



Council Chambers
18 March 2021

The **3742nd MEETING of COUNCIL** will be held at the Council Chambers, North Sydney at **7.30pm** on Monday, 22 March 2021. The agenda is as follows.

KEN GOULDTHORP
GENERAL MANAGER

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

(Note: Agenda Items will be considered By Exception)

- 6. Mayoral Minutes**
 - 6.1 MM01: Mayoral Referendum
 - 6.2 MM02: Parking Permit Review
 - 6.3 MM03: Australia's First Smoke Free Municipality
- 7. Reports of Committees**
 - 7.1 Legal and Planning Committee Minutes - 8 March 2021
- 8. Reports to Council**
 - 8.1 Matters Outstanding - March 2021
 - 8.2 Response to Mayoral Minute - Proposed 15 Minute Free Parking trial at all North Sydney Council Parking Meters
 - 8.3 Miller Street Popup Footpath widening

- 8.4 Ernest Street Active Transport and Streetscape Improvements Consultation Outcomes
- 8.5 Investments and Loan Borrowings Held as at 28 February 2021
- 8.6 Draft Amendment to NSDCP 2013 - Ward Street Precinct Masterplan
- 8.7 Marist Catholic College Major Project Application (Application SSD – 10473)
- 8.8 Planning Proposal 3/20 - 20-22 Atchison Street, St Leonards
- 8.9 Interim Heritage Order - 1 Shirley Road, Wollstonecraft
- 8.10 Draft Plan of Management for St Leonards Park – Post Exhibition
- 8.11 Draft Playgrounds Plan of Management
- 8.12 Remote Attendance by Councillors at Council Meetings - OLG Consultation
- 8.13 Kirribilli Centre Joint Strategic Plan 2019/20

9. Notices of Motion/Questions with Notice

- 9.1 Notice of Rescission No. 1/21 by Councillors Baker, Beregi and Carr - Military Road Corridor Planning Study (22 February 2021)
- 9.2 Notice of Rescission No. 2/21 by Councillors Baker, Beregi and Carr - Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park (22 February 2021)
- 9.3 Notice of Rescission No. 3/21 by Councillors Baker, Beregi and Carr - Neutral Bay/Ilbery Park Land Swap Lease Proposal (22 February 2021)
- 9.4 Notice of Motion No. 4/21 by - Councillors Baker, Beregi and Carr - Holt Avenue (East) - Interim Heritage Order and review of heritage conservation area
- 9.5 Notice of Motion No. 5/21 by Councillors Baker, Beregi and Carr - Willoughby Road Public Domain Upgrade Works
- 9.6 Notice of Motion No. 6/21 by Councillors Baker, Beregi and Carr - Expanded Hume Street Park -Stage 2

Note: In accordance with clause 3.18 of the Code of Meeting Practice (CoMP), one submitted Notice of Motion has been excluded from the Agenda. In the opinion of the General Manager the business is, or the implementation of the business would be, unlawful

10. Confidential Matters

Nil

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

SUBJECT: 3742nd MEETING OF COUNCIL TO BE HELD ON MONDAY, 22nd March 2021

THAT THE MINUTES of the previous 3741st Council Meeting held on Monday, 22 February 2021 be taken as read and confirmed.

DISCLOSURES OF INTEREST

MINUTES OF THE MAYOR

6.1 MM01 – Mayoral Referendum

North Sydney Council has had a popularly elected Mayor since the 1980s. That will change in September, thanks to a referendum question put to the community at the last local government elections in 2017. At that time, the community was asked: Do you favour the election of the Mayor by Councillors for a term of two years?

The community voted in favour of the proposal 52.43% to 47.47%. The question was badly worded in many respects. It did not address whether removing a popularly elected mayor would reduce the number of Councillors, resulting in this Council having to seek external advice on the implications and then having to restructure the Wards for the second time in five years.

No additional material, such as arguments for or against, can be distributed with a Referendum question at a polling booth, so many residents were voting on something about which they had no prior knowledge. The General Manager at the time elected not to promote for or against arguments widely so the only information circulated was a small article in the centre of Council's community newsletter. Not surprisingly, many residents hadn't known they would be asked a Referendum question, let alone to form a view on the subject.

Let me say here, I am in favour of Councils having a popularly elected Mayor. A Mayor elected by the whole community, not just 10 people, has the confidence of the community. They have the time to form productive working relationships with external organisations and other levels of government and bring consistency to Council. After nine years in the job, I can say there is always plenty to do and I don't believe our community will be well served by someone who tacks the work on to their day job for a couple of years.

Of course, there are also arguments for a Mayor elected by Councillors, including the Mayor having the support of the Councillors who elect them and more Councillors having the opportunity to serve as Mayor.

The issue at hand is not what I, or current Councillors, think on this issue. The relevant matter is what our community would prefer. The last decision was made after five years of a dysfunctional Council that was subject to Performance Improvement Orders and a public inquiry. We have now had four productive and positive years with Councillors driving through a busy and progressive agenda.

At the last election many residents told me they didn't have enough information to make an informed decision. They felt forced to answer the question in a vacuum – and they didn't like it. We can't change the decision for this election, but we can revisit the question in September to ensure the community can make an informed decision. The position of popularly elected Mayor has worked well for this Council over decades. We need to go back to the community and let them have a fair and informed choice about how their Council should be led.

Recommending:

1. THAT the General Manager report back to the April meeting of Council with wording for a Referendum question asking whether the community supports a change from a Mayor elected by Councillors for a term of two years to a popularly elected Mayor for the four-year term of Council.

2. THAT the report include recommendations for how the Referendum questions can be promoted to the community so that the implications of each model can be fully understood and considered by the community before they vote.

6.2

MM02 – Parking Review

At its meeting on 22 February 2021 the Traffic Committee resolved to acknowledge the discrepancy in parking entitlements between apartment dwellings and free-standing dwellings and it was agreed I would write a Mayoral Minute seeking to have the policy reviewed.

The matter was brought to my attention by a resident of a large, older style apartment who noted that his family's access to resident parking permits was less than if he lived in a detached dwelling.

Council has traditionally allocated fewer permit entitlements for apartments because the physical kerb space along the property frontage must be shared with many more people than would live in one or two dwellings with similar length kerb frontage.

The flaw in this thinking is that one resident should have more access to kerb space than another because of the type of house they live in. To my mind, our streets are public assets which should be shared fairly among us all.

In the past, apartment living was generally considered the preserve of young urban professionals or empty nesters returning to the inner city after a stint in the suburbs raising a family. Over the past decade this has changed and the exodus of young families to the outer suburbs has eased as many choose to remain in the inner city and raise their children in apartments.

Our old art deco buildings that hug much of our foreshore have many unit blocks with large apartments that can comfortably accommodate several adults, who may be unable to share a vehicle with another member of the household.

I know on-street parking is a scarce resource and that demand sometimes outstrips supply. I also know, after nine years as Mayor, that there is no easy solution. But I don't feel the current situation is equitable and I am therefore proposing we review the status quo and tweak the current arrangements.

