



AGENDA

Council Chambers
19 August 2021

A meeting of **Council** will be held at the Council Chambers, 200 Miller Street, North Sydney at 7:30 PM on Monday 23 August 2021. 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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2. Acknowledgement of Country

3. Apologies and Applications for Leave of Absence

4. Confirmation of Minutes

5. Disclosures of Interest

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6.2. MM02 Sydney Harbour Bridge Cycleway Options – outcomes from TfNSW August consultation report

6.3. MM03 Cremorne Land

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8.9. Military Road Corridor – Stage 1 Planning Proposal & DCP

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8.11. North Sydney Olympic Pool – Monthly Progress Report – August 2021

9. Notices of Motion

9.1. Notice of Motion 14/21 by Councillors Mutton and Keen - Berrys Bay

9.2. Notice of Motion No. 15/21 Councillors Baker, Beregi & Carr - On-going compliance issues at 6 John Street, McMahons Point (Noakes Boatyard)

- 9.3. *Notice of Motion No. 16/21 by Councillors Baker, Beregi & Carr - Council assistance to the community during COVID lockdown - vaccinations and help for other Local Government Areas*
- 9.4. *Notice of Motion No. 17/21 by Councillors Baker, Beregi & Carr - Council Submission re Review of General Manager and Senior Staff Remuneration*
- 9.5. *Notice of Motion No. 18/21 by Councillors Keen and Mutton - Lawn Bowls*
- 9.6. *Notice of Motion No. 19/21 by Councillors Keen and Mutton - Bike Jumps*
- 9.7. *Notice of Motion No. 20/21 by Councillors Keen and Mutton - Outdoor Dining Waiver*
- 9.8. *Notice of Motion No. 21/21 Councillors Keen and Mutton - Infrastructure Changes*
- 9.9. *Notice of Motion No. 22/21 by Councillors Keen and Mutton - Light Up for Mito*
- 9.10. *Question with Notice from Councillors Baker, Beregi and Carr*

10. Confidential Matters

- 10.1. *4th Quarterly Property Portfolio Report 2020 - 21 (Public)*
- 10.2. *North Sydney Olympic Pool – Quarterly Project Governance Report – August 2021*

11. Closure

- 1. Opening Meeting**
- 2. Acknowledgement of Country**
- 3. Apologies and Applications for Leave of Absence**
- 4. Confirmation of Minutes**

THAT THE MINUTES of the previous 3748th Council Meeting held on Monday, 26th July 2021 be taken as read and confirmed.

- 5. Disclosures of Interest**

6. Mayoral Minutes

6.1. MM01 Support for our homeless during COVID

The death and subsequent community memorial for Peter, a rough sleeper who spent his final days camped in Arthur St, North Sydney was a cameo of the best and worst of life in Sydney.

The gathering of local residents to honour Peter reflected the innate kindness and respect within our community. However, his death also highlighted the harsh reality that not all Australians have a home and not all homes are safe places to be.

In Peter's case, he had declined offers of suitable accommodation, however, not all homeless people are offered the accommodation they need. Some are forced to sleep rough, while others couch surf or sleep in their cars or live in boarding houses effectively hiding the true extent of the problem.

At the Lower North Shore Domestic Violence Network meeting in June, Police reported domestic violence incidents had increased from an average of 150 per month to 170. Similarly, assaults had increased from an average of 22 per month to 30.

Interestingly, this does not correlate with increased requests for support at local refuges. Marys House in North Sydney reports that it currently has vacancies as referrals go quiet during lockdown when women are unable to reach out. They expect a spike when lockdown restrictions are lifted.

Local Wollstonecraft resident Bec Boyden is a dedicated volunteer with Sydney Street Kitchen and Blanket Patrol. In talking with Bec about homelessness, she brought to my attention the difficulties homeless people face in not having anywhere to put their belongings.

This sometimes stops them from accessing essential facilities such as a shower, toilet or medical services because they are anxious someone will steal the few things they do have. Carrying possessions with them 24/7 is stressful and can result in unnecessary loss or wear and tear on essential items such as blankets or jackets that they need for warmth overnight.

Bec and I discussed the possibility of homeless people being provided with lockers at transport hubs where they could store their belongings. I'm not sure how this could work in practise, but with financial and emotional stress increasing during the pandemic, especially during lockdown periods, it is definitely worth investigating.

I therefore recommend:

1.THAT Community Development staff prepare a report on the impact of Covid-19 on homelessness on the Lower North Shore, especially within the North Sydney LGA.

2.THAT the report explore the possibility of providing lockers at, or near major transport hubs for rough sleepers and include possible ways to work with the State Government and other agencies to provide the service.

3.THAT Council writes to Bec Boyden thanking her for raising awareness of the difficulties faced by homeless people and acknowledge her long-term contribution to Sydney Street Kitchen and Blanket Patrol.

6.2. MM02 Sydney Harbour Bridge Cycleway Options – outcomes from TfNSW August consultation report

Councillors will recall that in June this year Transport for NSW (TfNSW) placed two cycleway ramp options to access the Harbour Bridge on exhibition for public comment. The two designs were similar to proposals rejected by the community a decade earlier and local residents expressed immediate concern about the loss of open space and the heritage impacts of the proposal.

At an Extraordinary General Meeting on 7 June 2021, Council resolved to write to TfNSW stating that the community strongly rejected both the linear option and the spiral option. Council also represented the community's views about the alienation of precious public open space, the diminishment of the architecture of the Harbour Bridge and its curtilage. The impacts on the heritage listed entrance to Milsons Point Station and pedestrian safety were also raised. We also resolved to develop a community information campaign with a maximum cost of \$15,000 (\$10,166.85 were spent).

Despite our request, TfNSW continued with the consultation and has now released a comprehensive report (attached) detailing the results. The Department received 2578 responses to its survey. Of these, 18.7% of respondents lived in the immediate vicinity (postcodes 2060 and 2061), and 23.4% lived in the local area (within 10km north of the project area). The remaining respondents came from further afield.

The linear ramp was the preferred design (68% support) with 9% supporting either design, 5% supporting the looped ramp and 17% opposing both ramp options.

On Monday 16 August 2021 I had calls from residents who live near the Bridge expressing their disappointment that TfNSW will proceed with a cycleway ramp from the Sydney Harbour Bridge. Resident concerns were clearly reflected in the survey responses with 61% of respondents from postcodes 2060 or 2061 objecting to both options.

I recognise that many local residents are frustrated and angry that their concerns did not lead to their desired outcome which was that the current facility remain and a supplementary lift be installed.

However, the community campaign was not in vain. 42% of survey respondents lived in the immediate or local area, so our community's voice was heard. Council, among others, called for a long-term world class solution to be developed and TfNSW heard that feedback.

Rather than proceed with the linear ramp, it has decided to hold a ramp design competition in September to find an architectural team with heritage and Connecting with Country expertise. Shortlisted designs are expected to go on exhibition for public comment in October. TfNSW has also committed to consult the local community about the cycle path along Alfred St South.

