



## MINUTES

The Minutes of the **3733<sup>rd</sup> MEETING** of **COUNCIL** held at the Council Chambers, 200 Miller Street, North Sydney on Monday 22 June 2020.



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## 1. Opening Meeting

At the commencement of business (6:32pm) those present in the Council Chambers were:

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

Those participating remotely were:

Councillors Baker and Carr.

The meeting was opened by the Mayor.

## 2. Acknowledgement of Country

The Acknowledgement of Country was read by Councillor Beregi

## 3. Apologies and Applications for Leave of Absence by Councillors

Nil.

## 4. Confirmation of Minutes

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

**THAT** the Minutes of the previous 3731st Council Meeting held on Monday, 18 May 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 8 / 0

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Beregi and Councillor Gunning

### 35. RESOLVED:

**THAT** the Minutes of the previous 3731st Council Meeting held on Monday, 18 May 2020, copies of which had been previously circulated, were taken as read and confirmed.

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

**THAT** the Minutes of the previous 3732nd Extraordinary Council Meeting held on Monday, 25 May 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 8 / 0

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr,  
Councillor Barbour, Councillor Drummond, Councillor Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Beregi and Councillor Gunning

### **36. RESOLVED:**

**THAT** the Minutes of the previous 3732nd Extraordinary Council Meeting held on Monday, 25 May 2020, copies of which had been previously circulated, were taken as read and confirmed.

## **5. Disclosures of Interest**

Re: Item 8.2 Minutes of Legal and Planning Committee - 15 June 2020  
Councillor Drummond 8 Levick Street - residential property is in same street  
(Non-Pecuniary, Less than Significant)

Re: Item 9.8 Response to Notice of Motion - Street Play Pilot Program  
Councillor Drummond Reside in a street that may be selected for this program  
(Non-Pecuniary, Less than Significant)

Re: Item 9.14 Draft Community Grants & Subsidies 2020/21  
Councillor Keen Volunteer at some organisations  
(Non-Pecuniary, Less than Significant)

Re Item 8.2 Minutes of Legal and Planning Committee - 15 June 2020  
Councillor Beregi Matters pertain to me and my property (Pecuniary)

Re Item 11.9 Legal Proceedings - North Sydney Council ATS Beregi - Land &  
Environment Court 329464/2019  
- DA No. 249/19 - 13 Shellcove Road, Kurraba Point  
Councillor Beregi Matters pertain to me and my property (Pecuniary)

(NB: The Disclosures of Interest from Councillor Beregi were made when she joined the meeting at 6:59pm, prior to discussion of Item 8.1 Minutes of Governance and Finance Committee - 1 June 2020.)

## 6. Items to be Considered by Exception

It was moved by Councillor Barbour and seconded by Councillor Drummond that the Recommendations for Items 9.5, 9.8, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16 11.3, 11.4, 11.5, 11.6, 11.7 and 11.8 be adopted.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** nil

**Absent:** Councillor Beregi

### 37. RESOLVED:

**THAT** the Recommendations for Items 9.5, 9.8, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, 9.16 11.3, 11.4, 11.5, 11.6, 11.7 and 11.8 be adopted.

## 7. Mayoral Minutes

### 7.1. MM01: Queen's Birthday 2020 Honours - North Sydney LGA

The Queen's Birthday Honours were bestowed upon eleven (11) of our locals this year. Congratulations to all recipients and thank you for your wonderful contribution to our community.

A full list of recipients can be found at the website below:

<https://www.gg.gov.au/australian-honours-and-awards/queens-birthday-2020-honours-list>

Not all recipients' town of residence are identified so there may be other locals who were awarded an Honour that I am unaware of. If this is the case, I encourage you to contact my Office so I may congratulate the recipient.

### Details

#### Office (AO) in the General Division of the Order of Australia

- **Mr Ralph John Lancaster EVANS**  
Cremorne Point

For distinguished service to international trade and investment, to business and venture capital endeavours, and to the community.

### **Member (AM) in the General Division**

- **Ms Elizabeth (Libby) Patricia CHRISTIE**  
Cremorne Point

For significant service to performing arts administration, and to women in business.

- **Dr David Geoffrey FAHEY**  
Cremorne

For significant service to emergency response organisations, and to medicine in the field of anaesthesia.

- **Professor Phoebe Joy HO**  
North Sydney

For significant service to medical research, to haematology, and to professional bodies.

### **Medal (OAM) in the General Division**

- **Mr Patrick Joseph BOLLEN**  
Wollstonecraft

For service to the community, and to sailing.

- **Ms Carol Buck DETTMANN**  
Neutral Bay

For service to the community, and to publishing.

- **Mrs Toni Frances FIELD**  
Crows Nest

For service to netball, and to the community.

- **Ms Georgina Catherine LOUGHNAN**  
Camberay

For service to people living with Prader-Willi Syndrome.

- **Emeritus Professor Roy Malcolm MacLEOD**  
Neutral Bay

For service to education, particularly to history.

- **Dr Roger Hugh PILLEMER**  
Camberay

For service to community health through medical advisory roles.

## **Australian Fire Service Medal**

- **Mr Mark DOBSON**  
Wollstonecraft

### **I therefore recommend:**

**1. THAT** Council recognise the honours bestowed upon Mr Ralph Evans; Ms Elizabeth Christie; Dr David Fahey; Professor Phoebe Ho; Mr Patrick Bollen; Ms Carol Dettmann; Mrs Toni Field; Ms Georgina Loughnan; Emeritus Professor Roy MacLeod; Dr Roger Pillemer; and Mr Mark Dobson, and write letters of congratulations to all recipients.  
The Recommendation 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 Mutton, Councillor Baker

**Against:** nil

**Absent:** Councillor Beregi and Councillor Gunning

### **38. RESOLVED:**

**1. THAT** Council recognise the honours bestowed upon Mr Ralph Evans; Ms Elizabeth Christie; Dr David Fahey; Professor Phoebe Ho; Mr Patrick Bollen; Ms Carol Dettmann; Mrs Toni Field; Ms Georgina Loughnan; Emeritus Professor Roy MacLeod; Dr Roger Pillemer; and Mr Mark Dobson, and write letters of congratulations to all recipients.

Councillor Gunning joined the meeting remotely at 6.47pm.

Prior to participating in the meeting, Councillor Gunning advised that he had no interests to declare in the Items on the Agenda.

## **7.2. MM02: Cammeray Connection Over Warringah Freeway**

Council's Western Harbour Tunnel campaign has struck a chord with our residents, with several telling me they didn't realise how little open space per person we have compared to our neighbouring councils. We have just 18 sq metres per person, compared to 45 in Willoughby, 55 in Lance Cove and 58 in Mosman. The rest of the northern Sydney councils have even more!

So our request to build a parkland connection over the Warringah Freeway to replace the parkland lost to the Tunnel is not unreasonable. It lessens the pain and allows North Sydney to realise our share of the gain from the project.

Building parkland over freeways is not a new concept. It's been done in many different countries including Spain and the United States. The idea may seem expensive as a stand-alone concept, but it is eminently reasonable in the context of a multi-billion dollar infrastructure project.



The working title I have chosen, Cammeray Connection, is not a fancy name for another pedestrian or cycle pathway - we already have a couple of those spanning the Freeway. I'm talking serious parkland, at least 150 metres wide, that supports passive and active recreation. I'm thinking of a sportsfield or two, a community garden, and another tricycle and scooter park like the one in Brightmore Reserve plus park benches and areas of grass to sit, read or chat with friends. A few sportsfields with artificial turf would take some of the pressure off our grass sportsfields and give more of our children a chance to play a team sport.

A parkland connection across the Warringah Freeway will give something back to the residents of Cammeray, who are heavily impacted by the Tunnel project. It will be a bonus for the ANZAC, Cammeray and Neutral Bay public schools who have sacrificed their open space to accommodate more classrooms. And it would be in comfortable walking distance for Crows Nest and St Leonards residents, where we are expecting population growth and already have too little open space.

But here's the catch. This visionary project will only be possible if it is integrated into the Tunnel and Freeway design. Which means we need agreement for it now before it is too late. In short, we need to talk! I am therefore proposing that we seek a meeting with the Minister for Transport and Roads, the Hon. Andrew Constance, and the Minister for Planning and Public Space, the Hon. Rob Stokes, to discuss how we can get the community's request for open space into the design of the project.

**I therefore recommend:**

**1. THAT** Council seeks a meeting with the Hon Andrew Constance, Minister for Transport and Roads and the Hon Rob Stokes, Minister for Planning and Public Spaces, with the Mayor, Deputy Mayor and General Manager, to discuss how additional open space in North Sydney can be incorporated into the Western Harbour Tunnel Project.

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

**Against:** Councillor Baker

**Absent:** Councillor Beregi

**39. RESOLVED:**

**1. THAT** Council seeks a meeting with the Hon Andrew Constance, Minister for Transport and Roads and the Hon Rob Stokes, Minister for Planning and Public Spaces, with the Mayor, Deputy Mayor and General Manager, to discuss how additional open space in North Sydney can be incorporated into the Western Harbour Tunnel Project.

### 7.3. MM03: Lessen the Pain and Realise our Share of the Gain

Councillors will recall that our submission regarding the Western Harbour Tunnel and Warringah Freeway Upgrade project outlined our concerns that the project significantly undermines years of work and investment in our CBD.

The current design of the project, which directs traffic into the tunnel via Berry Street, not only carves the CBD up into isolated commercial islands, it runs in direct contravention to our plans to 'tame' Berry Street and make it more pedestrian friendly. More importantly, it puts a stop to our plans for Miller Place, one of the centrepieces of our Public Domain Strategy.

The North Sydney CBD will grow by up to 21,000 additional workers by 2036. This will reduce the already meagre and tired open space available per worker to just 0.55sqm per person.

Things are moving quickly in the centre - the developments at 1 Denison, 100 Mount and 116 Mount Street will bring an additional 7,500 workers to North Sydney each day. These developments are attracting important tenants such as Nine Media and Zurich. The Metro over-station development is not far behind and will also attract large corporations looking for premium-grade office space.

