



Council Chambers
28 March 2024

The **3799th MEETING** of **COUNCIL** will be held on Cammeraygal lands at the Council Chambers, North Sydney at **6.30pm** on Monday 8 April 2024. The agenda is as follows.

THERESE COLE
CHIEF EXECUTIVE OFFICER

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**
 - 9.1 Environment Reference Group Minutes - 5 March 2024
 - 9.2 Sustainable Transport Reference Group Minutes - 5 March 2024
 - 9.3 Sport and Recreation Reference Group Minutes - 12 March 2024
 - 9.4 Traffic Committee Minutes -15 March 2024
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10. Reports to Council

- 10.1 Matters Outstanding to March 2024
- 10.2 Draft Operational Plan & Budget 2024/25
- 10.3 North Sydney Community Awards 2024 Recipients
- 10.4 Audit Risk & Improvement Committee - Appointment of Members and New Terms of Reference
- 10.5 Tender Evaluation 12/2023 On-Street Paid Parking Meter Network

11. Notices of Motion/Questions with Notice

- 11.1 Notice of Motion 03/24 - Referendum Question for Council elections 2024
- Cr Gibson

12. Matters of Urgency

Raised by Councillors

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, Gibson, Lamb, Lepouris, Mutton, Santer, Spenceley, and Welch

3799th MEETING OF COUNCIL TO BE HELD ON MONDAY 8 APRIL 2024

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 3798th Council Meeting held on Monday 25 March 2024 be taken as read and confirmed.

5. DISCLOSURES OF INTEREST

6. PUBLIC FORUM

7. ITEMS BY EXCEPTION

8. MINUTES OF THE MAYOR

9. REPORTS OF COMMITTEES

9.1 Environment Reference Group Minutes - 5 March 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to inform Council of the proceedings of the Environment Reference Group, and for Council to consider any recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Environment Reference Group held on 5 March 2024.

The Minutes are attached for the information of Council.

Recommending:

1. **THAT** the Minutes of the Environment Reference Group dated 5 March 2024 be received.

9.2 Sustainable Transport Reference Group Minutes - 5 March 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to advise Council of the proceedings of the Sustainable Transport Reference Group meeting.

There were no recommendations for further actions.

The minutes of this meeting are attached for the information of Council.

Recommending:

1. **THAT** the Minutes of the Sustainable Transport Reference Group dated 5 March 2024 be received.

9.3 Sport and Recreation Reference Group Minutes - 12 March 2024

Report of Peita Rose, Governance Officer

The purpose of this report is to report the proceedings of the Sport and Recreation Reference Group meeting to Council, and for Council to consider any recommendations from the Reference Group.

This report presents the recommendations of the last meeting of the Sport and Recreation Reference Group held on 12 March 2024.

There were no recommendations for further actions at this meeting of the Sport and Recreation Reference Group.

The Minutes are attached for the information of Council.

Recommending:

1. **THAT** the Minutes of the Sport and Recreation Reference Group dated 12 March 2024 be noted and received by Council.

9.4 Traffic Committee Minutes -15 March 2024

Report of Peita Rose, Governance Officer

Council is required to consider the Minutes of this Committee. Section 5.3.2 of the RMS Delegation to Council for the Regulation of Traffic states that: *All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations.*

This report presents the Minutes of the last meeting of the Traffic Committee held 15 March 2024 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/homepage/82/traffic-committee>.

Recommending:

1. **THAT** the Minutes of the Traffic Committee dated 15 March 2024 be received; and

2. **THAT** Council note and support the request from the Anzac Park Public School P&C to Transport for NSW for the installation of a speed camera in Ernest Street, Cammeray.

10. REPORTS TO COUNCIL

10.1 Matters Outstanding to March 2024

Report of Ian Curry, Manager Governance

The purpose of this report is to update Council regarding the status of resolutions arising from Mayoral Minutes, Notices of Motion, and Questions Without Notice.

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 11 March 2024 Ordinary Meeting of Council.

Recommending:

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

10.2 Draft Operational Plan & Budget 2024/25

Report of Anna Warren, Corporate Planning Coordinator, and Christian Menday, Manager Financial Services

The purpose of this report is for Council to review the Draft Operational Plan and Budget for 2024/25 - inclusive of the Draft Revenue Policy 2024/25 and the Draft Capital Works Program 2024/25 - before public exhibition.

Council must adopt its Operational Plan and Budget for the next financial year by 30 June 2024.

The Draft Operational Plan and Budget 2024/25 details the projects that Council will undertake in the third year of the Delivery Program 2022-2026 to achieve the outcomes of the Community Strategic Plan. Amendments to the Delivery Program 2022-2026 are detailed in this report.

The Draft Operational Plan and Budget is presented to Council for endorsement to be placed on public exhibition for 28 days. A further report will be provided to Council on the Final Operational Plan and Budget after this exhibition period.

The Draft Budget shows a deficit before Capital Grants and Contributions of \$8.5M. Previously reliable income sources to Council have reduced, and costs have increased. Analysis is provided in this report.

The Draft Capital Budget is \$45.4M. \$25.5M of the capital budget is for the North Sydney Olympic pool project.

Recommending:

1. **THAT** the attached Draft Operational Plan and Budget 2024/25 be endorsed for public exhibition for a minimum of 28 days, pending any amendments/additions arising from this meeting.
 2. **THAT** a further report be prepared for Council's consideration at the submissions' closing period to facilitate adoption of the Operational Plan and Budget 2024/25 by 30 June 2024 as required by section 405 of the Local Government Act NSW.
 3. **THAT** the Chief Executive Officer be authorised to make any minor changes if required such as typographical corrections.
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10.3 North Sydney Community Awards 2024 Recipients

Report of Helen Campbell, Manager Community Development, and Kylie Davies, Acting Arts Officer/Community Information

The purpose of this report is to seek Council's endorsement of the recommended winners of the North Sydney Community Awards 2024.