I remain hopeful that thoughtful and creative designs will now emerge that respect the heritage of the Harbour Bridge and have a less intrusive impact on Bradfield Park North. I'd like to acknowledge the efforts of local residents who worked hard to raise community awareness and put the community concerns on the table.

We now need to ensure that our community continues to be involved and informed so they can provide feedback on the designs in October. We also need to ensure Council is provided with timely information from TfNSW and our feedback on the exhibited designs is considered.

I therefore recommend:

1.THAT Council writes to TfNSW and:

- I. Expresses its extreme disappointment that the option of maintaining the current facility and installing a bike lift were not included as a third option during the community engagement process.
- II. Requests Council be kept fully informed of the progress of this project in order to represent the best outcomes for the North Sydney Community.
- III. Ensures Council has a seat at the table in any future working groups.

6.3. MM03 Cremorne Land

On 18 August 2021 a 484sqm vacant block of land adjacent to Cremorne Point Reserve was put on the market for sale at 60 Kareela Road, Cremorne Point. A small block of six units existed on the land which the NSW State Government acquired some years ago owing to the fact that asbestos contamination made it uninhabitable. Approximately 12 months ago, the unit block was demolished and the site decontaminated. The land is now advertised for public auction on Saturday, 11 September 2021.

It is a fact that the Local Government Area of North Sydney has one of the lowest ratios of public open space per capita in the Sydney region.

Due to the Warringah Freeway upgrade and Western Harbour Tunnel projects approximately 64,000m² open space is temporarily being used for construction and approximately 15,000m² will be lost permanently.

Council has lobbied the State Government to ensure that there will be no permanent net loss of open space on the completion of the projects. A unique opportunity has presented itself and I believe it is worth lobbying the State Government to withdraw the land from sale and

enter into negotiations to gift the land to the North Sydney community as public open space. This elevated north facing site would be perfect for a local pocket park. I believe Council needs to capitalise on every opportunity and use imagination in its quest to increase open space in our LGA.

I therefore recommend:

1. THAT Council writes to the appropriate State Government authorities, the Premier Gladys Berejiklian and our local State MP Felicity Wilson requesting an urgent zoom meeting to discuss all options available for the ownership of the land at 60 Kareela Road, Cremorne Point to be transferred to North Sydney Council as public open space.

**COUNCILLOR JILLY GIBSON
MAYOR**

7. Reports of Committees

7.1. Traffic Committee Minutes - 23 July 2021

AUTHOR: Josh Jongma, Governance Coordinator

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 Traffic Committee held on 23 July 2021 for Council adoption. The minutes are attached for information.

The full reports to the Traffic Committee can be viewed at https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/Committees/Traffic_Committee/2021/23_July_2021

An alternate recommendation has been proposed for Item 5.3 (recommendation No. 9).

Financial implications are outlined in the reports to the Traffic Committee.

Note for Item 5.3 – recommendation concerning use of rubber speed cushions

With regard to the Traffic Committee Recommendation No. 9 - *THAT Council commits to no further use of rubber speed cushions*, the following information is provided for Council's consideration. Rubber speed cushions are an alternative traffic calming device to concrete or asphalt raised thresholds and typically cost around 15% for supply and installation compared to the concrete or asphalt alternatives. There are some applications where speed cushions are appropriate such as for narrow laneways where it is desirable to maintain a flat travel path for pedestrians, or where a trial traffic calming scheme is recommended. The *State Transit Bus Infrastructure Guide* also notes a preference for speed cushions 1.6m wide or less on bus routes so that buses can straddle the speed cushion without causing disruption or injury to unrestrained passengers.

With regard to the above, Council officers recommend that Council notes a preferred position is for full width concrete or asphalt raised thresholds where practical and feasible, and the following alternative recommendation is suggested to replace Recommendation No 9:

THAT Council notes a preferred position for full width concrete or asphalt raised thresholds rather than rubber speed cushions for any speed humps proposed on Council roads, where it is practical and feasible to do so.

Recommending:

1. **THAT** the information regarding Delegated Authority items be received. (5.1)
2. **THAT** the matter *concerning Moodie Street, Cammeray – Footpath design and Parking Re-arrangement, Community Consultation* be deferred to until after the September Local Government election and until such time that residents can attend in person to address the Committee. (5.2)
3. **THAT** the submitters be notified of the deferral of this matter. (5.2)
4. **THAT** the Committee thank the staff involved in the report for the efforts in ameliorating the traffic in Moodie Street. (5.2)
5. **THAT** that Council apply to TfNSW for a 40km/h speed zone on Blues Point Road between Lavender Street and Blues Point Reserve. The scheme should incorporate the traffic and pedestrian upgrades identified in the McMahons Point (Blues Point Road) Public Domain Upgrade Masterplan, and as minimal use of *raised flat top thresholds* as possible between Princes Street and Blues Point Reserve to address the TfNSW criteria for the proposed 40km/h speed zone. (5.3)

6. **THAT** the raised flat top threshold be used instead of speed cushions. (5.3)
7. **THAT** if the scheme cannot be implemented with a maximum of two raised flat top thresholds, then the matter be brought back to the Committee. (5.3)
8. **THAT** following discussions with TfNSW on the proposed scheme, a report be brought back to Council outlining the proposed scheme, the cost implications of the proposed scheme, potential funding, proposed schedule and details of further community engagement if required. (5.3)
9. **THAT** Council commits to no further use of rubber speed cushions. (5.3)
- 9a. **THAT** *Council notes a preferred position for full width concrete or asphalt raised thresholds rather than rubber speed cushions for any speed humps proposed on Council roads, where it is practical and feasible to do so (5.3) (alternate recommendation, see note in report)*
10. **THAT** Council be included in the consultation process for the beautification works in Blues Point Reserve following the completion of the Metro works. (5.3)
11. **THAT** Council seeks clarification on the timeline and status of the Metro works in the North Sydney LGA. (5.3)
12. **THAT** the application for Blues Point Road 40km/h speed zone ensures that there is no loss of parking. (5.3)
13. **THAT** the previous resolution of the 30th April Traffic Committee (Item 5.4) regarding line marking and signage on Blues Point Road be prioritised (subject to Public Health Orders). (5.3)
14. **THAT** the Council acknowledge that there is a pedestrian safety issue alongside the Pacific Highway between Arthur Street and Blue Street. (5.4)
15. **THAT** this matter be included as a part of the pedestrian safety standing item. (5.4)
16. **THAT** the alternative existing on road cycling route down Miller Street and Lavender Street be the official route to the harbour bridge. (5.4)
17. **THAT** Council promptly remove 'shared path' signage on western side of Pacific Highway between Blue Street and Arthur Street and installing of 'no cycling' signage at Arthur Street and at Blue Street (5.4)
18. **THAT** 'no cycling' footpath stencils be installed on the footpath on the western side of Pacific Highway between Blue Street and Arthur Street in the same manner as St Peters Park. (5.4)
19. **THAT** the parking restrictions installed in North Sydney and Neutral Bay Resident Parking Area 1 in December 2020, remain. (5.5)
20. **THAT** the information concerning the Western Harbour Tunnel and Warringah Freeway Upgrade project be received. (6.1)
21. **THAT** a request is made to TfNSW that any damage at Winter Avenue and Alfred Street North pedestrian crossing be promptly remediated. (6.1)
22. **THAT** a request is made to TfNSW that the public be informed through signage that the works for the Warringah Freeway Upgrade at St Leonards Park are temporary. (6.1)
23. **THAT** the information concerning Standing Item – Pedestrian Safety be received. (6.2)
24. **THAT** the decisions of Item 5.4 (Pacific Highway, North Sydney - Shared Path between Arthur Street and Blue Street) be included in this report. (6.2)
25. **THAT** the information concerning the Abandoned Vehicles and Unattended Boat Trailers Processed Report be received (6.3)

7.2. Waverton Peninsula Working Group Minutes - 27 July 2021

AUTHOR: Peita Rose, Governance Officer

This report presents the Minutes of the last meeting of the Waverton Peninsula Working Group held on 27 July 2021.

