



Council Chambers  
20 January 2023

The **3773rd MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 30 January 2023. The agenda is as follows.

THERESE MANNS  
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 of Meeting**
  2. **Acknowledgement of Country**
  3. **Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**
  4. **Confirmation of Minutes**
  5. **Disclosures of Interests**
  6. **Public Forum**
  7. **Items by Exception**
  8. **Mayoral Minutes**  
Nil
  9. **Reports of Committees**  
Nil
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## **10. Reports to Council**

- 10.1 Organisation Structure
- 10.2 Matters Outstanding January 2023
- 10.3 Investment and Loan Borrowings Report as at 31 December 2022
- 10.4 West Street Cycling, Walking and Streetscape Upgrades Stage 1 - Consultation Outcomes
- 10.5 Reconfiguration of Primrose Park
- 10.6 North Sydney Olympic Pool Redevelopment - Monthly Progress Report
- 10.7 Draft Conflict of Interest Management Policy for Council Related Development
- 10.8 Privacy Management Plan
- 10.9 Child Safe Policy
- 10.10 The Kirribilli Centre Joint Strategic Plan review 2021/22
- 10.11 Library & Historical Services Strategy - Post Exhibition
- 10.12 Tenders for Contract 12-2022 Lighting and Electrical Upgrade St Leonards Park
- 10.13 Disclosure of Pecuniary Interests by Councillors and Designated Persons - Received returns
- 10.14 New Application for Reference Group Membership
- 10.15 Statement of Business Ethics
- 10.16 Workforce Initiatives

## **11. Notices of Motion/Questions with Notice**

- 11.1 Notice of Motion 1/23 - Small Coffee Carts in Outdoor Dining Spaces – Cr Gibson

## **12. Matters of Urgency**

Nil.

## **13 Closure of Meeting**

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, Zoë Baker and Councillors Beregi, Bourke, Drummond, Gibson, Lamb, Mutton, Santer, Spenceley, and Welch

**SUBJECT: 3773rd MEETING OF COUNCIL TO BE HELD ON MONDAY 30 JANUARY 2023**

**1. OPENING MEETING**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES AND APPLICATIONS FOR LEAVES OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS**

**4. CONFIRMATION OF MINUTES**

**THAT THE MINUTES** of the previous 3771st Council Meeting held on Monday 12 December 2022, and the Minutes of the 3772nd Extraordinary Council Meeting held on Monday 16 January 2023, be taken as read and confirmed.

**5. DISCLOSURES OF INTEREST**

**6. PUBLIC FORUM**

**7. ITEMS BY EXCEPTION**

**8. MINUTES OF THE MAYOR**

Nil

**9. REPORTS OF COMMITTEES**

Nil

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## 10. REPORTS TO COUNCIL

### 10.1. Organisation Structure

**AUTHOR:** Therese Manns, General Manager

The purpose of this report is to facilitate Councils review of the organisational structure in accordance with the Section 333 of the *Local Government Act 1993*.

A review of Council's organisational structure following an election is a best practice to ensure the structure aligns to the future direction of Council. It is also a legislative requirement to undertake this review within 12 months of an election.

Section 322 of the Local Government Act (the Act) provides:

*(1) A council must, after consulting the general manager, determine the following –*

- a. The senior staff positions within the organisation structure of the council*
- b. The roles and reporting lines of holders of senior staff positions,*
- c. The resources to be allocated towards employment of staff*

It is important that the organisational structure is designed in a way that enables delivery of Council's strategic direction while also supporting operational objectives.

The current structure of Council includes six senior staff reporting to the General Manager. The functions of each senior staff member are as follows in diagram 1.

