

MINUTES OF THE MAYOR

292. MM01: Backstreet Block Party – 2 September 2016

On Thursday 2 September I attended Council's Backstreet Block Party in Napier Street. The event was a huge success. People of all ages attended and the crowd was a mix of CBD workers, students from the Australian Catholic University, residents and people from neighbouring LGAs who had heard about it on event websites.

The area was given a touch of magic with decorative lighting and art installations. It was fantastic to see people playing games in the Don Bank garden, eating dinner at communal tables in Napier Street and dancing in the silent disco area and on the street. Sadly, the second day of the event was rained out.

I wanted to draw attention to this event because I believe it is a good example of what we have achieved as a Council over the past four years. This Council unanimously supported revitalising the CBD and bringing more life and events into the area. Our vision in the Community Strategic Plan was to shape a progressive, vibrant and diverse North Sydney community.

We also signed a memorandum of agreement with the ACU as a major institution in our LGA, and the street festival and works we are now doing in Napier and Charles Streets are part of how we are delivering on that agreement.

We've also seen closer partnerships form in the CBD with some of the big property owners. We used the rear garden of 100 Pacific Highway for the block party and Mirvac is now regularly partnering with Council to hold events on the roof of Greenwood as part of the Happiness Works Here program.

At last Friday's event, Council provided the band, Greenwood provided deck chairs, free sandwiches and water, and some of the audience provided an impromptu and very entertaining exhibition of swing dance.

The North Sydney CBD is coming alive and I think we can all be proud of the leadership and commitment we have made as a Council to achieve our goal.

Recommendation:

THAT all the staff who have worked on the revitalisation of the CBD be congratulated on their achievements.

By consent, the Motion was amended to read:

1. THAT all former and current North Sydney Council staff who have worked on the revitalisation of the CBD be congratulated on their achievements.

2. THAT Council write to the former General Manager Mr Warwick Winn acknowledging his contribution to the revitalisation of the North Sydney CBD by his restructure of Council, the establishment of the events unit and his overseeing of the delivery of \$30 million of capital works over this period.

The Motion was put and carried

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

MATTERS BROUGHT FORWARD

RESCISSION MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

294. **NoRM01: Notice of Rescission No 3/16 By Councillors Beregi, Clare and Morris**

THAT the decision of Council at its meeting of 15 August 2016 regarding CLS01: Naming Lavender Bay Boardwalk and Kurraba Point Reserve, where it resolved:

1. *THAT Council name the boardwalk at Lavender Bay the Peter Kingston Boardwalk.*
2. *THAT the Road and Place Naming Policy be amended as recommended in the report to allow for the naming of facilities such as boardwalks and buildings after living people.*
3. *THAT Council retain the name Kurraba Point Reserve and signage be installed to convey the role of previous Councils and local residents in the creation of the park.*

be rescinded.

If successful we intend to move:

1. **THAT** Council call for a report to facilitate the establishment of an annual meeting to consider nominations to recognise prominent people/groups in the North Sydney Community.
2. **THAT** the report outline a process for such a nomination which includes:
 - a nomination form identifying the person/group to be considered, the nominee and seconder and an outline of why the nominated person/group should be considered
 - the criteria for a person/group being nominated
 - the nature of the community consultation process.
3. **THAT** the report detail appropriate types of recognition for such prominent people/groups eg a plaque, naming of a park/building/place
4. **THAT** the report detail the approximate costs associated with any such naming/re-naming.
5. **THAT** any necessary amendments to the Road and Place naming policy be identified in the report.

Mr Ian Curdie addressed Council.

The Rescission Motion was put and carried

Voting was as follows:

For/Against 6/2

Councillor	Yes	No	Councillor	Yes	No
Gibson		N	Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan		N

A Motion was moved by Councillor Beregi and seconded by Councillor Clare

1. **THAT** Council acknowledge the recommendation of the Lavender Bay Precinct and name the boardwalk at Lavender Bay the “Peter Kingston Walkway”.
2. **THAT** Council call for a report to facilitate the establishment of an annual meeting to consider nominations to recognise prominent people/groups in the North Sydney Community.
3. **THAT** the report outline a process for such a nomination which includes:
 - a nomination form identifying the person/group to be considered, the nominee and seconder and an outline of why the nominated person/group should be considered
 - the criteria for a person/group being nominated
 - the nature of the community consultation process.
4. **THAT** the report detail appropriate types of recognition for such prominent people/groups eg a plaque, naming of a park/building/place
5. **THAT** the report detail the approximate costs associated with any such naming/re-naming.
6. **THAT** any necessary amendments to the Road and Place naming policy be identified in the report.

An Amendment was moved by Councillor Marchandean and seconded by Councillor Gibson

1. **THAT** Council acknowledge the recommendation of the Lavender Bay Precinct and the Mayoral Minute of 18 July 2016 and name the boardwalk at Lavender Bay the “Peter Kingston Walkway”.
2. **THAT** Council call for a report to facilitate the establishment of an annual meeting to consider nominations to recognise prominent people/groups in the North Sydney Community.
3. **THAT** the report outline a process for such a nomination which includes:
 - a nomination form identifying the person/group to be considered, the nominee and seconder and an outline of why the nominated person/group should be considered
 - the criteria for a person/group being nominated
 - the nature of the community consultation process.
4. **THAT** the report detail appropriate types of recognition for such prominent people/groups eg a plaque, naming of a park/building/place
5. **THAT** the report detail the approximate costs associated with any such naming/re-naming.
6. **THAT** any necessary amendments to the Road and Place naming policy be identified in the report.