For a major commercial centre in the heart of a world class city, this chronic lack of quality open space is simply not good enough. The creation of Miller Place is a once in a lifetime opportunity to address this issue. It would provide 3,000 sqm of sun drenched, high-quality open space that would add enormously to the buzz and attractiveness of the city.

There has been nothing but support and enthusiasm for the Miller Place plan. It builds on the transformational potential of the Metro and creates a much-needed heart to the CBD adjacent to the biggest public transport node in the centre.

Council has already prepared a Transport Masterplan, demonstrating how traffic can be diverted to the edges of the CBD. Our plans would not only allow Miller Place to go ahead, but would make Berry Street safer for the tens of thousands of school children, workers and residents who cross the street each day. Our ambitious plans for the Ward Street precinct will also rely on a safe and comfortable pedestrian connection between the northern and southern parts of the CBD.

The Tunnel's Environmental Impact Statement states that a fourth (southern kerbside) lane will be created along Berry Street. This is only possible with major changes to the existing footpath, areas of public domain and loss of parking, which will make the road hostile for pedestrians. In the SMH (7 June 2020) Transport for NSW has said that there will be no loss of parking so our community needs clarification of what is being proposed.

For Council to protect the amenity of Berry Street and make Miller Place a reality, it requires the assistance and collaboration of the NSW Government. I'm aware that the NSW Planning and Public Spaces Minister, Rob Stokes, recently said that *"whether it's new cycle lanes, pedestrian-only streets or wider footpaths, we're committed to working with councils and communities to fund projects that can make life better for everyone - both now and once the pandemic is over"*.

If making life better for everyone is the criterion, Miller Place meets it for our residents, workers and visitors! This Council has worked constructively with the NSW Government on

many different projects including the planned Precinct at St Leonards and the Metro. I think it's time we took the Planning and Public Spaces Minister at his word and asked him to now work constructively with us to realise our aspirations for the CBD and Miller Place.

We need to start the dialogue on making it happen before it is too late!

**I therefore recommend:**

**1. THAT** Council write to the Hon. Rob Stokes, Minister for Planning and Public Spaces, and the Hon. Andrew Constance, Minister for Transport and Roads, seeking a meeting with the Mayor, Deputy Mayor and General Manager, to discuss how the tunnel plans can be amended to enable Miller Place to go ahead and be completed as part of the transport infrastructure projects in North Sydney.

**2. THAT** Council write to Transport for NSW seeking clarification on how a fourth southern kerbside lane on Berry Street is to be created without changing the current public domain and removing parking.

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** nil

**Absent:** Councillor Beregi

**40. RESOLVED:**

**1. THAT** Council write to the Hon. Rob Stokes, Minister for Planning and Public Spaces, and the Hon. Andrew Constance, Minister for Transport and Roads, seeking a meeting with the Mayor, Deputy Mayor and General Manager, to discuss how the tunnel plans can be amended to enable Miller Place to go ahead and be completed as part of the transport infrastructure projects in North Sydney.

**2. THAT** Council write to Transport for NSW seeking clarification on how a fourth southern kerbside lane on Berry Street is to be created without changing the current public domain and removing parking.

**7.4. MM04: Appointment of Representatives to Present to the Sydney North Planning Panel - North Sydney Olympic Pool DA 347/2019**

The Sydney North Planning Panel (SNPP) has given notice that the Public Meeting at which Council's development application for the North Sydney Olympic Pool (NSOP) is to be considered will be held on Wednesday, 1 July 2020. The attached Notice refers.

Council, as the Applicant, will be represented by staff and consultants appointed by the General Manager in respect to the technical aspects of the development application.

I'm aware that several Councillors, utilising their role as Councillors, have made a submission against the application contrary to the resolved position of the full Council. I therefore believe

it is appropriate to clarify to the Planning Panel as to who represents the position of North Sydney Council.

North Sydney Council's formal policy in respect to official spokespersons is consistent with the roles and responsibilities of the Mayor and General Manager within the Local Government Act. In particular, Council's policy states:

*The Mayor is the Council's official spokesperson and is responsible for:*

- a) *Speaking to and supporting the resolutions and policies of Council*
- b) *Providing comment on other matters of public interest.*

*In the absence of the Mayor, the General Manager is the Council's official spokesperson. The General Manager is responsible for providing comment on Council Policy and all operational matters relating to the Council.*

I also believe that it would be appropriate for Councillor Mutton to join me in representing Council in front of the SNPP given his detailed knowledge of the local community immediately surrounding the Pool redevelopment site.

**I therefore recommend:**

- 1. THAT** North Sydney Council as the Applicant for DA347/2019 be represented by the senior staff and consultants appointed by the General Manager in respect to the technical aspects of the application.
- 2. THAT** the Mayor and Councillor Mutton be formally appointed as the Council's official spokespersons on Council's formally resolved position in respect to the redevelopment of the North Sydney Olympic Pool.
- 3. THAT** the Sydney North Planning Panel be advised in writing that the persons identified in Points 1 and 2 are the only persons representing the formal position of North Sydney Council in respect to DA 347/2019.

The Recommendation was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** nil

**Absent:** Councillor Beregi

**41. RESOLVED:**

- 1. THAT** North Sydney Council as the Applicant for DA 347/2019 be represented by the senior staff and consultants appointed by the General Manager in respect to the technical aspects of the application.
- 2. THAT** the Mayor and Councillor Mutton be formally appointed as the Council's official spokespersons on Council's formally resolved position in respect to the redevelopment of the North Sydney Olympic Pool.

**3. THAT** the Sydney North Planning Panel be advised in writing that the persons identified in Points 1 and 2 are the only persons representing the formal position of North Sydney Council in respect to DA 347/2019.

Councillor Beregi joined the meeting remotely at 6.59pm.

Prior to participating in the meeting, Councillor Beregi advised that she would be declaring an interest in Items 8.2 and 11.9 on the Agenda.

## **8. Reports of Committees**

### **8.1. Minutes of Governance and Finance Committee - 1 June 2020**

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Governance and Finance Committee held on Monday 1 June 2020 for Council adoption. The minutes are attached for information.

Nil.

#### **RECOMMENDATION:**

- 1. THAT** the Amended Procurement Policy be placed on public exhibition for 28 days. *(GF01)*
- 2. THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Amended Procurement Policy as adopted at the end of the closing period for submissions. *(GF01)*
- 3. THAT** the North Sydney Council - Waiving Charges COVID-19 Policy - Update report be received *(GF02)*.
- 4. THAT** the updated Scenario 3 Appendix of the Long-Term Financial Plan (Attachment 1 of this report) be endorsed for inclusion in the amended Resourcing Strategy. *(GF03)*
- 5. THAT** the draft 2020/21 budget be noted (as detailed in Attachment 2). *(GF03)*
- 6. THAT** the expenditure reductions totalling \$3.8 million to the 2020/21 Capital Works Program be endorsed (as detailed in Attachment 3). *(GF03)*
- 7. THAT** the draft 2020/21 Capital Works Program (Attachment 4 of this report) be endorsed for inclusion in the Draft 2020/21 Operational Plan & Budget. *(GF03)*
- 8. THAT** the Committee support recommendations 4-7 above for inclusion in the Draft Integrated Planning and Reporting documents and be put to the Council meeting of 22 June 2020 for endorsement prior to public exhibition. *(GF03)*
- 9. THAT** the Draft 2020/21 Fees and Charges Schedule be endorsed and placed on public exhibition for a minimum of 28 days. *(GF04)*
- 10. THAT** this matter be deferred for a further report to Council following further investigation by staff as to the capacity to recover the debts. *(GF05)*
- 11. THAT** the Committee note the loan options for financing the NSOP complex redevelopment as outlined in the confidential report. *(GF06)*
- 12. THAT** the Committee support further negotiation and clarification of the loan conditions and management of cashflow to the anticipated construction program. *(GF06)*
- 13. THAT** a further report be presented to Council following negotiations to finalise the loan option for financing the NSOP complex redevelopment. *(GF06)*

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

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

**Against:** Councillor Beregi, Councillor Baker

**Absent:** nil

**42. RESOLVED:**

1. **THAT** the Amended Procurement Policy be placed on public exhibition for 28 days. *(GF01)*
2. **THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Amended Procurement Policy as adopted at the end of the closing period for submissions. *(GF01)*
3. **THAT** the North Sydney Council - Waiving Charges COVID-19 Policy - Update report be received *(GF02)*.
4. **THAT** the updated Scenario 3 Appendix of the Long-Term Financial Plan (Attachment 1 of this report) be endorsed for inclusion in the amended Resourcing Strategy. *(GF03)*
5. **THAT** the draft 2020/21 budget be noted (as detailed in Attachment 2). *(GF03)*
6. **THAT** the expenditure reductions totalling \$3.8 million to the 2020/21 Capital Works Program be endorsed (as detailed in Attachment 3). *(GF03)*
7. **THAT** the draft 2020/21 Capital Works Program (Attachment 4 of this report) be endorsed for inclusion in the Draft 2020/21 Operational Plan & Budget. *(GF03)*
8. **THAT** the Committee support recommendations 4-7 above for inclusion in the Draft Integrated Planning and Reporting documents and be put to the Council meeting of 22 June 2020 for endorsement prior to public exhibition. *(GF03)*
9. **THAT** the Draft 2020/21 Fees and Charges Schedule be endorsed and placed on public exhibition for a minimum of 28 days. *(GF04)*
10. **THAT** this matter be deferred for a further report to Council following further investigation by staff as to the capacity to recover the debts. *(GF05)*
11. **THAT** the Committee note the loan options for financing the NSOP complex redevelopment as outlined in the confidential report. *(GF06)*
12. **THAT** the Committee support further negotiation and clarification of the loan conditions and management of cashflow to the anticipated construction program. *(GF06)*
13. **THAT** a further report be presented to Council following negotiations to finalise the loan option for financing the NSOP complex redevelopment. *(GF06)*

## 8.2. Minutes of Legal and Planning Committee - 15 June 2020

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

Council is required to consider the Minutes of this Committee under the Code of Meeting Practice.

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 15 June 2020 for Council adoption. The Minutes are attached for information.

Nil.