Perhaps our Traffic Team could select an area and trial increasing the parking permits for apartments to match the number available for detached dwellings. With Licence Plate Recognition and parking sensors, Council has the technology to monitor the trial area closely to see the real impact of the decision.

Recommending:

1. THAT the Traffic Department prepare a report outlining how greater equity in parking permit allocation can be achieved.

2. THAT the report includes a methodology to trial increased permit allocation for apartment dwellers to match permit allocation for detached dwellings in a small area so that the impact can be assessed.

6.3

MM03 – Australia's First Smoke Free Municipality

North Sydney Council has led the way in creating smoke-free zones in our area. In 2011, we implemented a smoking ban near playgrounds, sports fields, outdoor dining areas on Council-owned land and in our bus shelters and taxi ranks.

We followed that in 2016 with smoking bans in Brett Whiteley Place and Elizabeth Plaza in the North Sydney CBD and in Ernest Place in Crows Nest. In 2018, I proposed we extend the ban to the whole of the North Sydney CBD. The proposal not only won the support of councillors, but also our community with 80% of the 558 submissions we received supporting the ban.

The CBD ban has been in place for some time now and I am receiving positive feedback on its impact. We have fewer cigarette butts on our streets, which means fewer make their way into the stormwater system and Sydney Harbour. A tenant in the new office tower at 1 Denison St recently told me that while he was frustrated to learn of the ban when he first moved to North Sydney, he has changed his habits and stopped smoking.

North Sydney has successfully led the way in this area, and I think it is time we gathered our courage and took the next step to an LGA wide ban. This would involve banning smoking in all public areas within the North Sydney Council Municipality including all parks, reserves, streets and plazas.

Such a ban will not stop people smoking on private property or in designated smoking areas. But it will mean that non-smokers, who are the majority of the community, will not be exposed to second hand smoke which is detrimental to health. It should also further decrease the number of discarded cigarette butts which leach toxins into the soil or harbour water.

This is a big step and I'm sure we'll hear criticism about being a nanny state. Rather than follow our usual consultation process, I suggest we put this question to the whole community via a referendum question at the council elections in September. If we make sure the question is promoted widely before the election, our community will be able to make an informed decision.

Recommending:

- 1. THAT** the General Manager report back to the April meeting of Council with wording for a referendum question asking whether the community supports a ban on smoking in all public areas of the North Sydney Council area including parks and reserves, streets and plazas.
- 2. THAT** the report include recommendations for how the referendum questions can be promoted to the community so that the implications of the ban can be fully understood and considered by the community before they vote.

Reports of Committees

7.1 Legal and Planning Committee Minutes - 8 March 2021

Report of 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 Legal and Planning Committee held on 8 March 2021 for Council adoption. The minutes are attached for information.

Recommending:

1. **THAT** the Current Appeal and Results - March 2021 report be received. (3.8)
2. **THAT** Councillors are briefed immediately with the NCAT decision 136490/20 when it is handed down. (3.8)
3. **THAT** Council extend the current community and alternate representative appointments to the Sydney North Planning Panel until the March 2022 Ordinary Council Meeting, with recruitment to be commenced in November 2021. (3.1)
4. **THAT** Council write to the Minister for Planning and the Planning Secretary of the Department of Planning and Environment expressing its strong objection to the recent amendments to State Environmental Planning Policy (Affordable Rental Housing) 2009 to permit “Build-to rent” housing in the *B3 Commercial Core* zone based on the reasons outlined in this report. In particular, that this change undermines significant strategic planning work undertaken by Council in addressing the desired outcomes of the State Government’s own Regional and District Strategic Plans. (3.2)
5. **THAT** the North Sydney Local Planning Panel Annual Report 2019/20 report be received. (3.3)
6. **THAT** the Development Applications Received 1 October 2020 - 31 December 2020 report be received. (3.4)
7. **THAT** the Development Applications Received 1 July 2020-30 September 2020 report be received. (3.5)
8. **THAT** the Variations to Development Standards - 2020/2021 Q1 Reporting Period report be received. (3.6)
9. **THAT** the Variations to Development Standards – 2020/21 Q2 Reporting Period report be received. (3.7)

REPORTS TO COUNCIL

8.1 Matters Outstanding – March 2021

Report of Ian Curry, Manager Governance & Committee Services

To report to Council on the status of Councillor resolutions.

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

The attached table has been updated to include resolutions from the 22 February 2021 Ordinary Meeting of Council.

Recommending:

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

8.2 Response to Mayoral Minute - Proposed 15 Minute Free Parking trial at all North Sydney Council Parking Meters

Report of Leonie Wishart, Manager Parking Meters

The purpose of this report is to update Council on the investigations that have been undertaken in response to the resolution of Council on 27 April 2020 and previous resolutions of Council in relation to trialling 15-minute “free parking” at all North Sydney Council Parking Meters. At its meeting on 23 March 2020 (rescheduled to Monday 6 April 2020), Council considered a Mayoral Minute regarding 15-minute free parking at meters and resolved (Min. No. 56):

1. THAT Council receives a report from the General Manager (Director Engineering and Property Services) outlining the practicality of running a 12-month trial for free 15-minute parking at all North Sydney Council parking meters.

2. THAT the report be submitted to the 27 April 2020 Council meeting, if practicable.

A report was subsequently considered at the Council meeting on 27 April 2020 where it was resolved (Min. No. 90):

1 THAT in light of the current financial challenges being encountered by Council, the matter be deferred until January 2021.

2. THAT in the interim Council officers investigate the implications of altering Council’s parking system to incorporate either paper parking tickets or recording registration numbers as per other Councils who provide 15 minutes free parking.

This report outlines the investigations undertaken in response to the above resolution, and the implications, both financial and operational of undertaking such a trial. Council is to note that the current Parking Meter Management Contract with Duncan Solutions is due to expire on 31

December 2021, Council will be calling new tenders for the Management of its Parking Meters in August 2021.

The financial implications of undertaking a 12-x month trial of 15 minute “Free Parking” at all 443 x Parking Meters (2769 parking metered bays), across the North Sydney LGA is that it would cost Council between \$150,650 and \$211,305 in revenue foregone.

In addition, the costs to set up and re-configure all of Councils 443 x Parking Meters so that the trial could be undertaken is \$300,800 and would take between 8-12 weeks to complete. The total cost to Council for undertaking the 12-month Trial is between \$451,450 to \$512,105. For more information refer to the Detail Financial Implications Section of this Report – Table 1.

Recommending:

1.THAT Council defers the trialling of 15 minute free parking at its 443 parking meters until:

- a) The 15 minute free parking trial in Cremorne is completed; and
- b) the new contract for On-Street Parking Management is awarded.

2. THAT Council notes the new On-Street Parking Management Contract will be going to tender in August 2021 and it will include provisions for the ability to enable 15-minute free parking functionality.