North Sydney Council conducts an annual community awards event to recognise individuals and groups who have made outstanding contributions during the year to the quality of life and health of the environment in the North Sydney Local Government Area. Nominations for these awards opened 9 October 2023 and closed 12 February 2024.

The Community Awards Selection Panel (comprising the Mayor and representatives of key departments across Council) met 20 February 2024 to select category winners. This report seeks Council endorsement of the recommended winners for 2024.

Should the Council wish to discuss this report it is noted that the attached confidential documents include personal matters that relate to specific individuals and as such should be considered in closed session.

Recommending:

1. THAT Council resolves that the identified attachments to this report are 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*:

(a) personnel matters concerning individuals (other than Councillors).

2. THAT Council endorses the winners as recommended by the North Sydney Community Awards 2024 Panel.

10.4 Audit Risk & Improvement Committee - Appointment of Members and New Terms of Reference

Report of Ian Curry, Manager Governance

The purpose of this report is to present the new Terms of Reference for Council's Audit Risk and Improvement Committee (ARIC) and to consider the appointment of new Committee members.

The Office of Local Government (OLG) has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW, to assist councils implement these requirements.

As part of the new Guidelines, Councils are required to adopt new terms of reference for their ARICs based on a model document.

Council is required to adopt the new terms of reference before 1 July 2024 and to reduce its Councillor representation (non-voting) from two to one.

Interviews have been held for three new Committee members and recommended appointments are proposed.

Should Council wish to discuss this report it is noted that the attached confidential document includes personnel matters that relate to the employment conditions of specific individuals. It is noted that this item does not deal with personnel matters of a group but is specific to an individual/individuals and as such should be considered in closed session.

Recommending:

1. **THAT** Council adopt the new terms of reference for Council's Audit Risk and Improvement Committee.
2. **THAT** Council appoint the identified preferred candidates as set out in the confidential attachment as independent members of the North Sydney Council Audit, Risk and Improvement Committee for a four-year term being from 1 May 2024 to 30 April 2028.
3. **THAT** Council nominate a Councillor as its non-voting representative on the Audit Risk and Improvement Committee.
4. **THAT** on formation of new Committee, the terms of reference for Council's Audit Risk and Improvement Committee be submitted to the Audit Risk and Improvement Committee for comment.
5. **THAT** the date of the next ARIC meeting be moved from Friday 19 April to Friday 3 May 2024.
6. **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:
(a) personnel matters concerning particular individuals (other than Councillors)

10.5 Tender Evaluation 12/2023 On-Street Paid Parking Meter Network

Report of Eoin Cunningham, Manager Traffic & Transport Operations

The purpose of this report is to provide Council with information in relation to tenders received for Tender 12/2023: the installation and management of the On-Street Paid Parking Network.

Tender 12/2023 for the installation and management of the On-Street Paid Parking Network closed 10 October 2023.

The tender process revealed opportunities to maintain a high level of service for greater value for money by relying on a mobile App supplemented by parking meters while also allowing for the reduction in costs to Council through reduced infrastructure, including fewer parking meters machines, and parking sensors.

It is recommended that Council reject all tenders and enter into direct negotiations with the highest scoring tenderer to pursue the best outcome for the tender.

Recommending:

1. **THAT** in accordance with Section 178(3e) of the Local Government (General) Regulation Act 2021, the Council rejects all current tenders for tender 12/2023 for the Installation and Management of the On-Street Paid Parking Network and enters into direct negotiations with the highest ranked tenderer.
 2. **THAT** Council notes that a number of the tender submissions were non-conforming and that the highest ranked tenderer presented a solution that was markedly more practical and cost-efficient, introducing an innovative approach not previously considered.
 3. **THAT** the Council grants the Chief Executive Officer the authority to finalise and enter into a contract directly with the highest ranked tenderer for the Installation and Management of the On-Street Paid Parking Network.
 4. **THAT** the Council resolves that the document attached to this report be considered confidential, as per section 11(3) of the Local Government Act, due to its content being
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classified under section 10A(2)(d) as commercial information of a sensitive nature. Disclosure of this information could potentially harm the commercial interests of the contributing party, compromise the competitive process, and, by extension, affect the public interest by deterring future tender participation and undermining the Council's ability to secure economically advantageous agreements.

11. NOTICES OF MOTION

11.1 Notice of Motion 03/24 - Referendum Question for Council elections 2024 - Cr Gibson

1. **THAT** Council resolves to ask the following Referendum question at the Local Government Election in September 2024:

Do you support a popularly elected Mayor where the voters of North Sydney elect the Mayor for a four (4) year term thereby adopting a nine-Councillor model (including the Mayor)?

BACKGROUND (provided by the submitter)

This Council has a proud history of consultation with stakeholders at election time. Residents in Kirribilli have urged me to bring this matter to Council. Many locals tell me they were confused by the wording of the referendum question in 2017 and believe electors should have another opportunity to vote on this critical issue.

Note from Director Corporate Services

The NSW Electoral Commission has advised a referendum adds approximately 10% to the total cost of an election. This would be approximately an extra cost of \$73,977 for the election.

Each question is a separate count, but three questions would not push the increase up by 30%. It would possibly be 15% (approximately \$110,967).

12. Matters of Urgency

Nil

13. CLOSURE
