



MINUTES

The Minutes of the **3731st MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on Monday 18 May 2020.



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1. Opening Meeting

At the commencement of business (6:39pm) those present in the Council Chambers were:

The Mayor, and Councillors Brodie, Drummond, Keen and Mutton.

Those participating remotely were:

Councillors Barbour, Beregi, Carr and Gunning.

(NB. Councillor Baker joined the meeting at 7:32pm after Council moved out of Closed Session.)

The meeting was opened by the Mayor.

2. Acknowledgement of Country

The Acknowledgement of Country was read by The Mayor.

3. Apologies and Applications for Leave of Absence by Councillors

Nil.

4. Confirmation of Minutes

The Minutes of the previous 3730th Council Meeting held on Monday, 27 April 2020, copies of which had been previously circulated, were taken as read and confirmed.

A Motion was moved by Councillor Mutton and seconded by Councillor Brodie,

THAT the Minutes of the previous 3730th Council Meeting held on Monday, 27 April 2020, copies of which had been previously circulated, were taken as read and confirmed.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: nil

Absent: Councillor Baker

1. RESOLVED:

THAT the Minutes of the previous 3730th Council Meeting held on Monday, 27 April 2020, copies of which had been previously circulated, were taken as read and confirmed.

5. Disclosures of Interest

- 8.3 Briefing Report - 128 Miller Street, North Sydney - State
Significant Development Proposal
Councillor Brodie I have a daughter in Year 12 at this school
(Non-Pecuniary/Less than Significant)
- 8.8 Bondi to Manly Walk - Draft Service Agreement
Councillor Keen Sydney Harbour Trust Board Member
(Non-Pecuniary/Less than Significant)

ITEMS TO BE CONSIDERED BY EXCEPTION

It was moved by Councillor Barbour and seconded by Councillor Drummond that the recommendations for Items 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.10; and the Confidential Report Items 10.2, 10.4, 10.5, 10.6, 10.7 and 10.8 be adopted.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie,
Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor
Gunning, Councillor Mutton

Against: nil

Absent: Councillor Baker

2. RESOLVED:

THAT the recommendations for Items 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.10; and the Confidential Report Items 10.2, 10.4, 10.5, 10.6, 10.7 and 10.8 be adopted.

6. Mayoral Minutes

6.1. North Sydney Olympic Pool and Easing of COVID-19 Restrictions

North Sydney Olympic Pool (NSOP) was closed on 26 March 2020 in accordance with the Public Health Order mandating the closure of swimming pools. As a result of the forced closure, advice at the time that the measures were expected to be in place for at least 6 months, the deteriorated structural condition of the eighty-four (84) year old NSOP facility and its essential redevelopment scheduled to commence later this calendar year, the General Manager correctly brought forward redundancy/redeployment arrangements for all NSOP permanent staff.

On Friday 8 May 2020, the Prime Minister advised that, “*Australians had earned an early mark*” from the success of flattening the curve and announced a three-stage strategy to easing restrictions:

- Step 1 will focus on carefully reopening the economy and giving Australians an opportunity to return to work and social activities including gatherings of up to ten (10) people, up to five (5) people in the family home and some local and regional travel.
- Step 2 builds on this with gatherings of up to twenty (20) people and more businesses re-opening, including gyms, beauty services and entertainment venues like galleries and cinemas;
- Step 3 will see transition to COVID safe ways of living and working with gatherings of up to one hundred (100) people permitted. Arrangements under Step 3 will be the “new normal” while the virus remains a threat. International travel and mass gatherings over one hundred (100) people remain restricted.

Under the three-step plan, State Governments will continue to make decisions on individual circumstances and local conditions. It is envisaged that there will be at least a month between steps. The Premier subsequently announced that Step 1 will commence in NSW from Friday 15 May.

Under Step 1, outdoor swimming pools can open with severe restrictions including meeting the Step 1 gathering limitations of a maximum of ten (10) people at the facility, toilets/amenities remaining closed and no more than one (1) person per swimming lane. The restrictions, through to and including Step 3, where gatherings will still be limited to one hundred (100) people, are envisaged to continue to severely restrict the normal use of outdoor facilities such as NSOP.

Throughout the COVID-19 challenges North Sydney Council has continued to ensure that public facilities are available to the maximum extent possible and avoided self-imposing additional restrictions beyond that required by Public Health Orders. Indeed, I am proud of the staff, who under the leadership of the General Manager and executive team, have continued to provide full customer services and maintained productivity with a roster arrangement enabling a mix of work from home and work from the office. The organisation has proven to be nimble and innovative in altering its work practices while continuing to provide normal services together with a range of additional services in the new world of online/remote services initiated by COVID-19.

Council remains committed to the essential redevelopment of the eighty-four (84) year old NSOP facility commencing towards the end of 2020. In the interim, I would like to continue in the manner we have throughout COVID-19 and provide restricted access for lap swimming in line with the restrictions applied by the Health Authorities. This would be facilitated, initially, through a pre-booking/registration arrangement.

Prior to commencing lap swimming it will be necessary to complete the twelve (12) monthly structural engineering review of the pool shell to ensure public safety. I’ve been advised that this inspection can be completed within a week, all things going well, at a cost of \$9,800. There will also be an ongoing operational cost to Council of this temporary arrangement with heating of the pool alone costing in the order of \$500 per day. Nevertheless, I believe it is important

for community well-being and mental health that Council continues to provide recreational facilities to the extent practicable with COVID-19 restrictions.

The Mayor of Lane Cove Council has confirmed that the redevelopment of their 50m pool is expected to be completed by the end of September. This timeline should work nicely for pool users as when the NSOP is closed for redevelopment (expected around the end of September), pool users will have an alternative option to continue their swimming.