8.3

Miller Street Popup Footpath widening

Report of Lindsay Munday, Sustainable Transport Project Co-ordinator
This report provides an update on the Miller Street component of the “Streets as Shared Spaces” grants program. It provides details on a proposed landscape plan for the project and seeks Council endorsement to construct the works.

At its meeting of 24 August 2020, Council resolved:

THAT Council notes that grant funding of \$1,040,000 has been awarded to Council through the NSW State Governments “Streets as Shared Spaces Program” which compliments and supersedes a number of the initiatives outlined in the 27 July 2020 Council Report. Further reports will be brought to Council on the status of the projects that are being funded through this program.

This report provides an update on one project covered by the grant: The *Pilot pedestrianisation of Miller Street – between Pacific Highway and Berry Street – North Sydney*. A design has been developed for this project and is attached to this report. The design proposes to increase pedestrianisation of Miller Street through footpath widening and landscaping treatments in two locations which will inform and support the longer-term vision for the implementation of ‘Miller Place’ as part of the North Sydney Public Domain Strategy. The project is anticipated to have some impacts on the road and transport network function; however, these impacts are considered to be minimal and can be managed. The

project is designed to have a very short ‘popup’ construction period, and a six (6) month duration (which can be extended if required). A condition of the grant is that construction contracts must be commenced in the 2020/2021 Financial Year. The project is on schedule to meet that milestone. This report recommends that Council endorse the project for construction. Council was successful in receiving \$369,710 of funding for this project under the Department of Planning, Industry and Environment (DPIE), “Streets as Shared Spaces” (SaSS) Program.

Recommending:

1.THAT Council endorse construction of the proposed Miller Street (Berry Street to Pacific Highway) popup footpath widening and associated landscaping.

2.THAT procurement of a contractor to construct the project take place via the NSW Local Government Procurement Panel. (LGP).

8.4 Ernest Street Active Transport and Streetscape Improvements Consultation Outcomes

Report of Lindsay Munday, Sustainable Transport Project Co-ordinator
This report details the outcomes of community consultation on proposed upgrades to walking and cycling paths alongside Ernest Street, Cammeray, between Anzac Avenue and Cammeray Avenue. Based on the high level of support received, this report recommends that the project be constructed. This report details the outcomes of community consultation on proposed upgrades to walking and cycling paths alongside Ernest Street, Cammeray, between Anzac Avenue and Cammeray Avenue. The proposal is to construct dedicated walking and cycling paths (and ancillary works) in place of an existing shared path. The project will improve walking and cycling connections to Anzac Park Primary School, extend the existing network of separated cycle paths recently constructed in the area and contribute to public domain outcomes. Consultation on the project ran from 8 February 2021 to 24 February 2021 and indicated a high level of community support for the project. 82 % of the 33 submissions received in response supported the project and 12% opposed the project. Most frequently, submissions provided broad support for walking and cycling upgrades in general, and/or specific support for improving walking and cycling connection to ANZAC Park Primary School and separation of walking and cycling paths in place of the existing shared path. Parking provision and the number of vehicle lanes on Ernest Street are not be changed under the scheme. The project has a grant offer from TfNSW to fund 50% of the total estimated project value. Given the project is anticipated to deliver positive outcomes for walking, cycling and public domain, will have little discernible impact on other road users, and that feedback indicates a high level of community support, this report recommends construction of the project. TfNSW have made an offer to Council for a 50% funding contribution of \$176,750 of the total estimated value of the project which is \$353,500. At the time of writing,

the agreement is still being drafted by TfNSW. Councils' contribution of \$176,750 will be allocated from this financial year's budget available in the Bike Strategy Priority Items cost centre. Finalisation of the Funding Agreement between TfNSW and Council is imminent.

Recommending:

1. THAT the Ernest Street Active Transport Upgrades (between Anzac Avenue and Cammeray Avenue) be constructed subject to the finalisation of the Funding Agreement between TfNSW and Council and concurrence from the North Sydney Traffic Committee via Delegated Authority

8.5 Investments and Loan Borrowings Held as at 28 February 2021

Report of Garry Ross, Manager Financial Services

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 28 February 2021.

Investment Portfolio:

The Investment portfolio (cash and investments) held as at 28 February 2021 had a market value of \$101.7 million, with an annualised return of 1.72% for the year to date, 1.51% above the reportable BBSW Bank Bill Index of 0.21%. The total funds under investment increased during February by \$3.4 million which included two new Term Deposits. These funds were primarily sourced from the rates instalment that was due at the end of February.

The actual investment returns for the year to date as at 28 February 2021 were \$928,589 which was \$35,499 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.

The investment portfolio is managed to ensure liquidity to meet operational requirements, with cashflows being monitored and assessed on a on-going basis.

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 28 February 2021 is \$7,468,761.18. 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 2020/21 budgeted returns on investments are estimated to be \$1,350,000.00. The estimate was reviewed and reported in the December Budget Review. Investment returns will continue to be monitored and further adjustment made in the March Quarterly Review, if necessary.

Recommending:

1. THAT the report on Investments and Loan Borrowings held as at 28 February 2021 be received.

8.6 Draft Amendment to NSDCP 2013 - Ward Street Precinct Masterplan

Report of Ben Boyd, Executive Strategic Planner

To seek Council's endorsement of a draft amendment to North Sydney Development Control Plan 2013 to implement the desired outcomes of the Ward Street Precinct Masterplan and place that draft amendment on public exhibition.

On 14 June 2016, Council resolved to prepare a masterplan for the Ward Street Precinct to ensure that an appropriate strategic direction is set for its future redevelopment, in light of the return of the Ward Street Carpark to Council control, the construction of the Victoria Cross Metro Station and development pressures in the locality.

Following the public exhibition of two Masterplans for the Precinct, Council resolved on 24 June 2019 to adopt a finalised Masterplan which centred on the delivery of a Central Square of 2,080sqm and an interconnecting Green Square of 1,155sqm to its north-west interfaced with community facilities and active commercial edges.

To ensure that the objectives and desired outcomes identified within the *Ward Street Precinct Masterplan* are delivered, it is proposed amend the Area Character Statements within NSDCP 2013.

Council is also currently in receipt of a Planning Proposal for 45 McLaren Street (PP6/20) and is in preliminary discussions with owners and proponents of a number of sites within and directly adjacent to the Ward Street Precinct. The concept proposals associated with the planning proposal and preliminary discussions may have the potential to undermine the delivery of the desired outcomes of the adopted Masterplan.

It is therefore recommended that the attached draft amendments be adopted by Council and placed on public exhibition.

There will be expenses with respect to the public exhibition of the DCP amendment and its implementation which can be found through existing recurrent budgeting lines.

Recommending:

1.THAT Council resolves to adopt the draft amendments to NSDCP 2013, as provided in Attachment 1.

2.THAT the draft amendments to NSDCP 2013 be placed on public exhibition for a period of 28 days

8.7 Marist Catholic College Major Project Application (Application SSD – 10473)

Report of George Youhanna, Executive Assessment Planner and Gavin McConnell, Executive Planning Advisor

To highlight for Council's information planning issues arising from the Marist Brothers Catholic College State Significant Development application.