The Amendment was put and carried, on the casting vote of the Mayor, and became the Motion

Voting was as follows:

For/Against 4/4

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi		N
Reymond	Absent		Barbour	Y	
Clare		N	Morris	Absent	
Baker		N	Marchandean	Y	
Carr		N	Bevan	Y	

The Motion was put and carried

Voting was as follows:

For/Against 5/3

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi		N
Reymond	Absent		Barbour	Y	
Clare		N	Morris	Absent	
Baker	Y		Marchandean	Y	
Carr		N	Bevan	Y	

RESOLVED:

1. **THAT** Council acknowledge the recommendation of the Lavender Bay Precinct and the Mayoral Minute of 18 July 2016 and name the boardwalk at Lavender Bay the “Peter Kingston Walkway”.
2. **THAT** Council call for a report to facilitate the establishment of an annual meeting to consider nominations to recognise prominent people/groups in the North Sydney Community.
3. **THAT** the report outline a process for such a nomination which includes:
 - a nomination form identifying the person/group to be considered, the nominee and seconder and an outline of why the nominated person/group should be considered
 - the criteria for a person/group being nominated
 - the nature of the community consultation process.
4. **THAT** the report detail appropriate types of recognition for such prominent people/groups eg a plaque, naming of a park/building/place
5. **THAT** the report detail the approximate costs associated with any such naming/re-naming.
6. **THAT** any necessary amendments to the Road and Place naming policy be identified in the report.

295.

CiS01: Hume Street Park – Planning Proposal to amend NSLEP 2013 and Draft DCP 2013 Amendment

Report of Mark Yee, Strategic Planner

On 7 December 2015, Council resolved to support a Planning Proposal which seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to facilitate the redevelopment and expansion of Hume Street Park. In particular, the Planning Proposal seeks to:

- Rezone the entire site to RE1 Public Recreation;
- Introduce recreation facilities (indoor), child care centres, health consulting rooms, entertainment facilities, business premises, retail premises, and car parks as site specific uses via Schedule 1 of NSLEP 2013 (Clause 11);

- Remove height controls from the site on the Building Height Control Map;
- Remove non-residential floor space ratio controls from the site on the Non-Residential Floor Space Ratio Range Map;
- Identify the site at 90 Willoughby Road (Lot11 Sec4 DP2872) on the Land Reservation Acquisition Map;
- Classify the land (with the exception of 90 Willoughby Road) as 'operational' in accordance with Part 2 of Chapter 6 of the Local Government Act 1993 by listing the subject site within Part 2 of Schedule 4 of NSLEP2013.

Council also resolved to exhibit amendments to North Sydney Development Control Plan 2013 (NSDCP 2013) to identify and facilitate the expansion of Hume Street Park and protect its future function as high amenity open space.

The Planning Proposal and amendments to NSDCP 2013 seek to allow the concept design for the redevelopment of the site as endorsed by Council on 21 September 2015 to increase open space, create a new urban plaza, provide a pedestrian link from the site to Willoughby Road and develop a modern community facility. The expansion and redevelopment of Hume Street Park was identified as a key outcome of the St Leonards/ Crows Nest Planning Study - Precinct 1 (2012).

The Planning Proposal and amendments to NSDCP 2013 were placed on public exhibition from 7 July 2016 to 4 August 2016. Seven (7) submissions were received during the exhibition period. Seven submissions were received during the exhibition period. Those that objected (five) raised issues with compulsory acquisition, noise associated with construction and objection to basketball facilities being included in the new facility. These are discussed in detail in the body of the report. No changes to the Planning Proposal are recommended as a result of submissions received.

Part of the Planning Proposal includes classifying the whole of the site as 'operational' land. When reclassifying land, a public hearing is required to be undertaken in accordance with section 29 of the Local Government Act 1993. The public hearing was held on 11 August 2016, and was chaired by an independent facilitator in accordance with section 47G of the *Local Government Act, 1993*. The report recommended that additional provisions be added to Council's LEP and DCP to secure the intent for the land and remove potential doubt for its future use.

In response to these findings, the Planning Proposal and draft DCP amendment should be amended. Given that the amendments provide more development restrictions consistent with the development intent and do not represent any increased impact to surrounding properties, re-exhibition of both the Planning Proposal and draft DCP is not considered necessary.

It is recommended that Council adopt the Planning Proposal and amendments to NSDCP 2013.

Identification of 90 Willoughby Road on the Land Reservation Acquisition map may trigger acquisition obligations. Council has been negotiating Voluntary Planning Agreements, consistent with expectations within St Leonards / Crows Nest Planning Study - Precinct 1, to finance this acquisition. As such the financial implications have been considered.

Recommending:

- 1. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council forward the amended Planning Proposal (Attachment 1) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.
- 2. THAT** Council adopts the amendments to North Sydney Development Control Plan 2013 forming Attachment 2 to this report.
- 3. THAT** in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000, public notice of the adoption of the amendments to North Sydney

Development Control Plan 2013 be given.

4.THAT in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the adopted amendments to North Sydney Development Control Plan 2013, along with this Council report and resolution be forwarded to the Director General of the Department of Planning and Environment.

Mr Argus, Mr Kulak and Mr Ng addressed Council

At 7.48pm Crs Beregi, Barbour and Marchandeanu left the meeting.

The meeting lapsed for want of a quorum.

At 7.49pm Cr Marchandeanu returned and the meeting recommenced with a quorum.

At 7.50pm Cr Barbour returned to the meeting and Cr Clare left the meeting.

At 7.51pm Cr Beregi returned to the meeting.

At 7.53pm Cr Clare returned to the meeting.

The Motion was moved by Councillor Baker and seconded by Councillor Marchandeanu

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandeanu	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the amended Planning Proposal (Attachment 1) to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 59 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

2. THAT Council adopts the amendments to North Sydney Development Control Plan 2013 forming Attachment 2 to this report.

3. THAT in accordance with clause 21 of the Environmental Planning and Assessment Regulation 2000, public notice of the adoption of the amendments to North Sydney Development Control Plan 2013 be given.

4.THAT in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the adopted amendments to North Sydney Development Control Plan 2013, along with this Council report and resolution be forwarded to the Director General of the Department of Planning and Environment.

General Manager's Office

296. GMO01: Election of Deputy Mayor

Report of Ian Curry, Manager Governance and Committee Services

In accordance with Section 14 of Council's Code of Meeting Principles and Practices, the election of the Deputy Mayor (for the period from 1 October 2016 to 30 September 2017) will take place at the Council meeting to be held on Monday 19 September 2016.