The Minutes of the Waverton Peninsula Working Group are attached for information.

There are no financial implications associated with the recommendation of this report.

Recommending:

1. THAT Council receives the Minutes of the Waverton Peninsula Working Group held on 27 July 2021.

2. THAT should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 27 July 2021, a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

8. Reports to Council

8.1. Election of Deputy Mayor

AUTHOR: Ian Curry, Manager Council & 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 Manager is the Returning Officer and this item will therefore be facilitated by the General Manager.

As resolved by Council on 28 September 2020, the current term of office for the Deputy Mayor will expire on 3 September 2021.

As the current term of Council, including that of the Mayor, has been extended to 3 December 2021, it is proposed that an election of the Deputy Mayor for the balance of the Council term take place at the Council meeting to be held on Monday 23 August 2021.

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. By close of business on Wednesday 18 August 2021) three (3) nominations were received for:

- Cr Stephen Barbour
- Cr Kathy Brodie
- Cr Jessica Keen

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

Recommending:

1. **THAT** an election be held to elect a Deputy Mayor for the balance of the Council term.
2. **THAT** Council determine the method of voting, giving consideration to the provisions of the Deputy Mayor Policy for Open Voting and the online participation by Councillors at Council meetings due to the current Public Health Order.
3. **THAT** the Coordinator General, Planning Delivery and Local Government and the Secretary and Chief Executive Officer of Local Government New South Wales be advised of the election result.

8.2. Matters Outstanding - August 2021

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, Notices of Motion and Questions Without Notice.

The attached table has been updated to include resolutions up to the 5 July 2021 Extraordinary Meeting of Council.

Recommending:

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

8.3. Amendments to 2021 Meeting Schedule

AUTHOR: Josh Jongma, Governance Coordinator

This report seeks Council approval to amend the meeting schedule due to the postponement of the Local Government Elections.

On 23 July 2021 Council amended the Council Meeting schedule in response to the postponement of the Local Government elections. This report recommends that the previously cancelled August meeting of the Traffic Committee be scheduled for 3 September 2021. This report also recommends that the Sustainable Transport and Environment Reference Groups currently scheduled for 15 November 2021 and the Sport and Recreation Reference Group currently scheduled for 9 November 2021 be cancelled to avoid being held during the caretaker period.

There are no direct financial implications that arise from this report.

Recommending:

- 1. THAT** a meeting of the Traffic Committee be rescheduled for 3 September 2021.
- 2. THAT** the Sport and Recreation Meeting currently scheduled for 9 November 2021 be cancelled.
- 3. THAT** the Sustainable Transport and Environment Reference Groups currently scheduled for 15 November 2021 be cancelled.

8.4. 2021 Local Government NSW Board Elections

AUTHOR: Ian Curry, Manager Council & Committee Services

To consider the nomination of Council delegates to vote in the Local Government NSW (LGNSW) Board Elections.

The LGNSW Conference was scheduled for November 2021. As a result of the delay of the 2021 Local Government election the LGNSW in-person annual conference (now called 'Special Conference') has been moved to 28 February to 2 March 2022. While Conference Motions will be dealt with at that Conference, the Fair Work (Registered Organisations) Act requires that LGNSW conduct an Annual Conference still be held this calendar year.

The Annual Conference will run for approximately 1 hour and the Financial Statements and Annual report will be presented. LGNSW still requires Councils to nominate voting delegates for this meeting. North Sydney Council is entitled to nominate five delegates.

Nominations for LGNSW Board Positions open on 7 September 2021 and close at 12pm on 5 October 2021.

There is no cost to Council for attendance at the one hour Annual Conference to be held on 29 November 2021.

Recommending:

- 1. THAT** Council nominates up to three voting delegates to participate in the LGNSW Board elections on 29 November 2021, in addition to the Mayor and Deputy Mayor (voting delegates).
- 2. THAT** a further report be submitted to Council regarding proposed Motions for the 'Special Conference' to be held 28 February to 2 March 2022.

8.5. Use of Corporate Email Domain

AUTHOR: Shane Sullivan, Executive Manager Governance

The purpose of this report is to seek Council cooperation with the intent of Councillor correspondence being directed to email addresses using the @northsydney email domain only, from 1 September 2021.

All Councillors have received a corporate email address using the North Sydney Council email domain to be used for all email related to the Councillor's civic role. Over time there has been a tendency to use a mix of both Councillors formal email addresses and personal email addresses to distribute internal documentation, memorandum and notices, This practice appears to have developed from convenience. From 1 September 2021, the North Sydney Council email domain will be used for all email related to the Councillor's civic role.

This is to ensure Council meets its obligations in respect to the maintenance and security of Council records. These include:

- Obligations under the State Records Act 1998 regarding the creation, sending, receiving, storage and disposal of Council information.
- Requirements under Council's Privacy Management Plan to use Council-issued systems and processes
- Requirement to appropriately separate personal and civic interactions with Council as required under the Code of Conduct
- General cyber security expectations and ability to manage and respond to cyber-security threats including phishing.

Any relevant policies including the *Councillor Access to Information and Interaction with Staff Policy*, and *Mayor and Councillor Facilities and Benefits Policy* will be updated to reflect this provision by way of a further report to Council following the conduct of the election.

There are no specific financial implications as a result of this recommendation. The provision and use of North Sydney Council email domain addresses does not represent any cost to Council. It is possible that the increased security provision may mitigate the risk of cyber security incidences that result in a cost to Council.

Recommending:

1. THAT Council note that from 1 September 2021 that all Councillor email correspondence and communication will go through the North Sydney Council email domain.

2. THAT following the conduct of the 2021 local government election that the *Councillor Access to Information and Interaction with Staff Policy*, *Mayor and Councillor Facilities and Benefits Policy* and any other relevant policy be updated to reflect this provision.

8.6. Q4 Review of the Operational Plan 2020/21

AUTHOR: Sarah Malcolm, Corporate Planning Coordinator

In accordance with Statutory requirements this Quarterly Review reports project status updates against Delivery Program/Operational Plan projects scheduled to have commenced or in progress in Q4 2020/21. It also includes a review of the biannual result for cross functional operational key performance indicators (KPIs).