The Marist Brothers Catholic College located at 264 – 270 Miller Street and 34- 36 & 40 Ridge Street North Sydney has lodged an application for State Significant Development (SSD) with the Department of Planning Infrastructure and Environment (DPIE).

The proposal includes the following key elements;

- The construction of two x 4 storey buildings located at the corner of Miller Street and Carlow Street including basement parking for 71 cars and an auditorium with capacity for 1,528 seats
- Redevelopment of numerous ground level spaces around the campus including the demolition of three houses and removal of 2 demountable classrooms.
- Creation of a childcare centre with capacity for 90 children
- Provision of two on-site drop off / pick up areas
- Increase in student numbers from 1,300 to 2,074 including childcare places
- Increase in staff numbers by 50 to 196.

The proposal has been lodged as a State Significant Development and the determining authority is the Department of Planning (DPIE) and the Minister for Planning. DPIE is inviting submissions until 22 March 2021. It is a significant redevelopment that increases the capacity of the school by 54%.

This report provides Councillors with a summary of the issues and concerns identified to date regarding traffic, building height, design, setbacks, landscaping and heritage impacts. Several referrals are outstanding at the time of finalising this report, and additional issues may be raised.

This report is provided for Council's information.

There are no direct costs to North Sydney Council resulting from the development.

Recommending:

1. THAT Council notes the issues raised within this report and that these issues will form the basis of the Council submission.

8.8 Planning Proposal 3/20 - 20-22 Atchison Street, St Leonards

Report of Katerina Papas, Strategic Planner

To present to Council the assessment of a Planning Proposal which seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 20-22 Atchison Street, St Leonards.

On 29 May 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 20-22 Atchison Street, St Leonards. The site is located within the area covered by the St Leonards and Crows Nest 2036 Plan (2036 Plan), adopted by the Department of Planning, Industry and Environment (DPIE) on 29 August 2020.

The Planning Proposal as lodged, initially sought to increase the maximum building height control applying to the site from 49m to 169m and establish an overall maximum Floor Space Ratio (FSR) control of 24.5:1 for the site to accommodate a 48-storey mixed-use commercial and residential building (responding to the then draft 2036 Plan's nomination of the site as a 'Significant Site'). The Planning Proposal was also accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to convert the Holtermann Street Car Park into an underground parking facility and create a new public space at the ground level.

Following the release of the finalised 2036 Plan in August 2020, the applicant submitted a revised Planning Proposal on 10 December 2020. The amended Planning Proposal seeks to:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum FSR control 14.9:1; and
- include a site-specific provision to permit an additional 1,887sqm residential Gross Floor Area (GFA) for winter gardens.

The purpose of the revised Planning Proposal is to deliver a 35-storey mixed-use commercial and residential building with a 4-storey podium and tower above. The indicative scheme includes 193 residential apartments with a 16,193sqm GFA (excluding winter gardens), 4,258sqm non-residential GFA and 97 car parking spaces.

The original offer to enter into a VPA has been withdrawn in response to the requirement to pay a Special Infrastructure Contribution (SIC), in accordance with the St Leonards Crows Nest Special Infrastructure Contribution (SIC) Plan, as well as in response to the identified maximum height assigned to the site in the finalised 2036 Plan.

Having completed an assessment of the amended Planning Proposal against the 2036 Plan and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- It is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- The Planning Proposal if implemented, could have the potential to create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
 - o Greater Sydney Regional Plan and North District Plan;
 - o St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
 - o North Sydney Local Strategic Planning Statement (LSPS).
- It is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which

requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 3 March 2021, and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in this report.

Of note is that the applicant lodged a rezoning review in December 2020 in response to Council not having made a decision within 90 days of lodgement. The review is likely to be considered by the Regional Planning Panel shortly, and it is imperative that Council provide an endorsed position before the Panel meeting.

Recommending:

1.THAT Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons:

- a) The planning proposal is inconsistent with the Built Form controls (Height and FSR) identified in the St Leonards and Crows Nest 2036 Plan and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;
- b) The Planning Proposal if implemented, would create a precedent that would undermine the integrity of the strategic planning policies relating to the site, including:
 - i) Greater Sydney Regional Plan and North District Plan;
 - ii) St Leonards and Crows Nest 2036 Plan and supporting Special Infrastructure Contribution (SIC) Plan; and
 - iii) North Sydney Local Strategic Planning Statement (LSPS).
- c) The Planning proposal is inconsistent with Direction 5.10 – Implementation of the Regional Plan and Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals be consistent with the 2036 Plan and Greater Sydney Regional Plan.

2.THAT Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's decision.

3.THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

8.9

Interim Heritage Order - 1 Shirley Road, Wollstonecraft

Report of Surb Bhatti, Heritage Conservation Planner

To seek Council endorsement to request the Minister of Arts to impose an Interim Heritage Order under the Heritage Act 1977 over 1 Shirley Road, Wollstonecraft.

On 13 January 2021, Council received development application (DA 2/21) for 1 Shirley Road, Wollstonecraft involving alterations to the

internal layout of the existing dwelling, a dormer addition, changes to the existing garage and pool.

The property is current listed as a contributory item within the Wollstonecraft Heritage Conservation Area under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

Following preliminary research which included an external and internal inspection of the building, Council's Heritage Conservation Planner concluded:

"That the dwelling at 1 Shirley Road is worthy of listing as an Item of Environmental Heritage in Council's Local Environmental Plan. As such, its protection by way of an Interim Heritage Order is warranted and the extent of demolition proposed as part of DA 2/21 should not be consented to at this time."

This report details the implications of the findings made and a way forward to better protect the heritage values of the site.

Should an IHO be imposed by the Minister, there will be costs associated with the preparation of a comprehensive heritage assessment and preparation and processing of a planning proposal for the inclusion of the property in LEP2013 as a locally listed heritage item. These costs can be funded within existing budget lines.

Recommending:

1. THAT Council request the Minister for Heritage impose an Interim Heritage Order over 1 Shirley Road, Wollstonecraft, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

8.10 Draft Plan of Management for St Leonards Park – Post Exhibition

Report of Megan White, Landscape Planner/Architect

To report the contents of submissions received as a result of the public exhibition of the draft Plan of Management for St Leonards Park to Council and recommend adoption of the final Plan of Management.

North Sydney Council's Plans of Management (PoMs) are strategic documents that provide a consistent and useful set of guidelines for the effective short and long-term management of all open space owned or under the care, control and management of North Sydney Council. The new draft PoM for St Leonards Park is the first Crown land PoM to be prepared for North Sydney. When adopted, it will supersede Council's St Leonards Park PoM 2011.

The Department of Planning, Industry and Environment – Crown Lands endorsed placing the draft PoM for St Leonards Park on public exhibition in September 2020. Public exhibition of the draft document was widely advertised, and known stakeholders were also informed that a new draft Plan was available for comment. The public submission period ran for six weeks in November and December 2020.