**Diagram 1 – current structure.**

Open Space & Environment	Engineering & Property Services	City Strategy	Community & Library Services	Corporate Services	Executive Manager Governance
<ul style="list-style-type: none"> <li>• Environmental Services</li> <li>• Landscape Planning &amp; Design</li> <li>• North Sydney Oval</li> <li>• North Sydney Olympic Pool</li> <li>• Parks &amp; Reserves</li> </ul>	<ul style="list-style-type: none"> <li>• Asset Management</li> <li>• Engineering Infrastructure</li> <li>• Project Management</li> <li>• Property Assets</li> <li>• Traffic &amp; Transport</li> <li>• Works Engineering</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Services</li> <li>• Development Assessment</li> <li>• Environment and Building Compliance</li> <li>• Strategic Planning</li> <li>• Ranger &amp; Parking Services</li> </ul>	<ul style="list-style-type: none"> <li>• Community Development</li> <li>• Library Services</li> </ul>	<ul style="list-style-type: none"> <li>• Communication &amp; Events</li> <li>• Contracts Management</li> <li>• Customer Service &amp; Records Management</li> <li>• Financial Services</li> <li>• People &amp; Culture</li> <li>• Information Technology</li> <li>• Procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Council and Committee Services</li> <li>• Corporate Planning and Engagement</li> <li>• Legal Services</li> <li>• Risk Management/WHS</li> </ul>

The organisation structure has evolved organically over time. Through a review of strategy, decision-making, leadership frameworks and staff engagement surveys it has been determined that there would be benefit in streamlining the executive level structure.

It is recommended that Council reduce the current number of senior staffing positions to three (3). A three-directorate structure is not uncommon in local government organisations of similar size to North Sydney, with most consisting of three (3) to four (4) directorates. Council's strategic framework, culture and relevant operational structures require improvement prior to considering a fourth directorate.

Under the structure, the three Director level positions would include: Director of Community and Planning, Director City Services and Assets and a Director of Corporate Services. The reporting lines for these positions would be to the General Manager. Overall organisational development would be a function of the General Manager.

The functions of each senior staff member would be as per Diagram 2.

**Diagram 2 – proposed structure.**



This review relates to the high-level senior structure of Council. Organisational structure review below senior staffing level is undertaken by the General Manager in consultation with staff and should be considered an operational workforce function on a regular basis. Where functions move between directorates, this would be reported to Council.

Upon review of savings in employment costs to date, it is anticipated that the costs related to change in structure can be funded from current employee cost budgets.

It is not anticipated that there will be ongoing savings as a result of this structural change due to the need for additional positions within the structure under the senior executive level.

The net present value of the change in structure over a ten-year period is estimated at around \$8 million. The value is expected to be translated through improved strategy development and delivery of services.

**RECOMMENDATION:**

**1.THAT** Council endorse for consultation with staff, a change in structure resulting in the reduction of senior staff from six (6) to three (3) with functions in accordance with Diagram 2 within the report.

**10.2. Matters Outstanding January 2023**

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

To report to Council on the status of Councillor resolutions.

Each month, a report is presented to Council on the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

The attached table has been updated to include resolutions up to the 12 December 2022 Ordinary Meeting of Council.

There are no financial implications to this report.

**RECOMMENDATION:**

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

**10.3 Investment and Loan Borrowings Report as at 31 December 2022**

**AUTHOR:** Christian Munday, Manager Financial Services

The report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 December 2022.

**Investment Portfolio**

Independent advice regarding the North Sydney Council's Investments is provided by Imperium Markets. This provides a layer of governance and expert advice in addition to the North Sydney Council's Policy and procedures.

The Investment Portfolio (excluding cash balances) held for the period ending 31 December 2022 had a market value of \$140,396,010. The annualised returns were 2.46%.

Cash deposits at call were \$12,109,208 with \$11,817,507 of these held in interest bearing at-call and notice accounts. \$291,701 cash is held in Council's interest-bearing transaction account with the Commonwealth Bank to meet day-to-day operational needs.

The investment portfolio is managed to ensure liquidity to meet operational requirements and to fund outflows on major projects. Cashflow is monitored and assessed on an on-going basis.