In accordance with statutory requirements this Quarterly Review reports project status updates against Delivery Program projects scheduled to have commenced or in progress in Q4 2020/21 and reviews the biannual result for cross functional operational key performance indicators (KPIs).

The Operational Plan 2020/21, i.e. Year 3 of the Delivery Program 2018/19-2021/22, was adopted on 27 July 2020. The plan commenced 1 July 2020 and concluded 30 June 2021.

The adopted Delivery Program includes projects and services. Attachment 1 details the performance against projects by operational view (by Division) for the period 1 April to 30 June 2021.

In summary, 250 projects were scheduled to commence/continue this quarter. 94% projects are on track (green and blue status) and 6% projects are behind schedule/delayed (red and amber status).

The 2020/21 Annual Financial statements are being prepared in accordance with Audit timeframes.

Recommending:

1.THAT the Quarterly Review of the Operational Plan - April to June 2021 be received.

2.THAT the Committee notes the remedial action for those projects that were not on track for the period ending 30 June 2021.

8.7. Investment and Loan Borrowings Held as at 31 July 2021

AUTHOR: Asif Ali, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 July 2021.

Investment Portfolio:

The Investment portfolio (excluding cash balances) held as at 31 July 2021 had a market value of \$86.0 million, with an annualised return of 1.34% for the year to date, 1.30% above the reportable BBSW Bank Bill Index of 0.04%. Cash deposits at call total \$32.0 million. The investment portfolio is managed to ensure liquidity to meet operational requirements, with cashflow being monitored and assessed on an on-going basis.

The actual returns for cash and investments for the year to date as at 31 July 2021 were \$88,806 which was \$2,194 less than the year-to-date budgeted estimate. The medium-longer term outlook for financial markets indicate that the RBA's official cash rate will remain unchanged at its emergency level of 0.10% until its objectives of full employment and inflation are reached and that rate rises are not expected until at least 2024.

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 July 2021 is \$7,037,040.24. Council has made provision for future borrowings of \$31 million to assist in the funding to complete the redevelopment of North Sydney Olympic Pool.

The budgeted investment returns over the medium term needs to reflect the current low interest rate environment which is likely to continue over the next financial years.

Investment returns will continue to be monitored and reported to ensure the estimate is consistent with the actual returns.

Recommending:

1. THAT the report on Investments and Loan Borrowings held as at 31 July 2021 be received.

8.8. Post Gazettal report - NSLEP 2013 Amendment No.31 (173-179 Walker Street and 11-17 Hampden Street North Sydney)

AUTHOR: Neal McCarry, Team Leader - Policy

The purpose of this report is to present to Council the details and implications of a recent amendment to North Sydney Local Environmental Plan 2013 (Amendment No.31) relating to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 173-179 Walker Street and 11- 17 Hampden Street, North Sydney.

The Planning Proposal sought the following amendments to NSLEP 2013:

- Increase the maximum building height from 12m to RL133 (representing approximately 62- 72m of additional height)
- Establish a minimum floor space ratio of 6.1:1
- Introduce a new special provision to establish controls for the site relating to overshadowing, and allowance for maximum height and FSR greater than the above associated with amalgamation of all lots within the site.

Council refused the Planning Proposal at its meeting on 26 August 2019. In response, the applicant lodged a Rezoning Review with the Department of Planning, Infrastructure and Environment (DPIE) on 2 September 2019. On 12 February 2020, the Rezoning Review request was considered by the Sydney North Regional Planning Panel (SNRPP), which recommended that the Planning Proposal progress to Gateway Determination.

A Gateway Determination was issued on 6 July 2020 enabling the Planning Proposal to be exhibited subject to various conditions. Following the exhibition of the Planning Proposal, to which 139 objections were received, the SNRPP conducted a public hearing on 17 March 2021 and on 23 March 2021, issued a report recommending that the Planning Proposal proceed to be made.

On 30 July 2021, the DPIE advised Council that NSLEP 2013 (Amendment No.31) had been made under section 59(2) of the EP&A Act giving effect to the Planning Proposal. NSLEP 2013 (Amendment No.31), will come into force on 31 August 2021.

Recommending:

1. **THAT** Council receive and note the report.

8.9. Military Road Corridor – Stage 1 Planning Proposal & DCP

AUTHOR: Jing Li, Senior Strategic Planner - Urban Design

To advise Council of the preparation and progression of a planning proposal and development control plan amendment to give effect to aspects of the *Military Road Corridor Planning Study – Stage 1 Future Directions*, which was adopted by Council on 22 February 2021.

On 22 February 2021, Council resolved to adopt the *Military Road Corridor Planning Study: Stage 1 - Future Directions (“the Study”)*. To give effect to the desired outcomes of the adopted Planning Study, amendments are required to Council’s Local Environmental Plan (LEP) and Development Control Plan (DCP). It should be noted that significant changes to height and floor space associated with the three significant development sites identified in the Study, will be pursued separately.

A key component of the Study is an increase in the general height limit from five storeys to six storeys throughout most of the Neutral Bay Town Centre and a corresponding increase in the non-residential floor space requirements. The rationale for this is that employment floor space is systematically being eroded in the Town Centre as the current controls enabled existing levels of employment floor space to be replaced by residential development. This change to the LEP would address that decline.

Other changes like built form setbacks, podium height, active street frontages, solar protection and public domain upgrades are required to ensure that new development responds to the aspirations of the Study and to reinforce the village feel of the Town Centre. It is anticipated that these amendments are proposed to be incorporated into the DCP.

A Planning Proposal is required to give effect to the one storey height increase. Once prepared it must go to the North Sydney Local Planning Panel for advice prior to being reported to Council for determination. This gives rise to an unusual situation in that Council will be considering a Planning Proposal after it has already been publicly ventilated.

The purpose of this report is therefore to provide Council with a high-level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel.

For completeness, this report also broadly outlines changes that will be required to Council's DCP to ensure that the two planning instruments align with one another. It is proposed to publicly exhibit the DCP amendments with the planning proposal concurrently to ensure a high level of clarity and transparency. Given the need to seek a Gateway Determination from the Department of Planning, Industry and Environment, it is unlikely that such amendments will be exhibited until late 2021 or early 2022.

The work and associated budget required to prepare a planning proposal and associated development control plan amendments for the Military Road Corridor are within existing operational budgets for 2021/22.

Recommending:

1. THAT Council endorses the preparation and progression of a planning proposal and development control plan amendment to give effect to the aspects of the *Military Road Corridor Planning Study – Stage 1 Future Directions* outlined in this report.

8.10. Hayes Street Amenity Block

AUTHOR: Alicja Batorowicz, Landscape Projects Coordinator

The purpose of this report is to provide Council with a progress update on the proposed upgrade of Hayes Street Amenity Block.

This report provides a summary of the Hayes Street Amenity Block upgrade project progress.

The procurement process for an appropriate builder is expected to commence in the week starting on 23 August 2021. Assuming that the license agreement is executed within four weeks, it is expected that the works associated with the upgrade of the amenity block could start at the beginning of October 2021 and be completed within two months.