I therefore recommend:

- 1. THAT** Council undertake the 12-monthly structural engineering review of the pool shell and subject to the results of the review not identifying significant further deterioration, the North Sydney Olympic Pool outdoor pool be made available for lap swimming, initially on a pre-booking basis.
- 2. THAT** Council continue to progress the redevelopment of NSOP as a priority in order to address the deteriorated condition of the Facility and return it to full operation as quickly as possible, post COVID-19.

An Amendment was moved by Councillor Carr, seconded by Councillor Beregi,

- 1. THAT** Council urgently obtain written advice from a suitably qualified structural engineer (Ninnes, Fong & Partners) detailing the methodology and protocols to be put in place to allow the reopening of the North Sydney Olympic Pool for swimming following easing of the COVID-19 pandemic arrangements.
- 2. THAT** upon receipt of that advice, Council urgently implement all recommended protocols and requirements set out in the report and immediately reopen the pool.

The Mayor ruled Councillor Carr's Amendment out of order and advised it should be considered as a Foreshadowed Motion as it negates Point 2 of her Recommendation.

An Amendment was moved by Councillor Beregi, seconded by Councillor Carr,

- 1. THAT** Council continue to progress the redevelopment of the Pool.
- 2. THAT** Council urgently obtain written advice from Ninnes, Fong & Partners detailing the methodology and protocols to be put in place to allow the reopening of the Pool for swimming following the easing of the COVID-19 pandemic arrangements.
- 3. THAT** upon receipt of that advice, Council urgently implement all recommended protocols and requirements set out in the report and immediately reopen the Pool.

The Mayor ruled that Councillor Beregi's Amendment should be considered as a Foreshadowed Motion as it is contrary to the Recommendation of the Mayoral Minute.

Debate continued on the original motion Moved by the Mayor.

By consent, the Motion was amended to read,

- 1. THAT** Council undertake the 12-monthly structural engineering review of the pool shell and subject to the results of the review not identifying significant further deterioration, the North Sydney Olympic Pool outdoor pool be made available for lap swimming, initially on a pre-booking basis as soon as possible.

2. **THAT** Council continue to progress the redevelopment of NSOP as a priority in order to address the deteriorated condition of the Facility and return it to full operation as quickly as possible, post COVID-19.
3. **THAT** a report be provided to Council on usage after the pool opens.

Councillor Beregi left the meeting at 7.05pm.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: nil

Absent: Councillor Beregi and Councillor Baker

3. RESOLVED:

1. **THAT** Council undertake the 12-monthly structural engineering review of the pool shell and subject to the results of the review not identifying significant further deterioration, the North Sydney Olympic Pool outdoor pool be made available for lap swimming, initially on a pre-booking basis as soon as possible.
2. **THAT** Council continue to progress the redevelopment of NSOP as a priority in order to address the deteriorated condition of the Facility and return it to full operation as quickly as possible, post COVID-19.
3. **THAT** a report be provided to Council on usage after the pool opens.

7. Reports of Committees

7.1. Governance and Finance Committee - Minutes 11 May 2020

AUTHOR: Ian Curry, Manager Governance & Committee Services

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on 11 May 2020 for Council adoption. The minutes are attached for information.

The financial implications of each item are discussed in the individual reports.

RECOMMENDATION:

1. **THAT** the 2020 Customer Satisfaction Survey Findings be received (*GF01*).
2. **THAT** Council recognises that the positive result of the Survey could not have been achieved without the efforts of staff. (*GF01*)
3. **THAT** Council note the requirements of the IPC Guideline No. 1 and OLG Circular 19-21, issued in respect of returns of interests by Councillors and designated staff. (*GF02*)
4. **THAT** the Returns of Interest by Councillors be published on Council's website. (*GF02*)
5. **THAT** the Quarterly Review of the Operational Plan - 1 January to 31 March 2020 be received. (*GF03*)

6. **THAT** Council notes the remedial action for those projects that were not on track for the period ending 31 March 2020. *(GF03)*
7. **THAT** the Quarterly Budget Review Statement - March 2020 report be received. *(GF04)*
8. **THAT** the revised 2019/20 budget be adopted. *(GF04)*
9. **THAT** the amended Operational Plan & Budget Preparation Timeline be adopted. *(GF05)*
10. **THAT** the Council 2020 Schedule of Meetings be amended to provide for an additional Governance & Finance Committee meeting on 1 June 2020. *(GF05)*

The Recommendation was moved by Councillor Keen and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: nil

Absent: Councillor Beregi and Councillor Baker

4. RESOLVED:

1. **THAT** the 2020 Customer Satisfaction Survey Findings be received *(GF01)*.
2. **THAT** Council recognises that the positive result of the Survey could not have been achieved without the efforts of staff. *(GF01)*
3. **THAT** Council note the requirements of the IPC Guideline No. 1 and OLG Circular 19-21, issued in respect of returns of interests by Councillors and designated staff. *(GF02)*
4. **THAT** the Returns of Interest by Councillors be published on Council's website. *(GF02)*
5. **THAT** the Quarterly Review of the Operational Plan - 1 January to 31 March 2020 be received. *(GF03)*
6. **THAT** Council notes the remedial action for those projects that were not on track for the period ending 31 March 2020. *(GF03)*
7. **THAT** the Quarterly Budget Review Statement - March 2020 report be received. *(GF04)*
8. **THAT** the revised 2019/20 budget be adopted. *(GF04)*
9. **THAT** the amended Operational Plan & Budget Preparation Timeline be adopted. *(GF05)*
10. **THAT** the Council 2020 Schedule of Meetings be amended to provide for an additional Governance & Finance Committee meeting on 1 June 2020. *(GF05)*

8. Reports to Council

8.1. Matters Outstanding - May 2020

AUTHOR: Ian Curry, Manager Governance & Committee Services

Each month, a report is presented to Council on the status of those resolutions arising from Mayoral Minutes and Notices of Motion.