The actual year to date returns for cash and investments to 31 December 2022 were \$1,571,000 compared to a year-to-date budget of \$645,000.

The Reserve Bank of Australia (RBA) Board continued to increase the official cash rate to control high inflation. At its December meeting the official rate was increased by 25 basis points to 3.10%. The RBA considers that there are now mixed signals regarding inflation. It will consider a broader range of policy options going forward.

**Borrowings**

**Loan Facility for Council Projects**

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 December 2022 is \$5,921,432.

**North Sydney Olympic Pool Redevelopment (NSOP)**

In January 2022 Council established a \$31 million TCorp loan facility to partially fund the redevelopment of North Sydney Olympic Pool. Drawdown on the facility was processed on 28 April 2022. The drawdown rate is 4.24%. The funds

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were restricted and will be released as required to fund cash outflows. The principal outstanding as at 31 December 2022 is \$30,499,987.

Council's total investment portfolio performance for the financial year to date is 2.46% annualised. The actual year to date returns for cash and investments to 31 December 2022 were \$1,566,000 compared to a year-to-date budget of \$645,000.

**RECOMMENDATION:**

**1. THAT** the report on Investments and Loan Borrowings held on 31 December 2022 be received.

#### **10.4. West Street Cycling, Walking and Streetscape Upgrades Stage 1 - Consultation Outcomes**

**AUTHOR:** Max White, Sustainable Transport Project Coordinator

This report provides detail of the community consultation outcomes on the proposed West Street Cycling, Walking and Streetscape Upgrades - Stage 1 project.

West Street Cycling, Walking and Streetscape Upgrades - Stage 1 (West Street Stage 1) will provide cycling, walking and streetscape upgrades along West Street between the Pacific Highway and Ridge Street, North Sydney. This project progresses the completion of the 'Priority Route 1' cycleway, outlined in Council's North Sydney Integrated Cycling Strategy (2014).

Public exhibition of the proposed concept plans took place from 4 October to 14 November 2022 (42 days). A total of 92 submissions were received, in summary:

- 83 (90%) indicated support for the project, 8 (9%) opposed the project, 1 (1%) were neutral.
- 50 (54%) of submissions came from residents/businesses within the North Sydney LGA. Of these submissions, 42 (84%) supported the project, 7 (14%) opposed the project and 1 (2%) were neutral.
- 10 comments were made on the interactive map from 7 participants.

There is no loss of parking associated with this project.

This report recommends that Council proceeds to tender and construction stage for the project, which will be subject to approval from the North Sydney Council Traffic Committee. Approval from the North Sydney Traffic Committee will be undertaken in early 2023, with construction due to commence in May 2023.

The total estimated project cost is \$850,000 with \$800,000 (94.12%) from state funding and a \$50,000 (5.88%) Council contribution. Council has received an \$800,000 grant under the NSW Government's Get NSW Active Program 2022/23 for this project. The project funding that Council has received needs to be committed this financial year. \$50,000 of Council's money was allocated from the 2022/23 'Bike Facilities' budget towards the project.

The project is scheduled to commence construction this financial year.

**RECOMMENDATION:**

**1. THAT** Council notes the outcome of the community consultation undertaken for this project (West Street Cycleway - Stage 1).

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**2. THAT** Council proceeds to tender and construction documentation stage for West Street Cycleway - Stage 1.

**3. THAT** the final detailed design for the project be subject to approval of the North Sydney Traffic Committee.

#### 10.5. **Reconfiguration of Primrose Park**

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

This report presents a detailed summary of the Primrose Park Reconfiguration Project.

The Primrose Park Reconfiguration project would enable Council to reconfigure the layout of the existing fields, resulting in the addition of an extra full-size sports field.

This project has been reported through Council's Sport and Recreation Reference group since May 2018.

At the last meeting of the Sport and Recreation Reference Group held on 15 November 2022 it was resolved to recommend:

1. THAT a report be provided to Council detailing the concept of the Primrose Park Reconfiguration Project including the results of the Traffic, Parking and Acoustic studies.