Council has allocated \$130,000 to deliver this project in the current financial year

Recommending:

1. THAT the report be received.

8.11. North Sydney Olympic Pool – Monthly Progress Report – August 2021

AUTHOR: John Thomson, Manager Corporate Contracts

The purpose of this report is to provide Council with a high-level report on the progress of the redevelopment of the North Sydney Olympic Pool.

At its meeting of 26 July 2021, Council resolved as follows:

- 1. THAT the General Manager provide a high level update/report on the progress of the redevelopment of the North Sydney Olympic Pool to each Council meeting until the redevelopment is completed.*
- 2. THAT Council notes that this report does not alter the governance structure of the project.*

This report is the first report which responds to this resolution. As this is the first such report it details all work which has been completed on the project since the work commenced in March 2021.

Future reports will address progress since the previous report.

The financial position of the project is reported through the Quarterly Governance report which will be reported up to Council at the 23 August Meeting

Recommending:

- 1. THAT** the report be received.

9. Notices of Motion

9.1. Notice of Motion 14/21 by Councillors Mutton and Keen - Berrys Bay

1. THAT Council resolves to constitute a delegation of three Councillors, headed by the Mayor, to meet with the Premier to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project to transfer the land on the Western side of Berrys Bay (being Lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [6171112 approx.], Lots 101 and 102 in DP 1162896, Lot 104 in DP 1162898 and Lots 1, 2 and 3 in DP 181235) to Council.

BACKGROUND (as provided by the submitters)

The NSW Premier did, in April 2017, undertake to make available State Government land on the western side of Berrys Bay to the community - that land being:

- lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion (617m2 approx.)
- lots 1, 2 and 3 in DP 18123,
- lot 104 in DP 1162898
- lots 101 and 102 in DP 1162896

Lot 105 in DP 1162898 is in the process of being acquired by Council.

A month later, the Member for North Shore spoke in support of the Premier's undertaking when, in her maiden speech, she said:

I am committed to ensuring the sustainable revitalisation of sites like Berrys Bay as places for the public to enjoy.

In apparent furtherance of the Premier's undertaking and out local member's speech, the Technical Lead - Western Harbour Tunnel did, on 29 November 2020, advise Council of the announcement from the Minister for Transport and Roads and the Member for North Shore regarding the Western Harbour Tunnel and Beaches Link program of works that, in part, reads:

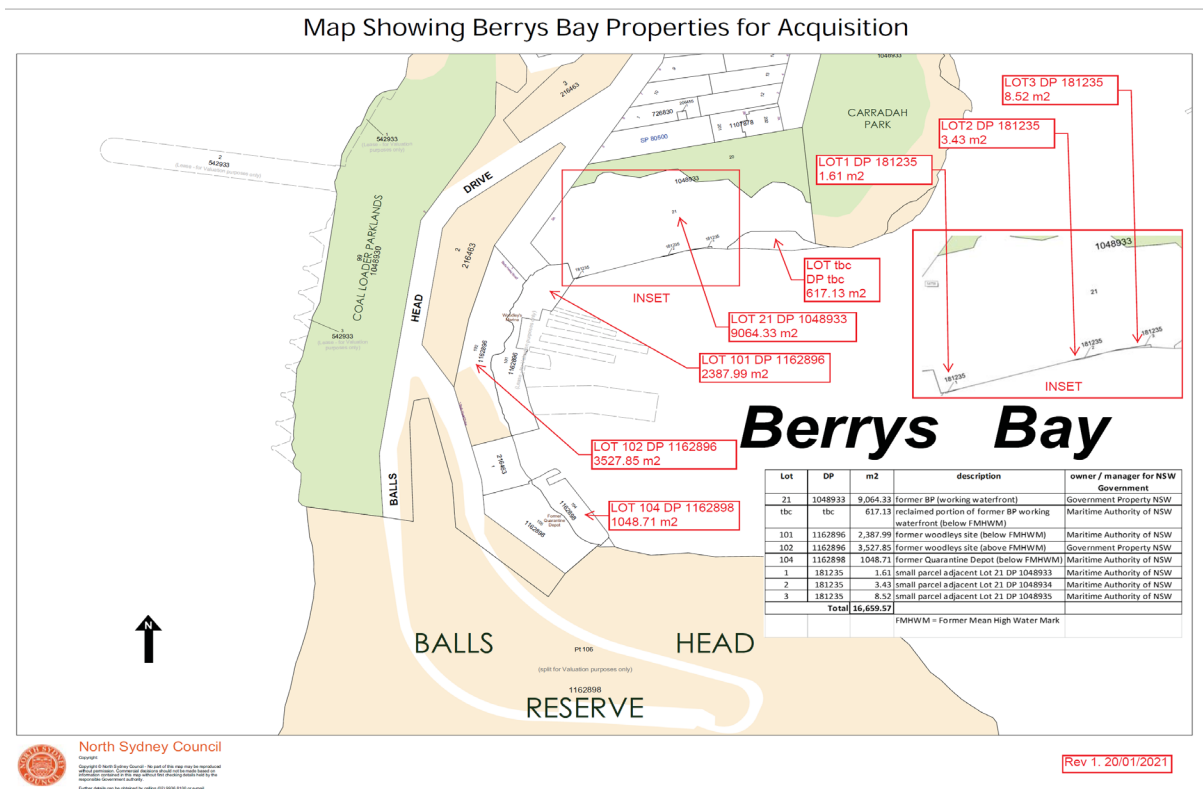
As part of this announcement, there was a commitment that Berrys Bay would be returned to public open space once construction of the Western Harbour Tunnel was completed.

On 22 February 2021 Council resolved:

1. THAT Council resolves to seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project, to cause land on the Western side of Berrys Bay (being lot 21 in DP 1048933 (inclusive of consolidating the adjacent reclaimed portion [617m² approx.], lots 101 and 102 in DP 1162896, lot 104 in DP 1162898 and lots 1, 2 and 3 in DP 181235) to be brought within the Waverton Peninsula Reserve (together with the Coal Loader and Carradah Park lands already within the Reserve as part of the Waverton Peninsula Reserve Trust, under the care and control of Council.

2. THAT Council, recognising broad community support for the concept plans provided by the Sydney Heritage Fleet for the Museum of Sydney Harbour as the base for its fleet in Berrys Bay, resolves to work with the Sydney Heritage Fleet and the North Sydney community with a view to making the concept plan a reality.

There is no binding commitment on the part of the NSW Government to be bring the land on the western side of Berrys Bay under the care and control of Council or , for that matter, certainty that the present Premier, the Member for North Shore or the Minister for Transport and Roads will be in positions of authority when the Western Harbour Tunnel is completed (assuming that it is completed).



General Manager's Comment

Following consideration of a previous Notice of Motion put forward to the meeting on 22 February 2021 by Counsellor Mutton, it was resolved:

To seek to have the NSW Government as soon as possible and prior to the commencement of the proposed tunnel project, to cause land on the western side of Berrys Bay being ... to be brought within the Waverton Peninsular Reserve ... under the care and control of Council.