### **RECOMMENDATION:**

1. **THAT** the Current Appeals and Results – June 2020 report be received. (3.1)
2. **THAT** a report be provided to Council on the offer to withdraw with both parties bearing costs, regarding 13 Shellcove Rd Neutral Bay. (3.1)
3. **THAT** the report of Development Applications Received during Q3 of the 2019/20 financial year be received. (3.2)
4. **THAT** the Variations to Development Standards - 2019/2020 Q3 report be received. (3.3)
5. **THAT** the NSLEP 2013 Amendments 25, 27 and 28 - Post Gazettal Report be received. (3.4)
6. **THAT** the North Sydney Economic Development Strategy - Implementation Update report be received. (3.5)

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** nil

**Absent:** Councillor Beregi (Disclosure of Interest)

### **43. RESOLVED:**

1. **THAT** the Current Appeals and Results – June 2020 report be received. (3.1)
2. **THAT** a report be provided to Council on the offer to withdraw with both parties bearing costs, regarding 13 Shellcove Rd Neutral Bay. (3.1)
3. **THAT** the report of Development Applications Received during Q3 of the 2019/20 financial year be received. (3.2)
4. **THAT** the Variations to Development Standards - 2019/2020 Q3 report be received. (3.3)
5. **THAT** the NSLEP 2013 Amendments 25, 27 and 28 - Post Gazettal Report be received. (3.4)
6. **THAT** the North Sydney Economic Development Strategy - Implementation Update report be received. (3.5)

## 9. Reports to Council

### 9.1. Matters Outstanding - June 2020

**AUTHOR:** Ian Curry, Manager Governance & Committee Services

To report to Council on the status of Councillor resolutions.

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 18 May 2020 Ordinary Meeting of Council.

Nil.

**RECOMMENDATION:**

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Beregi

**Absent:** nil

**44. RESOLVED:**

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

### 9.2. Draft 2020/21 Operational Plan & Budget

**AUTHOR:** Sarah Malcolm, Corporate Planning Coordinator and Darren Goode, Manager Accounting Services

The *Draft 2020/21 Operational Plan & Budget* is presented to Council for endorsement to publicly exhibit for a minimum of 28 days. It has been prepared under unusual circumstances. Consideration has been given to the financial implications of the Federal and State Government measures implemented in response to the COVID-19 pandemic. The expected impacts were reported to the Council at its April and May 2020 meetings.

The emerging and rapidly changing State legislation and policy response to COVID-19 raises substantial risk to Council's budget. Deferral of the rate due date by one month, waiver on the interest on arrears for six months and currently mooted potential deferrals to infrastructure charges raises significant risks for Council's cash flow and total revenue collections.

Council is cognisant of the impact of COVID-19 on the economy, the organisation and the community. Council responded with a significant support package, despite incurring significant losses in doing so. Notwithstanding, we need to be mindful and realistic of



Council's limited resources and the impact of COVID-19 responses on Council's capacity to maintain infrastructure and long-term financial sustainability.

In accordance with the COVID-19 pandemic provisions under the *Local Government Act 1993*, the Council must adopt its Operational Plan & Budget for the incoming financial year by 31 July 2020, outlining the activities to be undertaken in the next financial year (i.e. from 1 July 2020), as part of the Delivery Program.

The *Draft 2020/21 Operational Plan & Budget* is a subset of Council's *Delivery Program 2018/19- 2020/21*, detailing the activities (projects and services) that will be undertaken in Year 3 of the Delivery Program. However, it is presented by Divisional view instead of by Strategic view (by the Strategic Directions as per the Delivery Program). This is consistent with the presentation of previous Operational Plans.

The *Draft 2020/21 Budget* has been prepared in accordance with Section 405 of the *Local Government Act 1993* and the *OLG Integrated Planning and Reporting Guidelines (2013)*. It includes the *Draft 2020/21 Revenue Policy*. The *Draft 2020/21 Revenue Policy* has been prepared in accordance with the *Local Government Regulation 2005*.

**RECOMMENDATION:**

**1. THAT** Council endorse the Draft 2020/21 Operational Plan & Budget, to be placed on public exhibition for 28 days, concurrent with the Amended Resourcing Strategy.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Gunning, Councillor Baker

**Absent:** nil

**45. RESOLVED:**

**1. THAT** Council endorse the Draft 2020/21 Operational Plan & Budget, to be placed on public exhibition for 28 days, concurrent with the Amended Resourcing Strategy.

**9.3. Amended Resourcing Strategy**

**AUTHOR:** Jenny Gleeson, Manager Integrated Planning & Special Projects and Darren Goode, Manager Accounting Services

The purpose of this report is to seek Council endorsement to place the amended Resourcing Strategy on public exhibition for a minimum of 28 days, concurrent with the *Draft Operational Plan and Budget 2020/21*.

In accordance with statutory requirements, in preparing the *Draft 2020/21 Operational Plan & Budget*, the Long Term Financial Plan component of Council's *Resourcing Strategy 2018-2028* has been updated.

In June 2018 Council resolved to operate under Scenario 3 of the Long Term Financial Plan (LTFP), therefore only adopted 'preferred scenario' (Scenario 3) has been updated inclusive of the following key changes:

- the partially approved Special Rate Variation (SRV), i.e. three years duration effective from

1 July 2019;

- revised funding required for the NSOP complex redevelopment, including loan borrowings; and
- projected COVID-19 impacts, including a reduction to the 2020/21 Capital Works Program.

Two additional scenarios (referred to as 3B and 3C) have been modelled to ascertain the financial impact of the COVID-19 pandemic lasting for a shorter and a longer period than that assumed under Scenario 3 (now referred to as 3A).

The key updates, reported via the Governance & Finance Committee in February 2020 and June 2020 respectively, have been incorporated in Attachment 1.

The purpose of the public exhibition is to inform the community of the updated LTFP modelling and invite submissions. It is not to seek community feedback on the financial scenarios, as Council is operating under Scenario 3 as previously resolved and within the SRV approval from IPART. Therefore, Scenarios 1 and 2 have not been updated.

The LTFP has been prepared in accordance with the *OLG Integrated Planning and Reporting Guidelines*. The LTFP has been reviewed, taking into account known changes to the previously implemented assumptions.

**RECOMMENDATION:**

**1. THAT** Council endorse the Amended Resourcing Strategy, to be placed on public exhibition for 28 days, concurrent with the Draft 2020/21 Operational Plan & Budget.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Gunning, Councillor Baker

**Absent:** nil

**46. RESOLVED:**

**1. THAT** Council endorse the Amended Resourcing Strategy, to be placed on public exhibition for 28 days, concurrent with the Draft 2020/21 Operational Plan & Budget.

**9.4. Investments and Loan Borrowings Held as at 31 May 2020**

**AUTHOR:** Garry Ross, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 May 2020.

**Investment Portfolio:**

The Investment portfolio provided an annualised return of 2.19% for the year to date as at 31 May 2020, 1.22% above the reportable BBSW Bank Bill Index. The strong performance continues to be driven by the handful of the longer-dated deposits that were locked-in prior to the RBA's rate cuts, as well as the FRNs locked in at attractive margins.

Council's investment advisors have identified that Council's risk is not the potential loss of capital (given all the banks are well capitalised and regulated by APRA) but the loss of interest

income due to the reduction in the funds available to invest and that 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 31 May 2020 is \$8,099,526.94.

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 31 May 2020 be received.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 6 / 4

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Gunning, Councillor Baker

**Absent:** nil

**47. RESOLVED:**

**1. THAT** the report on Investments and Loan Borrowings held as at 31 May 2020 be received.

**9.5. Access to Information - Open Data**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Carly Frew, Team Leader Administration Services

To seek endorsement of proposed amendments to Council's *Access to Council Information Policy* and to place those draft amendments on public exhibition.

The proposed amendments aim to clearly outline the publicly accessible information held in relation to the making of and the processing of policies, applications and proposals including submissions received in response to these processes.

Earlier this year the Information and Privacy Commission released *Guideline 3: For local government – personal information in development applications (January 2020)*. This guideline was released to assist councils in applying *the public interest considerations for and against publishing personal information contained in documents associated with DAs on councils' websites*.

The guidelines are clear in that councils are obliged to make DA submissions publicly available. In light of this and the move to mandatory tracking and accessing of information in relation to Development Applications through the NSW Planning Portal a review of current document management practices was undertaken.

The objectives of the review were to include the principles encouraged by the privacy commissioner, minimise GIPA applications (noting that planning issues represent a significant

portion of GIPA requests) and create higher levels of transparency in the development application process.

Whilst the initial scope was limited to the processing of development applications, the scope of the amendments have been expanded to include all Council projects that have been subject to formal community engagement.

In order to provide further clarity around the release of information, particularly submissions, it is proposed to amend Council's *Access to Council Information Policy* including the renaming of the Policy to *Access to Information Policy*.

It is recommended the amendments to the policy are placed on a public exhibition for at least 28 days prior to formalising the changes. It is noted that many of the amendments simply articulate existing obligations (including the obligation to provide open access to DA submissions) more clearly. These will therefore continue to be put into practice in parallel with exhibition of the Policy.

The proposed amendments to the policy is likely to result in reduced numbers of GIPA applications, thereby reducing workloads and improving timely access to Council held information. The anticipated workload reduction will offset the need for future resourcing requests.

**RECOMMENDATION:**

**1. THAT** Council place the proposed amendments to the Access to Council Information Policy on public exhibition for a minimum of 28 days and any submissions received be reported to Council at a later meeting.

**2. THAT** Council acknowledge that all submissions received in response to the proposal will be published in its entirety.

**48. RESOLVED:**

**1. THAT** Council place the proposed amendments to the Access to Council Information Policy on public exhibition for a minimum of 28 days and any submissions received be reported to Council at a later meeting.

**2. THAT** Council acknowledge that all submissions received in response to the proposal will be published in its entirety.

**9.6. Planning Proposal 8/19 - Small Bars in Kirribilli Village and Draft NSDCP 2013 Amendment - Trading Hours in Kirribilli Village**

**AUTHOR:** Liam Rogers, Student Strategic Planner

To provide Councillors with a summary of the submissions received to the public exhibition of Planning Proposal 8/19 - Small Bars in Kirribilli Village and draft amendment to NSDCP 2013 – Trading Hours in Kirribilli Village and to endorse the making of these planning instruments.