Nominations for Deputy Mayor closed at noon on 14 September 2016. Nominations were received from:

- Cr Clare
- Cr Marchandean

In line with Council's policy of open government, elections shall be conducted by open voting unless, at the meeting in which the election is to take place, Council resolves to hold a secret ballot. Should the Council resolve to hold a ballot, ballot papers will be distributed to Councillors. The ballot shall be conducted in accordance with Schedule 7 Part 2 of the Local Government (General) Regulation 2005.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable

Recommending:

1. THAT the election for the position of Deputy Mayor be held.

It was moved by Councillor Baker, seconded by Councillor Beregi and resolved

1. THAT the election for the position of Deputy Mayor be held by the means of open voting.

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

The Acting General Manager advised that two nominations had been received for the position of Deputy Mayor, for Councillor Melissa Clare and Councillor Veronique Marchandean.

The following votes were cast:

Councillor Clare: 4

Councillor Marchandean: 4

As the ballot was tied, the Returning Officer place the two names in a container and the Acting General Manager drew out one name.

The Returning Officer declared Cr Melissa Clare duly elected to the position of Deputy Mayor for the period from 1 October 2016 to 30 September 2017.

297. GMO02: Matters Outstanding

Report of Ross McCreanor, Acting General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 15 August 2016 is presented.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period –

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. THAT the report be received.

The Motion was moved by Councillor Clare and seconded by Councillor Barbour

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT the report be received.

City Strategy Division

298. CiS01: Hume Street Park – Planning Proposal to amend NSLEP 2013 and Draft DCP 2013 Amendment

(Previously considered see Min. No. 295)

It was moved by Councillor Clare, seconded by Councillor Beregi and resolved

1. THAT Items CiS02, CiS04 and CiS05 be considered en globo.

Voting was as follows:

For/Against 7/1

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean		N
Carr	Y		Bevan	Y	

299. CiS02: Planning Proposal – 31-33 Albany Street, Crows Nest – Post Gateway Review

Report of Ben Boyd, Executive Strategic Planner

On 19 October 2015, Council resolved to support a Planning Proposal for the site known as 31-33 Albany Street, Crows Nest. The Planning Proposal seeks to amend the planning

controls applying to the site under North Sydney Local Environmental Plan 2013 (NSLEP 2013) as follows:

- increasing the maximum building height control from 13m to 26m, and
- introducing a maximum floor space ratio (FSR) control of 4.27:1.

Council also resolved to support an accompanying draft Voluntary Planning Agreement (VPA) which provides significant public benefit in the form of:

- a monetary contribution of \$1,150,000 for the purposes of providing new open space within the precinct, and
- a setback of 3m from Hume Lane to allow for increased footpath width and greater separation to buildings to the east of the site.

On 28 January 2016, the Minister for Planning issued a Gateway Determination permitting the Planning Proposal to be placed on public exhibition.

On 9 March 2016, Council submitted a formal request to the Department of Planning and Environment (DPE) for a Gateway Determination Review in relation to the Gateway Determination issued for the Planning Proposal. The request specifically sought:

- the removal of Condition 1(b) which sought to impose a local clause that makes arrangements for the provision of a State Infrastructure Contribution (SIC).
- the removal of Condition 2 which prevented the planning proposal from being made until such time as the DPE's planning studies for St Leonards / Crows Nest have been completed and the planning proposal amended to address those studies.

Despite Council's request for a Gateway Determination Review, Council staff resolved in March 2016 to amend the Planning Proposal in accordance with the Gateway Determination, as issued, and place it on public exhibition. This was to ensure that the applicant to the Planning Proposal was not unfairly impacted upon by unnecessary delays caused in waiting for the outcomes of the Gateway Determination Review.

On 15 August 2016, Council considered a post exhibition report in relation to the Planning Proposal and draft VPA, where it resolved in part to:

- Request the DPE make a determination with regard to Council's request for a Gateway Determination Review, seeking the removal of Conditions 1(b) and 2 from the Gateway Determination;
- Request the DPE to make a Local Environmental Plan giving effect to the Planning Proposal, subject to the following amendments:
 - removal of the local clause which seeks to impose a SIC,
 - removal of the requirement to amend the Planning Proposal to be consistent with a future planning study for St Leonards / Crows Nest to be undertaken by the Department of Planning and Environment.

On 25 August 2016, the DPE advised that a delegate to the Minister for Planning had made a determination with regard to the Gateway Determination Review. In particular, they had resolved to amend the Gateway Determination of 28 January 2016 by deleting conditions 1(b) and 2 from the Gateway Determination consistent with Council's request. There have been unreasonable delays for the applicant in resolving these conditions with the DPE and they have been ready to lodge an application for some time. In this context, it is recommended that Council support the inclusion of an additional clause in the savings provision of the LEP that enables an application to be lodged prior to the planning controls coming into force as long as it is determined after gazettal of the new controls. It is recommended that Council write to the DPE advising them to make the LEP in accordance with the revised Gateway Determination and Council's resolution of 15 August 2016.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. **THAT** Council write to the Department of Planning and Environment advising them to make the LEP in accordance with the revised Gateway Determination of 25 August 2016 and Council's resolution of 15 August 2016 as soon as the VPA is executed and its relevant conditions have been satisfied.

2. **THAT** Council support the inclusion of the following subsection to clause 1.8A "Savings provision relating to development applications":

"(2) To avoid doubt, *North Sydney Local Environmental Plan 2009* (Amendment No **) applies to the determination of a development application made (but not finally determined) before the commencement of that Plan".

RESOLVED:

1. **THAT** Council write to the Department of Planning and Environment advising them to make the LEP in accordance with the revised Gateway Determination of 25 August 2016 and Council's resolution of 15 August 2016 as soon as the VPA is executed and its relevant conditions have been satisfied.

2. **THAT** Council support the inclusion of the following subsection to clause 1.8A "Savings provision relating to development applications":

"(2) To avoid doubt, *North Sydney Local Environmental Plan 2009* (Amendment No **) applies to the determination of a development application made (but not finally determined) before the commencement of that Plan".

