



# MINUTES

The Minutes of the Council held at the Council Chambers, North Sydney at 7:30 PM on Monday 10 January 2022.



<b>1. Opening Meeting .....</b>	<b>3</b>
<b>2. Acknowledgement of Country.....</b>	<b>3</b>
<b>3. Apologies .....</b>	<b>3</b>
<b>4. Confirmation of Minutes.....</b>	<b>3</b>
<b>5. Disclosures of Interest.....</b>	<b>4</b>
<b>6. Reports to Council.....</b>	<b>4</b>
<i>6.1. Oath and Affirmation of Office by Councillors.....</i>	<i>4</i>
<i>6.2. Election of Mayor.....</i>	<i>5</i>
<i>6.3. Election of Deputy Mayor .....</i>	<i>8</i>
<i>6.4. Using Countbacks to Fill Casual Vacancies.....</i>	<i>10</i>
<b>7. Matters of Urgency.....</b>	<b>11</b>
<i>7.1 Matter of Urgency – Rescission Motion.....</i>	<i>11</i>
<i>7.2 Matter of Urgency – Amendment of North Sydney LEP.....</i>	<i>12</i>
<i>7.3 Matter of Urgency – Creation of Heritage Conservation Area.....</i>	<i>13</i>
<b>8. Closure.....</b>	<b>14</b>

## 1. Opening Meeting

Councillors Baker, Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch were in attendance.

At the commencement of business (7.30pm) those present were: Councillors Baker, Beregi, Bourke, Drummond, Gibson, Lamb, Santer, Spenceley, Mutton and Welch.

The meeting was opened by the General Manager as the Returning Officer for the conduct of the election of Mayor. Being the first meeting following the conduct of the 2021 Local Government Election there was no elected Mayor or Deputy Mayor at the commencement of the meeting.

## 2. Acknowledgement of Country

The Acknowledgement of Country was read by Shane Sullivan, Executive Manager Governance.

## 3. Apologies

There were no apologies or requests for a leave of absence.

## 4. Confirmation of Minutes

### RECOMMENDATION:

**THAT** the minutes of the last Council Meeting held 8 November 2021 be taken as read and confirmed

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

### 1. RESOLVED:

**THAT** the minutes of the 3753rd Council Meeting held on Monday 8 November 2021 be taken as read and confirmed.

## **5. Disclosures of Interest**

There were no disclosures of interest.

## **6. Reports to Council**

### **6.1. Oath and Affirmation of Office by Councillors**

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

To report on the requirement for all Councillors to take an oath or affirmation of office, prior to participating in meetings.

Under section 233A of the *Local Government Act 1993*, councillors (including mayors) are required to take an oath or affirmation of office. The prescribed words of the oath and affirmation are contained in the attachment to this report.

Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

An oath and affirmation ceremony is to be conducted for Councillors at 6pm on Monday 10 January 2022, prior to the Council meeting. The names of those Councillors who attended the ceremony and make their oath or affirmation will be read out by the General Manager at the Council meeting.

Any Councillors must have taken the oath or made an affirmation prior to participating in Council Meetings. Funds are available in the 2021/22 Council support budget allocation for refreshments to be provided at the oaths and affirmation ceremony.

#### **RECOMMENDATION:**

**1.THAT** the General Manager confirm for the meeting the names of those Councillors who have taken the oath or made the affirmation, prior to the Council meeting.

**2.THAT** the General Manager ensure a record is kept of the taking of the oath or making of the affirmation as required under the *Local Government Act 1993* in the minutes of this Council meeting.

The General Manager read the list of names of Councillors that took an oath or made an affirmation of office:

#### **Cammeraygal Ward**

- Cr MaryAnn Beregi took the Oath

- Cr Jilly Gibson took the Oath
- Cr Georgia Lamb made an Affirmation
- Cr Ian Mutton made an Affirmation
- Cr Shannon Welch took the Oath

### **St Leonards Ward**

- Cr Zoe Baker made an Affirmation
- Cr William Bourke made an Affirmation
- Cr Alanya Drummond made an Affirmation
- Cr Godfrey Santer took the Oath
- Cr James Spenceley took the Oath

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

**1.THAT** the list of the Councillors who undertook the Oath or Affirmation be confirmed and that a record of that be recorded in the minutes.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

### **2.RESOLVED:**

**1.THAT** the list of the Councillors who undertook the Oath or Affirmation be confirmed and that a record of that be recorded in the minutes.

## **6.2. Election of Mayor**

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

The purpose of this report is to facilitate the election of the Mayor for the period 10 January 2022 to September 2023, in accordance with section 230 of the Local Government Act NSW 1993 (the Act). 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.