The attached table has been updated to include resolutions from the 27 April 2020 Ordinary Meeting of Council.

Nil.

RECOMMENDATION:

1. THAT the report be received.

The Recommendation was moved by Councillor Barbour and seconded by Councillor Brodie.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: nil

Absent: Councillor Beregi and Councillor Baker

5. RESOLVED:

1. THAT the report be received.

8.2. Investments and Loan Borrowings Held as at 30 April 2020

AUTHOR: Garry Ross, Manager Financial Services

Investment Portfolio:

The Investment portfolio provided an annualised return of 2.27% for the year to date as at 30 April 2020, 1.12% above the reportable BBSW Bank Bill Index.

COVID-19 has adversely impacted financial markets, which in turn, has also affected Council's investment portfolio. The biggest risk that Council faces over the medium-longer term in this environment is not the potential loss of capital (given all the banks are well capitalised and regulated by APRA), but the rapid loss of interest income as interest rates are at an all-time low.

Borrowings:

Council entered into a fixed interest loan of \$9.5 million with quarterly interest and principal payments on 31 July 2018. The principal outstanding as at 30 April 2020 is \$8,099,526.94

Investments:

The 2019/20 budgeted returns on investments is estimated to be \$1,529,055.00. This is significantly less than previous returns due to the declining cash reserve balances and continued low interest rates. Any surplus funds generated in excess of adopted estimates will be transferred to Council's internally restricted reserves.

RECOMMENDATION:

1. THAT the report on Investments and Loan Borrowings held as at 30 April 2020 be received.

The Recommendation was moved by Councillor Mutton and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 1

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: Councillor Carr

Absent: Councillor Beregi and Councillor Baker

6. RESOLVED:

1. THAT the report on Investments and Loan Borrowings held as at 30 April 2020 be received.

8.3. Briefing Report - 128 Miller Street, North Sydney - State Significant Development Proposal

This Item was moved By Exception (see page 4).

AUTHOR: Lara Huckstepp, Executive Assessment Planner

State Significant Development Application (SSDA) SSD_10393 has been submitted to the NSW Department of Planning, Industry and Environment, seeking to carry out alterations and additions to an educational establishment at No.128 Miller Street, North Sydney (Monte Sant' Angelo Mercy College). An Environmental Impact Statement has been prepared to accompany the Application.

The project is deemed to be State Significant as it involves alterations and additions to an educational establishment and the capital investment value is greater than \$20 million. The Minister for Planning is the consent authority for State Significant Development, unless the determination is referred to the Independent Planning Commission which occurs where more than 25 objections are received, or the proposed development is not supported by a local authority.

The proposal involves demolition of two existing sports courts and associated undercroft staff parking and the construction of a new Sports and Science Building. The new Sports and Science building will comprise a three-level building with a basement staff car park, underground dual sports court facility, three levels of new teaching spaces (innovation / science labs) and a rooftop sports court.

A preliminary review of the proposed development has raised issues regarding building height, design, setbacks, landscaping and heritage impacts including concerns raised with the partial demolition of the brick boundary wall on Miller Street.

Nil.

RECOMMENDATION:

1. THAT Council prepare a submission in response to State Significant Development Application SSD_10393 identifying issues addressed in this report.

7. RESOLVED:

1. THAT Council prepare a submission in response to State Significant Development Application SSD_10393 identifying issues addressed in this report.

8.4. Draft Civic Precinct Planning Study

This Item was moved By Exception (see page 4).

AUTHOR: Pedro Garcia, Senior Strategic Planner Urban Design

In October 2018, North Sydney Council accepted Accelerated LEP Review Grant Funding from the NSW Department of Planning, Industry and Environment. The funding aims to assist Council align the North Sydney LEP 2013 with the Greater Sydney Commission's North District Plan (2018). As part of this effort, the Civic Precinct Planning Study was identified as one of the studies to be funded from the state grant.

The study focuses on the area directly north of North Sydney CBD. The objectives of the study are to plan for the arrival of the new metro station in 2024 and to establish the role of the Civic Precinct within the wider LGA context, developing a future vision for it.

The study has been undertaken in two stages. Stage 1 was carried out in mid-2019 to understand community's aspirations for the area and was reported to Council in October 2019. This report presents Stage 2 of the Planning Study. Stage 2 has been developed in collaboration with an external team of consultants led by Conybear Morrison (CM+), a leading urban design and landscape architecture firm.

Based on extensive analysis of the area, and further public consultation workshops, the consultant team has developed a suite of technical studies that underpin the draft Civic Precinct Planning Study. The draft study is at Attachment 1. The technical studies are at Attachment 2.

The draft planning study:

1. Outlines a vision and an urban structure for the Civic Precinct.
2. Establishes the desired character and feel for the precinct that is supported by a series of urban design principles to guide future growth.
3. Outlines a series of strategies and actions to achieve the vision for the precinct.
4. Identifies opportunities to deliver additional public domain, improve transport networks and provide jobs and housing in appropriate locations.

The study envisions the area becoming a stronger and more attractive civic and educational campus with a low-scale and leafy character and feel. A low-scale civic campus that complements the high-density commercial cores of North Sydney CBD and St Leonards.

