



Council Chambers
24 September 2020

The 3736th MEETING of COUNCIL will be held at the Council Chambers, North Sydney at 7.30pm on Monday, 28 September 2020. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

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

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- 1. Opening Meeting**
 - 2. Acknowledgement of Country**
 - 3. Apologies and Applications for Leaves of Absence by Councillors**
 - 4. Confirmation of Minutes**
 - 5. Disclosures of Interests**

(Note: Agenda Items will be considered By Exception)

- 6. Mayoral Minutes**
 - 6.1 MM01: Proud to be Smoke Free
 - 6.2 MM02: Anderson Park - A Park for Everyone
 - 6.3 MM03: Primrose Park Tennis Courts
 - 6.4 MM04: Road Safety Near Middle Harbour School
 - 6.5 MM05: Local Government Exclusion from National Cabinet
 - 6.6 MM06: External Committees and Reference Groups
- 7. Reports of Committees**
 - 7.1 Traffic Committee - Minutes 4 September 2020
- 8. Reports to Council**
 - 8.1 Election of Deputy Mayor
 - 8.2 Matters Outstanding – September 2020

- 8.3 Investments and Loan Borrowings Held as at 31 August 2020
- 8.4 North Sydney CBD Public Domain Strategy - Post Exhibition
- 8.5 Crows Nest Over Station Development Amended Concept Plan
- 8.6 Community Housing Project and Funds: New Generation Boarding House
- 8.7 Revised Model Code of Conduct and Procedures for Local Councils in NSW
- 8.8 Draft Legislative Compliance Policy
- 8.9 The Return of Hockey to North Sydney - Response to Notice of Motion
- 8.10 Adoption of Council's Trailer Parking Policy - Post Exhibition Report
- 8.11 Local Area Traffic Management Action Plans – Progress Report 2019/20
- 8.12 Road Safety Action Plan 2020-21
- 8.13 Online Engagement Programs

9. Notices of Motion/Questions with Notice (#Note 1)

- 9.1 Notice of Motion No. 13/20 - Crs Beregi, Baker and Carr - North Sydney Olympic Pool Redevelopment
- 9.2 Questions With Notice - Crs Beregi, Baker and Carr

10. Confidential Matters

- 10.1 St Leonards Park Masterplan - Stage 2 Implementation - Tender No. 5/2021
- 10.2 Hume Street Park - Stage 1 - Tender No. 6/2021
- 10.3 Military Road, Neutral Bay Public Domain Upgrade - Stage 4 - Tender No. 7/2021
- 10.4 Smoothey Park Gross Pollutant Trap (GPT) Construction - Tender No. 8/2021
- 10.5 Stormwater Drainage Relining Works - Tender No. 9/2021
- 10.6 Young Street Plaza Trial Closure - Tender No. 10/2021
- 10.7 NSOP Redevelopment Loan Proposal
- 10.8 Acquisition of the Former Quarantine Boat Depot

#Note 1: In accordance with clause 3.18 of the Code of Meeting Practice (CoMP), one submitted Notice of Motion has been excluded from the Agenda. Similar Motions have been lost on two occasions and the matter cannot be resubmitted in accordance with clause 17.7 of the CoMP.

In the spirit of open, accessible and transparent government, the Council meetings of North Sydney Council will be streamed live via Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in Closed Session will not be recorded.

TO: The Mayor, Jilly Gibson and Councillors Baker, Barbour, Beregi, Brodie, Carr, Drummond, Gunning, Keen and Mutton.

SUBJECT: 3736th MEETING OF COUNCIL TO BE HELD ON MONDAY, 28 SEPTEMBER 2020

THAT THE MINUTES of the previous 3735th Council Meeting held on Monday, 24 August 2020 be taken as read and confirmed.

DISCLOSURES OF INTEREST

MINUTES OF THE MAYOR

6.1 MM01: Proud to be Smoke Free

On 18 May 2020, Council resolved to install signage in designated no smoking areas and adopt an enforcement strategy to create and support a smoke free CBD in North Sydney.

To complement signage and enforcement, it would be beneficial to have street banners in the CBD with messages to the effect of “Proud to be Smoke Free”.

This will serve as a reminder to the community, while promoting to those who drive through, that North Sydney is a safe environment where everyone can enjoy our outdoor open spaces.

I therefore recommend:

1.THAT some of the annual street banner budget be allocated to the design and installation of street banners promoting the smoke free CBD messaging.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/mayoral_minutes_28_sep_2020/mm01_proud_to_be_smoke_free.pdf

6.2 **MM02: Anderson Park - A Park for Everyone**

Councillors will be aware that with less open space per person than any other northern Sydney council there is constant pressure on our parks, sportsfields and reserves. With our high residential density, large workforce and student population, our parks are working much harder than most.

This means Council is constantly juggling the competing demands of different sporting codes, active versus passive recreation, and the expectations of everyone from older residents out for a stroll through to top level athletes and toddlers on their tricycles.

Anderson Park in Neutral Bay is one of the parks which is used for both active and passive recreation and there was heated community debate a few years ago over whether Council should install artificial grass on the sportsfield to extend the hours of use.

In recent months, the COVID-19 pandemic has increased the number of visitors to our parks again and the grassed area in Anderson Park has been getting quite a work-out from fitness groups and recreational runners. When I have been down walking in the park, I have been approached by a few residents who have asked me whether there is an option to keep runners off the centre of the park so that the grass remains in good condition.

I have advised these residents that Council is unlikely to revisit the artificial turf proposal but we could explore other options. For example, perhaps it would be feasible to install some kind of soft-fall surface around the edge of the park where grass doesn't grow that would be suitable for walkers, runners and children on their tricycles.

On a separate but related note, I have also been asked whether there is something Council could do to mark the flight by Air Commodore Charles Kingsford-Smith and Captain P. Gordon Taylor who took off from Anderson Park in 1934 on a promotional flight over Sydney to Mascot in a Lockheed Altair single-engine plane.

It's a unique moment in our history and I rather like the idea of commemorating it with a piece of play equipment in the shape of an aeroplane. The right design could be sculptural, commemorative and fun for children.