300. CiS03: Joint Regional Planning Panel - Membership Review 2015-2016

Report of Chloe Desgrand, Student Strategic Planner

On 21 September 2015, Council considered a report regarding the nomination of members to the Joint Regional Planning Panel (JRPP) for the 2015-2016 period. Council resolved to renominate Councillors Reymond and Clare to represent North Sydney Council on the JRPP, with Councillor Marchandeanu nominated as the alternate member. Council also resolved to review the JRPP membership in 12 months time.

In accordance with this resolution, this report seeks a review of Council's JRPP membership for the coming year, recommending that Council endorses two Councillors as members on the Panel for the next 12 months.

Council's current representatives on the JRPP are Councillors Reymond and Marchandeanu and the alternate member is Councillor Barbour.

On 15 August 2016, the Minister for Planning advised that from 21 November 2016, the current JRPPs will be replaced with six (6) Sydney Planning Panels. The JRPPs will continue to operate until the Sydney Planning Panels come into effect. Council's local nominees for the Sydney East JRPP will automatically transfer to comprise part of the Sydney Planning Panel at the time of their commencement.

Recommending:

1. **THAT** Council determines its position on whether to:

- a) retain its current nominees including an alternate, being Michel Reymond and Veronique Marchandeanu, and alternate Stephen Barbour, to the JRPP for another year; or
- b) nominate two (2) Councillors with at least one (1) further Councillor nominated as an alternative to represent North Sydney Council on the Panel for a period of three (3) years.

2. **THAT** the Panel membership be reviewed in 12 months time.

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

1. **THAT** Council retain its current nominees including an alternate, being Councillors

Michel Reymond and Veronique Marchandeanu, and alternate Councillor Stephen Barbour, to the JRPP for another year.

2. THAT the Panel membership be reviewed in 12 months time.

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandeanu	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council retain its current nominees including an alternate, being Councillors Michel Reymond and Veronique Marchandeanu, and alternate Councillor Stephen Barbour, to the JRPP for another year.

2. THAT the Panel membership be reviewed in 12 months time.

301. CiS04: Northern Beaches B Line - Road Based Proposed Works

Report of Marcelo Occhiuzzi – Manager Strategic Planning

On 9 November 2015, the NSW Government announced the delivery of the Northern Beaches B-line project, a program of works to deliver high capacity express bus services from Mona Vale to the Sydney CBD.

Various reports have been prepared for Council in the past which have provided high level information on the project to date. Because of the ongoing nature of the project's development, it has not been possible to provide site specific detail regarding the project. Most recently, however, the Roads and Maritime Service (RMS) have advised by letter dated 30 August 2016, that they are in the process of preparing a Review of Environmental Factors (REF) which outlines a range of changes that they are considering in support of the B Line project. The REF process is required to be undertaken with consultation with Council.

In summary the following changes are proposed to be considered:

The key design features of the proposal located within the North Sydney Local Government Area include the following:

- Construction of a new southbound indented bus stop on Military Road between Murdoch Street and Hampden Avenue
- Minor road widening of the southbound kerb lane of Military Road to the north and south of Holt Avenue
- Closure of Cabramatta Road at the intersection with Military Road with an option to maintain the access from Military Road for southbound traffic whilst restricting access onto Military Road
- Installation of new lane management (tidal flow) system along Military Road between Spofforth Street and Watson Street including moveable medians, fixed medians, candy-bar lane guidance, in-pavement lighting and variable lane status gantries. Specific scope of these works is as follows:
 - New section of moveable medians between Watson Street and Bydown Street
 - Extension of section of moveable medians between Young Street and Hampden Avenue

- New section of moveable medians between Holt Avenue and Spofforth Street
- Installation of new pedestrian kerb blister to prevent left turn from Military Road northbound on to Ben Boyd Road north
- Extension and relocation of local bus stops to suit new tidal flow arrangements
- Ancillary works including road regrading, services diversion and/or relocation, minor drainage works, vegetation removal, adjustments to lighting, upgrades to fencing and landscaping, new line marking and improved/new signage and traffic signal infrastructure to support the above elements of the Proposal.

The RMS has requested that a response be provided to the proposal by 20 September 2016.

This report identifies areas of concern that are recommended to be communicated to the RMS. Within the limited time available to prepare, this report highlights that the proposal provides only a fragment of the total B Line program which undermines the Government's ability to engage holistically. In addition, with the limited information available, this report finds that there may be issues with the closure and partial closure of roads and the resultant potential impacts on re-assigned traffic and pedestrian environments, reduced footpath widths and loss of mature trees, operation of the tidal flow and lack of details regarding parking restrictions and numbers, details regarding the use of existing and future bus stops and lack of detail regarding active transport initiatives beyond Military Road. It is also recommended that Council commence negotiations with Transport for NSW to enter into a Memorandum of Understanding to provide civic infrastructure improvement works along the corridor.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. **THAT** Council notes the issues and concerns outlined in this report in response to the RMS proposal as outlined in its Review of Environmental Factors dated 30 August 2016.
2. **THAT** Council prepare a submission to the RMS based on the concerns outlined in this report.
3. **THAT** Council commence negotiations with Transport for NSW to enter into a Memorandum of Understanding to contribute financially towards civic infrastructure improvement works along the corridor.

RESOLVED:

1. **THAT** Council notes the issues and concerns outlined in this report in response to the RMS proposal as outlined in its Review of Environmental Factors dated 30 August 2016.
2. **THAT** Council prepare a submission to the RMS based on the concerns outlined in this report.
3. **THAT** Council commence negotiations with Transport for NSW to enter into a Memorandum of Understanding to contribute financially towards civic infrastructure improvement works along the corridor.

302. CiS05: Council response to draft HMAS Platypus site masterplan by Sydney Harbour Foreshore Trust

Report of Gavin McConnell, Executive Planning Advisor

This report has been prepared in response to the Draft masterplan for the HMAS Platypus site. This draft masterplan has been prepared by the Sydney Harbour Federation Trust (SHFT) and is on public display until 23 September, 2016.

SHFT is a body constituted by the Australian Federal Government to rehabilitate and re-purpose harbour side sites formerly occupied by the Australian Defence Force.