On 28 March 2018, Council resolved to undertake public consultation to gauge community expectation in relation to extending café and restaurant hours, as well as permitting small bars in Kirribilli Village and Milsons Point.

After considering the community consultation, Council resolved on 25 November 2019 to adopt Planning Proposal 8/19 and forward it to the Department of Planning, Industry and Environment (DPIE) in order to obtain a Gateway Determination. The Planning Proposal sought to permit small bars with consent under North Sydney Local Environmental Plan (NSLEP) 2013 on sites within the Kirribilli Village that do not share a boundary with residential development. On 7 February 2020, the Minister for Planning and Public Spaces

issued a Gateway Determination permitting the Planning Proposal to be placed on public exhibition. The Minister also granted Council authority to finalise the making of the plan giving effect to the planning proposal.

In addition, at its meeting on 24 February 2020 Council resolved to adopt an associated draft amendment to North Sydney Development Control Plan (NSDCP) 2013 to extend trading hours in the Kirribilli Village. Council also resolved to place these draft DCP amendments on public exhibition concurrently with Planning Proposal 8/19.

In accordance with the Gateway Determination and legislative requirements, both the Planning Proposal and draft amendment to NSDCP 2013 were placed on public exhibition concurrently for 28 days, from Thursday 12 March 2020 to Wednesday 8 April 2020.

A total of twenty-six (26) submissions were received during the public exhibition of the Planning Proposal and draft amendment to NSDCP 2013 of which:

- Eighteen (18) supported the proposals;
- Seven (7) objected to the proposals; and
- One (1) neither supported nor objected to the proposals.

Issues raised in the submissions focused on the potential impacts of noise, intoxication, public safety, concentration of late-night venues and parking and traffic. Many of the objections received did not account for the existing provisions in NSDCP 2013 for late-night trading and licensed venues. These provisions detail the requirements for Plans of Management for licensed venues and outline the ways in which Council manages potential noise and amenity impacts from late-night trading activities. It is considered that these requirements provide sufficient means to mitigate and manage the potential impacts from small bars and extended trading hours within Kirribilli Village. There were no matters raised in submissions which would warrant amendment to the proposals prior to their adoption.

It is recommended that the Planning Proposal and draft amendment to NSDCP 2013 be adopted without amendment.

Nil.

**RECOMMENDATION:**

**1. THAT** Council note the submissions made to the public exhibition of the Planning Proposal and draft amendment to North Sydney Development Control Plan 2013.

**2. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (Attachment 3) to the Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

**3. THAT** Council adopt the draft amendment to North Sydney Development Control Plan 2013 as exhibited (Attachment 4) and that public notice of the amendment be published on Council's website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

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

A Question Without Notice was asked by Councillor Carr, as follows:

Of the 18 submissions of support for PP 8/19, how many can be identified as being from businesses?

The General Manager advised that the question would be taken on notice and a response provided to all Councillors.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 3

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

**Against:** Councillor Beregi, Councillor Carr, Councillor Baker

**Absent:** nil

#### **49. RESOLVED:**

**1. THAT** Council note the submissions made to the public exhibition of the Planning Proposal and draft amendment to North Sydney Development Control Plan 2013.

**2. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal unamended (Attachment 3) to the Parliamentary Counsel with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

**3. THAT** Council adopt the draft amendment to North Sydney Development Control Plan 2013 as exhibited (Attachment 4) and that public notice of the amendment be published on Council's website in accordance with clause 21 of the Environmental Planning and Assessment Regulations 2000.

#### **9.7. Response to Mayoral Minute - Roundabout at Grasmere Road and Young Street, Cremorne**

**AUTHOR:** Lindsay Munday, Sustainable Transport Project Co-ordinator

This report provides a response to matters resolved under MM02 "Bring Back the Roundabout" at the 24 February 2020 Council meeting.

The intersection between Young Street and Grasmere Road, Cremorne was reconfigured in 2017 as part of the 'Route 2 Cycleway and Streetscape Upgrade' project. Following the reconfiguration, Council received community feedback raising concerns about the operation of the intersection. In response to this matter, Council resolved at its meeting of 24 February 2020 (Item MM02, Min. No. 6 "Bring Back the Roundabout"):

- 1. THAT Council staff prepare a report to identify the costs associated with reinstating the roundabout with a flat top like the one on Alexander Street and identify a funding source.*
- 2. THAT consideration be given to improving pedestrian access in the new design.*

This report provides a cost estimate for the construction of a roundabout, however, preliminary design investigations have identified that it is highly unlikely that a roundabout which meets required standards (specifically regarding pedestrian refuges/splitter islands) can be constructed at the site. TfNSW have provided feedback they "cannot endorse a roundabout without splitter islands at this intersection".

TfNSW have indicated preliminary support for the construction of a raised pedestrian crossing on the eastern leg of the intersection. This would likely improve pedestrian access and safety and reduce vehicle speeds in the street. Accordingly, this report recommends that Council prepare designs for a raised pedestrian crossing and construct the crossing subject to concurrence from the North Sydney Traffic Committee and funding availability.

If the pedestrian crossing is installed in accordance with current design standards there will be a net loss of two (2) carparking spaces.

The cost for the construction of a roundabout and associated works at the intersection is estimated at \$217,400. This estimate includes design costs for the project estimated to be between \$20,000 to \$25,000 and a 10% construction contingency which is the standard contingency rate for all Council's capital works projects.

The estimated cost to construct a raised pedestrian crossing on the eastern leg of the intersection (as opposed to a full reconstruction of the roundabout) is estimated at \$74,500. This estimate includes design costs for the project estimated to be between \$8,000 to \$10,000 and a 10% construction contingency.

The approximate value of the works completed at the intersection to over the period since December 2017 is \$165,000 (including design costs). Most of this work was 100% funded by the NSW State Government under the Active Transport grants program, with only the installation of speed cushions – approximately \$10,000 – being funded by via contribution by Council.

Should Council resolve to proceed with the project it is recommended that funds be sourced from the Traffic Facilities Budget 2020/2021 as there are insufficient available in the 2019/2020 Traffic Facilities Budget to cover these works.

**RECOMMENDATION:**

**1. THAT** Council prepare designs for a raised pedestrian crossing on the eastern leg of the intersection between Grasmere Road and Young Street, Cremorne, and proceed with construction of the project subject to Traffic Committee concurrence in the 2020/2021 Financial Year.

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

**1. THAT** this matter be deferred to a Councillor Briefing which will include a representative from the RMS and Council's Engineering and Property Division, to discuss design specifications and limitations at the intersection.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**50. RESOLVED:**

**1. THAT** this matter be deferred to a Councillor Briefing which will include a representative from the RMS and Council's Engineering and Property Division, to discuss design specifications and limitations at the intersection.

## 9.8. Response to Notice of Motion - Street Play Pilot Program

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Lindsay Munday, Sustainable Transport Project Co-ordinator

The purpose of this report is to provide an update on the “Street Play” pilot program considered in NoM No 3/20 Street Play – Pilot Program for North Sydney LGA (Item 18, Min No. 74.) at the Council meeting of 23 March 2020 (rescheduled to 6 April 2020).

This report provides a list of streets potentially suitable as pilot sites for “Street Play” and recommends that further consultation take place with the community to short list up to five (5) sites. It is envisaged that Council staff (in collaboration with the community) will plan and run the five (5) pilot sites as ‘demonstration’ projects, following which the program will transition to a model whereby community groups take the lead role in nominating and organising events, with Council in a supporting/enabling role.

This report provides an outline program of what is required for running the pilot projects and recommends that staff commence the development of a ‘Street Play Policy and Guidelines’ document that will detail the “Street Play” program requirements and provide guidance to community groups on planning and running future events.

This report also recommends that Council commission the design and construction of a ‘parklet’ (a mobile ‘pop-up’ park), to support the program if successful in an application for funding support from the NSW State Government.

A funding application seeking \$40,000 was submitted to the NSW Department of Planning, Industry and Environment - “Streets as Shared Spaces” program on 10 June 2020. This report recommends that should Council be successful in obtaining this grant, that the grant be matched with a Council contribution of \$40,000 from the *Bike Strategy* Projects to be established budget 2020/21. Should Council be unsuccessful in securing this grant, this report recommends that the total required budget of \$80,000 come from the *Bike Strategy* Projects to be established budget 2020/21.

### **RECOMMENDATION:**

- 1. THAT** staff undertake consultation with the community on the 15 streets identified in this report and refine a short list of up to five (5) pilot sites for the Street Play program.
- 2. THAT** should Council be successful in its grant application for \$40,000 from the NSW Department of Planning, Industry and Environment - “*Streets as Shared Spaces*” program, that Council match the grant by allocating \$40,000 to the project from the 2020/2021 the *Bike Strategy* Projects to be established budget, and that staff proceed with a “*Street Play*” program as proposed in this report.
- 3. THAT** should Council be unsuccessful in its grant application to the “*Streets as Shared Spaces*” program, that \$80,000 be allocated from the *Bike Strategy* Projects to be established budget to the “*Street Play*” program in the 2020/2021 financial year, and that staff proceed with a “*Street Play*” pilot program with a scope that is consistent with the budget.
- 4. THAT** should Council be successful in obtaining a grant for the program, that staff commission the design and construction of a mobile ‘parklet’ to support the program.
- 5. THAT** staff prepare a “*Street Play*” Program Policy and Guidelines document for review at the 24 August 2020 Council meeting.

### **51. RESOLVED:**

- 1. THAT** staff undertake consultation with the community on the 15 streets identified in this report and refine a short list of up to five (5) pilot sites for the Street Play program.



