councillor Keen.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

267. RESOLVED:

1.THAT Council write to Ausgrid:

- a. expressing its concern at the community safety implications of the reduction of critical staffing levels in Sydney's North;
- b. requesting a reversal of the decision; and
- c. seeking an urgent briefing regarding the justification and impact for the decision to reduce critical staffing levels.

2.THAT Council write to SafeWork, requesting an urgent and formal investigation into the actions taken by Ausgrid, to ensure that no member of the public is being placed at undue risk.

3.THAT Council write to the Minister for Energy, the Minister for Work Health and Safety, and the Minister for Emergency Services, to express their concern at the community safety implications of this decision by Ausgrid.

4.THAT the CEO prepare a report to Council on the risks of an inadequate incident response to blackouts, natural disasters, electrical or fire hazards, or accidents involving electrical infrastructure in the LGA.

**11.2. Notice of Motion 20/24 - The Sydney Marathon 31 August 2025
- Crs Beregi and Santer**

1. THAT Council write to Pont 3, the organisers of the Sydney Marathon congratulating them on the announcement that Sydney is to hold the 7th Abbott World Marathon Major (AbbottWMM);

2. THAT the Chief Executive Officer seek a meeting with Pont 3 to discuss collaboration opportunities for Council and local business ahead of the 2025 event;

3. THAT the Chief Executive Officer seek a meeting with Destination NSW to explore opportunities to enhance the experience for the 2025 Sydney Marathon participants and visitors, including:

- opportunities to promote the Olympic history of the start line in Miller Street, North Sydney;
- funding opportunities for infrastructure upgrades to facilities at North Sydney Oval to support an event of this size and prestige;
- opportunities for North Sydney to be promoted as a place to visit, dine, recreate, and explore in Destination NSW promotional activities.

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

1. THAT Council write to Pont 3, the organisers of the Sydney Marathon congratulating them on the announcement that Sydney is to hold the 7th Abbott World Marathon Major (AbbottWMM);

2. THAT the Chief Executive Officer seek a meeting with Pont 3 to discuss collaboration opportunities for Council and local business ahead of the 2025 event;

3. THAT the Chief Executive Officer seek a meeting with Destination NSW to explore opportunities to enhance the experience for the 2025 Sydney Marathon participants and visitors, including:

- opportunities to promote the Olympic history of the start line in Miller Street, North Sydney;

- funding opportunities for infrastructure upgrades to facilities at North Sydney Oval to support an event of this size and prestige;
- opportunities for North Sydney to be promoted as a place to visit, dine, recreate, and explore in Destination NSW promotional activities.

4. THAT, following these meetings, Council engages with Events NSW, the Office of the 24-Hour Economy Commissioner, local community running groups, schools, and businesses, to explore all opportunities for the marathon in North Sydney.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

Against: Nil

Absent: Nil

268. RESOLVED:

1. THAT Council write to Pont 3, the organisers of the Sydney Marathon congratulating them on the announcement that Sydney is to hold the 7th Abbott World Marathon Major (AbbottWMM);

2. THAT the Chief Executive Officer seek a meeting with Pont 3 to discuss collaboration opportunities for Council and local business ahead of the 2025 event;

3. THAT the Chief Executive Officer seek a meeting with Destination NSW to explore opportunities to enhance the experience for the 2025 Sydney Marathon participants and visitors, including:

- opportunities to promote the Olympic history of the start line in Miller Street, North Sydney;
- funding opportunities for infrastructure upgrades to facilities at North Sydney Oval to support an event of this size and prestige;
- opportunities for North Sydney to be promoted as a place to visit, dine, recreate, and explore in Destination NSW promotional activities.

4. THAT, following these meetings, Council engages with Events NSW, the Office of the 24-Hour Economy Commissioner, local community running groups, schools, and businesses, to explore all opportunities for the marathon in North Sydney.

12. Matters of Urgency

Nil

13. Closure

The Meeting concluded at 9.33pm.