HMAS Platypus is the only SHFT site located within North Sydney. Other sites around Sydney Harbour include; Snapper Island, Cockatoo Island, Chowder Bay, Middle Head and the North Head Sanctuary, Woolwich Dock, Georges Heights and the Macquarie Light Station.

Council has been invited to comment on the content and implications of the masterplan. This report follows an earlier submission by Council to SHFT in February, 2016. The earlier submission was made at the time that the terms of reference for the masterplan were being drawn up.

The following points identify the key elements of the masterplan;

- The masterplan calls for a range of uses including community, cultural, retail, commercial and recreational,
- The plan has been drawn up on the basis that the site is self-funding and that there will be a mix of revenue streams generated on site which will be used to fund improvements,
- SHFT is willing to discuss with Council the leasing of space to NSC for cultural or recreational purposes, and
- SHFT is the consent authority for all activities on site. Council will be consulted regarding development proposals deemed by SHFT to be significant or to have an impact on the broader community.

The key issues for Council are the uncertainty regarding the nature of the uses and the mix of commercial vs. community uses. The masterplan states that there will be a mix of uses but does not provide a breakdown of specific types of activity on site. The trust has advised that they will rely on external parties to approach them with proposals to activate the site. The Trust will therefore consider Council proposals to activate the site for community uses. An additional issue for Council is the extent to which Council will upgrade access opportunities in the surrounding streets and parks.

These issues are discussed in the body of the report.

The Platypus site presents an opportunity to create a valuable community precinct for North Sydney and the metropolitan area subject to clarification of the mix and nature of uses envisaged for the activation of the site.

There are no direct costs to North Sydney Council resulting from the preparation of a masterplan for HMAS Platypus by the Sydney Harbour Foreshore Trust (SHFT). However, Council may choose to develop community assets at and or adjoining the site which would have financial implications. These implications are presently unknown.

Funding for the project is appropriate.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. **THAT** Council resolve to support the general re-activation and adaptive reuse of the HMAS Platypus site,
2. **THAT** Council express concern regarding the unknown and potentially undesirable amount of commercial or other unsympathetic uses proposed for the site,
3. **THAT** Council seek clarification from SHFT regarding the mix of Commercial and Community uses at the site,
4. **THAT** Council resolve to support development of access to the site in accordance with the contents of this report including a pedestrian link across Kesterton Park and creation of a shared way on Kiara Close,

5. **THAT** Council engage in discussions with SHFT to determine the suitability and practicality of creating community facilities and or activities on the Platypus site,
 6. **THAT** Council seek an enhanced role in determining uses and activities on site, and
 7. **THAT** Council make a further submission to SHFT addressing the issues raised in this report.
 8. **THAT** the City Strategy Division be the central point of contact for future interactions with the Sydney Harbour Trust (SHFT).

RESOLVED:

1. **THAT** Council resolve to support the general re-activation and adaptive reuse of the HMAS Platypus site,
 2. **THAT** Council express concern regarding the unknown and potentially undesirable amount of commercial or other unsympathetic uses proposed for the site,
 3. **THAT** Council seek clarification from SHFT regarding the mix of Commercial and Community uses at the site,
 4. **THAT** Council resolve to support development of access to the site in accordance with the contents of this report including a pedestrian link across Kesterton Park and creation of a shared way on Kiara Close,
 5. **THAT** Council engage in discussions with SHFT to determine the suitability and practicality of creating community facilities and or activities on the Platypus site,
 6. **THAT** Council seek an enhanced role in determining uses and activities on site, and
 7. **THAT** Council make a further submission to SHFT addressing the issues raised in this report.
 8. **THAT** the City Strategy Division be the central point of contact for future interactions with the Sydney Harbour Trust (SHFT).

It was moved by Councillor Baker, seconded by Councillor Clare and resolved

1. **THAT** Items CLS01 and CLS02 be considered en globo.

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

Community & Library Services Division

302. **CLS01: Primrose Park Artists' Studio – Selection of Artists for 2017**

Report of Alison Clark, Team Leader Arts and Culture

The current six Primrose Park Studio artists' will complete their twelve month period in December.

The purpose of this report is to select two new artists for the Primrose Park Studio Program and seek support for an additional year tenancy to four of the current artists at Primrose Park Artist Studio.

The related financial implications are negligible. The associated costs will be covered by the financial year 2016/17 budget.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable

Recommending:

1. **THAT** Council supports the selection of the two new artists for the Primrose Park Studio Program commencing 19 December 2016 –17 December 2017.

2. **THAT** Council supports an additional year tenancy to four of the current artists at Primrose Park Artist Studio from 19 December 2016 –17 December 2017.

RESOLVED:

1. **THAT** Council supports the selection of the two new artists for the Primrose Park Studio Program commencing 19 December 2016 –17 December 2017.

2. **THAT** Council supports an additional year tenancy to four of the current artists at Primrose Park Artist Studio from 19 December 2016 –17 December 2017.

303. CLS02: North Sydney Creative Places / Places for Creatives Forum and Discussion Paper

Report of Alison Clark, Team Leader Arts and Culture

The purpose of this report is to present a discussion paper on the future of Council's Arts and Cultural Policies and Projects, arising from the North Sydney Creative Places / Places for Creatives Forum (Arts & Culture Forum) held in April, developed in consultation with forum participants, the North Sydney creative sector and community. The actions areas proposed link to Council's Arts and Cultural Strategic Plan 2015 – 2017 and will be developed in line with North Sydney Community Strategic Plans.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable

Recommending:

1. **THAT** the Areas of Action proposed for further discussion be considered in preparation of the renewed Community Strategic Plan

2. **THAT** the Discussion Paper be placed on exhibition for 28 days.

RESOLVED:

1. **THAT** the Areas of Action proposed for further discussion be considered in preparation of the renewed Community Strategic Plan

2. **THAT** the Discussion Paper be placed on exhibition for 28 days.

Corporate Services Division

304. CoS01: Ratepayers Incentive Draw 2016

Report of Garry Ross, Manager Financial Services

Council offers an incentive scheme for those ratepayers who have paid their rates in full by the selected date, 31 August. This year 11,895 of 38,367 (31.00%) paid in full by the relevant date.