10 submissions were received. This report sets out the content of the submissions and the amendments it is proposed to make to the PoM for St Leonards Park as a result. Note that all amendments to the final document are relatively minor in nature, and as such do not warrant sending the PoM back to the Crown for endorsement to re-exhibit.

This report also documents major works carried out in St Leonards Park since the preparation of the previous PoM in 2011 and lists the major projects to be undertaken in the Park in coming years.

Ongoing maintenance of St Leonards Park in accordance with the Management Plan will be undertaken within existing operating budgets for the park.

Capital improvement projects identified will be undertaken as funding becomes available through the existing Special rate variation, Development contribution funds, State and Federal grant opportunities and Councils Capital Works budget.

Recommending:

1. **THAT** Council formally adopt the draft PoM for St Leonards Park.

8.11

Draft Playgrounds Plan of Management

Report of Megan White, Landscape Planner/Architect

To undertake the processes required by the *Crown Land Management Act 2016* to enable the new draft Playgrounds Plan of Management to be put on public exhibition for community information and comment.

Section 3.23(6) & (7) of the Crown Land Management Act 2016 (*CLM Act*) requires all NSW Councils to adopt Plans of Management for all reserves for which they are the appointed Crown Land Manager by 30 June 2021. The new Plans of Management must meet both the requirements of the *CLM Act* and the *Local Government Act 1993*.

The new draft Playgrounds PoM is the fifth Crown land Plan of Management to be prepared for North Sydney. When adopted, it will supersede Council's Playgrounds Plan of Management 2016.

As part of the development process, Council must attest that it has considered Native Title Manager advice in relation to the draft Plan of Management. Council must also refer the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands and seek endorsement to place it on public exhibition.

Preparation of a new draft Playgrounds Plan of Management is now complete, and the draft Plan of Management is ready to be referred to the Department.

Recommending:

1. **THAT** Council attests that it has considered Native Title Manager advice in relation to the draft Playgrounds Plan of Management
2. **THAT** Council requests approval from the Department of Planning, Industry and Environment - Crown Lands to publicly exhibit the attached draft Playgrounds Plan of Management

8.12 Remote Attendance by Councillors at Council Meetings - OLG Consultation

Report of Ian Curry, Manager Governance & Committee Services

To advise councillors of the proposed changes to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to permit individual councillors to attend meetings remotely by audio-visual link in certain circumstances.

In response to the COVID-19 Pandemic in March 2020, the State Government made a series of changes to the *Local Government (General) Regulation 2005* (the Regulation) so that, during the “prescribed period”, the requirement for councillors or others to attend a meeting is satisfied if the meeting is held in whole or in part remotely using audio visual links. The prescribed period for the purposes of section 747A of the *Local Government Act 1993* (the Act) during which the requirement for councillors and members of the public to attend meetings is satisfied if the meeting is held in whole or in part remotely using audio visual links, expires on 25 March 2021.

The Office of Local Government (OLG) has issued a consultation paper, *Remote Attendance by Councillors at Council Meetings*, to seek the views of councils and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to permit individual councillors to attend meetings remotely by audio-visual link in limited circumstances. The proposed new provisions will not be mandatory, and councils will be able to choose whether to include them in their adopted codes of meeting practice.

The report also addresses changes to the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2021 (the Public Health Order), which potentially allows an increase in the number of people who can attend meetings, subject to the size of the meeting venue being sufficient to ensure there is at least 2 square metres of space and 1.5 metres of separation for each person at the meeting venue.

If the proposal to allow continued remote access by Councilors to Council meetings proceeds and North Sydney Council avails itself of this option, it will be necessary to upgrade the audio visual arrangements in the Council Chambers. Doing this in a manner that provides a professional outcome for Councillors and the public like on a permanent basis may require expenditure in the order of \$10,000-\$50,000.

Recommending:

1. THAT Council advise OLG that it supports the proposed amendments to Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code) to allow councils to permit individual councillors to attend meetings remotely by audio-visual link in certain circumstances.

8.13 Kirribilli Centre Joint Strategic Plan 2019/20

Report of Rebecca Aukim, Acting Director Community & Library Services

To report on the 2019/20 review of the Kirribilli Centre's Joint Strategic Plan with Council and to recommend the adoption of the new Joint Strategic Plan 2021-25.

The Kirribilli Centre (TKC) is an independent, non-profit, community-based organization 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 general manager, staff and volunteers.

The Centre struggled during COVID-19 as they were required to close the Centre for four months. As the Centre also manage the monthly Kirribilli Markets, the closure included the markets which weren't up and running again until June 2020.

During COVID-19, the Centre devised other means of supporting the community. One of the initiatives involved supporting vulnerable people in the community. Volunteers and staff from TKC provided support to the community by delivering food, walking dogs and undertaking phone welfare checks, especially to socially isolated people.

To continue to provide the Kirribilli Markets to the community and to support the market stall holders, the Centre opened an online virtual marketplace. During the closure, the Centre implemented new technologies to provide an online booking system as well as refresh the rooms for hire with new furniture. Two of the rooms were installed with video conferencing equipment.

The current joint strategic plan between Council and TKC expired in 2019 and a newly completed plan (2021-25) has been developed by the Board and Council. It addresses three key areas which include building the capacity of older people and people with disabilities to live in their chosen community, maintaining and strengthening the involvement of volunteers at the Centre and delivering innovative fundraising activities. A draft is presented here for adoption.

During the year under review, The Kirribilli Centre received the last of the Federal Government payments (May 2020) for the Carers program. This will result in a reduction of \$256,073 in income for 2020/21. COVID-19 Government grants amounted to \$113,000 and will continue to some extent in 2020/21. The grants contributed to TKC ending 2019/20 with a surplus of \$125,508. As both the Carers program funding and the COVID-19 Government grants won't be available in 2021/22, TKC's surplus will help the Centre to continue to manage their costs. TKC have been planning for the reduction in funding by steadily increasing its room hire charges in recent years and in December 2020 increased its stall holder fees.

In 2019/20, room hire fell by \$49,669, income from the markets by \$114,456 and non COVID-19 grants by \$14,596. Salaries were contained reflecting a fall of \$29,973. Excepting the grants, these income and expenditure streams are expected to return to normal in 2021/22. In future years, TKC will continue to be reliant on income from the markets and room hire to maintain existing service levels.

Recommending:

- 1. THAT** the 2019/20 review of The Kirribilli Centre's Joint Strategic Plan be noted.
- 2. THAT** the draft Joint Strategic Plan 2021-2025 for The Kirribilli Centre be placed on Public Exhibition for 28 days.
- 3. THAT** should Council receive substantive submissions a further report be prepared. Should Council receive no substantive submissions it considers The Kirribilli Centre Joint Strategic Plan 2021-2025 as adopted after the period closes.

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

9.1 Notice of Rescission No. 1/21 by Councillors Baker, Beregi and Carr - Military Road Corridor Planning Study (22 February 2021)

THAT the Council's resolution on 22 February 2021 relating to Item 8.7 Military Road Corridor Planning Study where Council resolved:

- 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 and is hereby **rescinded**.