Actions under the planning study are:

- Create more jobs and housing opportunities near the new northern Metro portal;
- Increase amenity and activation along the Pacific Highway;
- Support small to medium sized business growth;
- Preserve heritage;
- Provide urban design guidelines for education facilities;
- Improve public open space;
- Identify access and active transport network improvement opportunities;
- Undertake further review of Falcon Street; and
- Undertake further review of Civic Core.

Public benefits that may be negotiated as part of any planning proposal to amend the North Sydney LEP 2013 are a new location for Kelly's Place Day Care, community centre, public domain upgrades, affordable housing and public art.

On 29 October 2018, North Sydney Council accepted Accelerated LEP Review Grant Funding from the NSW Department of Planning, Industry and Environment to align the North Sydney LEP 2013 with the North District Plan (GSC 2018). The Civic Precinct Planning Study (formerly Northern CBD Planning Study) was identified as one study to be funded from the Accelerated LEP Review Grant. The study is fully grant-funded and approximately \$205K has been expended to date with a small amount outstanding for exhibition and minor adjustments that may be required from the consultant team.

RECOMMENDATION:

1. **THAT** the draft Civic Precinct Planning Study (Attachment 1) be adopted for the purposes of public exhibition.
2. **THAT** the draft study be placed on public exhibition for a period of 6 weeks.

3. **THAT** relevant state authorities such as Transport for NSW (TfNSW), Department of Planning, Industry and Environment (DPIE) and Greater Sydney Commission (GSC) be notified of the exhibition.
4. **THAT** following exhibition, a report be prepared accounting for submissions made and any resulting amendments to the final Civic Precinct Planning Study.
5. **THAT** Council note the significant risks posed by the current alignment outlined in the Western Harbour Tunnel and Warringah Freeway EIS to the successful pursuit of the some of the actions recommended in this planning study.

8. RESOLVED:

1. **THAT** the draft Civic Precinct Planning Study (Attachment 1) be adopted for the purposes of public exhibition.
2. **THAT** the draft study be placed on public exhibition for a period of 6 weeks.
3. **THAT** relevant state authorities such as Transport for NSW (TfNSW), Department of Planning, Industry and Environment (DPIE) and Greater Sydney Commission (GSC) be notified of the exhibition.
4. **THAT** following exhibition, a report be prepared accounting for submissions made and any resulting amendments to the final Civic Precinct Planning Study.
5. **THAT** Council note the significant risks posed by the current alignment outlined in the Western Harbour Tunnel and Warringah Freeway EIS to the successful pursuit of the some of the actions recommended in this planning study.

8.5. NSLEP Amendment No. 26 (6 Hayes Street, Neutral Bay) - Post Gazettal Report
This Item was moved By Exception (see page 4).

AUTHOR: Ben Boyd, Executive Strategic Planner and Liam Rogers, Student Town Planner

On 29 October 2018 Council considered a Notice of Motion which arose in response to community concerns around DA 299/18 which sought to demolish dwellings at 6 and 8 Hayes Street, Neutral Bay and construct a residential flat building. In response to these concerns, on 27 February 2019, Council placed an interim heritage order over 6 Hayes Street and commissioned GML Heritage to undertake a detailed heritage assessment of the property.

Following this assessment, on 22 July 2019, Council resolved to adopt the Planning Proposal 5/19, which sought to identify 6 Hayes Street as a local heritage item under North Sydney Local Environmental Plan 2013 (NSLEP 2013) and forward the Planning Proposal to the Department of Planning, Industry and Environment seeking a Gateway Determination.

The Minister for Planning and Public Spaces issued a Gateway Determination on 26 September 2019, allowing the proposal to be placed on public exhibition. In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for 28 days from 10 October 2019 to 6 November 2019.

At its meeting on 25 November 2020, Council considered the post exhibition report in relation to the Planning Proposal. At this meeting, Council resolved to forward the unamended Planning Proposal to the Department of Planning, Industry and Environment with a request that an LEP be made.

NSLEP 2013 (Amendment No. 26) gives effect to the Planning Proposal which formally renders 6 Hayes Street, Neutral Bay, an item of local heritage significance. It is now in force following its publication on the NSW legislation website on 1 May 2020.

Nil.

RECOMMENDATION:

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

9. RESOLVED:

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

8.6. North Sydney Council Draft Trailer Parking Policy Report

This Item was moved By Exception (see page 4).

AUTHOR: Michaela Kemp, Manager Traffic & Transport Operations

At the Council meeting on 23 September 2019 (Item 2, Min. No. 259) it was resolved (in part):

6. *THAT a draft policy for consideration of future requests for trailer parking restrictions including cost considerations and establishment of minimum criteria to manage such requests be prepared and referred to Council for consideration.*

The attached draft Trailer Parking Policy has been developed to provide a consistent set of guidelines for actioning requests for trailer parking restrictions and to ensure a consistent approach to the management of on-street parking.

Due to COVID-19 restrictions it is suggested that the public exhibition be extended to 42 days to allow additional time for the community to access the draft Policy and prepare their submission.

The draft Trailer Parking Policy has been developed to provide guidance on how Council responds to and actions requests for trailer parking restrictions, to ensure that Council's resources are appropriately managed.

The related financial implications include cost of investigations, consultation, signage installation and maintenance, and enforcement. The associated costs will be covered by the annual Traffic & Transport Operations and Ranger & Parking Services operating budgets, and Lines and Signs capital budgets.

RECOMMENDATION:

1. **THAT** the draft Trailer Parking Policy be placed on public exhibition for 42 days.

2. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Trailer Parking Policy as adopted at the end of the closing period for submissions.

10. RESOLVED:

1. **THAT** the draft Trailer Parking Policy be placed on public exhibition for 42 days.

2. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Trailer Parking Policy as adopted at the end of the closing period for submissions.

8.7. Review of Voluntary Smoking Ban in North Sydney CBD

This Item was moved By Exception (see page 4).

AUTHOR: Mark Richardson, Manager Ranger & Parking Services

Following Council's resolution on 22 July 2019, a self-enforcing ban on smoking within the public areas of the North Sydney CBD commenced on Monday 28 October 2019.

Prior to the commencement of the ban, Council wrote to businesses located in the North Sydney CBD to advise of the commencement of the ban. The ban was also promoted through social media, newsletters and Council's website. Advertising signage was also provided at North Sydney railway station.

A total of 54 round decal pavement signs were strategically placed on the footpaths within and at the borders of the designated non-smoking area.

The decals and the implementation of the ban were designed to deliver a "soft" launch supported by an education strategy aimed at informing, rather than infringing, to achieve compliance with the smoking ban.

This report discusses the feedback and learnings during this non-smoking period and recommends a way forward. Most people felt that the ban was not working as it was not being enforced. More signage, a level of enforcement, designated areas for smokers including with ashtrays are some of the recommendations of this report aimed at seeking more significant reductions in the impact of smoking in public areas than what is currently apparent.

It should be noted that if Council supports a level of enforcement of the ban, this will be limited by resourcing and likely to be incidental at this stage. To target strict compliance would require a reduction of resourcing of other areas of Rangers' enforcement activities in order to prioritise such work.

This report also recommends that the ban be further reviewed within 12 months to gauge the success of the measures taken and adapt as necessary.

There are various small items of infrastructure that will be required to be installed should Council proceed with the smoking ban. These include rubbish bins, ashtrays and signage. Annually, these are estimated to cost \$42,600. This would comprise \$15,000 (installation of three stainless steel rubbish bins for smokers), \$21,600 (servicing rubbish bins twice daily) and \$6,000 (enforceable signage). Our existing budget provisions do not cover these items and as such, a budget allocation for this initiative will be required. In addition to this, should Council wish to more proactively enforce such ban, it is considered that additional staff may be required to be employed depending on the extent of proactivity desired.

RECOMMENDATION:

1. THAT Council:

- Install signage banning smoking in designated areas that is enforceable and visible within the ban area/s as shown on the maps attached to this report.
- Adopt an enforcement strategy of warning in the first instance and then infringing for all or any subsequent acts by an individual.
- Reduce the size of the current ban area to smaller zones to reflect those areas where smokers congregate to the annoyance of the non-smoking public as identified in this report.
- Include within or close to the ban area small locations where smoking will be permitted that does not affect the non-smoking public and erect signage advising of the approval to smoke.
- Install appropriate bins with ashtrays in each designated smoking area.
- Review the performance of these recommendations in 12 months.

11. RESOLVED:

1. THAT Council:

- Install signage banning smoking in designated areas that is enforceable and visible within the ban area/s as shown on the maps attached to this report.
- Adopt an enforcement strategy of warning in the first instance and then infringing for all or any subsequent acts by an individual.

- Reduce the size of the current ban area to smaller zones to reflect those areas where smokers congregate to the annoyance of the non-smoking public as identified in this report.
- Include within or close to the ban area small locations where smoking will be permitted that does not affect the non-smoking public and erect signage advising of the approval to smoke.
- Install appropriate bins with ashtrays in each designated smoking area.
- Review the performance of these recommendations in 12 months.

8.8. Bondi to Manly Walk - Draft Service Agreement

This Item was moved By Exception (see page 4).

AUTHOR: James Marshall, Economic Development Coordinator

The Bondi to Manly Walk is an 80km walk linking all the existing coastal and harbour-side walking tracks around Sydney Harbour, between Bondi Beach and Manly Beach.

The Walk was developed in partnership by the Bondi to Manly Supporters (the Supporters) and the Bondi to Manly Steering Committee (the Steering Committee). Council joined the Steering Committee following the resolution at the Council meeting held 25 June 2018 (Min. No. 224):

1. THAT Council supports the proposal of the Bondi to Manly Harbourside Walk and enters into the Memorandum of Understanding with this community group.

The way finding signage installed throughout the North Sydney local government area (LGA) section of the Walk was funded from Council's annual open space capital signage budget.

The Walk's official opening took place on 8 December 2019 at Milsons Point.

Council staff continue to participate on the Steering Committee which is focused on increasing promotion of the Walk. To support the Walk's ongoing administrative and promotional requirements, the Supporters are currently seeking stakeholder feedback on a Draft Service Agreement (Attachment 1) inclusive of an annual fee of \$5,000 plus GST per Steering Committee stakeholder for the financial years 2019/20, 2020/21 and 2021/22.

It is recommended that Council continue to financially support the Walk, which is a key initiative under the *North Sydney Visitor Economy Strategy and Action Plan* objective: Creating vibrant communities and world-class visitor experiences.

This request has not been budgeted for. Funding is, however, available from the 2019/20 non-recurrent economic development budget which is currently under spent. Future commitments cannot be made at the present time, and it would be prudent to determine the value gained from this contribution prior to making such future commitments.

RECOMMENDATION:

1. THAT Council supports the Service Agreement between Council and the Bondi to Manly Supporters, inclusive of the \$5,000 plus GST annual fee for 2019/20 and that future contributions be informed by data such as trends in visitor numbers and visitation to determine value for investment.

12. RESOLVED:

1. THAT Council supports the Service Agreement between Council and the Bondi to Manly Supporters, inclusive of the \$5,000 plus GST annual fee for 2019/20 and that future contributions be informed by data such as trends in visitor numbers and visitation to determine value for investment.