Funding for this scheme is included in the adopted 2016/2017 operating budget.
Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. THAT the Ratepayers Incentive draw be conducted by the Mayor.

The Motion was moved by Councillor Gibson and seconded by Councillor Bevan.

Voting was as follows: For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT the Ratepayers Incentive draw be conducted by the Mayor.

The Mayor thereupon made the draw and the winners of incentive prizes were declared as follows:

- Adam Carey Green – North Sydney
- Nova Scott Wilson - Warriewood
- Yuko Raimoto - Chatswood
- Peter Davis & Dinah Davis - Cremorne
- Wee Kooi Wong – McMahons Point

It was moved by Councillor Clare, seconded by Councillor Barbour and resolved

1. THAT Items CoS02 to CoS05 be considered en globo.

Voting was as follows: For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

305. CoS02: Investments and Loan Borrowings Held as at 31 August 2016

Report of Garry Ross, Manager Financial Services (Responsible Accounting Officer)
 This report provides details of the performance of Council's investment portfolio for the August 2016.

The portfolio provided an annualised return of 3.63% for the year to date as at 31 August 2016, 1.62% above the reportable benchmark (BBSW Bank Bill Index)

Council has commenced a \$30 million debt facility and as at the 31 August 2016, has drawn down \$9.5 million for capital works projects.

Interest returns for the month ended 31 August 2016 remain consistently above the benchmark. This was attributed to additional funds being made available for investment and prudent selection and allocation of these funds to the financial institutions which make up the investment portfolio.

Interest returns for this financial year reflect estimated available funds and predicted expenditure of Council's reserves.

Council continues to monitor interest rate risk whenever it borrows, regardless of whether the interest rates are fixed or variable.

The returns performance from investments for the financial year exceeded adopted estimates.

Loan borrowing fundings for project identified in the LTFP is appropriate. All borrowings need to comply with the identified principles of Council's Financial Management Policy.

Recommending:

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

RESOLVED:

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

306. CoS03: Proposed Amendment to NSROC Constitution

Report of Ian Curry, Manager Governance and Committee Services

Over the last few months the NSROC Board has considered the options for the operation of NSROC in the context of the Local Government reform agenda, including the receipt of legal advice and weighing various options for the organisation over the coming year. A component of that consideration has been potential amendments to the NSROC Constitution to alter the member representation on the Board in the event that councils are dissolved by amalgamation or otherwise.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable

Recommending:

1. **THAT** Council endorse the proposed amendment to the Constitution of the Northern Sydney Regional Organisation of Councils and direct its representatives on the NSROC Board to support this decision at the Extraordinary NSROC Board meeting on 22 September 2016 called to consider this matter.

RESOLVED:

1. **THAT** Council endorse the proposed amendment to the Constitution of the Northern Sydney Regional Organisation of Councils and direct its representatives on the NSROC Board to support this decision at the Extraordinary NSROC Board meeting on 22 September 2016 called to consider this matter.

307. CoS04: Legal and Planning Committee - 22 August 2016

Report of Ian Curry, Manager Governance and Committee Services

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 22 August 2016, for Council adoption. The minutes are attached for information.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report. Item 1 in General Business relates to legal advice received regarding the Guidelines.

Recommending

1. **THAT** the Current Appeals and Results - August 2016 report be received.
2. **THAT** the Planning Proposal – 275 Alfred Street, North Sydney report be received.
3. **THAT** in the context of the State Infrastructure Contribution regime that the NSW Government is seeking to impose in the St Leonards/Crows Nest precinct, Council continue to pursue the local benefits that have previously been the subject of wide consultation and endorsement by local communities.
4. **THAT** Council continue to encourage the following outcomes for the Northern Beaches B-line project for Neutral Bay and Cremorne via the regular stakeholder meetings with TfNSW:
 - a) improved bus passenger travel times;
 - b) mode shift towards a greater percentage patronage of public transport for trips between the northern beaches and global Sydney;
 - c) Military Road traffic reduction;
 - d) Consideration of a stop in or near the North Sydney Centre in recognition of the Centre’s major employment role; and
 - e) reduced external parking demand.
5. **THAT** matter referred to the STRG and Precinct Committees adjoining the corridor, Cremorne and Neutral Bay Chambers of Commerce and the streetscape committees.

RESOLVED:

1. **THAT** the Current Appeals and Results - August 2016 report be received.
2. **THAT** the Planning Proposal – 275 Alfred Street, North Sydney report be received.
3. **THAT** in the context of the State Infrastructure Contribution regime that the NSW Government is seeking to impose in the St Leonards/Crows Nest precinct, Council continue to pursue the local benefits that have previously been the subject of wide consultation and endorsement by local communities.
4. **THAT** Council continue to encourage the following outcomes for the Northern Beaches B-line project for Neutral Bay and Cremorne via the regular stakeholder meetings with TfNSW:
 - f) improved bus passenger travel times;
 - g) mode shift towards a greater percentage patronage of public transport for trips between the northern beaches and global Sydney;
 - h) Military Road traffic reduction;
 - i) Consideration of a stop in or near the North Sydney Centre in recognition of the Centre’s major employment role; and
 - j) reduced external parking demand.
5. **THAT** matter referred to the STRG and Precinct Committees adjoining the corridor, Cremorne and Neutral Bay Chambers of Commerce and the streetscape committees.

308. CoS05: Governance Committee - Minutes 12 September 2016

Report of Ian Curry, Manager Governance and Committee Services

This report presents the recommendations in the reports of the last meeting of the Governance Committee scheduled for 12 September 2016, for Council adoption.

The meeting did not have a quorum so the items are submitted to Council for consideration.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable

Recommending:

1. **THAT** the amended Fraud and Corruption Prevention Policy be adopted.
2. **THAT** the Credit Card Surcharge report be received.
3. **THAT** Council supports the termination of the 1% surcharge on credit card transactions.
4. **THAT** the General Manager's Expense Claims – 1 January 2016 to 30 June 2016 report be received.
5. **THAT** the Mayor and Councillors Facilities and Benefits Policy be readopted by Council.
6. **THAT** should Council have any amendments to the Policy, it be placed on public exhibition for 28 days. A further report will be prepared for Council's consideration should Council receive any submissions. Should Council receive no submissions, Council consider the Amended Mayor and Councillors Facilities and Benefits Policy as adopted at the end of the closing period for submissions.
7. **THAT** the date of the October Council meeting be changed from 17 to 24 October 2016.
8. **THAT** the Councillor Professional Development Plan 2016/17 report be received.