2. **THAT** should Council be successful in its grant application for \$40,000 from the NSW Department of Planning, Industry and Environment - “*Streets as Shared Spaces*” program, that Council match the grant by allocating \$40,000 to the project from the 2020/2021 the Bike Strategy Projects to be established budget, and that staff proceed with a “*Street Play*” program as proposed in this report.
3. **THAT** should Council be unsuccessful in its grant application to the “*Streets as Shared Spaces*” program, that \$80,000 be allocated from the Bike Strategy Projects to be established budget to the “*Street Play*” program in the 2020/2021 financial year, and that staff proceed with a “*Street Play*” pilot program with a scope that is consistent with the budget.
4. **THAT** should Council be successful in obtaining a grant for the program, that staff commission the design and construction of a mobile ‘parklet’ to support the program.
5. **THAT** staff prepare a “*Street Play*” Program Policy and Guidelines document for review at the 24 August 2020 Council meeting.

### 9.9. Provision of Basketball and Netball Hoops

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

To report to Council on the potential, for installing additional basketball hoops on existing hard surfaces, in accordance with the resolution of Council on 28 October 2019.

This report presents information on potential locations for the installation of new Basketball and Netball Hoops within the North Sydney Local Government Area.

The \$17,500 required for items 1-3, 5 and 6 is taken from savings on the Blues Point Reserve amenities block project and carried forward into the next Financial Year 2020/21 for implementation.

The \$6,000 required for item number 4 will be taken from the St Leonards Park Masterplan budget.

**RECOMMENDATION:**

1. **THAT** Council allocate \$17,500 in the 2020/21 Capital Works Budget to implement the recommendations of this report for items 1-3, 5 and 6.
2. **THAT** the installation of any hoops on item number 7 (Waverton Bowling Club) be placed on hold until Council has a more permanent tenure of this site.
3. **THAT** as part of the St Leonards Park Masterplan, Council allocate provision for the installation of netball hoops in the Harbourview Lawn.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 1

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

**Against:** Councillor Gunning

**Absent:** nil

## **52. RESOLVED:**

- 1. THAT** Council allocate \$17,500 in the 2020/21 Capital Works Budget to implement the recommendations of this report for items 1-3, 5 and 6.
- 2. THAT** the installation of any hoops on item number 7 (Waverton Bowling Club) be placed on hold until Council has a more permanent tenure of this site.
- 3. THAT** as part of the St Leonards Park Masterplan, Council allocate provision for the installation of netball hoops in the Harbourview Lawn.

## **9.10. Review of Proposed Infrastructure Contributions System Reforms**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Jayden Perry, Strategic Planner

Purpose of this report is to review proposed changes to the infrastructure contributions system and determine if Council should make a submission to those proposed changes.

Following a number of recent State Government led reviews into improving the NSW planning system, including the Kaldas Review, the Department of Planning, Industry and Environment (DPIE) released a package of reforms in relation to the infrastructure contribution system on 15 April 2020 for public comment. The proposed reforms primarily seek to implement some minor short-term amendments with the view to make the system more transparent and easier to use. Comments are invited up until the 12 June 2020, which occurs prior to the consideration of this report.

Council staff submitted a request for an extension to enable a Council endorsed submission to be made. The request for an extension was granted on 11 June 2020 enabling Council to submit an endorsed submission by the 26 June 2020.

These minor reforms are leapfrogging a larger and broader scale review of the entire infrastructure contributions system to be undertaken later this year by the NSW Productivity Commission. This wider review by the Productivity Commission is in its infancy, with only a set of “terms of reference” having been released, with stakeholders, including councils, to be invited to provide comments later in the review.

This report describes the key elements and implications of the proposed changes by DPIE and seeks Council’s endorsement to submit a formal response on the proposed changes to the infrastructure contributions system.

Generally, the majority of the proposed changes will provide greater clarity and accountability to the infrastructure contributions system with little impact on Council and as such are supported in principle. However, there are a several issues which are not supported or require further clarification and or investigation, including:

- The potential for increased audit reporting by councils;
- The need to better define responsibilities between State and Local government;
- The lack of definitions for a number of terms raised in the discussion paper;
- The actioning of certain administrative requirements regarding the operation of infrastructure contributions;
- The retention of State Infrastructure Contributions (SICs) is strongly opposed; and
- The continued capping of infrastructure contributions for residential development which do not take cognisance of the lack of funding available to councils to provide infrastructure for growth considering the cap on Council rates under the Local Government Act.

It is recommended that Council forward an endorsed submission to the DPIE addressing the concerns outlined in this report.

A further detailed review of the changes will be required on commencement to determine the impacts on the function of Council's existing and future infrastructure contribution plans.  
Nil.

**RECOMMENDATION:**

1. **THAT** a Submission to the proposed infrastructure contributions system reforms, be forwarded by Council to the NSW Department of Planning, Industry and Environment, based on the commentary in this report.
2. **THAT** the General Manager be delegated authority to incorporate any amendments or additions by Council and finalise the submission to be forwarded to the NSW Department of Planning, Industry and Environment.
4. **THAT** the submission form the basis of any further near-term discussions and negotiations with the Productivity Commission with respect to its review of the infrastructure contributions system.

**53. RESOLVED:**

1. **THAT** a Submission to the proposed infrastructure contributions system reforms, be forwarded by Council to the NSW Department of Planning, Industry and Environment, based on the commentary in this report.
2. **THAT** the General Manager be delegated authority to incorporate any amendments or additions by Council and finalise the submission to be forwarded to the NSW Department of Planning, Industry and Environment.
4. **THAT** the submission form the basis of any further near-term discussions and negotiations with the Productivity Commission with respect to its review of the infrastructure contributions system.

**9.11. Tender No. 1/2021 - Schedule of Rates Contract for Civil Works**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Robert Esdaile, Engineering Project Manager

This report is to provide Council with an analysis of the tender process for Tender No. 1/2021-Schedules of Rates Contract for Civil Works.

Tenders were called and were received until 4.00pm on 30 April 2020 to carry out repairs to Council's infrastructure assets and provide various services on a schedule of rates basis over a two-year period. This report recommends the successful tenderers be shortlisted on Council's Panel for the next two financial years with the option to extend the Contract, at the Principal's sole discretion, for two further periods of one year each.

Projects and Programs undertaken through this Annual Schedule of Rates Contract will be funded in accordance with Council's Delivery Program and adopted Budget.

**RECOMMENDATION:**

1. **THAT** Council accept the short-listed tenderers as outlined in Table 1 of this report for Tender No. 1/2021 – Schedule of Rates Contract for Civil Works.
2. **THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options as per the tender documents for two periods of one year each.
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.*

**54. RESOLVED:**

1. **THAT** Council accept the short-listed tenderers as outlined in Table 1 of this report for Tender No. 1/2021 – Schedule of Rates Contract for Civil Works.
2. **THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options as per the tender documents for two periods of one year each.
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.*

**9.12. Tender No. 2/2021 - Schedule of Rates Contract for Infrastructure Property and Repair Services**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Steve Stathis, Contracts Manager

This report is to provide Council with an analysis of the tender process for Tender 2/2021- Schedules of Rates Contract for Infrastructure Property and Repair Services.

Tenders were called and were received until 4pm on 29 April 2020 to undertake repairs and preventative maintenance on Council’s infrastructure properties and provide various services on a schedule of rates basis over a two (2) year period. This report recommends the successful tenderers to be shortlisted on Council’s Panel for the next two financial years with the option to extend the Contract, at the Principal’s sole discretion, for two further periods of one year each.

Projects and Programs undertaken through this Annual Schedule of rates contract will be funded in accordance with Council’s Delivery Program and adopted Budget.

**RECOMMENDATION:**

1. **THAT** Council accept the short-listed tenderers as outlined in Table 1 of this report for Tender No. 2/2021 – Schedule of Rates Contract for Infrastructure Property and Repair Services.
2. **THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options as per the tender documents for two periods of one year each.
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.*

**55. RESOLVED:**

1. **THAT** Council accept the short-listed tenderers as outlined in Table 1 of this report for Tender No. 2/2021 – Schedule of Rates Contract for Infrastructure Property and Repair Services.
2. **THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options as per the tender documents for two periods of one year each.

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*.

### **9.13. James Milson Village - Council Nominees to the Board 2020/21**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Rebecca Aukim, Acting Director Community & Library Services

To thank the current nominees to the James Milson Village Board for 2019/20 and to determine the nominees for 2020/21.

Council is entitled to nominate annually two Directors to the Board of the North Sydney Retirement Trust (James Milson Village). For 2019/20 they have been Ally Murphy and Stephen Carbery. Ms Murphy and Mr Carbery have provided their reports in the format recommended by the 2016 Governance Review. They advise that the answers in all cases to the following questions are in the affirmative:

1. *Is the North Sydney Retirement Trust registered as an approved provider with the Commonwealth to provide aged care services, accredited and receiving Commonwealth Government subsidies? YES*
2. *Do the objects of the organisation still meet the social justice interests of the council as set out in the Constitution:*
  - a. *Deliver care and wellbeing for the frail and aged, particularly in the local government areas of North Sydney, Lane Cove, Mosman and Willoughby. YES*
  - b. *Conduct the aged care facilities within the James Milson Village on the corner of Clark Road and High Street, North Sydney and/or such other place or places as the Board determines. YES*
  - c. *Relieve poverty experienced by persons who are aged. YES*
  - d. *Relieve aged persons who are in necessitous circumstances. YES*
  - e. *In each case with commitment, integrity and respect for each individual. YES*
3. *Is the organisation operating and solvent? YES*

This report notes the feedback received and in addition recommends Council forward its nominees to the Trust for the coming 12 months, 2020/21.

Council's lease to the Trust is for a peppercorn; the value of the lease has been estimated at \$700,000 p.a. The Trust's return to the community as recorded in the 2018/19 Annual Report is \$1.2m in forgone revenue for social justice initiatives (waiving/reduction in fees). The Directors are non-executive (and unpaid). There is no cost to Council arising from their role.

**RECOMMENDATION:**

1. **THAT** Council expresses its thanks to Ally Murphy and Stephen Carbery for their service on the Board of the North Sydney Retirement Trust for 2019/20.
2. **THAT** Council determines its nominees to the Board of the North Sydney Retirement Trust for 2020/21.

**56. RESOLVED:**

1. **THAT** Council expresses its thanks to Ally Murphy and Stephen Carbery for their service on the Board of the North Sydney Retirement Trust for 2019/20.