Council has allocated \$50,000.00 in the 2022/23 budget for an initial concept design. Studies on the project's effects on traffic, parking and acoustics have also been a part of this budget.

Further to this, Council has allocated \$1,200,000.00 in Capital funding within the 2023/24 financial year for this project to be implemented.

**RECOMMENDATION:**

**1. THAT** the Primrose Park Reconfiguration Project be endorsed for public exhibition for a minimum period of 42 days.

**2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the project.

#### 10.6. **North Sydney Olympic Pool Redevelopment - Monthly Progress Report**

**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 responds to this resolution. This report details Progress since the last report provided at the Council meeting held on 12 December 2022.

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The financial position of the project is reported quarterly to Council, the next report will be in March 2023.

**RECOMMENDATION:**

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

**10.7. Draft Conflict of Interest Management Policy for Council Related Development**

**AUTHOR:** Leonard Vogel, Planning and Development Advisor

Changes to legislation require that all Councils implement a conflict of interest management policy for Council related development by 3 April 2023.

This report details Council's proposed policy and public exhibition, in preparation for a final report to Council on the 27 March 2023 for the adoption of the policy.

Changes to the *Environmental Planning and Assessment Regulation 2021* require that NSW councils implement a Conflict of Interest Policy for Council-related development.

In response to this statutory requirement, a policy has been drafted in consultation with Governance, Engineering and Property Services, Open Space and Environmental Services and Community Development. The draft policy is generally in accordance with the *Council-related Development Application Conflict of Interest Guidelines* published by the NSW Department of Planning and Environment.

The policy requires that all Council-related development be referred to Council's Manager Development Services for a conflict of interest risk assessment. Appropriate risk management strategies are to be identified and implemented during the assessment, certification, and compliance enforcement of the development. Some minor developments are exempt from risk management strategies. As the majority of these conflict of interest strategies have been historically

implemented, it is unlikely that the policy will result in the disruption of existing processes concerning Council-related development applications.

There is no statutory requirement that this Policy be placed on public exhibition prior to adoption by Council. However, in the interest of transparency and civic engagement, it is recommended that this policy be placed on exhibition for 28 days. This is to allow sufficient time for submissions, consideration of any submissions and preparation of a further report to Council for its meeting of 27 March 2023, prior to the 3 April 2023 deadline.

No additional financial implications have been identified.

**RECOMMENDATION:**

**1. THAT** the draft Council-Related Development Conflict of Interest Policy be endorsed for public exhibition for a minimum period of 28 days.

**2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the final Council-Related Development Conflict of Interest Policy.

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## 10.8. Privacy Management Plan

**AUTHOR:** Jenny Gleeson, Manager Corporate Planning and Engagement  
Council's *Privacy Management Plan* underwent a comprehensive review in 2021 including consultation with the Office of the Information and Privacy Commissioner. Further minor amendments have been made and the plan is reported to Council for readoption.

Council's *Privacy Management Plan* was first adopted in October 2005. The plan was last readopted by Council at its meeting of 13 August 2012.

A comprehensive review of this 'statutory' policy was conducted by an external consultant and endorsed by the former General Manager in July 2021. The Plan was not reported to Council for readoption with the former General Manager determining to adopt it under delegation.

Subsequently, the plan has been updated to include feedback from the NSW Information and Privacy Commissioner (IPC) including section 3.3.1 (l) as well as required minor amendments to reflect the current organisation structure. To support the *Privacy Management Plan* the following activities have been undertaken:

- Provision of training to staff on privacy fundamentals
- Development of a Privacy impact assessment tool for use in Council projects
- Increased communication and support regarding privacy matters for Councillors and staff.

It is noted that this document is called a *Privacy Management Plan* in accordance with the legislative requirements but for the purpose of Council is considered a Policy.

The amendments to Council's *Privacy Management Plan* are minor therefore it is recommended that public exhibition is not required; and that these changes be assumed (i.e. readopted).