RESOLVED:

1. **THAT** the amended Fraud and Corruption Prevention Policy be adopted.
2. **THAT** the Credit Card Surcharge report be received.
3. **THAT** Council supports the termination of the 1% surcharge on credit card transactions.
4. **THAT** the General Manager's Expense Claims – 1 January 2016 to 30 June 2016 report be received.
5. **THAT** the Mayor and Councillors Facilities and Benefits Policy be readopted by Council.
7. **THAT** the date of the October Council meeting be changed from 17 to 24 October 2016.
8. **THAT** the Councillor Professional Development Plan 2016/17 report be received.

Engineering & Property Services Division

309. EPS01: Council Owned/Leased Properties: Leasing Transactions

Report of Risha Joseph, Property Officer

A report is submitted regarding the leasing transactions for Council's owned and leased properties, for the period ending 5 September 2016.

Rental income to Council will be received in the Property Budget.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. **THAT** Council notes the leasing transactions, which are detailed in Attachment A of this report.
2. **THAT** Council hereby authorises its Official Seal to be affixed to the legal instruments

necessary to implement the proposed leasing transactions, which is noted in “Attachment A” of this report, under the signature of the Mayor and the General Manager.

The Motion was moved by Councillor Clare and seconded by Councillor Marchandau

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandau	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council notes the leasing transactions, which are detailed in Attachment A of this report.

2. THAT Council hereby authorises its Official Seal to be affixed to the legal instruments necessary to implement the proposed leasing transactions, which is noted in “Attachment A” of this report, under the signature of the Mayor and the General Manager.

310. EPS02: Supply of Truck Mounted Vacuum Excavator – Contract 4 / 2017

Report of Cameron Sim, Fleet and Parking Stations Manager

Tenders were called and were received until 4pm on 4 August 2016, for the submission of tenders to undertake the Supply of Truck Mounted Vacuum Excavator.

In order for Councillors to discuss the content of this Commercial in Confidence report it will be necessary to close the Council meeting to the public.

This purchase will be funded from the Plant Reserve, as part of the plant replacement schedule for 2016 / 2017 financial year.

Funding for the project is appropriate.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. THAT Council accept the tender of the highest ranked Tenderer for Tender 4 / 2017 for Supply of Truck Mounted Vacuum Excavator.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 4 / 2017 under signature of the Mayor and the General Manager.

3. THAT once Council has executed the Contract, 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*.

The Motion was moved by Councillor Marchandau and seconded by Councillor Baker

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

- 1. THAT** Council accept the tender of Vermeer Equipment Holdings Pty Ltd for Tender 4/2017 for Supply of Truck Mounted Vacuum Excavator.
- 2. THAT** Council hereby authorises its Official Seal to be affixed to Contract 4/2017 under signature of the Mayor and the General Manager.
- 3. THAT** once Council has executed the Contract, 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*.

311. EPS03: North Sydney Oval Duncan Thompson Stand remedial building works - Contract 32/2016

Report of Albert Lo, Property Asset Manager

Tenders were called and received until 4.00 pm on 16 February 2016 for remedial building works at North Sydney Oval Duncan Thompson Stand.

Council resolved at its meeting on 21 March 2016 to accept the tender of the highest ranked tenderer for Contract No. 32/2016 for NS Oval Duncan Thompson Stand remedial building works.

However before award of the tender, there were unforeseen and extenuating circumstances that resulting in significant changes in the scope of work for this contract.

Funding will be provided from the Property Renewal Program. This project is an approved project in Council's Operational Plan.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

- 1. THAT** Council cancels the tender for Contract No. 32/2016 for NS Oval Duncan Thompson Stand remedial building works.
- 2. THAT** in accordance with Clause 178 (3) of the Local Government Regulations 2005, Council invites fresh tenders for the project.

The Motion was moved by Councillor Marchandean and seconded by Councillor Baker

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

- 1. THAT** Council cancels the tender for Contract No. 32/2016 for NS Oval Duncan

Thompson Stand remedial building works.

2. THAT in accordance with Clause 178 (3) of the Local Government Regulations 2005, Council invites fresh tenders for the project.

312. **EPS04: Boat Trailer Parking Restrictions Gazettal**

Report of Michaela Kemp, Manager Traffic and Transport Operations

At the Council meeting on 16 May 2016 it was resolved:

THAT Council nominate all public roads and land within the North Sydney LGA to be gazetted as declared areas under Section 15A of the Impounding Act 1993 (Impounding Amendment (Unattended Boat Trailers) Act 2015). Under Section 15A of the Act, in declared areas boat trailers must be moved at least every 28 days at least as far as a different block of the same street and Council must provide at least 15 days notice before impounding a trailer.

Council has since been contacted by the Office of Local Government advising that Council should adopt a secondary, more specific resolution authorising the Gazettal of the Order to declare the restricted areas, to ensure the gazettal process is seamless, following experiences of pilot Councils. (Refer to recommendations 2 and 3 of this report).

The report addresses this requirement.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. THAT the resolution of Council of 16 May 2016 in relation to *EPS02 Post-Exhibition Report – Boat Trailer Parking Restrictions* be rescinded.

2. THAT By Order of the Council made by this resolution the area described in the report, the area of North Sydney Council Local Government Area bounded by the bold grey border in the attached map, be on and from 1 October 2016, a declared area for the purposes of section 15A(1) of the Impounding Act 1993.

3. THAT the Acting General Manager arrange for the publication of this Order in the Gazette and for the Order to contain details of the area declared.

The Motion was moved by Councillor Barbour and seconded by Councillor Baker

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandeanu	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT the resolution of Council of 16 May 2016 in relation to *EPS02 Post-Exhibition Report – Boat Trailer Parking Restrictions* be rescinded.