I therefore recommend:

1. THAT staff prepare a report exploring options and costs for a walking/cycling track around the perimeter of Anderson Park and the installation of a commemorative piece of aeroplane play equipment.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/mayoral_minutes_28_sep_2020/mm02_anderson_park_-_a_park_for_everyone.pdf

6.3

MM03: Primrose Park Tennis Courts

A few weeks ago I was approached by members of the Primrose Park Tennis Club seeking my support to get the tennis courts repaired. Council has since received a petition on this subject.

I am pleased to report that Council's engineers are well across this issue. The courts were constructed in 1985/86 on reclaimed landfill on the site of the old sewerage treatment works. There has been settlement on the site, resulting in some displacement and deflection of the tennis court slab.

External engineering consultants have advised Council adding a topping slab or fully replacing the slab would only be a temporary fix and that a new suspended slab with piles inserted into the bedrock would need to be built. As the courts were built on landfill, Council may also need to address issues of land contamination when the work is done. Suffice to say there is no cheap fix for the courts, with the estimates for the work in excess of \$2 million.

Although the playing surface is no longer perfect, I understand there is no immediate safety risk for players, except for the end court which has a more limited use. Since 2018, Council has offered a reduced rent to the operator of the tennis courts.

While there is no funding for the tennis courts in this year's Operational Plan, Council can consider its inclusion in the next Delivery Plan. We can also seek external grant funding for the work to bring it forward.

I therefore recommend:

1. THAT a report on the settlement issues and cost of renewing the Primrose Park Tennis Courts be provided to Council for consideration and incorporation in the Delivery Program.

2. THAT the report explores options for providing equivalent tennis facilities at other locations if appropriate.

3. THAT Council staff seek external grant funding for the renewal of the Primrose Park tennis courts through any relevant State or Federal funding programs.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/mayoral_minutes_28_sep_2020/mm03_primrose_park_tennis_courts.pdf

6.4 MM04: Road Safety Near Middle Harbour School

Macpherson Street is a popular thoroughfare in and out of the city for drivers wanting to avoid Military Road. Out of peak hours cars travel quite fast on this route.

The pedestrian crossing on the corner of Macpherson and Gerard Streets at Cremorne is on a tight corner, which makes it especially difficult for both drivers and pedestrians to discern and react safely. Many residents have shared stories of close calls with me and some tell me they are forced to take longer routes to avoid the pedestrian crossing altogether.

The crossing is heavily used by families and children attending Middle Harbour Public School and residents accessing public transport routes and the Cremorne shops. Elderly residents have been seen sitting on their walker, waiting for a long time to both work up the courage and find a safe moment to cross the road.

The dangerous nature of the intersection was recently raised on the Cremorne Neutral Bay Community Facebook Group and received over 100 comments echoing similar sentiments. A change.org petition has been launched which currently has over 80 signatures.

This is not a new concern. I understand in response to community requests Council has previously considered moving the crossing away from the corner but the Councillors at the time felt that people would not be prepared to walk the additional distance to the crossing.

More recently, the Traffic Committee pursued getting traffic lights installed at the intersection. Transport for NSW (TfNSW) Network & Safety Division conducted pedestrian and vehicle counts in February this year but the numbers were below the level required by TfNSW for the installation of signals. TfNSW has further denied our request to vary warrant requirements at this intersection. Another count is scheduled to be conducted in July 2021.

If traffic lights are not currently an option, and moving the crossing increases the risk of jaywalking, we need to look for other measures we can take to protect our residents. These could include traffic calming measures such as speed cushions, the installation of a roundabout, concrete barriers, line markings, increased signage and more.

I therefore recommend:

1. THAT Council staff prepare a report investigating the options and efficacy of various traffic calming measures to increase safety at the pedestrian crossing at Gerard and Macpherson Street in Cremorne.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/mayoral_minutes_28_sep_2020/mm04_road_safety_near_middle_harbour_school.pdf

6.5

MM05: Local Government Exclusion from National Cabinet

On 13 March 2020, as the Coronavirus pandemic took hold around the world, the Council of Australian Governments (COAG) met in Sydney to discuss a range of issues of national importance. At that meeting First Ministers (the Prime Minister, Premiers and Chief Ministers) agreed to establish a National Cabinet to meet at least weekly to address the country's response to the Coronavirus. The focus was primarily on the health and wellbeing of Australians and managing the health response. Over time National Cabinet has broadened its agenda to include a focus on managing Coronavirus impacts across Australia. There was no Local Government representation on National Cabinet when it was established on the basis that its focus was on health.

On 29 May 2020, First Ministers, through the Prime Minister, announced the continuation of National Cabinet, which they considered to be a much more effective body than COAG for taking decisions in the national interest. Local Government was not given a seat at the National Cabinet table. However, ALGA as the national representative body of Local Government, was given a seat on the National Federation Reform Council (NFRC). The NFRC will meet once a year to focus on priority national federation issues such as Closing the Gap and Women's Safety. In addition to ALGA, the NFRC is comprised of the National Cabinet and the Council of Federal Financial Relations - Federal and State/Territory Treasurers.

The President of ALGA had been a member of COAG since it was convened by Prime Minister Keating in 1992. Local Government was included because all parties recognised that Australia has three levels of government and that the Government with most impact on people's daily lives in terms of the provision of local services and infrastructure is Local Government.

Decisions about how our Federation works and how it can be improved or reformed require all three levels of government working together to align their policies and programs. Australians expect the decisions of

government affecting them to reflect their grass roots views and to be implemented at the local level as well as the state and national level. This was the case with the development and implementation of the National Competition Policy in the 1990s which included reform at the local government level as well as the National and State levels in areas such as water supply and infrastructure provision through procurement.

National Cabinet, and the Commonwealth Government in particular, are looking towards pro-growth policies to lift investment and get Australians back to work. With a focus on jobs growth they are seeking ways to enable parts of the economy to grow. Local Governments are willing and necessary partners in developing and implementing reform. Reform involving the streamlining of legislation and regulation requires all the levels of government which are involved in regulation working together to achieve the benefits of reform for everyone without imposing costs or burdens on local communities. Getting it right on the ground is Local Government's area of strength.

Councils facilitate, establish, and grow local businesses and economies. Economic development has always been at the core of every successful council. Councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and business alike. Many councils also provide business networking opportunities, business training, mentoring, and incubator facilities and employment hubs. It is local government that is best placed to drive locally-led recovery

The challenge facing National Cabinet over the coming months is unlike any which has faced Australian governments in recent times and it will require the concerted, coordinated and complementary efforts of all three levels of government to rebuild consumer confidence, support business and recreate millions of jobs.