There are no financial implications as a result of this report.

### **RECOMMENDATION:**

**1. THAT** Council readopt the Privacy Management Plan as attached.

## 10.9. Child Safe Policy

**AUTHOR:** Helen Connell, HR Advisor and Jenny Gleeson, Manager Corporate Planning and Engagement

This report presents the *Child Safe Policy* to Council for adoption following its 42-day public exhibition period. It also recommends amendments to other child-safe-related corporate policies.

At its meeting held 10 October 2022, Council resolved:

*THAT Council endorse the amended Child Safe Policy (formerly Child Protection Policy) for public exhibition for a minimum of 42 days during which submissions may be made, and that the final policy be reported back to Council for adoption, together with a submission of any submissions received.*

In accordance with the resolution, the amended *Child Safe Policy* was publicly exhibited from 1 November to 12 December 2022. Attempts were made to widely promote the opportunity to provide feedback on the proposed changes to the report. No submissions were received.

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The final *Child Safe Policy* is presented for adoption inclusive of an additional appendix to the policy. A summary of the acceptable child-safe behaviours has been added post-exhibition, as this is required to be attached in accordance with guidance from the Commissioner of the Office of Children's Guardian.

It is recommended that the Council adopts the *Child Safe Policy* and consider amendments to related corporate policies as part of Council's compliance with Section 8D (Systems, Policies and Processes) of the *Children's Guardian Act 2019*, which requires that child safe organisations implement the Child Safe Standards through its systems, policies and processes. In turn, amendments are proposed to the following corporate policies:

- a) *Code of Conduct - Volunteers and Community Representatives*
- b) *Complaints Handling Policy*
- c) *Filming within the Council Area Policy*
- d) *Sports Facilities Booking Policy*
- e) *Volunteer Policy*

There are no direct financial implications associated with the proposed policy amendments.

**RECOMMENDATION:**

**1. THAT** the Child Safe Policy be adopted.

**2. THAT** Council readopt the minor amendments to the following policies and that public exhibition is not required:

- a) Code of Conduct - Volunteers and Community Representatives
- b) Complaints Handling Policy
- c) Volunteer Policy

**3. THAT** Council endorse the amended Filming within the Council Area Policy and the Sports Facilities Booking Policy for public exhibition for a minimum of 42 days during which submissions may be made, and that the final policies be reported back to Council for adoption, together with any submissions received.

## **10.10. The Kirribilli Centre Joint Strategic Plan review 2021/22**

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

To report on the 2021/22 review of The Kirribilli Centre's Joint Strategic Plan with Council.

The Kirribilli Centre (TKC) is an independent, non-profit, community-based organisation that delivers a range of programs, services and events that respond to a broad range of local community interests and needs.

The governance and strategic direction of The Kirribilli Centre is delivered by a volunteer board with operational matters delivered by the Centre's staff and volunteers. The Centre's Joint Strategic Plan was endorsed by Council March 2021 and each financial year the Centre provides a review of the plan.

For the first quarter, the Centre went into its second Covid lockdown. The closure included the Kirribilli markets which TKC run fortnightly. The Centre derives most of its income from the markets.

During the lockdown the Centre continued their connection with the community through supporting vulnerable people. Volunteers and staff from TKC provided support by delivering food, walking dogs and undertaking phone welfare checks, especially to people who felt socially isolated.

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When TKC reopened, they launched new programs such as Conversations in English, Singalong & Scones, Still Life Art and more. Their successful Community Connect program brought together vulnerable people in the community and provided an opportunity to make connections.

The current Joint Strategic Plan between Council and The Kirribilli Centre addresses three key objectives: Be a best practice in governance community-based organisation; Provide community support services which build community, individual capacity and equity and; To develop services which will sustain the organisation into the future.

This has been another financially challenging year for The Kirribilli Centre with a second Covid lockdown taking place in the first quarter of the 2021/22 financial year. The Centre ended the year with a deficit of \$29,080.