Since that time, Council staff have actively been pursuing the State Government assigning these parcels to Council's care and control (Item 9 Report on Matters Outstanding refers).

Councillors will be aware that the initial temporary take up of public lands under Council control for the construction of the Western Harbour Tunnel (WHTL) project is being addressed through a compulsory acquisition process. This was detailed in Item 10.4 of the last Ordinary Meeting on 26 July 2021. Council staff have also continued to engage with TfNSW to negotiate an interface agreement that captures the responsibilities of Council and TfNSW, including engagement between the two agencies and particulars for the occupation and subsequent return of public space.

In parallel with the interface agreement, Council staff and TfNSW have been exploring the option of entering a Memorandum of Understanding (MOU) or other legal instrument to facilitate a land swap involving the relevant land at Berrys Bay in order to offset permanent losses of public space as a result of WHTL. A significant early challenge in this process has been that the land in question came under the control of a range of different State agencies. Progress has occurred in consolidating control under TfNSW to advance the potential land transfer.

Other challenges in finalising both the interface agreement and the MOU option include defining the condition under which the respective lands are to be returned to Council. A master planning process is currently being undertaken for Berrys Bay with input from the Berrys Bay Community Stakeholder Working Group chaired by Greater Sydney Commissioner, Deborah Dearing.

During construction of WHTL a cofferdam will be constructed on the western side of Waverton Peninsular in front of the Coal Loader Platform. The Berrys Bay lands currently under control of TfNSW are expected to be utilised as part of the construction site, including parking for workers during the construction phase. The extent of the construction site will depend on the ultimate construction methodology which will not be fully known until the tender process is complete. TfNSW have made it clear in negotiations to date that they will not relinquish control or transfer ownership of the Berrys Bay site until their need for the land for the purpose of construction has been concluded.

It is in Council's interest to ensure that the cost of remediating the land and implementing the master plan is met by TfNSW to a reasonable extent.

9.2. Notice of Motion No. 15/21 Councillors Baker, Beregi & Carr - On-going compliance issues at 6 John Street, McMahons Point (Noakes Boatyard)

- 1. THAT** Council seek compliance with the terms of the s34 agreement and subsequent Court Orders made by the Court in respect of Land and Environment Court Proceedings No. 2020/00122833; and
- 2. THAT** Council investigate fire safety compliance concerns raised by residents and take any compliance action arising from the investigation as a matter of urgency.

BACKGROUND (as provided by submitters)

Notwithstanding the s34 agreement and subsequent orders in Noakes' appeal against Council's Development Control Order, a number of matters remain outstanding including the submission of a development application and the fact that one of the development applications required by the agreement/orders was refused. There are on-going serious community concerns that Council is not pursuing non-compliance with the existing Court orders in Land and Environment Court Proceedings No. 2020/00122833. Council has a statutory role and a moral obligation to finalise these outstanding compliance issues.

In addition, there have been a number of outstanding fire safety concerns raised with Council's compliance team by residents. Matters of fire safety are of grave public interest as they relate to public safety. It is vital that Council investigate these claims and take compliance action to ensure public life and safety.

Comment from Director City Strategy

As part of the Land and Environment Court Proceeding No 2020/00122833, North Sydney Council and Noakes Group Pty Ltd entered into a Deed of Settlement (DOS) to address the intent of Council's Development Control Order. The Development Control Order is a result of years of investigation into concerns raised by the surrounding community and was the subject of the 2020 L&E Court Proceedings.

Compliance with the Deed of Settlement

Section 2.2 (a – o) of the DOS contains the terms that Noakes are obliged to comply with. To date, the only matter outstanding in this regard is item “g” which states:

“to lodge by 1 February 2021, a Development Application seeking consent for the use of the Site, consistent with that permitted by the EPL and any amendment to condition D50 of the Development Consent D1164/90”

Condition D50 states:

“The maximum number of boat places shall not exceed 26. For the purposes of this condition “boat places” means capable of containing any boat in excess of 3 metres in length located in the following facilities: hard stand area, work sheds, workshops, work berths, yard berths, home berths, northern slipway and travel lift...”

To date a Development Application has not been submitted to Council. Council’s external lawyers (HWLE) issued a letter dated 2 August 2021 seeking assurances that the required development application will be lodged and made it clear that Council reserves its enforcement rights.

Below is a status summary of the Deed of Settlement:

Clause	Term	Compliance
2.2a	Lodge BIC for care takers unit by 24/12/202	Complied - BIC submitted and under assessment
2.2b	Lodge DA for caretakers unit by 24/12/20	Complied - DA submitted and under assessment
2.2c	Not to use caretakers unit until approval has been granted	No proven non-compliance based on available evidence
2.2d	Submit BIC app by 24/12/20 for mobile structure	Complied - BIC submitted and REFUSED
2.2e	Submit DA for use of mobile structure by 24/12/20	Complied - DA submitted and REFUSED
2.2f	Not to use mobile structure until approval has been granted	No proven non-compliance based on available evidence
2.2g	DA for use of site in accord with EPL by 1/2/21 in relation to condition D50	Non-Compliance
2.2h	Maintain max of 30 boats	No proven non-compliance based on available evidence
2.2i	Maintain max of 4 non-commercial boats	No proven non-compliance based on available evidence
2.2j	Keep non-commercial boats in location marked on plan	No proven non-compliance based on available evidence
2.2k	Spray painting and sand blasting must on occur in worksheds, except minor repair works	No proven non-compliance based on available evidence
2.2l	Meet noise dB levels during operation	No proven non-compliance based on available evidence
2.2m	Not carry out Spray painting or blasting in Northern Slipway	No proven non-compliance based on available evidence
2.2n	Not permit any antifouling of boats outside of worksheds, unless encapsulated	No proven non-compliance based on available evidence
2.2o	Comply with D1164/90 in relation of EPL	No proven non-compliance based on available evidence

Current Compliance Matters

As required by terms “d” and “e” of the DOS, Noakes was required to submit a Development Application and a Building Information Certificate to regularise the use and unauthorised

construction of a mobile shed upon the site (the “Mobile Structure”). Although these terms were satisfied by 24 December 2020, on 2 June 2021 the North Sydney Local Planning Panel refused the Development Application preventing further use of the unauthorised Mobile Structure. As a result, the Building Information Certificate application to formalise the physical unauthorised structure had to also be refused.

In accordance with Section 6.25 of the *Environmental Planning and Assessment Act 1979*, a Notice of Intention to Issue a Development Control Order was issued on 17 August 2021, requiring removal of the unauthorised Mobile Structure. It should be noted that Noakes have the option to appeal the refusal of the DA, BIC and subsequent Development Control Order to demolish.

Fire Safety

Following concerns raised by the public in April 2021 Council issued a Fire Safety Development Control Order, on 27 July 2021, requiring fire safety upgrade works to be carried out to the two workshops and office premises located at the property.

Council’s Compliance staff have received numerous complaints from residents within Berrys Bay regarding the operation at Noakes. Council’s records indicate that all matters have been investigated accordingly and actions have been taken where appropriate based on evidence available, such as the recent Court Proceedings and Deed of Settlement. Residents have been responded to either in writing or by telephone.