Australians expect their three levels of government to be working together, and to see evidence of that. Including Local Government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promote and implement National Cabinet decisions across the broadest implementation platform available to government.

I therefore recommend:

1. THAT Council agree to send a letter to the NSW Premier, Ms Gladys Berejiklian MP, Federal Member for North Sydney, Mr Trent Zimmerman MP, Federal Member for Warringah, Ms Zali Steggall MP,

and State Member for North Shore, Ms Felicity Wilson MP, which highlights the Council's disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.

2. THAT Council notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/mayoral_minutes_28_sep_2020/mm05_local_government_exclusion_from_national_cabinet.pdf

6.6 MM06: External Committees and Reference Groups

Council facilitates a range of external committees and Reference Groups involving Councillors and external representatives as part of its engagement strategy.

These groups and their terms of reference are established as part of Council's overall governance and engagement strategy at the beginning of each term of Council. Historically, Council also reviewed them periodically during the term. There has not been a review during the 2017-2020 term of Council and as this has now been extended as a result of the COVID-19 pandemic, it is appropriate that a review take place to ensure that the number and operations of these groups continue to meet their purpose. This is particularly relevant given that COVID-19 has impacted on the frequency and capacity of some of these groups to meet.

I therefore recommend:

1. THAT a report be presented to the next Council meeting summarising and reviewing all external committees and reference groups facilitated by North Sydney Council.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/mayoral_minutes_28_sep_2020/mm06_external_committees_and_reference_groups.pdf

Reports of Committees

7.1 Traffic Committee - Minutes 4 September 2020

Report of Ian Curry, Manager Governance & Committee Services

To consider and adopt the Minutes of this Committee, in accordance with Council's past practice.

This report presents the recommendations of the last meeting of the Traffic Committee held on 4 September 2020 for adoption. The minutes are attached for information.

The full reports to Traffic Committee can be accessed at:

https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2020/4_September_2020

Recommending:

- 1. THAT** Council install linemarking on the carriageway on both sides of the driveway to 21-23 Kyngdon Street, aligning with the existing No Parking signs, following receipt of the application and payment of the advertised fees. (4.2.2)
- 2. THAT** Council installs Motorbike Only signs between the existing kerb ramp east of the driveway to 29 Carter Street and the driveway to 27 Carter Street. (4.2)
- 3. THAT** Council installs No Stopping signs across the existing kerb ramp east of the driveway to 29 Carter Street. (4.2)
- 4. THAT** the affected residents be notified prior to the installation of the Motorbike Parking Only and No Stopping signs. (4.2)
- 5. THAT** Council install "<Look>" stencils on the kerb ramps at the signalised crossing on Military Road near Young Street. (5.3)
- 6. THAT** the installation of "<Look>" stencils near all schools be prioritised and rolled out as soon as possible. (5.3)
- 7. THAT** Council review the existing signage and assist the North Sydney Demonstration School to apply to Transport for NSW for "Flashing 40" signs and dragons teeth between Bay Street and McLaren Street. (GB)

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_of_committees_28_sep_2020/7.1_traffic_committee_-_minutes_4_september_2020.pdf

Reports to Council

8.1 Election of Deputy Mayor

Report of Ian Curry, Manager Governance & Committee Services

To conduct an election for the position of Deputy Mayor, in accordance with Council's Deputy Mayor Policy. In accordance with the Local Government (General) Regulation 2005, the General Manger is the Returning Officer and this item will therefore be facilitated by the General Manager.

The term of office for the Deputy Mayor will expire on 30 September 2020. The election of the Deputy Mayor for the period from 1 October 2020 to 3 September 2021 (the day prior to the NSW Council elections) will take place at the Council meeting to be held on Monday 28 September 2020.

Nominations may be made without notice and must be in writing, in accordance with clause 2 of Schedule 7 of the Local Government (General) Regulation 2005 (The Schedule), a copy of which is attached. Schedule 7 governs the election of a mayor or deputy mayor by councillors.

At the close of the agenda (midday, Wednesday 23 September 2020) two nominations were received for:

- Cr Stephen Barbour; and
- Cr Ian Mutton.

As more than one nomination has been received, an election will be conducted in accordance with The Schedule.

Recommending:

1. THAT an election for the position of Deputy Mayor for the period 1 October 2020 to 3 September 2021 be held.

2. THAT Council determine the method of voting, giving consideration to the current arrangements for the provisions of the Deputy Mayor Policy and the online participation by Councillors at meetings.

3. THAT the Deputy Secretary of the Office of Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.01_election_of_deputy_mayor.pdf

8.2 Matters Outstanding - September 2020

Report of 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, Notices of Motion and Questions Without Notice.

The attached table has been updated to include resolutions from the 24 August 2020 Ordinary Meeting of Council.

Recommending:

1. THAT the report be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.02_matters_outstanding_-_september_2020.pdf

8.3 **Investments and Loan Borrowings Held as at 31 August 2020**

Report of 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 August 2020.

Investment Portfolio:

The Investment portfolio provided an annualised return of 2.07% for the year to date as at 31 August 2020, 1.41% above the reportable BBSW Bank Bill Index. Investment 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 Floating-Rate Notes (FRNs) locked in at attractive margins.

Council's average duration of term deposits is approximately 483 days, thus reducing the exposure to declining interest rates experienced with investment renewals.

The COVID-19 pandemic has impacted Council's financial position and subsequently the funds available to invest. The collection of the first quarter rates instalment is now due by 30 September 2020 and not 31 August 2020, thus placing additional pressure on cashflows. The balance of the investment portfolio is managed to ensure liquidity to meet operational requirements.

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 August 2020 is \$7,891,956.69.

The 2020/21 budgeted returns on investments is estimated to be \$1,350,000.00. 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.

Recommending:

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

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.03_investments_and_loan_borrowings_held_as_at_31_august_2020.pdf

8.4 North Sydney CBD Public Domain Strategy - Post Exhibition

Report of Pedro Garcia, Senior Strategic Planner Urban Design

To report on the submissions received in response to the public exhibition of the North Sydney CBD Public Domain Strategy (PDS), noting that amendments have been made to the Strategy in response to submissions received. The final Strategy (Attachment 1) is presented to Council for adoption.