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council. The election for Councillors for North Sydney Council was declared on 23 December 2021.

The returning officer is to be the General Manager or a person appointed by the General Manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Following the declaration of the poll for the 4 December 2021 Council elections, nominations were called for the position of Mayor.

Nominations 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.

Nominations must be provided to the General Manager (via Governance or directly) prior to the commencement of the election. Councillors are encouraged to submit nominations in advance to ensure their validity is confirmed prior to the election. Schedule 7 governs the election of a mayor or deputy mayor by councillors. In addition to a Councillor fee of \$26,310 per annum, the Mayor is also paid a separate fee of \$69,900 per annum, remunerated on a monthly basis. Provision is made for this amount in Council's 2021/22 budget.

#### **RECOMMENDATION:**

- 1. THAT** an election be held to elect a Mayor for the period 10 January 2022 to September 2023.
- 2. THAT** Council determine the method of voting.
- 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.

A Motion was moved by Councillor Gibson and seconded by Councillor Drummond.

- 1. THAT** an election be held to elect a Mayor for the period 10 January 2022 to September 2023.
- 2. THAT** the method of voting be open voting.
- 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.
- 4. THAT** candidates be invited to speak to their nomination as Mayor and answer questions from Councillors.

The Motion was put and **Lost**.

Voting was as follows:

For/Against 4 / 6

**For:** Councillor Drummond, Councillor Gibson, Councillor Spenceley and Councillor Mutton

**Against:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Lamb, Councillor Santer and Councillor Welch

**Absent:** Nil

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

**1. THAT** an election be held to elect a Mayor for the period 10 January 2022 to September 2023.

**2. THAT** the method of voting be open voting.

**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.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

### **3. RESOLVED:**

**1. THAT** an election be held to elect a Mayor for the period 10 January 2022 to September 2023.

**2. THAT** the method of voting be open voting.

**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.

## **CONDUCT OF ELECTION**

The General Manager conducted the election as Returning Officer.

Nominations were received for the following Councillors:

- Zoe Baker
- Ian Mutton

The General Manager confirmed that all nominations had been provided in the correct form with two nominators and nominations accepted by the nominees.

Prior to proceeding, the General Manager asked if there were any further nominations. There were no further nominations and so the vote proceeded with nominations for Councillors Baker and Mutton.

As multiple nominations were received, the election was conducted by open voting as resolved by Council.

The General Manager explained that the nominations would be drawn randomly to select the order of the voting.

The General Manager then placed the names of the 2 candidates in the receptacle and drew out the names to determine the order of voting. The order of voting was:

1. Councillor Mutton
2. Councillor Baker

The following votes were then cast:

Councillor Mutton: Councillors Gibson, Mutton, Spenceley and Drummond

Councillor Baker: Councillors Lamb, Welch, Santer, Bourke, Beregi and Baker

The General Manager then declared Councillor Baker as Mayor, having the majority of votes.

The General Manager congratulated Councillor Baker on her election as Mayor.

### **6.3. 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.

Council's Deputy Mayor Policy and Section 231 of the Local Government Act 1993 states that Council may elect a Deputy Mayor. The Policy provides that the Deputy Mayor will be appointed for a period from 1 October to 30 September, however the legislation provides that the Deputy Mayor may be elected for the Mayoral term or a shorter term.

Following the declaration of the poll for the 4 December 2021 Council elections, nominations were called for the position of Deputy Mayor.



Nominations 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 to the previous report.

Nominations must be provided to the General Manager (via Governance or directly) prior to the commencement of the election. Councillors are encouraged to submit nominations in advance to ensure their validity is confirmed prior to the election. Schedule 7 governs the election of a mayor or deputy mayor by councillors. Schedule 7 governs the election of a mayor or deputy mayor by councillors.

By 1pm on Thursday 6 January 2022, 1 nomination has been received for:

- Councillor Godfrey Santer, nominated by Councillor Shannon Welch and Councillor Godfrey Santer

**RECOMMENDATION:**

1. **THAT** an election be held to elect a Deputy Mayor for the period 10 January to 26 September 2022.
2. **THAT** Council determine the method of voting.
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.

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

1. **THAT** an election be held to elect a Deputy Mayor for the period 10 January to 26 September 2022.
2. **THAT** the method of voting be open voting.
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.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

**4. RESOLVED:**

1. **THAT** an election be held to elect a Deputy Mayor for the period 10 January to 26 September 2022.
2. **THAT** the method of voting be open voting.
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.

## **CONDUCT OF ELECTION**

The General Manager conducted the election as Returning Officer.