8.9. NYE2019 and Options for NYE2020

AUTHOR: Sandra Moore, Manager Communications and Events

At its meeting of 24 June 2019, Council resolved to ticket Bradfield Park, Mary Booth Reserve, Blues Point Reserve and Quibaree Park at a cost of \$10 (plus booking fee) for NYE. The aim was to manage access to the reserves and reduce the size and impact of overflow crowds in surrounding areas.

Overall, NYE 2019 was very successful. All four ticketed reserves were sold out and there were no major incidents. Crowd numbers in all precincts, including south of the harbour, were reduced as a result of the extreme heat, high winds and concern about the bush fire crisis. There were high levels of ticketholder satisfaction with all reserves except Bradfield Park, where changes are needed to ensure customer safety and the ongoing success of ticketing. This report provides an overview of all vantage points in the North Sydney LGA and summarises feedback received from residents and ticketholders in each area.

While events are currently not going ahead during the COVID-19 pandemic, the planning and contracts for NYE operate on long cycles and Council needs to plan for NYE20, in coordination with external agencies, with the flexibility to alter or hibernate plans if required. This report therefore recommends a continuation of ticketing at all four sites, with staff to review how Bradfield Park is managed.

NYE has been included in the Delivery Program and will be funded in the 2020/21 budget with an allocation of \$740,500. The allocated budget for this year incorporates the ongoing increased costs related to crowd control and an increase for inflation, as well as staff salaries that had previously been budgeted elsewhere. It is anticipated that costs will be offset by income from ticket sales and stallholder fees of approximately \$340,000.

Council originally allocated a budget of \$406,246 for NYE19. The total cost for NYE19 was \$564,714. The additional expenses above the budgeted amount were for the additional toilets, power and lighting, security, traffic, fencing and event staff required for the ticketed sites.

Total income for NYE19 was \$355,863, comprising primarily of \$338,140 from ticketing, as well as revenue from a temporary telecommunications land lease and food stalls. It should be noted that the income for the land lease is unlikely to continue in the future if telecommunications companies move to cellular network technology.

While ticketing increased the cost to Council of providing the event, the additional revenue received reduced the overall final cost to Council from the budgeted amount of \$406,246 to \$208,851.

RECOMMENDATION:

- 1. THAT** Council endorse ticketing for Blues Point Reserve, Quibaree Park, Bradfield Park and Mary Booth Reserve for NYE 2020.
- 2. THAT** a further report be provided outlining any significant changes required to NYE arrangements as a result of the COVID-19 pandemic.

The Recommendation was moved by Councillor Keen and seconded by Councillor Drummond.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Carr, Councillor Gunning

Absent: Councillor Beregi and Councillor Baker

13. RESOLVED:

1. **THAT** Council endorse ticketing for Blues Point Reserve, Quibaree Park, Bradfield Park and Mary Booth Reserve for NYE 2020.
2. **THAT** a further report be provided outlining any significant changes required to NYE arrangements as a result of the COVID-19 pandemic.

8.10. North Sydney Council Seniors Festival 2020

This Item was moved By Exception (see page 4).

AUTHOR: Camelia Tobia, Access & Inclusion Co-ordinator

The Seniors Festival is an annual event, supported by the State Government, to celebrate the lives of older people. North Sydney Council has delivered the Seniors Festival for many years and in 2020 coordinated thirty events over the ten-day Festival period for seniors to enjoy. The Festival officially launched with an awards ceremony hosted by Felicity Wilson MP and over the Festival period approximately 813 older people attended one or more of the scheduled events and activities.

There is an allocated budget of \$4,000 to deliver the Seniors Festival annually.

RECOMMENDATION:

1. **THAT** the North Sydney Seniors Festival 2020 report be received.

14. RESOLVED:

1. **THAT** the North Sydney Seniors Festival 2020 report be received.

8.11. Draft Plan of Management for St Leonards Park

AUTHOR: Megan White, Landscape Planner/Architect

Section 3.23(6) & (7) of the *Crown Land Management Act 2016* requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

The new draft PoM for St Leonards Park is the first Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's St Leonards Park Plan of Management 2011.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Plan of Management for St Leonards Park is now complete, and the draft Plan of Management is ready to be referred to the Department.

Nil.

RECOMMENDATION:

1. **THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for St Leonards Park.

2. THAT Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Plan of Management for St Leonards Park.

3. THAT upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 0

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: nil

Absent: Councillor Beregi and Councillor Baker

15. RESOLVED:

1. THAT Council attests that it has considered Native Title Manager advice in relation to the draft Plan of Management for St Leonards Park.

2. THAT Council requests approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached draft Plan of Management for St Leonards Park.

3. THAT upon receipt of approval from the Department, Council amends the draft Plan of Management, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.

9. Notices of Motion

9.1. Notice of Motion No. 5/20 - Cr Baker - Open Government and Public Participation Under COVID-19 Pandemic Arrangements

1. THAT consistent with Council's adopted Code of Meeting Practice, the following arrangements be immediately facilitated for all Council meetings held remotely:

A. all Council meetings to be live streamed/vodcast; and

B. reinstate the public forum prior to all Council meetings with appropriate arrangements for remote participation/registration for residents to address Council to be put in place.

A Motion was moved by Councillor Barbour and seconded by Councillor Drummond,

THAT, in the absence of Councillor Baker, the matter be deferred to the 22 June 2020 Council meeting.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 2

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Mutton

Against: Councillor Carr, Councillor Gunning

Absent: Councillor Beregi and Councillor Baker

16. RESOLVED:

THAT, in the absence of Councillor Baker, the matter be deferred to the 22 June 2020 Council meeting.