North Sydney Council is working to create a more engaging and pedestrian focused CBD that offers a greater range of activities and unique public spaces for workers, residents and visitors.

The preparation of the PDS for the CBD forms part of this work. The Strategy establishes a vision for the centre's public domain that prioritises pedestrian amenity over through-traffic, identifies a suite of short to long term projects and puts in place an implementation framework for delivery. At its meeting of 6 April 2020, Council endorsed the Draft North Sydney CBD Public Domain Strategy for public exhibition, which occurred 7 May to 22 June 2020. A total of 50 submissions were received from a cross section of stakeholders, including landowners, government agencies, residents and Precinct Committees. The consultation process has yielded valuable feedback that has been incorporated into the final document.

The majority of submissions support the Strategy's intent and commend Council for undertaking this initiative.

Of the issues raised, most prevalent are potential traffic impacts to the closure of streets, parking, pedestrian safety across the CBD (crossing busy streets) and impacts to the current bus network along Miller Place. Feedback and alternative ideas have been provided on individual projects. This report seeks Council's adoption of the final Strategy (Attachment 1) and recommends that Council move forward with implementation and delivery of the projects within the Strategy. It also recommends that Council starts or continues negotiating and advocating with the relevant State agencies to achieve the Strategy's vision, as a significant number of projects can only be delivered with their collaboration.

Stage 2 of this project is fully grant funded from the LEP Acceleration Fund, which totalled \$2.5 million, of which \$100,000 was allocated to this project. To date, a total of \$61K has been spent on this project.

The proposed works within the strategy will have significant costs. Council will need to review each project and consider incorporating them into the Council Delivery Program. Some projects could be funded

through the North Sydney Local Infrastructure Contributions Plan, while for others, Council will need to explore other funding options in collaboration with State agencies.

Recommending:

1. **THAT** Council note the submissions received, and the issues raised herein.
2. **THAT** Council writes to all submitters thanking them for their contributions.
3. **THAT** Council adopt the *North Sydney CBD Public Domain Strategy* (Attachment 1).
4. **THAT** a draft amendment to the *North Sydney Development Control Plan* (2013) to implement the recommendations of the *North Sydney Public Domain Strategy* be reported back to Council.
5. **THAT** advice on implementing the *North Sydney CBD Public Domain Strategy* be used to inform future iterations of the Delivery Program including budget estimates.
6. **THAT** the *North Sydney CBD Public Domain Strategy* is used as a point of advocacy with state government and to inform grant applications.
7. **THAT** the *North Sydney CBD Public Domain Strategy* inform project plans, design briefs and tender documents that apply to public domain works in the CBD.
8. **THAT** a summary of an updated *CBD Transport Masterplan* (2018) be prepared.
9. **THAT** the Greater Sydney Commission, Department of Planning, Industry and Environment and Transport for NSW be notified of Council's decision.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.04_north_sydney_cbd_public_domain_strategy_-_post_exhibition.pdf

8.5 **Crows Nest Over Station Development Amended Concept Plan**

Report of Marcelo Occhiuzzi, Manager Strategic Planning

To report to Council the Crows Nest Over Station Development Concept Plan as has been amended since it was last exhibited in late 2018 and recommend that Council make a submission in response.

In December 2018, Council considered a report into the rezoning of the metro site in Crows Nest as well as a report into State Significant Development (SSD) Concept Plan.

Since that time, the land has been rezoned and its controls under the *North Sydney Local Environmental Plan* 2013, been amended in August 2020 by the NSW Government as part of the previously exhibited draft amendments to planning controls for the site.

The amended concept SSD has been placed on public exhibition between 9 September to 6 October 2020. The Concept Plan essentially seeks development consent for a detailed building envelope, including maximum heights, maximum floor space provisions as well as a broad definition of carparking, vehicular and pedestrian access, stormwater, signage and other ancillary matters.

Since the previous exhibition of the SSD Concept Plan in late 2018, the 2036 Plan has been finalised and the Metro site rezoned. As a result, these events have rendered some of Council's previous submissions superfluous.

Various amendments have been made to the Concept Plan which are now being publicly exhibited for comment. The most significant of these include:

- “Chamfering” of 42 metres to the southern corner of building A;
- Slight reduction in height of building A from RL 183 to RL 175.6;
- Slight increase in total GFA across the three sites of 1,000sqm to 56,400sqm; and
- Building A comprising commercial floor space instead of largely residential and Building B comprising residential development instead of hotel accommodation.

Some of these amendments represent positive changes to the concept. In particular, it is pleasing to see the mixed use, largely residential Building A, being replaced with a commercial building, that will add to the employment role and function of the precinct. The overshadowing impacts have also been somewhat improved.

Whilst it is acknowledged that the new Metro should accommodate a degree of higher density development given the improved transport characteristics, the proposed envelope continues to represent a very significant visual impact on what is a much finer grain environment in Crows Nest. It also differs markedly from the slim towers that are characterising the skyline of St Leonards.

Given the internal deadlines for the preparation of Council reports, this report has not been able to provide a comprehensive response to the amended SSD concept plan but instead, provides a high level overview as a basis to prepare and finalise a submission post Council's consideration of this report.

Recommending:

1. THAT Council make a submission in response to the amended SSD Concept for the Crows Nest Over Station Development prior to the close of exhibition on 6 October 2020 based on the contents of this report. It is noted that additional matters for submission may arise as staff work their way through the various documents that have been exhibited.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.05_crows_nest_over_station_development_amended_concept_plan.pdf

8.6 Community Housing Project and Funds: New Generation Boarding House

Report of Rebecca Aukim, Acting Director Community & Library Services

Increase and modernise Council's affordable Housing offering utilising available development contributions restricted for this specific purpose.

In September 2019 Council considered a report on the then current affordable housing need in North Sydney and based on this, the best use of the remaining funds in the affordable housing reserve, which have been accumulated from developer levies. The amount available is \$4,381,105. This amount is fixed and cannot be increased due to the 2009 Ministerial Directive which transfers to the State Government any amounts levied from that date. It is important the reserve be expended before the reserve too is called in by the State Government.

Link Housing, Council's Approved Provider, has a proposal to demolish 287 Miller Street, a jointly owned 5-bedroom boarding house, and construct on-site 11 modern self-contained studio apartments with specialist disability accommodation. Link currently owns 86.26% of the property with Council owning the remainder. The proposal has been advanced to DA stage and Link Housing lodged a pre-DA#2 submission in June 2020. Link Housing received feedback from Council's planning staff and have subsequently revised the project design as well as project costs.