THAT the following resolution be passed in lieu thereof:

- 1. **THAT** Council not adopt the Future Directions Report, as amended, as the strategic development framework for the Neutral Bay town centre.*
- 2. **THAT** Council continue to engage with the community and stakeholders with a view to further defining achievable public benefits in the Neutral Bay precinct particularly the provision of additional public open space whilst enhancing the village character of the precinct.*

Comment by Director City Strategy

Council has had a consistent approach of requiring that Planning Proposals that seek to achieve greater height and or density than outlined in the North Sydney LEP, be supported by a Council endorsed precinct wide planning study. This has been a particularly consistent approach over the last 5-6 years, endorsed in July 2018 when Council resolved not to accept planning proposals involving a residential use unless underpinned by our new Local Environmental Plan, Council endorsed planning studies or the gazettal of the St Leonards Plan 2036 (refer attachment 1).

This was subsequently reinforced by the Council adopted and Greater Sydney Commission endorsed Local Strategic Planning Statement (LSPS) which states:

Council will only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community. (action L1.5)

The initiative to prepare a planning study for the Military Road Corridor was motivated by the objective of achieving benefits for the community by providing a framework and context, against which individual Planning Proposals can be assessed and guided and benefits can be identified and leveraged from the value uplift that is generated from new development. This provides certainty for both the community and proponents of new development as such a framework has been the subject of wide consultation, greater control for Council in the local plan making process and reduces exposure to ad hoc planning proposals.

The preparation of the Military Road Corridor Planning Study has been about two years in the making and investment of approximately \$240,000 relating to expert input and consultation. The Study is also identified in Council's LSPS as an initiative to be delivered under Local Planning Priority L3 which aspires to *create great places that recognise and preserve North Sydney's distinct local character and heritage.*

MILITARY ROAD CORRIDOR (extract page 72 LSPS)

Council has commenced a planning study for the Neutral Bay and Cremorne Military Road Corridor in response to the significant level of development interest within the precinct in recent years which seek to challenge existing planning controls.

The planning study has been divided into two stages to enable its orderly completion, with the first of these to be placed on public exhibition in early 2020. The second stage will commence in the next the 2-3 years, subject to funding.

The Study considers site specific and wider implications with regard to built form, transport, economic context and employment capacity, public domain, community infrastructure and precinct character. The opportunity to minimise the negative impacts of Military Road traffic to enhance the identified 'village' character of Neutral Bay and Cremorne centres, potentially as part of the Beaches Link local benefits program, is also examined. A critical component of this work is consultation with the local resident and business community and stakeholders.

The outcome sought, will be a planning framework against which Planning Proposals may be assessed and measured which will both contribute to the desired future character of the corridor/precinct and make a tangible contribution to the public

domain, community infrastructure or other identified public benefits.

The project is now drawn to a conclusion by way of the final report on the extensive public exhibition process, consideration of submissions and amendments to the Future Directions Paper. To recommence engagement on the matter would necessitate preparing for a new body of work which would need to be added to Councils work programs and budgeting process. Failure to conclude the study with an adopted outcome, or continuing to defer reaching an outcome, will diminish the validity of LSPS.

9.2 Notice of Rescission No. 2/21 by Councillors Baker, Beregi and Carr - Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park (22 February 2021)

THAT the Council's resolution on 22 February 2021 relating to Item 8.10 Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park, where Council resolved:

***1.THAT** Council approves the proposal to re-locate of the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.*

***2.THAT** a temporary lease for the relocation of the Primrose Park Tennis Court Operator be drafted and that in accordance with Section 47A of the Local Government Act 1993, place the proposal for the exclusive, temporary lease on Public Exhibition for 28 Days during which time submissions can be received*

***3.THAT** Council at the conclusion of the 28-day exhibition period, and if no submissions are received, resolve to formalise the temporary lease agreement.*

***4.THAT** the General Manager under the delegations of Section 377 of the Local Government Act 1993, negotiate the terms and conditions of the temporary lease.*

***5.THAT** Council notes that the proposed relocation of the Primrose Park Tennis Court Operator to Green Park Tennis Courts and the execution of a temporary lease will only be undertaken on the basis that Council is in a position to award the tender to commence works on the project in April – May 2021.*

be and is hereby **rescinded**.

THAT the following resolution be passed in lieu thereof:

1.THAT Council not approve the proposal to relocate the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.

2.THAT Council undertake community consultation in relation to the proposal to relocate the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.

3.THAT following community consultation, a report be prepared for Council in relation to the proposal to allow the current Primrose Park Tennis Court operator to use the Green Park Tennis Courts and a decision then made as to whether to proceed with the proposed relocation of the current Primrose Park Tennis Court operator to Green Park Tennis Courts for the duration of the works at Primrose Park.

BACKGROUND (as provided by submitters)

Allowing the Primrose Park Tennis Court operator to use the Green Park Tennis Courts will hugely impact the local community and their ability to use the Green Park tennis courts.

In relation to the history of the Green Park Tennis Courts, the Director of Open Space advised:

Approximately 15 years ago, these tennis courts were leased to the private operator that operates the other council courts on the corner of Ernest and Park Ave Cammeray. It became apparent he was keeping them locked to push all the potential hirers to the Park Avenue courts where he operates from, basically reducing his competition. When we became aware of this Council took the Green Park courts back added basketball hoops and made them available for free to the community. There are no bookings its basically first in best dressed and they have operated this way for the last 15 or so years.

Comment from Director Engineering and Property Services

Public Consultation on the proposal to temporarily relocate the current Primrose Park Tennis Court Operator to Green Park Tennis Courts is being undertaken in accordance Section 47A of the Local Government Act 1993.

As outlined in the report that was brought to the February 2021 Council meeting (Council report 8.10. Demolition of existing Primrose Park Tennis Courts and relocation of operator to Green Park), the Public Exhibition of a temporary lease is a requirement under the Local Government Act 1993 as the Tennis Courts at Green Park are on Community land. Community Land is governed by controls outlined in Division 2, and Sections 46 and 47A of the Act, which apply to the leasing and licencing of Community Land for a period of less than 5 years. As per Section 47A of the Act it is a requirement for Council to give public notice of the proposal and exhibit it for 28 days. For more information about the requirement to publicly exhibit this temporary lease refer to page 6/10 of the Council Report.

The temporary lease is currently on Public Exhibition for 28 days which commenced on the 15/3/2021 and will close 11/4/2021, during which time submissions can be received. At the end of the exhibition period a report will be brought to Council on the outcome of the exhibition period and any submission received.

The temporary Lease is being advertised on Council's "Have Your Say" website and also signs have been placed on the Green Park Tennis courts advertising its exhibition period and information on how to make a submission.

Website link below.