**2. THAT** Council determines its nominees to the Board of the North Sydney Retirement Trust for 2020/21.

#### **9.14. Draft Community Grants and Subsidies 2020/21**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Rebecca Aukim, Acting Director Community & Library Services

That the Draft Community Grants and Subsidies 2020/21 report be placed on public exhibition for a minimum of 28 days, aligning with the Amended Delivery Program/Draft Operational Plan 2020/21.

The Donations and Subsidies Program for 2020/21 is presented as follows:

- Category A: Community Centres and Cultural Facilities
- Category B: Child Care Centres
- Category C: Centres of local & sub regional importance
- Community Housing
- Aged Care Accommodation
- Recreational Facilities Program
- Subsidies for individuals
- Ongoing North Sydney community services not in Council buildings
- Internet/telephone support for seniors
- Small Grants: new and innovative & sport and well-being
- Food grants.

Cash grants to community services total \$833,840 – a net increase of \$23,892 from 2019/20. These amounts have already been incorporated into the draft estimates for 2020/21. The main elements are:

- Council's Community Centres \$579,100
- Community Services not in Council Buildings \$193,340
- Childcare \$23,400
- New and innovative projects \$24,000
- Food Grants \$11,000
- Sport and Wellbeing \$3,000

The financial circumstances for the services discussed in the report necessarily predate COVID-19 as they are based on audited figures for the 2018-19 financial year for Community Centres, and the Jan-Dec 2019 year for childcare. Each of these services has been impacted by COVID-19 and this will flow through to their 2020/21 financial results.

#### **RECOMMENDATION:**

**1. THAT** the Draft Community Grants and Subsidies 2020/21 report be placed on public exhibition for a minimum of 28 days, aligning with the Amended Delivery Program/Draft Operational Plan 2020/21.

#### **57. RESOLVED:**

**1. THAT** the Draft Community Grants and Subsidies 2020/21 report be placed on public exhibition for a minimum of 28 days, aligning with the Amended Delivery Program/Draft Operational Plan 2020/21.

### **9.15. Amended Child Protection Policy**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Helen Campbell, Manager Community Development

To seek endorsement to publicly exhibit the proposed amendments to Council's Child Protection Policy.

Council's Child Protection Policy has been reviewed in response to recently issued recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse. This report seeks endorsement to publicly exhibit the proposed amendments to this Policy prior to its re-adoption.

The Child Safe Standards recommended by the Royal Commission provide a road map for making organisations safer for children. Based on extensive research and consultation, the standards provide tangible guidance for Council to build its capacity to ensure best practice child protection strategies are at the front of Council's risk management plans.

The intention of the Standards is to facilitate greater awareness and understanding of children's safety and the actions Council needs to integrate into child related operations to prevent and respond to potential child abuse. To this end the Standards have been included as an attachment to the Policy.

The other amendments to the Policy include adding reference to the Children's Guardian Act 2019 throughout and a change in service level. The Act requires that allegations against Council staff be reported by Council within 7 not 30 days, as per the service level included in the current Policy. The amendments are shown in red font italics (for new) and strikethrough for deletion in Attachment 1.

There are no significant financial implications as result of the introduction of the Child Safe Standards to this Policy.

**RECOMMENDATION:**

- 1. THAT** the amended Child Protection Policy be placed on public exhibition for 28 days.
- 2. THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Child Protection Policy as adopted at the end of the closing period for submissions.

**58. RESOLVED:**

- 1. THAT** the amended Child Protection Policy be placed on public exhibition for 28 days.
- 2. THAT** should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the Child Protection Policy as adopted at the end of the closing period for submissions.

### **9.16. North Sydney Children's Festival & North Sydney Art Prize**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Alison Clark, Team Leader Arts & Culture

This report reviews Council's two key arts events, the North Sydney Children's Creative Festival and the North Sydney Art Prize, and the impact of COVID-19 regulations in relation to holding large scale public activities and the resultant effect on established event partners and stakeholders.

The Team Leader Arts & Culture in discussion with the Arts Team, senior management, key partners and stakeholders has reviewed the capacity to successfully plan for and deliver these two events, with a recommendation for alternative outcomes and timeframes to ensure these programs are maintained to best meet the objectives outlined in Council's Arts & Cultural Strategic Plan 2019-22.

Furthermore, at the NSROC Art and Cultural Services Professional Officers Group meeting on 12 May 2020, the issue of managing cultural events and Council art exhibitions and prizes was discussed. Larger scale public events and art prizes have been either cancelled or postponed in line with government regulations.

Funding for the existing and proposed projects are included in the 2020/21 budget. It is proposed, however, that the North Sydney Art Prize budget will not be used in this financial period but reallocated to the 2021/22 budget for delivery of the event in March 2022.

**RECOMMENDATION:**

**1. THAT** Council supports the delivery of the Children's Week festivities in the proposed revised format and the North Sydney Art Prize is postponed until March 2022, as outlined in the report.

**59. RESOLVED:**

**1. THAT** Council supports the delivery of the Children's Week festivities in the proposed revised format and the North Sydney Art Prize is postponed until March 2022, as outlined in the report.

**9.17. Waiving Charges - Not for Profit Community Sporting Clubs**

**AUTHOR:** Robert Emerson, Director Open Space and Environmental Services

To acknowledge the impact that the COVID-19 pandemic is having on community sporting clubs and to grant them financial relief for a two-month period from 1 July to 1 September 2020.

Successful and financially sustainable not for profit community sporting clubs are vital to the ongoing health and social vitality of our community.

Community Sporting Clubs that play through the winter season have been significantly impacted through the COVID-19 pandemic. Clubs that usually commence their competition seasons in late March have been suspended from playing with restrictions not being lifted until 1 July 2020.

The delayed commencement, reduced season and general economic conditions in the community has resulted in local community sporting clubs with reduced membership, sponsorship and loss of other vital fundraising opportunities whilst at the same time incurring higher operational costs as they implement the required COVID-19 management plans to reduce the risk of further infections.

In line with rent relief provided to commercial recreational tenants of Council buildings and footpath outdoor dining licences it recommended that our community sporting organisations affected by the pandemic receive similar relief to assist them through this difficult time. It is therefore recommended that ground hire fees for not for profit community sporting clubs be waived for the period from 1 July to 1 September 2020.

The cost of waiving the ground hire fees for not for profit community sporting clubs for the 1 July to 1 September 2020 two-month period would be approximately \$80,000. The 2020/21 Budget was prepared with the expectation that restrictions would not be eased until late in



2020. Reduced revenue from sporting groups has therefore already been incorporated in the draft 2020/21 Budget.

**RECOMMENDATION:**

**1. THAT** Council waive ground hire fees for not for profit community sporting clubs for a two-month period from 1 July to 1 September 2020.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

**60. RESOLVED:**

**1. THAT** Council waive ground hire fees for not for profit community sporting clubs for a two-month period from 1 July to 1 September 2020.

### **9.18. North Sydney Olympic Pool Operations**

**AUTHOR:** Rob Emerson, Director Open Space and Environmental Services

This report provides the detail for Council on the usage of the outdoor pool since reopening for lap swimmers on Saturday 23 May 2020 within the limitations of the NSW Government Health Orders that restricted usage to a maximum of 10 people in the pool at any one time, no more than one person per lane and that change areas would remain closed.

The reopening of the pool under NSW Government restrictions has been a challenging period for pool management, whilst the operation is being implemented on the minimum staffing requirements to reduce the operations expenditure whilst maintaining appropriate safety standards, the initial restrictions of one swimmer per lane in the outdoor pool only and a maximum of 10 people in the facility was never going to result in a financially sustainable position for Council.

With the easing of restrictions there is an opportunity for Council to increase the facility's availability to the community through increased numbers of lap swimmers in the 50 metre outdoor pool. It is proposed that Council monitor take-up of the threefold increase in lap swimming capacity together with further easing of restrictions prior to giving consideration to opening the indoor pool.

The initial restrictions have resulted in the pool operation not being financially sustainable in the long term, however the recent easing of the restrictions on the allowable use of the facility considerably improves the potential operating income of the outdoor pool.

During the first three weeks of reopening the outdoor pool, Council incurred a loss in the order of \$32,900.

**RECOMMENDATION:**

1. **THAT** the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.
2. **THAT** Council acknowledge that capacity for the number of public lap swimmers in the outdoor 50 metre pool has been increased, based on NSW Government restrictions and the development of an amended and appropriate COVID-19 Plan for North Sydney Olympic Pool.
3. **THAT** Council monitor the take-up of the additional lap swimming capacity in the outdoor pool together with further easing of restrictions before giving further consideration to reopening the indoor pool.

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

Debate on the Motion was suspended to move into Closed Session in order to enable Councillors to ask questions in respect to associated legal/commercial matters.

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

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.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

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

**Against:** nil

**Absent:** nil

The recording was stopped and the meeting recommenced in Closed Session at 7.51pm.

Councillor Beregi retired from the meeting during the Closed Session.

The meeting was re-opened to the public at 7:52pm and the recording was resumed.

Debate on the Motion moved by Councillor Drummond and seconded by Councillor Barbour.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 7 / 2

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

**Against:** Councillor Carr, Councillor Baker

**Absent:** Councillor Beregi

**61. RESOLVED:**

1. **THAT** the report on the use of the North Sydney Olympic Pool over the previous three weeks be received.

2. **THAT** Council acknowledge that capacity for the number of public lap swimmers in the outdoor 50 metre pool has been increased, based on NSW Government restrictions and the development of an amended and appropriate COVID-19 Plan for North Sydney Olympic Pool.

3. **THAT** Council monitor the take-up of the additional lap swimming capacity in the outdoor pool together with further easing of restrictions before giving further consideration to reopening the indoor pool.

## 10. Notices of Motion

### 10.1. Notice of Motion No. 5/20 - Crs Baker, Beregi and Carr - 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.

The Motion was moved by Councillor Baker and seconded by Councillor Mutton.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 5 / 4

**For:** Councillor Keen, Councillor Carr, Councillor Gunning, Councillor Mutton, Councillor Baker

**Against:** Councillor Gibson, Councillor Brodie, Councillor Barbour, Councillor Drummond

**Absent:** Councillor Beregi

**62. RESOLVED:**

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.