Following a meeting with Link Housing on 11 June 2020 Council commissioned an independent valuation of the property. This assessed the market value of the land at \$1,850,000, a lesser amount than proposed by Link which was based on a valuation in February 2019.

Link Housing has accepted the lower valuation. Based on this Council would need to invest \$689,344 to reach a 51% ownership position.

For 11 new studio apartments, the estimated construction delivery cost is currently projected to be \$3,031,333. Council would need to invest a further \$1,545,980 to complete the development.

Council's total contribution towards the project to achieve a 51% majority share to be capped at a maximum contribution of \$2,235,324. The balance in the Affordable Housing Reserve would be \$2,145,781.

Link's correspondence 5 May 2020 proposes exploring tri-partite funding (Link, Council and the NSW State Government) to make more effective use of these funds, for example in providing housing for women escaping domestic violence.

Recommending:

1. THAT Council enter into an Agreement with Link Housing for Council to acquire a majority share of the property referred to in this report – 287 Miller Street, Cammeray.

2. **THAT** Council make a monetary contribution equivalent to its ownership share from the Affordable Housing reserve for the establishment of the 11 new studio apartments referred to in this report.

3. **THAT** the General Manager (or Delegate) be authorised to finalise the contribution and equity share, subject to the constraints above, to ensure that Council obtains fair value for its contribution.

4. **THAT** the property continues to be managed as part of the *North Sydney Council Local Housing Program Property Management Agreement, 31 October 2018*.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.06_community_housing_project_and_funds_-_new_generation_boarding_house.pdf

8.7 **Revised Model Code of Conduct and Procedures for Local Councils in NSW**

Report of Ian Curry, Manager Governance & Committee Services

To seek endorsement by Council of the revised Model Code of Conduct and Procedures for Councils in NSW and to amend the Gifts and Benefits Policy in line with changes in the Model Code.

In July 2020, the State Government advised that it would be strengthening the Model Code of Conduct for Local Councils in NSW as part of its commitment to improving the integrity, transparency and accountability of the local government sector. The new Model Code of Conduct and Procedures have now been prescribed under the Local Government (General) Regulation 2005.

The new Model Code of Conduct and Procedures is included as Attachments 1 and 2.

One of the changes in the Model Code provides councils with the option to increase the \$50 cap on gifts and benefits to \$100 so it does not capture items of relatively low value. The changes also clarify application of the cap in certain circumstances such as at council events. Council's Gifts and Benefits Policy has been amended to reflect this change and is included as Attachment 4.

The other major changes include:

- Expanding the Office of Local Government's role in code of conduct breaches with councils limited to formally censuring councillors only;
- Requiring councils to publicly disclose the findings of an investigation when censuring a councillor;
- Allowing councillors to avoid formal censure by their council for minor offences by making voluntary undertakings;
- Removing the requirement for councillors to formally appoint panels of conduct reviewers;
- Meeting webcasts to be available on for at least 12 months;

- Strengthening the language to describe grounds of discrimination. The new Model Code of Conduct and Procedures take effect immediately and Council is required to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

Recommending:

1. **THAT** Council adopt the revised Model Code of Conduct and the revised Procedures for the Administration of the Model Code of Conduct, as attached to this report.
2. **THAT** Council adopt the amended Gifts and Benefits Policy, as attached to this report.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.07_revised_model_code_of_conduct_and_procedures_for_local_councils_in_nsw.pdf

8.8 Draft Legislative Compliance Policy

Report of Carrie Chan, Executive Manager Governance

This report is seeking Council's endorsement of a new "*Legislative Compliance Policy*" and the associated Appendix A (Legislative Compliance Matrix Register) which is to be read in conjunction with the Policy.

North Sydney Council agreed in 2019 to the recommendation made by the auditors of the NSW Audit Office for a Legislative Compliance Policy and Register (to be actioned 30 September 2020). The auditors' recommendation was the following:

Management should develop a legislative compliance register and policy to strengthen the Council's legislative framework.

The purpose of this new Policy is to outline Council's commitment to promote a culture of compliance with applicable laws and foster continuous improvement in the compliance process. The Policy aims to support and strengthen the framework for the monitoring and management of legislative compliance within the organisation.

Good governance is an integral part of Council's ability to manage its risks. Effective legislative compliance management supports Council to maintain integrity, mitigate reputation risk and meet legislative obligations to demonstrate Council's corporate and social responsibilities. Subject to Council's approval, the Audit, Risk and Improvement Committee (ARIC) and External Auditor will be informed of the adoption of the new Policy.

The purpose of this new Policy is to support and promote Council's compliance culture to mitigate risk and reduce the costs of legislative non-

compliance which may otherwise attract a penalty and/or result in significant reputation damage.

Recommending:

1. THAT Council adopt the *Legislative Compliance Policy* and note Appendix A (Legislative Compliance Matrix Register) which will be updated on approval of the General Manager in line with legislative changes.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports to council 28 sep 2020/8.08 draft legislative compliance policy.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports%20to%20council%2028%20sep%202020/8.08_draft_legislative_compliance_policy.pdf)

8.9 **The Return of Hockey to North Sydney - Response to Notice of Motion**

Report of Robert Emerson, Director Open Space & Environmental Services

The purpose of this report is to provide Council advice on potential options for supporting the sport of Hockey in the North Sydney Local Government area.

This report has been prepared in response to Notice of Motion No. 20/18 by Crs Keen and Mutton – Re: The Return of Hockey to North Sydney discussed at the Council Meeting held on 27 August 2018, where it was resolved (Min. No. 295):

- 1. THAT Council in principle support a hockey field in the North Sydney LGA.*
- 2. THAT Council report on the options available for hockey.*

Recommending:

1. THAT the report be received.

[https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports to council 28 sep 2020/8.09 the return of hockey to north sydney - response to notice of motion.pdf](https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports%20to%20council%2028%20sep%202020/8.09_the_return_of_hockey_to_north_sydney_-_response_to_notice_of_motion.pdf)

8.10 **Adoption of Council's Trailer Parking Policy - Post Exhibition Report**

Report of Michaela Kemp, Manager Traffic & Transport Operations

At its meeting on 18 May 2020 (Resolution No. 10), Council resolved to place the draft Trailer Parking Policy on public exhibition for a period of 42 days. Following a review of submissions, some amendments have been made to the Draft Policy and it is proposed that the amended Draft Trailer Parking Policy be adopted.