<https://yoursay.northsydney.nsw.gov.au/primrose-park-tennis-courts-refurbishment>

9.3 **Notice of Rescission No. 3/21 by Councillors Baker, Beregi and Carr - Neutral Bay/Ilbery Park Land Swap Lease Proposal (22 February 2021)**

THAT the Council's resolution on 22 February 2021 relating to Item 8.11 Neutral Bay/Ilbery Park Land Swap Lease Proposal, where Council resolved:

*1. **THAT** Council proceeds with the required process of progressing a lease for a period of less than five years with the Neutral Bay Club for the identified 50m2 of Ilbery Reserve Community land that is located at the base of the Council retaining wall.*

*2. **THAT** on completion of the required consultation process a further report be provided identifying any public submissions received by Council for consideration and determination.*

*3. **THAT** Council enters into an agreement to lease for a period of less than five years from the Neutral Bay Club the identified 45m2 of the Neutral Bay Club's property that fronts Anderson Street to be used as an extension of Ilbery Reserve.*

be and is hereby **rescinded**.

THAT the following resolution be passed in lieu thereof:

1.THAT Council not proceed with the progressing a lease for a period of less than 5 years with the Neutral Bay Club for the identified 50sqm of Ilbery Reserve community land that is located at the base of the Council retaining wall.

2.THAT Council undertake community consultation in relation to the proposal for progressing a lease for a period of less than 5 years with the Neutral Bay Club for the identified 50sqm of Ilbery Reserve community land that is located at the base of the Council retaining wall.

3.THAT following community consultation, a report be prepared for Council in relation to the proposal.

Comment by Director Open Space and Environmental Services

The report to Council articulated that Council would be undertaking consultation in accordance with the specific requirements of the Local Government Act 1993. This includes exhibiting a notice of the proposal that must include:

- Information sufficient to identify the community land concerned.
- The purpose for which the land will be used under the proposed lease.
- The term of the proposed lease.
- The name of the person to whom it is proposed to grant the lease.
- A statement that submissions in writing may be made to the Council concerning the proposal within a period, not less than 28 days, specified in the notice.

The report went on to identify that any person may make a submission in writing to the Council during the period specified for the purpose in the notice and before granting the lease, the Council must consider all submissions.

9.4 Notice of Motion No. 4/21 by - Councillors Baker, Beregi and Carr - Holt Avenue (East) - Interim Heritage Order and review of heritage conservation area

1.THAT Council obtain urgent advice in relation to whether an Interim Heritage Order(s) can be supported in respect of a group of dwellings known as 115, 117,119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne.

2.THAT Council review whether a new Heritage Conservation Area ought to be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road, Cremorne and that such review consider the inclusion of the group of dwellings at 115, 117,119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman Council's Holt Estate Conservation Area.

3.THAT the review consider whether there are contributory items within any recommended conservation area.

4.THAT Council allocate funds from the recently reported increase revenue in respect of fees and charges to facilitate the advice and review.

BACKGROUND (as provided by submitters)

In recent years, as development pressure is felt in Neutral Bay and Cremorne, Council has responded by seeking Interim Heritage Orders in respect of properties that have been otherwise overlooked by Council's heritage controls. For example, 3 Anderson Street, Neutral Bay, 24 Cranbrook Avenue, Cremorne and 8 Hayes Street, Neutral Bay.

Holt Avenue, Cremorne has been the subject of a number of new multi-unit developments and remains under significant development pressure. Holt Avenue straddles the North Sydney and Mosman Council local government areas. Under Mosman Council controls Holt Avenue is part of a Heritage Conservation Area. The area is cited as "a complete early subdivision containing a great many buildings from its original residential development" (Ref 1996, Godden Mackay Heritage Consultants).

However, there is an existing group of dwellings at 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, which are not listed as items of local heritage significance nor part of an Heritage Conservation Area under the North Sydney LEP 2013 or DCP.

These dwellings are located on land which was originally part of the Neutral Bay Thrupp Estate. This land was later sold to Daniel Cooper who bequeathed his property assets to his nephew John Cooper who in turn began releasing allotments with 99 year leases in the late 1800s. The initial lessees of the land on Holt Avenue (East) included the Estate of W.H. Palings (music emporium entrepreneur). On 21 November 1885 land on Holt Avenue (known then as Shadler Street), was first advertised for sale as part of the Longview Estate.

The dwellings now standing at 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue all stand on land that can be traced back to ownership by John Cooper and are the original dwellings constructed on land purchased from the Longview Estate land release of 1885.

Holt Avenue (East) is significant as the only intact remaining section of the "Longview Estate". It demonstrates a consistent early 20th century residential area with medium sized dwellings of mixed styles including Federation Queen Anne and Italianate.

There is significant community concern and interest that without Council acting to protect these dwellings they will be lost.

Comment from Director City Strategy

Part 3 of the Heritage Act enables the imposition of an Interim Heritage Order (IHO) over a property which provides a temporary protection measure against the demolition of a potential heritage item. It also provides time to assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted. On 12 July 2013, the Minister for Heritage authorised all local council's in NSW to make IHOs under s.25 of the Heritage Act subject to meeting a number of conditions. Most pertinent in this instance is Clause (1) (b),

(1) A council must not make an Interim Heritage Order (IHO) unless:

(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the council and considers that:

(i) the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;

(ii) the item is being or is likely to be harmed;

(iii) the IHO is confined to the item determined as being under threat; and

Council therefore must be able to demonstrate that it has considered a preliminary heritage assessment of the item or items in question.

With respect to undertaking a review as per the parameters in the NOM, subject to securing further funding in the order of \$30,000 through the next budget quarterly review, the project could be combined with Item 3 of the Outstanding Matters report - Notice of Motion No. 11/19 – Review of the Neutral Bay Heritage Conservation Area.

This project is scheduled for commencement from June 2021 using 2021/2022 policy development budget. As notated in that report staff will continue to seek alternative funding sources including from the Office of Environment and Heritage through their grant programmes and also the Department of Planning, Infrastructure and Environment.

9.5 Notice of Motion No. 5/21 by Councillors Baker, Beregi and Carr - Willoughby Road Public Domain Upgrade Works

1. THAT Council prioritise the completion of the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and adopted by Council on 30 October 2017.

2. THAT the works be carried out over the next 2 budget years and be funded from the Crows Nest. Main Street Levy and developer contributions received in the Crows Nest/St Leonards Precinct Planning Studies area.

BACKGROUND (as provided by submitters)

On 30 October 2017 Council adopted the Willoughby Road Public Domain Upgrade Masterplan works, prepared by Group GSA and relevantly resolved to adopt proposed projects for Crows Nest subject to the Crows Next Mainstreet Levy Funding and Council funds being made available for the next four years.

The Mainstreet Levy is a special rate struck for the purposes of streetscape upgrade works in Crows Nest and has been applied to and paid by commercial ratepayers since 1995. The levy raises approximately \$300,000 per year and is on-going.

Some of the adopted works have been completed since 2017. However, much remains outstanding and Willoughby Road is very “down at heel” with obvious safety and aesthetics issues evident such as cracked and dirty planters, cracked pavement, mouldy and worn umbrellas and failing lighting.