Nominations were received for the following Councillors:

- Councillor Godfrey Santer
- Councillor William Bourke

The General Manager confirmed that all nominations had been provided in the correct form with the nominators and nominations accepted by the nominees. The General Manager noted that he had received notification on 7 January 2022 from Councillor Santer that he withdrew his nomination. Councillor Santer confirmed that he wished to withdraw his nomination.

Prior to proceeding, the General Manager asked if there were any further nominations. There were no further nominations. Being the only candidate the General Manager declared Councillor William Bourke duly elected as Deputy Mayor.

The General Manager congratulated Councillor Bourke on his election to Deputy Mayor.

The Mayor, Councillor Baker then assumed the chair. The Mayor briefly addressed the meeting.

## **6.4. Using Countbacks to Fill Casual Vacancies**

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

To propose that Council exercise the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

Following the December 2021 local government elections, councils, for the first time, have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

This will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

If Council does not resolve to take advantage of this provision at the first meeting after the election, it will be required to fill any casual vacancy through a by-election.

The Office of Local Government (OLG) has provided wording for a recommendation should Council wish to exercise this option.

No estimated costs of a potential countback by the NSW Electoral Commission is available. However, the cost of a countback would be significantly less expensive than a by-election, should one be required. For 2021, the estimated cost of the conduct of the full election by the NSW Electoral Commission was approximately \$491,000, excluding GST.

**RECOMMENDATION:**

**1. THAT** pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), North Sydney Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

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

The Motion was put and **Carried**.

Voting was as follows:

For/Against 8 / 2

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Lamb, Councillor Santer, Councillor Spenceley and Councillor Welch

**Against:** Councillor Gibson and Councillor Mutton

**Absent:** Nil

**5. RESOLVED:**

**1. THAT** pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), North Sydney Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

**7.1 Matter of Urgency – Rescission Motion**

Cr Spenceley sought leave to move the following Rescission Motion as a matter of urgency.

**1. THAT** the Council resolution of 22 February 2021 Item 8.7 Military Road Corridor Planning Study, which Council resolved that:

**1. THAT** Council note the submissions received and the issues raised during the exhibition.

**2. THAT** Council adopt the Future Directions Report, as amended, as the strategic development framework for Neutral Bay town centre, with the exception of Site 4. Determination of the Study outcomes for the area known as Site 4 is to be deferred for a site inspection.

**3. THAT** Council note the Future Directions Report will guide future Planning Proposals

Be rescinded.

The Motion was ruled out of order by the Mayor as a rescission motion cannot be moved without notice.

## **7.2 Matter of Urgency – Amendment of North Sydney LEP**

Councillor Spenceley sought leave to move the following Motion as a matter of urgency

**1. THAT** Council urgently begins the appropriate process to amend the North Sydney LEP to remove the addition of residential flat buildings as a permissible use in the R3 Medium Density Zone in the land use table which came into force in Amendment 30 to the North Sydney LEP on 30 June 2021 by removing residential flat building from the R3 Land use table and updating the LEP as required to remove the residential flat buildings in the R3 Zone.

The Mayor accepted the matter as urgent.

It was moved by Councillor Gibson and seconded by Councillor Drummond

**1. THAT** leave be given to consider the matter of urgency

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

### **6. RESOLVED:**

**1. THAT** leave be given to consider the matter of urgency

The Motion *Matter of Urgency – Amendment to North Sydney LEP* was then moved by Councillor Spenceley and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

#### **7. RESOLVED:**

**1. THAT** Council urgently begins the appropriate process to amend the North Sydney LEP to remove the addition of residential flat buildings as a permissible use in the R3 Medium Density Zone in the land use table which came into force in Amendment 30 to the North Sydney LEP on 30 June 2021 by removing residential flat building from the R3 Land use table and updating the LEP as required to remove the residential flat buildings in the R3 Zone.

#### **7.3 Matter of Urgency – Creation of Heritage Conservation Area**

Councillor Spenceley sought leave to move the following Motion as a matter of urgency

**1. THAT** Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.

**2. THAT** Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.

The Mayor accepted the matter as urgent.

It was moved by Councillor Beregi and seconded by Councillor Welch

**1. THAT** leave be given to consider the matter of urgency

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

## **8. RESOLVED:**

- 1. THAT** leave be given to consider the matter of urgency

The Motion *Matter of Urgency – Creation of Heritage Conservation Area* was then moved by Councillor Spenceley and seconded by Councillor Gibson.

**1. THAT** Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.

**2. THAT** Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

**Against:** Nil

**Absent:** Nil

## **9. RESOLVED:**

**1. THAT** Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.

**2. THAT** Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.

## **8. Closure**

The Meeting concluded at 8.06pm.