The draft Trailer Parking Policy was placed on public exhibition from 4 June to 19 July 2020. Advertisements were placed on social media, Council e-news and on Council's website to advise of the public exhibition of the policy. Council received a total of 47 submissions from 46 contributors.

Following a review of submissions, some amendments have been made to the Draft Policy. The revised draft policy is inclusive of additional amendments following the public exhibition period. It is proposed that the revised Draft Trailer Parking Policy be adopted.

The Draft Trailer Parking Policy has been developed to provide guidance on how Council responds to and actions requests for trailer parking restrictions, to ensure that Council's resources are appropriately managed. The related financial implications include cost of investigations, consultation, signage installation and maintenance, and enforcement. The associated costs will be covered by the annual Traffic & Transport Operations and Ranger & Parking Services operating budgets, and Lines and Signs capital budgets.

Recommending:

1. THAT the revised Draft Trailer Parking Policy be adopted.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.10_a_doption_of_councils_trailer_parking_policy_-_post_exhibition_report.pdf

8.11 Local Area Traffic Management Action Plans – Progress Report 2019/20

Report of Michaela Kemp, Manager Traffic & Transport Operations
To provide a formal update on the progress of the implementation of the Local Area Traffic Management (LATM) Action Plans in 2019/20.

Council adopted the Local Area Traffic Management (LATM) Action Plans for seven zones across the North Sydney local government area in December 2017. LATM Action Plans consider the current and future traffic and parking conditions and needs of the local community in each identified area.

The LATM Action Plans are reviewed and updated on an ongoing basis to ensure they are relevant and current, as actions within the LATM Action Plans are investigated and completed, and as new issues arise or are identified.

The purpose of this report is to provide a formal update to Council on the progress of the implementation of the LATM Action Plans. This report is brought to Council annually at the conclusion of each financial year.

There are no financial implications arising from this report. Projects within the LATM Action Plans are determined and implemented subject

to annual budgets approved in Council's Delivery Program. The 2020/21 Delivery Program includes \$1,000,000 for LATM Implementation. Council also receives grant funding of \$260,000 from Transport for NSW (TfNSW) each year towards the installation and maintenance of lines and signs.

The LATM Action Plans are also used as supporting documentation for funding applications from external sources such as TfNSW Black Spot Program and TfNSW Active Transport Program.

In 2019/20 and 2020/21 Council received \$1,189,600 of grant funding towards the delivery of 2 major LATM projects. Council has also accepted \$540,000 of Blackspot grant funding for 4 projects in 2020/21. In 2019/20 Council expended \$2,040,000 on twenty-one (21) LATM Projects across the LGA.

Recommending:

1. THAT the Local Area Traffic Management Action Plans – Progress Report 2019/20 be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.1_1_local_area_traffic_management_action_plans_-_progress_report_2019-20.pdf

8.12 Road Safety Action Plan 2020-21

Report of Cassie Kite & Stella Stefan, Road Safety Co-ordinators

This report provides information pertaining to the preparation and content of the North Sydney Council Road Safety Action Plan for 2020-21.

The North Sydney Council Road Safety Action Plan 2020-21 (the Action Plan) is a requirement of Transport for NSW (TfNSW) under the Local Government Road Safety Behavioural Program (LGRSBP). It sets out proposed projects based on local crash data analysis, council priorities, community feedback, and the road safety priorities set out in the NSW Road Safety Plan 2021.

The NSW Road Safety Action Plan recognises the critical role Councils play in reducing crashes and road trauma. It includes a commitment to delivering and refining the LGRSBP, providing funding to Councils for projects and initiatives to assist in reducing the likelihood of deaths and injuries from road trauma in local communities.

This report and accompanying Action Plan provide an outline of the major road safety projects implemented in 2019/20 and the major road safety projects and initiatives planned for the current 2020-21 financial year.

Total budget allocation for the 2020-21 Road Safety Program at North Sydney Council is \$25,000 including an \$11,500 contribution from Transport for NSW. Council's \$13,500 contribution comes from the Roads Safety Programs Budget which is part of the Traffic and Parking

Operations business unit at Council. For 2020-21 a total of 5 x Projects has been identified to be funded. Refer to the 2020-21 Road Safety Action Plan for 2020-21.

Recommending:

1. **THAT** the information regarding the Road Safety Action Plan 2020-21 be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.12_road_safety_action_plan_2020-21.pdf

8.13 Online Engagement Programs

Report of Jenny Gleeson, Manager Integrated Planning & Special Projects

The purpose of this report is to inform the Council on the establishment of two new online engagement programs, to complement and enhance existing communication and engagement programs.

Increased use of online engagements is a proactive demonstration of Council's innovation in community engagement and its ongoing commitment to open government. Additionally, the COVID-19 pandemic has increased use of and interest in online events/engagements. In response, two new online engagement programs have been established:

1. Information Sessions Program - aims to educate and inform the community, both residents and local businesses, on local government matters including intent to provide advance inform on topical issues, as well as to inform Council projects (draft/amended plans and strategies) open for consultation, by way of a public exhibition period.
2. Online Panels Program - to commence ahead of the next review of the *North Sydney Community Strategic Plan*, which will occur following the next local government election. Its initial purpose will be to inform the review of the plan, with long term aim to recruit demographically representative theme-based panels that can be engaged to inform other Council projects.

Equipment required for the Information Sessions Program is readily available as various Council Departments are already running online events. The Online Panels Program will be facilitated via Council's existing online engagement tool, the Your Say North Sydney site. Additional costs include, promotion and marketing, as well as online presentation skills training, which can be sourced from existing operating budgets.

Recommending:

1. **THAT** the Online Engagement Programs report be received.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/reports_to_council_28_sep_2020/8.13_online_engagement_programs.pdf

**MOTIONS OF WHICH DUE NOTICE
HAS BEEN GIVEN**

9.1 Notice of Motion No. 13/20 - Crs Beregi, Baker and Carr - North Sydney Olympic Pool Redevelopment

1. THAT a report on the costs associated with the preparation and lodging of the DA and the amended DA for the redevelopment of North Sydney Olympic Pool for the period 20 November 2017 to date be provided to the next Council meeting and that a breakdown of the costs be provided by activity and provider.