10. Confidential Matters

10.1. Ward Street Precinct Implementation Strategy - Civic Design Spaces Brief

AUTHOR: Tomas van der Meer, Senior Strategic Planner - Urban Design

In order to deliver much needed public domain and amenity improvements to the North Sydney CBD and identify commercial growth opportunities, Council has been undertaking the Ward Street Masterplan (WSMP) project.

On 24 June 2019, Council resolved to endorse the finalised Ward Street Masterplan and prepare an implementation strategy. A subsequent report was presented to Council at its meeting held 23 September 2019 on the Ward Street Precinct Implementation Strategy. The preparation of the Civic Spaces Design Brief is one of the actions under the strategy.

The purpose of the Civic Spaces Design Brief is to inform future negotiations and any voluntary planning agreement (VPA) relating to the development of 56-66 Berry Street and the Council-owned car park in Ward Street.

As the brief contains design proposals and cost reports that will inform future commercial negotiations, the detailed report is kept as Commercial in Confidence.

The associated Confidential Report to this item addresses the details of the Civic Spaces Design Brief in further detail as the starting point of Council's Implementation Strategy and will be used by Council for further development negotiations. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(c) of the Local Government Act (LGA).

Up to \$150,000 has been identified in the LEP Acceleration Program grant funding to support the WSMP - Civic Design Spaces Brief in this financial year (2019/20). Of this budget, \$112,000 has been allocated and expended on consultancy fees including Urban Design, Landscape Architecture, Architecture, Quantity Surveying and Structural Advice associated with this work.

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.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

The Recommendation was moved by Councillor Keen and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

For: Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning

Against: Councillor Beregi, Councillor Carr, Councillor Mutton

Absent: Councillor Baker

17. RESOLVED:

1. THAT Council endorse the Civic Spaces Design Brief to inform future negotiations with landowners in the Ward Street Precinct.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

10.2. Council Owned/Leased Properties - 3rd Quarterly Property Portfolio Report 2019/20 - January to March 2020

This Item was moved By Exception (see page 4).

AUTHOR: Risha Joseph, Property Officer

The purpose of this report is to provide Council with the following information for the quarter ending 31 March 2020:

- Financial overview of the Property Portfolio;
- Vacancy Position of the Property Portfolio;
- Leasing Transactions for the quarter;
- Acquisitions and Disposals for the quarter; and
- Major Property Projects for the quarter.

The Year-to-Date income which is received on a cash basis by Colliers International is \$5,497,594 as at 31 March 2020, which is 72% of the annual forecast for this period. An overview of the income received is outlined in Section 1.

A detailed breakdown is outlined in the attached Confidential Report.

Covid-19 Pandemic Impacts:

The Property Portfolio income since the COVID-19 regulations were enforced by the Federal Government on 23 March 2020 has significantly impacted Council's income.

To provide support to Council's tenants and businesses who have leased premises or taken out licences under our Property Portfolio, Council implemented the "*Waiving Charges during Novel Coronavirus (COVID-19) Policy*" on 25 March 2020, refer to Attachment 1. The policy comprises of hardship assistance provisions that apply to the various tenants who have entered into leases or licences with Council.

Council's budgeted income from its entire Property Portfolio for 2019/20 financial year was forecast to be \$7,688,515. Due to the implementation of the "*Waiving Charges during Novel Coronavirus (COVID-19) Policy*", Council reviewed its revenue forecast which has now been amended down to \$6,327,499 at year end, which is approximately 18% lower than the original forecast. The full impact on the Property Portfolio revenue will be presented to Council in the Q4 Report.

RECOMMENDATION:

1. THAT the Quarterly Property Portfolio Report for the 3rd Quarter of 2019/20 (January to March 2020) be received.

18. RESOLVED:

1. THAT the Quarterly Property Portfolio Report for the 3rd Quarter of 2019/20 (January to March 2020) be received.

10.3. North Sydney Olympic Pool - Licence Arrangements

(This Item was considered at the end of the meeting in Closed Session – see page 27.)

10.4. Tender No. 23/2020 Legal Services Panel

This Item was moved By Exception (see page 4).

AUTHOR: Craig Winn, Solicitor

Tenders were called and were received until 4pm, 11 February 2020 for the submission of tenders to undertake Legal Services.

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

19. RESOLVED:

1. THAT Council accept the tenders of:

- (a) Hall & Wilcox Lawyers; and
- (b) HWL Ebsworth Lawyers; and
- (c) Maddocks; and
- (d) Marsdens Law Group; and
- (e) Matthews Folbigg Lawyers; and
- (f) Redenback Lee Lawyers; and
- (g) Sparke Helmore Lawyers;

for Tender No. 23/2020 for the establishment of Council's Legal Services Panel.

2. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, 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.

10.5. Tender No. 28/2020 Sawmillers Reserve & Hayes Street Wharf Reconstruction

This Item was moved By Exception (see page 4).

AUTHOR: Robert Esdaile, Engineering Project Manager

Tenders were called and were received until 4pm, 6 May 2020 for the submission of tenders to undertake the Sawmillers Reserve & Hayes Street Wharf Reconstruction - Tender No. 28/2020. The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA). Funding for the project is appropriate.

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

20. RESOLVED:

1. THAT Council accept the tender of Polaris Marine Constructions Pty Ltd for Tender No. 28/2020 - Separable Portion A - Sawmillers Reserve Wharf Reconstruction.

2. THAT Council accept the tender of Patrick Collins Construction Pty Ltd for Tender No. 28/2020 - Separable Portion B - Hayes Street Wharf Reconstruction.

3. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

4. THAT, once Council has executed the Contract, 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.

10.6. Tender No. 29/2020 Anderson Park Landscape Upgrade - Stage One

This Item was moved By Exception (see page 4).

AUTHOR: Alicja Batorowicz, Landscape Architect/Project Co-ordinator

Following the adoption of 2019 Anderson Park Plan of Management, which provides an overall framework for the management of this significant park and identifies strategies for improvement, money has been allocated in 2019/20 budget to implement Stage One of the identified works.

Stage One of the implementation focuses on the south-eastern area of the park located along the foreshore of Neutral Bay and intersected by a pedestrian access link between Kurraba Road and Clark Road.

In line with the objectives identified in 2019 Anderson Park POM, Stage One proposal aims to address the following recommendations:

Foreshore path upgrade – upgrade of East-West access path surface and edging.

Memorial – improvement of accessibility through an elimination of raised paving area, installation of low planting at the base of the memorial fence and seating, repair to the heritage fence.

Park furniture – upgrade park furniture to a coordinated suite of elements in accordance with Council’s Public Domain Style Manual and Design Code 2018. Refine locations and placement to be most effective and to serve park use. Minimise visual clutter through relocation of a bubbler, a light pole and seats.

Lawn – reduction to the existing slope gradient of the foreshore grassed space adjoining seawall to increase the usability.

On 19 March 2020 Council informed 211 registered stakeholders about the progress of the Stage One implementation works.

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

21. RESOLVED:

1. THAT Council accept the tender of Shamrock Developments International Pty Ltd for Tender No. 29/2020 for Anderson Park Landscape Upgrade – Stage One.

2. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, 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.

10.7. Tender No. 30/2020 Blues Point Reserve Amenities Refurbishment

This Item was moved By Exception (see page 4).

AUTHOR: Alicja Batorowicz, Landscape Architect/Project Co-ordinator

The proposal is for a complete refurbishment of the existing amenities building located in Blues Point Reserve at the end of Blues Point Road in McMahons Point.

The upgrade aims to address the poor condition of the existing toilet amenities and includes the following: replacement of existing roof timber base panels, metal sheeting and skylights, tile re-grouting and replacement, painting, replacement of all fixtures and lighting, concreting and upgrade to meet current AS1428 standards for Accessibility. Within the scope of works there was also a provision made for the capacity investigation of the existing sewer line for future temporary installation of WC amenities for major events e.g. New Year’s Eve and coordination of work with Sydney Water.

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

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

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the Council, or
- (iii) reveal a trade secret.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

22. RESOLVED:

1. THAT Council accept the tender of Sullivans Constructions for Tender No. 30/2020 for Blues Point Reserve Amenities Refurbishment.

2. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

3. THAT, once Council has executed the Contract, 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.

10.8. Tender No. 3/2021 - GPT Cleaning, Pipe Cleaning and CCTV Camera Inspections

This Item was moved By Exception (see page 4).

AUTHOR: Jim Moore, Engineering Project Manager

Tenders were called and were received until 4pm, 28 April 2020 for the submission of tenders to undertake GPT Cleaning, Pipe Cleaning and CCTV Inspections.

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

23. RESOLVED:

1. THAT Council accept the tender of Total Drain Cleaning Service for Part 1 of Tender No. 3/2021 for GPT Cleaning, Pipe Cleaning and CCTV Inspections.

2. THAT Council accept the tender of Total Drain Cleaning Service for Part 2 of Tender No. 3/2021 for GPT Cleaning, Pipe Cleaning and CCTV Inspections.

3. THAT the Director of Engineering and Property Services is the delegated Authority to extend the contract options as per the tender documents on a 1 + 2 + 2 basis.

4. THAT the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.

5. THAT once Council has executed the Contract, 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.

Closed Session

A Motion was moved by Councillor Gibson and seconded by Councillor Brodie,

1. THAT the meeting be closed to the public to discuss Item 10.3 North Sydney Olympic Pool - Licence Arrangements for the reasons identified in the report.

10.3. North Sydney Olympic Pool - Licence Arrangements

AUTHOR: Rob Emerson, Director Open Space and Environmental Services

The associated Confidential Report to this item addresses commercial information of a confidential nature. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(d) of the Local Government Act (LGA).

RECOMMENDATION:

1. THAT the meeting be closed to the public in accordance with Section 10A(2):

- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.

2. THAT the report be treated as confidential and remain confidential until Council determines otherwise.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9/0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton

Against: nil

Absent: Councillor Baker

24. RESOLVED:

1. THAT the meeting be closed to the public to discuss Item 10.3 North Sydney Olympic Pool – Licence Arrangements for the reasons identified in the report.

Public Interest

This matter is classified as confidential as it contains commercial information of a confidential nature. On balance, the public interest in preserving the confidentiality of this information outweighs the public interest in openness and transparency in Council decision making by discussing this matter in Open Council.

The recording was stopped and the meeting recommenced in Closed Session at 7:20pm.

Open Session

The meeting was re-opened to the public at 7:32pm.

Councillor Baker joined the meeting at 7:32pm. Prior to participating in the meeting, Councillor Baker advised that she had no interests to declare in the Items on the Agenda.

The General Manager advised that during the Closed Session, Council had resolved as follows:

10.3. North Sydney Olympic Pool - Licence Arrangements

- 1. THAT** Council resolve to provide the Badger Swim School the required four months' notice to terminate the current licence to provide Professional Swimming Coaching at the North Sydney Olympic Pool – Tender No. 7/2018.
- 2. THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

11. Closure

The Meeting concluded at 7:34pm.