9.3. Notice of Motion No. 16/21 by Councillors Baker, Beregi & Carr - Council assistance to the community during COVID lockdown - vaccinations and help for other Local Government Areas

- 1. THAT** Council offer North Sydney Oval to the State Government for use as a regional vaccination hub
- 2. THAT** Council urgently liaise with Foodbank NSW to provide a drop off site for food donations from residents and businesses in North Sydney LGA and provide delivery of donations to metropolitan Sydney Local Government Areas with high demand for Foodbank services under this current lockdown.
- 3. THAT** Council urgently liaise with Local Government NSW to ascertain any other support and assistance that North Sydney Council may facilitate or provide to other local government areas across metropolitan Sydney and the Western Division.

General Manager Comment

North Sydney Council has continued to liaise and work in cooperation with a range of State Government agencies to assist in the response to the Covid 19 pandemic. This includes the Mayor and General Manager participating in regular online forums hosted by the Office of Local Government involving senior representatives from NSW Health and NSW Police. The NSROC General Managers' advisory group (GMAC) has also been meeting fortnightly to promote consistent response where possible across the Northern Sydney metropolitan region.

The Department of Health has liaised with some Councils in respect to the establishment of testing centres or vaccination hubs to provide additional resources when required. North Sydney Council has not been contacted and it is understood that the existing network of testing centres and vaccination facilities, including our proximity to major medical facilities, ensures that sufficient health facilities are already available within the local area. It should be noted that North Sydney Local Government Area has the highest vaccination rate across New South Wales with in excess of 62% having had at least one vaccination.

In considering any further services that North Sydney Council can provide, Councillors should be cognisant that the current Health Orders significantly constrain and impact on Council's own staffing resources. The vast majority of Council staff reside outside of the North Sydney Local Government Area. Council is continuing to provide essential services and maintain the recreation areas that are being heavily utilised during the lockdown period. Council continues to adjust its operations with the changing Health Orders. There is reduced staff availability as a result of staff residing in declared areas, restrictions in attendance at the workplace and operating essential services under Covid-safe plans.

9.4. Notice of Motion No. 17/21 by Councillors Baker, Beregi & Carr - Council Submission re Review of General Manager and Senior Staff Remuneration

1. THAT Council make a submission to the Office of Local Government's Review of General Manager and Senior Staff Remuneration.

2. THAT Council's submission support and include the following:

- that the remuneration of both General Managers and Senior Staff be determined by an independent, external body such as the Local Government Remuneration Tribunal so that the process is transparent, applies rigorous benchmarking and is public;
- the recruitment of the General Manager continue to follow the process of merit selection which is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the position is appointed, and,
- that the performance review of the General Manager is tasked to the entire elected body, with all members of the elected body provided with all information pertaining to the recruitment of the General Manager. Where a panel is appointed, all information provided to and by the panel is to be provided to all members of the governing body at the same time, and,
- that General Manager's remuneration be made publicly available on Council websites and updated in real time.

<https://www.olg.nsw.gov.au/wp-content/uploads/2021/06/Review-of-General-Manager-Remuneration-Consultation-Paper.pdf>

General Manager's Comments

Submissions to the discussion paper on the Review of General Manager and Senior Staff Remuneration issued by OLG closed on 9 August 2021. In her message included in the OLG fortnightly e-newsletter of 13 August 2021, Minister Hancock advised that 56 submissions had been received.

The General Manager and senior staff are appointed under standard contracts of employment mandated by OLG with each Council determining remuneration based on its individual requirements and market competitiveness. This generally occurs as part of the recruitment process in consultation with recruitment specialists. The remuneration of all General Managers is published through respective Councils' annual reports and a number of suppliers provide consolidated comparative information. Transparency occurs through public advertising and merit selection of applicants against the advertised position criteria and remuneration.

The discussion paper acknowledges that by maintaining the status quo, and retaining current flexibility, it allows Councils to work within their own scope of work and budgets and employ a General Manager that best meets the need of a local Council at a particular point in time.

The discussion paper undertakes a comparison of General Managers' salaries across various States of Australia and concludes that General Managers in NSW do not appear to be paid significantly higher amounts than General Managers in other Australian jurisdictions. The comparison indicates that NSW General Managers, on average, are paid more than their Victorian counterparts, but not significantly so. Compared to Queensland, NSW General Managers mostly receive lower remuneration packages than their Queensland counterparts.

In respect to comparisons with the public sector, the discussion paper states:

General Managers' remuneration cannot be directly compared to NSW public sector senior executive remuneration because the nature of the roles, the skills and experience of individuals in these positions and the size and operational complexity of Government departments and Councils vary so greatly.

Local Governments are stand-alone legal entities comparative to complex mid-size corporations. They employ staff in their own name, have legal standing and obligations of an independent legal entity and are responsible for their own financial sustainability, bottom line and solvency. In many ways this makes them more comparative to private/public companies than State Government agencies with their centralised conditions of employment under the Public Sector Employment and Management Act, centralised treasury and organisational structure reporting to Ministers with executive powers and ultimate responsibility.

The pivotal consideration in respect to the retention of the current system or change to a regulated system appears to hinge on whether individual elected Councils have the capacity and capability to support retaining existing autonomy or whether they would be better served by a more regulated approach with the inherent idiosyncrasies that will occur from any system of categorisation.

It is understood that both LGNSW and LG Professionals have taken the view that the discussion paper does not identify any irregularity that justifies intervention and further regulatory burden.

In considering the two options the discussion paper concludes:

- Advantages to maintaining the status quo include:
- no additional costs to councils through increased remuneration levels prescribed by the NSW Government or some other body
- the way general managers are remunerated in NSW is consistent with current arrangements in South Australia (for the time being), Queensland, Tasmania and the Northern Territory
- councils retain the discretion to offer remuneration packages for general managers that are appropriate to attract the best possible applicants within the council's budgetary constraints
- general manager remuneration packages continue to be determined by market forces which allows councils to remain competitive with other sectors, and

Maintaining the status quo, however, does not address the concerns of some stakeholders that:

- there is a lack of consistency in the remuneration packages of general managers across councils, and
- general managers are overpaid, particularly given the financial pressure facing some councils and compared to other NSW workers.

Any alteration affecting General Managers will have a direct flow on effect to other senior staff and Council's capacity to recruit them as remuneration relativity is maintained.

9.5. Notice of Motion No. 18/21 by Councillors Keen and Mutton - Lawn Bowls

1. THAT Council write to the State Government and request that the same provisions are in place as per last lockdown for lawn bowls.

BACKGROUND (as provided by the submitters)

During the current lockdown, there are no provisions in place for lawn bowls. Tennis, golf and general exercise is allowed for 2 people therefore can the State Government please consider allowing the same allowances for lawn bowls.

9.6. Notice of Motion No. 19/21 by Councillors Keen and Mutton - Bike Jumps

- 1. THAT** Council look for suitable bike jumps within the North Sydney Area. Please note this is separate to official cycleways.
- 2. THAT** Council report back to determine the best locations and discuss how to progress this for the North Sydney residents.