BACKGROUND (as provided by the submitters)

On 20 November 2017, Council resolved to proceed with the redevelopment of North Sydney Pool.

At the 26 August 2019 Council meeting, it was reported that the cost of preparing and submitting the Development Application for the redevelopment of North Sydney Olympic Pool had increased by \$977,973.29 to \$2,560,795.29.

Since then, a DA and an amended DA have been lodged which has involved further expert reports being undertaken and submitted.

Council is still incurring costs relating to the amended DA which has been approved with conditions.

This report on the costs associated with preparation and lodging of the DA and amended DA, and any other costs incurred to date and expected further costs relating to the project, should be provided in the interests of open and transparent government so that residents and ratepayers are aware of the costs associated with this redevelopment - the largest redevelopment project ever undertaken by North Sydney Council.

Comment from Director Engineering and Property Services

The contract sum for consultant services has been adjusted slightly since August 2019 by an amount of \$3,000 due to additional architectural documentation being required for the Stage 3 services for Tender/Construction. The total contract sum is now \$2,563,795.29. Actual payments are made in accordance with the contract milestones as final design/documentation progresses.

NSOP is currently out to tender and a further report will be provided following tender evaluation. This will include all costs borne to date.

9.2 Questions With Notice - Crs Beregi, Baker and Carr

The following Questions with Notice were submitted by the aforementioned Councillors: Responses are provided under each question.

a) How much leave, paid and unpaid, has been taken by the GM since his appointment?

GM's leave is approved by the Mayor in accordance with the Mayor's delegation and *Oversight and Liaison with the General Manager Policy* adopted by Council. The GM accrues leave in accordance with his contract and Payroll/HR retain full leave records and confirm leave entitlements prior to approval in the same way that they do for all staff.

Leave taken by the GM was previously subject of discussion in a Confidential Session of the Council meeting on Monday 23 September 2019. A Confidential Memorandum was subsequently issued by the Mayor on 26 September 2019, further addressing the matter.

b) Please provide all Councillors with a breakdown of all expenses claimed by Mayor and authorised for payment, from 1 January 2019 to date.

Any expense reimbursements to the Mayor are approved by Governance in accordance with the *Mayor and Councillor Facilities and Benefits Policy*. Total expenses/reimbursements provided to the Mayor and all Councillors is reported annually in the published Annual Report in accordance with the *Local Government Act 1993* (The Act).

c) Please provide all Councillors with a breakdown of all expenses claimed by General Manager and authorised for payment, from 1 January 2019 to date.

As per leave – any reimbursements to the GM are approved by the Mayor in accordance with the *Oversight and Liaison with the General Manager Policy* adopted by Council. The GM's remuneration is reported in the Annual Report each year in accordance with the Act.

d) Please provide details of all memberships and benefits provided by Council to General Manager and Councillors including but not limited to Qantas Club memberships, Gym memberships, hotel memberships, loyalty schemes, newspaper/media/pay TV subscriptions and the like.

Memberships/Benefits provided to the Mayor and Councillors is in accordance with Mayor and Councillor Facilities and Benefits Policy.

Memberships/benefits provided to the GM are in accordance with his contract of employment. It should be noted that the standard contract enables the GM to salary sacrifice benefits in lieu of taking his remuneration in cash and Council cannot unreasonably refuse such requests. In such cases the full value of any benefit is deducted from his total remuneration and are also reported in the Annual Report in accordance with the Act.

e) Please a provide a report on the exercise of delegations by the Mayor over the 2019/2020 Christmas/New Year period, as previously requested.

This was previously the subject of a question on notice. As advised in response to the question any/all exercise of the Mayor's authority to make strategic decisions between Council meetings must be reported to the next practical meeting of Council. This has occurred and there are no outstanding exercises of this delegation to be reported.

f) Please a provide a report on the exercise of delegations by the Mayor during the COVID-19 pandemic.

As above.

Confidential Matters

10.1 St Leonards Park Masterplan - Stage 2 Implementation - Tender No. 5/2021

Report of Kate Bambrick-Browne, Landscape Grants Co-ordinator
The report provides information about the tendering of Tender No. 5/2021 Field Gun and Tunks Way, St Leonards Park, North Sydney (St Leonards Park Masterplan Stage 2 Implementation).

Tenders were called and were received until 4.00pm on 25 June 2020 for the submission of tenders to undertake Contract No. 5/2021 Field Gun and Tunks Way, St Leonards Park, North Sydney (St Leonards Park Masterplan Stage 2 Implementation).

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (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.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender No. 5/2021 for Field Gun and Tunks Way, St Leonards Park, North Sydney (St Leonards Park Masterplan Stage 2 Implementation).

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.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.1_st_leonards_park_masterplan_-_stage_2_implementation_-_tender_no_5-2021.pdf

10.2 Hume Street Park - Stage 1 - Tender No. 6/2021

Report of David Banbury, Landscape Architect/Project Co-ordinator
This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 6/2021 for Hume Street Park Expansion

Stage 1 - Demolition & Construction. Full details are provided in the accompanying Confidential Report.

Tenders were called and were received until 4pm Tuesday 1 September 2020 for the submission of tenders to undertake Hume Street Park Expansion Stage 1 - Demolition & Construction.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

(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 funding to cover this contract is allocated in the current budget. Expenditure will occur across the 2020/21 and 2021/22 financial years.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender No. 6/2021 for Hume Street Park Expansion Stage 1 - Demolition & Construction.

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.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.2_hume_street_park_-_stage_1_-_tender_no_6-2021.pdf

10.3 Military Road, Neutral Bay Public Domain Upgrade - Stage 4 - Tender No. 7/2021

Report of Chris Stevens, Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 7/2021 Military Road, Neutral Bay – Public Domain Upgrade – Stage 4.

Tenders were called and were received until 4.00pm on 3 September 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, the Neutral Bay and Cremorne Masterplan Program and the Military Road Upgrade Capital Works program.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (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.

This project is partly funded by Transport for NSW (TfNSW) under a Funding Deed from the Northern Beaches B-Line Program.