**10.2. Notice of Motion No. 6/20 - Crs Baker, Beregi and Carr - Opening of 25 Metre Indoor Pool - North Sydney Olympic Pool**

1. **THAT** following the further easing of COVID-19 pandemic restrictions, Council immediately reopen the 25 metre pool at North Sydney Olympic Pool in accordance with Government guidelines.

The Motion was moved by Councillor Baker and seconded by Councillor Carr.

The Mayor ruled that the matter has already been considered and the proposed Motion was in conflict with the resolution made in respect of Item 9.18.

The meeting continued to the next Item.

**10.3. Notice of Motion No. 7/20 - Crs Baker, Beregi and Carr - Ward Boundaries for NSW Local Government Elections 4 September 2021 - Community Consultation**

1. **THAT** Council undertake rigorous and comprehensive community consultation in relation to the Ward boundaries for the 4 September 2021 NSW Local Government elections.

2. **THAT** in doing so, Council conduct community consultation so as to determine the community's preference for:

a) Five Wards, with each Ward being represented by two councillors.

b) Two Wards, with each Ward being represented by five councillors.

3. **THAT** following the outcome of 2) above being reported back to Council, Council then undertake community consultation on the boundaries of each Ward and expressions of interest in Ward names.

4. **THAT** following the outcome of 3) above being reported back to Council, Council place the preferred boundary proposal and proposed Ward names on public exhibition for public comment, and undertake the required public notification, as per section 201A of the Local Government Act 1993.

5. **THAT** Council staff prepare a timeline for 1, 2, 3 above ensuring that the final determination of Ward boundaries and Ward names is made in accordance with the revised timelines of the NSW Electoral Commission and the OLG.

A Motion was moved by Councillor Baker and seconded by Councillor Carr.

1. **THAT** Council undertake rigorous and comprehensive community consultation in relation to the Ward boundaries for the 4 September 2021 NSW Local Government elections.

2. **THAT** in doing so, Council conduct community consultation so as to determine the community's preference for:

a) Five Wards, with each Ward being represented by two Councillors.

b) Two Wards, with each Ward being represented by five Councillors.

3. **THAT** following the outcome of 2) above being reported back to Council, Council then undertake community consultation on the boundaries of each Ward and expressions of interest in Ward names.

4. **THAT** following the outcome of 3) above being reported back to Council, Council place the preferred boundary proposal and proposed Ward names on public exhibition for public comment, and undertake the required public notification, as per section 201A of the Local Government Act 1993.

**5. THAT** Council staff prepare a timeline for 1, 2, 3 above ensuring that the final determination of Ward boundaries and Ward names is made in accordance with the revised timelines of the NSW Electoral Commission and the OLG.

**6. THAT** Council write to the NSW Electoral Commission seeking an extension of time to allow the above community consultation to occur.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 5

**For:** Councillor Keen, Councillor Carr, Councillor Mutton, Councillor Baker

**Against:** Councillor Gibson, Councillor Brodie, Councillor Barbour, Councillor Drummond, Councillor Gunning

**Absent:** Councillor Beregi

#### **10.4. Notice of Motion No. 8/20 - Crs Baker, Beregi and Carr - Keep Our Buses Public**

**1. THAT** Council write to the Minister for Transport expressing concern about the intent of the State Government to privatise public bus services.

**2. THAT** Council writes to the Minister for Transport seeking an assurance that as a result of any privatisation of public bus services, that:

- on time running will remain at or better than the current rate of 95 per centage.
- there will be no reduction in the number or movement of bus stops without a formal public consultation process;
- there will be no changes to existing bus routes without a formal public consultation process.

The Motion was moved by Councillor Baker and seconded by Councillor Gibson.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 1

**For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Baker

**Against:** Councillor Mutton

**Absent:** Councillor Beregi

#### **63. RESOLVED:**

**1. THAT** Council write to the Minister for Transport expressing concern about the intent of the State Government to privatise public bus services.

**2. THAT** Council writes to the Minister for Transport seeking an assurance that as a result of any privatisation of public bus services, that:

- on time running will remain at or better than the current rate of 95 percent.
- there will be no reduction in the number or movement of bus stops without a formal public consultation process;
- there will be no changes to existing bus routes without a formal public consultation process.

**10.5. Notice of Motion No. 9/20 - Crs Baker, Beregi and Carr - Extension of Time for Submissions for Military Road Corridor Planning Study - Stage 1**

**1. THAT** the time for submissions for the Military Road Corridor Planning Study - Stage 1 be extended until Monday 31 August 2020.

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

An Amendment was moved by Councillor Gibson and seconded by Councillor Mutton,

**1. THAT** the time for submissions for the Military Road Corridor Planning Study - Stage 1 be extended by one month.

The Amendment was put and **Carried**.

Voting was as follows:

For/Against 6 / 3

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

**Against:** Councillor Keen, Councillor Carr, Councillor Baker

**Absent:** Councillor Beregi

The Amendment became the Motion and was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** nil

**Absent:** Councillor Beregi

**64. RESOLVED:**

**1. THAT** the time for submissions for the Military Road Corridor Planning Study - Stage 1 be extended by one month.

**10.6. Notice of Motion No. 10/20 - Cr Baker - Meeting our Climate Emergency Commitments - NSROC/SSROC Power Purchase Agreement**

**1. THAT** Council join with fellow signatories to the SSROC Power Purchase Agreement, Ryde, Randwick, Waverley, Inner West and Canterbury Bankstown Councils and write to Origin Energy:

- A. Noting Council's Power Purchase Agreement with Origin through SSROC, 20% of which is currently sourced from the Moree Solar Farm;
- B. Noting Council's Climate Emergency Declaration, and in-principle support for net-zero emissions by 2030;
- C. Expressing Council's support for the traditional owners and communities in the Northern Territory, who have expressed their strong opposition to fracking due its threats to the climate and to their lands, waters and rights;

- D. Requesting that Origin Energy cease all plans to conduct fracking in the Northern Territory and elsewhere due to its impact on the climate, communities, environment and water and commit to further investment in environmentally and socially sustainable renewable energy projects.
- E. Forward a copy of the correspondence referred to above to all NSW Regional Organisations of Councils (ROCs) and LGNSW.

The Motion was moved by Councillor Baker and seconded by Councillor Carr.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 5

**For:** Councillor Keen, Councillor Carr, Councillor Barbour, Councillor Baker  
**Against:** Councillor Gibson, Councillor Brodie, Councillor Drummond, Councillor Gunning, Councillor Mutton  
**Absent:** Councillor Beregi

## 11. Confidential Matters

### 11.1. North Sydney Olympic Pool Redevelopment - Expression of Interest 24/2020

**AUTHOR:** Shahid Rehman, Engineering Project Manager

The purpose of this memo is to seek Council approval to shortlist eight (8) applicants that have met the Expression of Interest (EOI) requirements by demonstrating that they have the relevant understanding, skills and experience to successfully deliver this project. The shortlisted applicants will be invited by Council via select tender process to submit a tender for the construction and redevelopment of the North Sydney Olympic Pool.

Expressions of Interest were called and were received until 4:00pm, 21 April 2020 for North Sydney Olympic Pool Redevelopment – EOI 24/2020.

Funding for the project is included in the adopted 2019/20 and 2020/21 delivery program.

*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** Council proceed with a Select Tender Process.
3. **THAT** Council invite Select Tenders from the (8) shortlisted companies.

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

1. **THAT** Council proceed with a Select Tender Process.
2. **THAT** Council invite Select Tenders from the (8) shortlisted companies.

The Motion was put without debate and **Carried**.

Voting was as follows:

For/Against 8 / 1

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

**Against:** Councillor Baker

**Absent:** Councillor Beregi

## **26. RESOLVED:**

1. **THAT** Council proceed with a Select Tender Process.
2. **THAT** Council invite Select Tenders from the (8) shortlisted companies.

### **11.2. Impairment of Register Debts**

**AUTHOR:** Garry Ross, Manager Financial Services

As a result of an internal audit recommendation in 2017, which identified that over 90% of the food inspection debts were overdue by greater than 4 months, Council commenced a thorough review of the inspection process and the debt management program of long-term outstanding food shop debts.

The debt position of food shop inspections as at 30 April 2020 indicates \$207,568 is currently outstanding, inclusive of \$99,063.72 for those debts that have been assessed as being impaired or the recovery is doubtful. Impairment assessment is based on the possibility of successfully recovering the debt from the liable applicant.

All food businesses premises are inspected by Council officers each year to ensure that they are being maintained appropriately and comply with the Food Act 2003. Each inspection attracts a fee, payable by the lessee of the food shop. The annual increase of outstanding debts associated with these inspections is between 7% to 8% due to the high turn-over of food shops with the majority having ceased trading, the applicant's ABN cancelled or the businesses is in liquidation.

The inspection procedures have been improved as North Sydney Council has moved towards a risk/performance based food shop inspection program. The debt recovery program has been reviewed and improved processing of invoices introduced to include secure online payment options that reduce administrative overheads and provide ease of payment for the debtor.

The current provision for doubtful debts is \$197,000, which is sufficient to allow the bad debt write-off of \$99,063.72 for the impaired inspection debts.

The associated Confidential Report to this item addresses personnel matters concerning particular individuals (other than councillors). If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(a) of the Local Government Act (LGA).



**RECOMMENDATION:**

1. **THAT** the meeting be closed to the public in accordance with Section 10A(2)(a) personnel matters concerning particular individuals (other than councillors).
2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

A Motion was moved by Councillor Barbour and seconded by Councillor Brodie

1. **THAT** the write-off of the impaired register debts totalling \$99,063.72 be approved.
2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

The Motion was put without debate and **Carried**.

Voting was as follows:

For/Against 8 / 1

- For:** Councillor Gibson, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton
- Against:** Councillor Baker
- Absent:** Councillor Beregi

**27. RESOLVED:**

1. **THAT** the write-off of the impaired register debts totalling \$99,063.72 be approved.
2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

**11.3. NSROC Tender 2022 - Road Surfacing, Patching and Associated Works**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Edward Wong, Contracts Manager

This report is to provide Council with an analysis of the tender process for NSROC Road Surfacing, Patching and Associated Services.