Council has an obligation to apply those funds to streetscape upgrade works to keep Crows Nest, including the Willoughby Road mainstreet in a satisfactory, safe and attractive condition. Council has funds available to urgently undertake the works and should do so as soon as practicable.

Finally, given that the Metro works are underway, it would be prudent for Council to undertake this much planned public domain work to compliment and coincide with the opening of the new Metro Station.

Comment from General Manager

A Notice of Motion (NoM) to the same effect as this one was presented to the November Ordinary Meeting of Council and was not supported.

Following is the Officer’s comment that was provided with the November NoM. It should be noted that the proposed maintenance work has subsequently been completed. It should also be noted that the proposed funding source in point 2 in the proposed Motion above is unlikely to provide the necessary funding over the proposed timeframe in point 1.

Priority for the allocation of substantial projects of this quantum should be considered as part of Council’s overall Budget and Delivery Program

Comment from Director Engineering and Property Services (30 November 2020)

Council is in the process of addressing a number of short term issues that have been raised by the community in relation to the current condition of Willoughby Road. These short term actions include:

- Footpath cleaning work - Willoughby Rd – From Flacon St to Albany St: Completed Tuesday 24 November 2020
-

- Cleaning planter boxes and painting steel fences – Work is scheduled to commence Monday 30 November followed by the sandstone capping reinstatement and fixing along planter walls all along Willoughby Road.
- Under awning lighting – all lights that have been inspected and those reported as being out of order have now been fixed.

The long term works for a major upgrade of Willoughby Road as per the Group GSA Master Plan adopted by Council in October 2017 are currently unfunded in Councils delivery Program. This was last reported to Council on 27 July 2020. Refer to report - Item 8.15 Administration of Special Rates Levied for Crows Nest and Neutral Bay Business Areas and Five-Year Capital Works Delivery Program Update – Table 1. – Page 24 identifies that the upgrade of Willoughby Road is currently unfunded in Councils Delivery Program. It is also outlined in the Confidential Report that went to the same meeting – Item 10.1.

The cost estimate to upgrade Willoughby Road as per the Group GSA Master Plan Document would now be in the order of \$8-\$9million. The cost estimates for the upgrade as outlined in the Confidential Report that went to Council on July 27, 2020 were prepared in 2015/16 and would now need to be reviewed.

If Council wishes to prioritise and bring forward the completion of the masterplan, it will be necessary to identify the source of funds to do so, in accordance with clause 10.9 of Code of Meeting Practice.

9.6 Notice of Motion No. 6/21 by Councillors Baker, Beregi and Carr - Expanded Hume Street Park -Stage 2

1. **THAT** Council immediately prepare and lodge a development application for Stage 2 of the Hume Street Park project.
2. **THAT** the cost of preparation and lodgement of the development application be funded from developer contributions and/or Voluntary Planning Agreement funds received in respect of sites covered by the adopted St Leonards/Crows Nest Precinct Planning Studies.

BACKGROUND (as provided by the submitters)

On 21 September 2015 Council resolved to proceed with detailed design and DA - \$8million was allocated in the 2016/2017 - to progress Stages 1 and 2 of the expanded Hume Street Park project

Consent was granted to Stage One works for demolition of existing buildings and construction of a new pedestrian link and temporary public plaza connecting Hume Street Park to Willoughby Road in December 2018 and Council has undertaken the administrative work necessary to allow for the partial closure of Hume Street.

Between 2012 and 2019 Council purchased three properties in Hume Street and two properties on Willoughby Road in order to deliver the expanded Hume Street Park. These properties have recently been demolished as the Stage 1 works have commenced and are currently being undertaken by Council. The acquisition of the now demolished properties was funded from VPA funds from sites within Precinct 1 of the St Leonards/Crows Nest Planning Study..

Stage One is expected to be completed before the Metro opens in 2024. The next stages are yet to obtain development consent.

The Expanded Hume Street Park is included as part of the “new open space” to be delivered by the State Government’s 2036 Plan adopted on 28 August 2020 with the “fast tracked” Crows Nest Metro Over Station Development rezoning.

This project has been part of Council’s long term planning to deliver both new open space and community and recreational facilities to the Crows Nest/St Leonards precinct which Council identified as “the most poorly served with open space, and are the areas that it is anticipated will accommodate the majority of the future population” and as Priority 1 (highest priority) for planned provision of public open space.

Council has planned for this project and received (and will continue to receive) VPA funds from the private sector to help fund it. Council has an obligation to our existing and future community to deliver the park as planned.

Comment by General Manager

A Notice of Motion (NoM) to the same effect as this NoM was considered at the November Ordinary Meeting and not supported.

Council has been advised of the intent for a further report to be presented proposing how Hume St Park can practically be progressed given the significant funding shortfall for the project and the fact that the existing basketball stadium continues to have a further 30-plus years of useful life. This report is scheduled to be presented to the April Council meeting.

This NoM does not identify the parameters of Stage 2, nor the cost of design and DA preparation. It is recommended that Council awaits the April Officer's report in order to be more fully informed.

Following is the Comment provided with the previous NoM (November 2020)

Comment from Directors Open Space and Environmental Services and City Services (30 November 2020)

When the Hume Street Park concept plan was adopted by Council in 2015, the project was divided into 3 stages. The first stage included the creation of a plaza connecting Willoughby Road and the existing park. Stage 1 also included the closure of Hume Street and various associated treatments. Whilst some moves have been made on this latter component of the project, this has not been able to be delivered to date.

Stage 1 of the project is progressing. The tender was awarded in September 2020 and works are expected to be completed by September 2021. This is largely funded by a NSW Government grant.

Stage 2 was identified as on-road works along Clarke and Oxley Streets as well as Pole Lane.

Stage 3 was the most significant and costly component of the project and includes the demolition of the basketball centre and carpark and replacement of these in an underground form. This stage also includes the relocation of the child care centre to the northern part of the site and creation of a roof structure that is located close to grade which would act as a usable and accessible new area of open space.

Council's initial plans to manage the growth of the precinct through the St Leonards/Crows Nest Planning Study – Stages 1, 2 and 3, identified the Hume Street project (and others) to be partly funded by Voluntary Planning Agreements associated with Planning Proposals invited to be lodged for the precinct. Whilst this approach was relatively successful, the NSW Government's 2036 Plan and in particular, the associated State Infrastructure Contribution (SIC), essentially superseded Council's ability to negotiate VPAs. With only a few exceptions, this mechanism has therefore largely come to an end as a source of funding for the project.

The 2036 Plan identifies a total of \$78.4M worth of SIC funding to be allocated for open space. This has not been divided into individual projects, but the Hume Street project within that Plan, is identified as a potential recipient of such funding as is the Holtermann Car Parl Open Space project announced at the finalisation of the Plan.

Council's draft Contributions Plan, reported to this Council meeting for adoption, identifies a total income of \$33.5M over the 16 year life of the Plan to be directed to this project.