The remainder of the project is funded from the Neutral Bay and Cremorne Masterplan Program and Military Road Upgrade-Capital Works program. These programs are also partially funded through Special Rate Variation (SRV) for 2020/21.

Recommending:

- 1. THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 7/2021 for Separable Portion A – Military Road north side – Ben Boyd Road to traffic lights before Young Street (Zone 15).
- 2. THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 7/2021 for Separable Portion B – Military Road south side – Ben Boyd Road to Bydown Street (Zone 17).
- 3. THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 7/2021 for Separable Portion C – Military Road south side – traffic lights before May Gibbs to east of May Gibbs Plaza (Zone 19).
- 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.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.3_military_road_neutral_bay_public_domain_upgrade_-_stage_4_-_tender_no_7-2021.pdf

10.4 Smoothey Park Gross Pollutant Trap (GPT) Construction - Tender No. 8/2021

Report of Jim Moore, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 8/2021 for the construction of a new GPT at Smoothey Park, Wollstonecraft.

Tenders were called and were received until 4pm, 26 August 2020 for the submission of tenders to undertake Smoothey Park GPT construction for North Sydney Council.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (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.

Funding for the project was included in the approved 2020/21 budget. Refer to the funding description section of this report.

Note: This project is partially funded through the Special Rate Variation (SRV) for 2020/21.

Recommending:

1. **THAT** Council accept the highest ranked Tenderer for Tender No. 8/2021 for Smoothey Park Gross Pollutant Trap (GPT) Construction.
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.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.4_smoothey_park_gross_pollutant_trap_construction_-_tender_no_8-2021.pdf

10.5 Stormwater Drainage Relining Works - Tender No. 9/2021

Report of Jim Moore, Engineering Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 9/2021 for relining of stormwater drainage pipes at various locations throughout the North Sydney Local Government Area.

Tenders were called and were received until 4pm, 27 August 2020 for the submission of tenders to undertake Stormwater Drainage Relining Works. If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (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.

Funding for the project was included in the 2020/21 budget for construction works. Refer to the funding description section of this report. Note: This project is partially funded through the Special Rate Variation (SRV) for 2020/21.

Recommending:

- 1. THAT** Council accept the highest ranked tenderer for Tender No. 9/2021 for Stormwater Drainage Relining Works.
- 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.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.5_stormwater_drainage_relining_works_-_tender_no_9-2021.pdf

10.6 Young Street Plaza Trial Closure - Tender No. 10/2021

Report of Diana Mejia, Project Manager

This report is to provide Council with an analysis and recommendation of the tender process for Tender No. 10/2021 Young Street Plaza Trial Closure.

Tenders were called and were received until 4:00pm on 2 September 2020 for the submission of tenders to undertake construction works for Young Street Plaza trial road closure as part of the B-Line Public domain upgrading program in Neutral Bay.

If the Council wishes to discuss the report, the meeting should be closed to the public to do so in accordance with s10A(2) of the Local Government Act (LGA):

- (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.

Recommending:

1. **THAT** Council accept the tender of the highest ranked Tenderer for Tender No. 10/2021 for Young Street Plaza Trial Closure.
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.

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.6_young_street_plaza_trial_closure_-_tender_no_10-2021.pdf

10.7 NSOP Redevelopment Loan Proposal

Report of Margaret Palmer, Director Corporate Services and Duncan Mitchell, Director Engineering & Property Services

The purpose of this report is to lock in loan borrowings prior to tender assessment and entering a construction contract for the NSOP redevelopment.

The Governance & Finance Committee at its meeting of 1 June 2020 considered a Confidential report detailing three loan options, including from TCorp and two major banks, to finance the NSOP complex redevelopment.

Following consideration of the Governance & Finance Committee recommendations, Council at its meeting of 22 June 2020 (Min. No. 42) resolved:

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 development application was approved by the Sydney North Planning Panel on 1 July 2020, subject to conditions. The process to select a preferred tenderer for the construction works has commenced, thus the finalisation of the project funding is a priority.

The Confidential report details the results of the further negotiation and clarification of loan conditions. It also provides updated indicative rates. This report is confidential in accordance with Section 10A(2) of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* for the reason listed below:

- (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.

As advised to Council in February 2020, and subsequently reconfirmed by way of the amended Resourcing Strategy adopted by Council on 27 July 2020, Council has the capacity to finance and maintain the proposed level of debt, whilst maintaining performance ratios, taking into consideration conservative revenue projections from the new NSOP complex.

Council completed and submitted a Capital Expenditure Review to the Office of Local Government (OLG) in December 2019 for the NSOP redevelopment. OLG's response dated 17 April 2020 states:

The Office of Local Government's (OLG) Capital Expenditure Guidelines (the Guidelines) aim to ensure that a council's evaluation of the proposed capital expenditure is consistent and transparent, that the merits of projects can be compared and that resource allocation can be made on an informed basis.

After reviewing the information provided by Council, it has been determined that the Council has satisfactorily addressed the criteria required in the Guidelines.

Council is exposed to interest rate risk whenever loan borrowings are required regardless of whether the interest rate is fixed or variable. Interest rates at present are at a record low level, which supports the decision to apply for a fixed interest rate loan and is the preferred option for the pool redevelopment as it provides a greater degree of certainty in terms of future unexpected interest rate rises and enables greater certainty of cashflows associated with the repayment schedule of the loan.

Current indicative fixed loan rates are below those presumed in the LTFP.

Recommending:

1. THAT the meeting be closed to the public to discuss the Confidential Report in accordance with Section 10A(2)(d).

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.7_nsop_redevelopment_loan_proposal.pdf

10.8 Acquisition of the Former Quarantine Boat Depot

Report of Robert Emerson, Director Open Space & Environmental Services

The purpose of this report is to inform the Council of the negotiations between Property NSW and Council Officers to acquire the State Government property known as the former Quarantine Boat Depot.

Council has been negotiating with Property NSW for over ten years for the acquisition of the Quarantine Boat Depot.

The former Quarantine Boat Depot at Waverton is a highly significant site, particularly in terms of its maritime heritage, geographic location and potential to be a valuable community asset for recreational and related purposes.

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).

Recommending:

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

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

https://www.northsydney.nsw.gov.au/files/sharedassets/public/webmeetings/2020/sep_28_2020_730pm/confidential_matters_28_sep_2020/10.8_acquisition_of_the_former_quarantine_boat_depot.pdf