**RECOMMENDATION:**

**1. THAT** the 2021/22 review of The Kirribilli Centre's Joint Strategic Plan be received.

#### **10.11. Library & Historical Services Strategy - Post Exhibition**

**AUTHOR:** Kate Stewart, Manager Library Services

This report details the submissions received during the public exhibition of the draft *Library and Historical Services Strategy 2022-2027*. The final Strategy is presented to Council for adoption.

The *Library and Historical Services Strategy 2022-2027* sets out how Library services in North Sydney will evolve and grow over the next five years. It describes the priorities for our library service, strategies for future development, and initiatives and actions that the Library will pursue in achieving these objectives.

Council, at its meeting on 10 October 2022, endorsed the public exhibition of the draft *Library and Historical Services Strategy 2022-2027* for a minimum of 42 days.

Public exhibition was undertaken between November to December 2022 in line with the adopted Community Engagement Strategy prepared for this project. Council received a total of 2 submissions, comprising 1 online submission and 1 written submission. All submissions received supported the Strategy. Attachment 1 details the submission summary.

Funding for Library and Historical Services is included in the Delivery Program and Operational Plan and is included in the annual Library Services capital and operational budgets. Total expenditure budgeted for 2022/23 is \$4,201,657.

**RECOMMENDATION:**

**1. THAT** the submissions summary be noted.

**2. THAT** Council adopts the final Library and Historical Services Strategy 2022-2027.

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**10.12. Tenders for Contract 12-2022 Lighting and Electrical Upgrade St Leonards Park**

**AUTHOR:** Kate Bambrick-Brown, Landscape Grants Co-ordinator

This report is to provide Council with an analysis and recommendations of the tender process for Tender 12-2022 Lighting and Electrical Upgrade, St Leonards Park.

Tenders were called and were received until 3pm on 10 November 2022 for the submission of tenders to undertake the upgrade of lighting and electrical work at St Leonards Park

*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) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.*

*- S10A(2) (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderer from submitting commercial information in future and would affect Council's ability to obtain value for money services*

Council has allocated sufficient funds in the St Leonards Park Landscape Masterplan cost centre for the delivery of the Contract 12-2022 Lighting and Electrical Upgrade works.

**RECOMMENDATION:**

**1.THAT** Council accept the tender of the highest ranked Tenderer for Tender 12-2022 for Lighting and Electrical Upgrade, St Leonards Park

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

**3.THAT** once Council has executed the Contract, the information relating to the successful tender be published in Council's Register of Contracts as required by Government Information(Public Access) Act 2009 – Part 3 Division 5-Government Contracts with Private Sector

**4.THAT** Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

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

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

*(i) prejudice the commercial position of the person who supplied it*

It is further noted that release of this information would, on balance be contrary to the public interest as publication of all tendered amounts would

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discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

### 10.13. Disclosure of Pecuniary Interests by Councillors and Designated Persons - Received returns

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

To report on compliance with the requirement under the *Local Government Act 1993* (LGA) and *Local Government (General) Regulation 2021* for Councillors and persons holding designated positions to complete and lodge a Disclosure of Pecuniary Interests Return since the previous report of November 2022.

Section 4.21 of the Model Code of Conduct (made under section 440 of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*) requires Councillors and persons holding designated positions as at 30 June to complete and lodge a Disclosure of Pecuniary Interests Return within three months of that date (i.e. 30 September). This requirement was duly met for Councillors and designated persons with a report to the Council meeting of 14 November 2022.

Since that report, there have been two designated persons who have commenced and were required to complete and lodge a Return within three months of commencement. The two returns were duly completed within the required timeframe and are tabled as required.

It is noted that, Councillors and designated persons are required to comply with the following under Clause 4.25 of the Code of Conduct to update their Returns after:

*4.21 (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)*

A reminder was provided to all Councillors on 30 November 2022 of this obligation. No updated returns were received.