BACKGROUND (as provided by submitters)

During COVID there has been a revival of recreational bike riding particularly in teenagers. During the latest lockdown many school age children are riding their bikes at lunchtime, after school and on weekends. Within the rules of the restrictions many children are looking to ride trails and are seeking suitable locations.

9.7. Notice of Motion No. 20/21 by Councillors Keen and Mutton - Outdoor Dining Waiver

- 1. THAT** Council acknowledges the current stress that the North Sydney small business community specifically cafes and restaurants is under with the current lockdown.
- 2. THAT** Council considers the financial implications and the possibility of waiving outdoor dining fees for at least 6 months to enable the businesses to recover.

BACKGROUND (as provided by the submitters)

The continual lock downs have seen the vibrance of our streets drained away. In the post lock down periods, we need to encourage and, where it is sensible to do so, encourage North Sydney's small businesses. One way to bring our streets back to life and encourage our small businesses is for North Sydney Council to waive outdoor dining fees during the period of the current lockdown and through to the end of first quarter 2022.

General Manager Comment

Councillors were advised through the Councillor Bulletin of 5 August 2021:

Due to the recent lockdown and Public Health Orders and consistent with the approach applied in April, North Sydney Council has waived all current Outdoor Dining Licence Fees from 1 July 2021 until such time as the NSW Government lifts the Public Health Orders currently in force.

The waiver was authorised by the Mayor in consultation with the General Manager in accordance with the Mayor's authority under the Local Government Act and Council's

delegation policy. This matter is further addressed in the fourth quarterly Property Portfolio Report included in this Agenda (Item 10.1).

9.8. Notice of Motion No. 21/21 Councillors Keen and Mutton - Infrastructure Changes

1. THAT Council write to all residents regarding the changes to infrastructure charges and the implications for rate payers.

BACKGROUND (as provided by the submitters)

The State Government has recently made changes to infrastructure charges for new developments which may lead to an increase in rates if service levels are to be maintained. Rate payers need to be aware of these changes as it will have financial implications for the North Sydney Council.

9.9. Notice of Motion No. 22/21 by Councillors Keen and Mutton - Light Up for Mito

1. THAT Council light up the Council Chambers green for 'Light Up for Mito' on 25th September and encourage other businesses in North Sydney LGA to do the same.

BACKGROUND (as provided by the submitters)

The Mito Foundation are having a World Mitochondrial Disease Awareness week on **Saturday 25 September 2021** and in support are asking LGAs to celebrate the start of [World Mitochondrial Disease Week](#). By lighting up a building green in the LGA.

They are trying to beat their record of 173 monuments lit up worldwide. By lighting green, the LGA will be joining international and Australian landmarks and to help raise awareness for mitochondrial disease (mito), a little known but devastating genetic disease with few effective treatments and no cure.

Mito is a debilitating genetic disorder that robs the body's cells of energy, causing multiple organ dysfunction or failure and potentially death. It can cause any symptom, in any organ, at any age. Although 1 in 200 people may carry the genetic changes that could lead to mito, few have heard of it. That's why events like **Light Up for Mito** are so important.

9.10. Question with Notice from Councillors Baker, Beregi and Carr General Manager Salary Package

Could all councillors please be advised of the quantum of the General Manager's new salary package, inclusive of super and all benefits, following the General Manager's Performance

review which was conducted on 7 July 2021 by the Mayor, Cr Stephen Barbour (Deputy Mayor) and Councillors Jessica Keen and Ian Mutton.

Response

The General Manager's Performance Review for the 2020/21 Financial Year was undertaken by the Performance and Remuneration Panel established by Resolution of Council. In addition to the individuals mentioned above, the Panel includes Mr Matthew McArthur as an independent Human Resources advisor.

The Panel's report and recommendations from the Panel's review were adopted by the full Council at its Ordinary Meeting on 26 July 2021.

Responses to previous questions in relation to the General Manager's remuneration and contract have advised that:

1. Any Councillor may view the General Manager's employment contract (which includes a remuneration schedule as amended from time to time) by making an appointment with the Mayor.
2. The General Manager's remuneration is reported annually in Council's Annual Report in accordance with the requirements of Clause 217(b) of the Local Government (General) Regulation.

10. Confidential Matters

10.1. 4th Quarterly Property Portfolio Report 2020 - 21 (Public)

AUTHOR: Damian Warren, Property Officer

The purpose of this report is to provide Council with information on Council's Property Portfolio for the quarter ending 30 June 2021.

This report provides Council with information on the Property Portfolio for the 4th Quarter of 20/21 – 1 April 2021 to 30 June 2021. The report addresses the following matters:

- Consolidated summary of income received through the Property Portfolio
- Property Portfolio Vacancy Rates
- Leasing Transactions for the quarter
- Acquisitions and Disposals for the quarter
- Major Property Projects (Maintenance and Capital works) for the quarter
- Update on Councils Car Parking Stations
- Impact of COVID-19 on Councils Property Portfolio
- *Outdoor Dining License fee waiver*

Council's budgeted income from its entire Property Portfolio for 2020/21 was originally forecast at \$7,235,387. However due to COVID-19, the income forecast was revised down to \$5,726,505. For more detail on the impacts of COVID-19 on Councils Property Portfolio refer to the detail section of this report.

The Year-to-Date total actual income for the 4th quarter of 20/21 which was received on a cash basis through Colliers International was \$5,824,204 as at 30 June 2021, which is \$97,699 above than the revised forecast of \$5,726,505 for the quarter, 102% of the projected budgeted income for the quarter.

The Year-to-Date income which is received on an accrual basis is \$6,477,771 as at 30 June 2021.

The waiving of all the Outdoor Dining Footpath Licence Fees payable on the 171 current Licences effective as of 1 July 2021 will cost Council an estimated \$52,020 per month in revenue foregone.

Recommending:

1. **THAT** the Quarterly Property Portfolio Report for the 4th Quarter of 20/21 (April to June 2021), be received.
2. **THAT** Council notes the impact that the State governments COVID-19 restrictions are having on Councils Property Portfolio revenue.

10.2. North Sydney Olympic Pool – Quarterly Project Governance Report – August 2021

AUTHOR: John Thomson, Manager Corporate Contracts

The purpose of this report is to provide Council with a detailed report on the progress of the redevelopment of the North Sydney Olympic Pool in accordance with the Governance Structure outlined to Council at the meeting of 22 February 2021.

The Contract for the Construction of the pool was signed with Icon SI (Aust) Pty Ltd on 31 December 2020 and re-executed as a deed on 18 January 2021. The Contractor took possession of the site on 9 March 2021.

In accordance with the Project Governance structure, the Project Superintendent (Manager Corporate Contracts) liaises with the Project Director (Director Engineering and Property Services) on an ongoing basis, provides detailed reports to the Project Control Group, chaired by the General Manager, on a monthly basis and provides quarterly reports to the full Council via the Governance and Finance Committee. These reports address the financial status of the project, including contractual claims and contentions, as they emerge. This includes commercial in confidence matters that remain under assessment.

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).

Recommending:

- 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.

11. Closure