Public tenders for the Northern Suburbs Regional Organisation of Councils (NSROC) Road Surfacing, Patching and Associated Works were called for on 14 April 2020 with a nominated closing date of 8 May 2020 and was extended to 15 May 2020.

The proposed contract term will initially commence on the 1 July 2020 to 30 June 2022, with each Council having the option to extend for an additional one (1) year plus a further one (1) year extension at Council's discretion subject to satisfactory performance at annual contract review, the potential term of the contract is 1 July 2020 to 30 June 2024.

*In order for Councillors to discuss the content of this Commercial in Confidence report it will be necessary to close the Council meeting to the public.*

**RECOMMENDATION:**

1. **THAT** Council accept the tenders of four highest ranked Tenderer shortlisted into the panel for the Supply, Delivery and Laying of Asphaltic Concrete under the NSROC Contract 2022 – Road Surfacing, Patching and Associated Works.

2. **THAT** Council accept the tenders of the two highest ranked Tenderer shortlisted into the panel for Heavy Patching under the NSROC Contract 2022 – Road Surfacing, Patching and Associated Works.
3. **THAT** Council hereby authorises its Official Seal to be affixed to Contract NSROC 2022 under the signature of the Mayor and the General Manager.
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.

**28. RESOLVED:**

1. **THAT** Council accept the tender of Bitupave Ltd T/A NSW Boral Asphalt (Tenderer 3), Downer Edi Works Pty Ltd (Tenderer 6), Fulton Hogan Industries Pty Ltd (Tenderer 7) and State Asphalt Services Pty Ltd (Tenderer 15) into the panel for the supply, delivery and laying of asphaltic concrete works under Tender 2022 for NSROC Road Surfacing, Patching and Associated Services.
2. **THAT** Council accept the tender of Planet Civil Pty Ltd (Tenderer 12) and Stateline Asphalt Pty Ltd (Tenderer 17) into the panel for Heavy Patching works under Tender 2022 for NSROC Road Surfacing, Patching and Associated Services.
3. **THAT** the Director of Engineering and Property Services is the delegated Authority to extend the Contract options as per the tender documents for two periods of one year each.
4. **THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
5. **THAT** Council hereby authorises its Official Seal to be affixed to Contract NSROC 2022 under the signature of the Mayor and the General Manager.
6. **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.

**11.4. Tender No. 21/2020 - Military Road, Neutral Bay - Public Domain Upgrade – Stage 3**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Chris Stevens, Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 21/2020 Military Road, Neutral Bay – Public Domain Upgrade – Stage 3.

Tenders were called and were received until 4.00pm on 4 June 2020 to undertake Public Domain upgrading works in three separate sections of Military Road in Neutral Bay as part of the B-Line Public domain upgrading program – Tender No. 21/2020 - Stage 3. These works are a continuation of the B-Line related public domain upgrading works that Council has been undertaking for the last twelve months in the Military Road corridor between Neutral Bay and Cremorne. Refer to figure 1 in this report for the location of each package of works.

This report is recommending that the highest ranked tenderer be engaged by Council to undertake the works for Tender No. 21/2020.

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).

**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.

**29. RESOLVED:**

1. **THAT** Council accept the tender of EzyPave Pty Ltd for Tender No. 21/2020 for Separable Portion A – Military Road north side – opposite Watson Street to Driveway to #192 Ben Boyd Road (Zone 14) Military Road, Neutral Bay West Public Domain Upgrade.
2. **THAT** Council accept the tender of EzyPave Pty Ltd for Tender No. 21/2020 for Separable Portion B – Military Road south side – Watson Street to Ben Boyd Road (Zone 16) Military Road, Neutral Bay West Public Domain Upgrade.
3. **THAT** Council accept the tender of EzyPave Pty Ltd for Tender No. 21/2020 for *Separable Portion C – Military Road south side – Bydown Street to traffic lights before May Gibbs (Zone 18) Military Road, Neutral Bay West Public Domain Upgrade.*
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.
6. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

**11.5. Tender No. 25/2020 - Print Services**

*This Item was adopted By Exception (see page 6).*

**AUTHOR:** Shery Demian, Communications Officer

To appoint a print services panel for a number of Council’s regular publications and projects. Tenders were called and were received until 4pm, Tuesday 7 April 2020 for appointment to a print service panel for Council.

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.

**30. RESOLVED:**

**1. THAT** Council accept the tenders of:

- (a) Impress Colour Pty Ltd - A Subsidiary of TMA Australia; and
- (b) Special T Communications Pty Ltd trading name Special T Print NSW; and
- (c) Rothfield Print and Image Management;

for Tender No. 25/2020 for the establishment of Council's Print 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.

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

**11.6. Tender No. 32/2020 - Private Pressure Sewer and Gravity Sewer Main at Balls Head Reserve**

*This Item was adopted By Exception (see page 6).*

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

This report is for Tender No. 32/2020 - Private Pressure Sewer and Gravity Sewer main to the amenities block at Balls Head Reserve.

Tenders were called and received until 4.00 pm on Wednesday 27 May 2020 for the construction of a new Private Pressure Sewer and Gravity Sewer main at Balls Head Reserve. 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)(c) of the Local Government Act (LGA).

**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.

**31. RESOLVED:**

**1. THAT** in accordance with Clause 178(3)(a) of the NSW Local Government (Regulations) 2005, Part 7 Division 4 Council resolves to reject all tenders cancel the proposal for the Contract, Private Pressure and Gravity Sewer Main - Balls Head Reserve, Tender No. 32/2020.

**2. THAT** Council roll over the allocated funding for this project to the 2020-21 Financial Year; and

**3. THAT**, Council utilise the allocated funding to undertake an upgrade to the existing septic tank system to a commercial-grade Advanced Wastewater Treatment System.

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

## 11.7. Tender No. 33/2020 - North Sydney Oval Electronic Media Screen

*This Item was adopted By Exception (see page 6).*

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

The purpose of this report is to provide Council with an analysis of the tender process for Tender No. 33/2020 North Sydney Oval Electronic Media Screen.

The proposed development involves the installation of an electronic media screen to be located on Doug Walters Hill, which is consistent with the objectives contained in the Plan of Management for North Sydney Oval No. 1. Other improvements that have occurred in recent years at North Sydney Oval No. 1 include upgraded change rooms, media towers, spectator stands, lighting and security.

*'To ensure that the Oval provides first-class facilities and the necessary infrastructure to meet the requirements of the major sporting codes'* is one of the most significant objectives identified in the Plan of Management for North Sydney Oval No. 1. The Plan of Management identifies the installation of an 'outdoor video screen' as a required action to be taken to further this objective.

The proposed electronic media screen will have a display face area of approximately 91sqm, comprising a width of 12,850m and height of 7,120m. The screen will be mounted on three columns and be supported by footings. Once installed the structure will have an approximate maximum height of 11m but will be screened from the rear by existing mature trees. The proposed screen will operate during events at North Sydney Oval No. 1 and will be visible to a large number of spectators around the oval.

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.

### **32. RESOLVED:**

**1. THAT** Council accept the tender of Corporate Initiatives for Tender No. 33/2020 for North Sydney Oval Electronic Media Screen.

**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.

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

## **11.8. Tender No. 4/2021 - Bushland Rehabilitation and Track Construction Services**

*This Item was adopted By Exception (see page 6).*

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

This report outlines the result of Tender No. 4/2021 - Bushland Rehabilitation and Track Construction Services.

Tenders were called and received until 4pm on Thursday 14 May 2020 for the provision of bushland rehabilitation services (Part A) and bushland track construction (Part B). The purpose of this tender was to establish a panel of suitably qualified, experienced and accredited contractors to continue implementing Council's Bushland Rehabilitation Plans over the next 5-year period through the allocation of reserve-specific 12-month-duration contracts (under Part A of the tender) and one-off project-specific contracts for bushland track construction (Part B) as allocated.

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.

### **33. RESOLVED:**

**1. THAT** Council accept the Tender Panel appointments under Parts A and B of Tender No. 4/2021 for Bushland Rehabilitation and Track Construction Services.

**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

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

## **11.9. Legal Proceedings - North Sydney Council ATS Beregi - Land & Environment Court 329464/2019 - DA No. 249/19 - 13 Shellcove Rd, Kurraba Point**

**AUTHOR:** Craig Winn, Solicitor

To provide Council with an update concerning the subject proceedings, to include consideration of an offer made by the Applicant to discontinue the proceedings, with each party to pay their own costs of the proceedings.

On 19 August 2019, development application No. 249/19 ("the DA") was lodged with Council. The DA proposed works comprising alterations and additions to a heritage listed dwelling, to

include excavation works, double and single garages, swimming pool and spa, cabana and boat workshop.

On 21 October 2019 a Class 1 Application was filed appealing against the deemed refusal of the DA.

On 1 June 2020 the Applicant offered to discontinue the proceedings, subject to each party paying their own costs of the proceedings.

The purpose of this report is to provide an update concerning the proceedings, to include seeking a resolution of Council with respect to the offer made by the Applicant on 1 June 2020. The associated Confidential Report to this item addresses advice concerning a current litigation. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2)(g) of the Local Government Act (LGA).

**RECOMMENDATION:**

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

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

**Against:** nil

**Absent:** Councillor Beregi

**RESOLVED:**

**1. THAT** the meeting be closed to the public to discuss Item 11.9 Legal Proceedings - North Sydney Council ATS Beregi - Land & Environment Court 329464/2019 - DA No. 249/19 - 13 Shellcove Rd, Kurraba Point for the reasons identified in the report.

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

**Public Interest**

This matter is classified as confidential as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. 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 8:52pm.

The meeting was re-opened to the public at 9:08pm and the recording resumed.

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

**11.9 Legal Proceedings - North Sydney Council ATS Beregi - Land & Environment Court 329464/2019 - DA No. 249/19 - 13 Shellcove Rd, Kurraba Point**

**34. RESOLVED:**

1. **THAT** Council continue to reserve its rights as to costs.
2. **THAT** the report be treated as confidential and remain confidential until Council determines otherwise.

**12. Closure**

The Meeting concluded at 9:09pm.