Pecuniary Interests Returns are available for inspection on Council's website. There are no financial implications associated with the recommendation of this report.

**RECOMMENDATION:**

**1. THAT** the report be received and Council note the tabling of Returns received as required under Clause 4.25 of the Model Code of Conduct.

### 10.14. New Application for Reference Group Membership

**AUTHOR:** Peita Rose, Governance Officer

The purpose of this report is to inform Council of an application received for Reference Group (Sport and Recreation) citizen membership from Mr David Chapman.

Mr David Chapman has applied to be a member of the Sport and Recreation Reference Group. He is a Tennis Coach in Neutral Bay.

It is recommended that the application be accepted.

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There are no financial implications arising from this report.

**RECOMMENDATION:**

**1.THAT** the application for Mr David Chapman for citizen membership of the Sport and Recreation Reference Group be accepted.

**10.15. Statement of Business Ethics**

**AUTHOR:** Teagan Hussey, Manager Procurement and Jenny Gleeson, Manager Corporate Planning and Engagement

This report recommends amendments to Council's *Statement of Business Ethics* (formerly known as the *Code of Conduct - Contractors, their Staff and Business Associates*).

This 'strategic' policy has been reformatted, renamed and content updated to include references to Child Safe and Modern Slavery. Whilst the amendments are not considered significant (mandatory additions), as this is a public-facing policy, public exhibition (minimum 42 days) is recommended prior to the policy being re-adopted. In turn, the current *Code of Conduct - Contractors, their Staff and Business Associates* will be rescinded.

There are no direct financial implications associated with the proposed policy amendments.

**RECOMMENDATION:**

**1. THAT** Council endorse the Statement of Business Ethics for public exhibition for a minimum of 42 days during which submissions may be made, and that the final policy be reported back to Council for adoption, together with any submissions received.

**10.16. Workforce Initiatives**

**AUTHOR:** Therese Manns, General Manager

The purpose of this report is to seek a budget reallocation between employee benefits and on-costs and materials and contracts for the purposes of undertaking key workforce initiatives including:

1. Measure of baseline culture inventory.
2. Engagement pulse surveys.
3. Review of Councils salary structure/system and performance planning and assessment framework.

One of the key areas of focus for senior management in the coming years will be the development of structures, systems, technology and skills/qualities to support a high performing culture and consequently ongoing community satisfaction.

A cultural inventory will inform prioritisation of organisational improvements. Regular pulse surveys will provide an indicator of staff engagement and provide insights to management as to how the workforce is adapting to change.

In addition, upon review of current workforce systems, it has come to my attention that the salary structure, appraisal system and performance planning and assessment framework is outdated and has led to staff dissatisfaction.

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These systems are critical to workplace culture and performance and new systems should be prioritised.

Combined the initiatives would require an investment of \$200K for the 2022/23 financial year. This equates to less than 0.5% of Councils expenditure on workforce and can be funded through a transfer in budget from employee benefits and on-costs to materials and contracts.

**RECOMMENDATION:**

**1. THAT** Council endorse the reallocation of \$200K in savings from employee benefits and oncosts to materials and contracts at the March Quarterly Budget Review for the purposes of workforce initiatives.

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## **11. NOTICES OF MOTION**

### **11.1 Notice of Motion 1/23 - Small Coffee Carts in Outdoor Dining Spaces – Cr Gibson**

**1. THAT** a short report be prepared on the prospect of allowing small coffee carts in Council controlled outdoor dining spaces

#### **BACKGROUND**

A restaurant in Kirribilli has had a compact coffee cart in their authorised outdoor dining space for many years.

The facility appears to have the support of local residents and has no obvious impacts on the street scape. However, our current policy doesn't permit this small piece of kitchen equipment in rented outdoor dining bays.

Perhaps it's time to reconsider Council's policy in relation to permitted uses of outdoor bays in our villages.

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**12.           MATTERS OF URGENCY**

Nil

**14. CLOSURE**