2. THAT By Order of the Council made by this resolution the area described in the report, the area of North Sydney Council Local Government Area bounded by the bold grey border in the attached map, be on and from 1 October 2016, a declared area for the purposes of section 15A(1) of the Impounding Act 1993.

3. THAT the Acting General Manager arrange for the publication of this Order in the Gazette and for the Order to contain details of the area declared.

313. EPS05: Emergency Seawall Works at Milsons Point

Report of Ashraf Doureihi, Engineering Project Manager

Due to extenuating circumstances and the emergency nature of the works, it is proposed to undertake seawall works at Milson Point under the Harbour Bridge without calling for tenders.

In order for Councillors to discuss the content of this Commercial in Confidence report it will be necessary to close the Council meeting to the public.

Funding for this project was not included in the current delivery program for "Sea Wall Works". Funding is available in the 2016/17 financial year from the Sea Walls Construction Budget.

Funding for the project is appropriate.

Local Government Act 1993: Section 23A Guidelines – Council Decision Making During Merger Proposals.

The guidelines have been considered in the preparation of this report and are not applicable.

Recommending:

1. THAT Council accept to award the emergency seawall works at Milsons Point for the estimated cost outlined in the Confidential Memorandum without calling for tenders due to extenuating circumstances and the emergency nature of the works as outlined in this report.

The Motion was moved by Councillor Bevan and seconded by Councillor Marchandeanu

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandeanu	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council accept to award the emergency seawall works at Milsons Point for the estimated cost outlined in the Confidential Memorandum without calling for tenders due to extenuating circumstances and the emergency nature of the works as outlined in this report.

Open Space & Environmental Services Division**314. OSE01: Proposed new Playground in Forsyth Park – Post Exhibition**

Report of Melissa McManus, Landscape Technical Officer

In 1996 North Sydney Council developed its first Playgrounds Plan of Management. As part of this process all existing playgrounds were assessed and prioritised for repair or upgrading and since that time all of North Sydney's playgrounds have been upgraded and remain in good condition. The most recent review of the Playgrounds Plan of Management therefore sought to identify any areas that are in need of additional new playgrounds and used demographic and other changes to prioritise these.

Council identified that there is strong demand for more playground facilities in the Neutral

Bay area and Forsyth Park offered an ideal location. A concept plan was developed and a number of key stakeholder groups were directly consulted during development of this plan including Neutral Bay Precinct, Montessori Pre-school and Anderson Precinct. The concept was placed on public exhibition for five weeks and the consultation program also included direct mail out to over 400 surrounding households and emails to identified user groups such as local schools, playgroups and child care centres, encouraging all to make comment through an online survey. This report documents the results of the community consultation.

Funding has been allocated for this project in the current 2016-17 Delivery Plan.

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable

Recommending:

1. THAT Council endorses the construction of a new playground in Forsyth Park as per the concept plan exhibited.

A Motion was moved by Councillor Gibson and seconded by Councillor Beregi

1. THAT Council endorses the construction of a new playground in Forsyth Park as per the concept plan exhibited.

2. THAT the concept plan design include exercise equipment for seniors.

The Motion was put and carried

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council endorses the construction of a new playground in Forsyth Park as per the concept plan exhibited.

2. THAT the concept plan design include exercise equipment for seniors.

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

315. NoM01: Notice of Motion No. 34/16 by Cr Reymond - 8/9/16

Re: Clifton and Union Streets

THAT Council commence the process to vest in its name that part of Clifton and Union Streets not presently so vested.

The Motion was moved by Councillor Baker and seconded by Councillor Beregi

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council commence the process to vest in its name that part of Clifton and Union Streets not presently so vested.

316. NoM02: Notice of Motion No. 35/16 by Cr Reymond - 8/9/16

Re: Bushland adjacent to North Shore railway line

THAT Council begin discussions with the Department of Planning and the Department of Transport to identify ways in which those parts of the bushland/open space adjacent to the North Shore railway line within Council's boundaries, can be opened up and made more accessible for public use and recreation (in addition to those it may already be), particularly in light of what is understood to be the present Minister of Planning's stated policy in that regard.

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

1. THAT Council begin discussions with the Department of Planning and the Department of Transport to identify ways in which those parts of the bushland/open space adjacent to the North Shore railway line within Council's boundaries, can be opened up and made more accessible for public use and recreation (in addition to those it may already be), particularly in light of what is understood to be the present Minister of Planning's stated policy in that regard. Council's City Strategy Division is to be consulted and inform Council's negotiations.

2. THAT a report be submitted to Council on a policy in relation to the acquisition/or care, control and management of Crown Land.

The Motion was put and carried

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council begin discussions with the Department of Planning and the Department of Transport to identify ways in which those parts of the bushland/open space adjacent to the North Shore railway line within Council's boundaries, can be opened up and made more accessible for public use and recreation (in addition to those it may already be), particularly in light of what is understood to be the present Minister of Planning's stated

policy in that regard. Council's City Strategy Division is to be consulted and inform Council's negotiations.

2. THAT a report be submitted to Council on a policy in relation to the acquisition/or care, control and management of Crown Land.

317. NoM03: Notice of Motion No. 36/16 by Cr Baker - 14/9/16

Re: September 2016 local government elections

1. THAT Council congratulates the successful candidates in the September 2016 local government elections and acknowledges the strong community opposition to the State Government's forced amalgamation agenda across the State and the "two votes for business" gerrymander in the City of Sydney expressed in the election results.

2. THAT Council write to the Premier and Minister for Local Government demanding that the government immediately halt any further forced amalgamations in the light of the clear community opposition to the policy highlighted by the recent local government election results.

3. THAT Council write to the Premier, Minister for Local Government, Leader of the Opposition and minor party MLCs demanding the repeal of the unfair and undemocratic business voting provisions in the City of Sydney.

The Motion was moved by Councillor Baker and seconded by Councillor Beregi

Voting was as follows:

For/Against 6/2

Councillor	Yes	No	Councillor	Yes	No
Gibson		N	Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan		N

RESOLVED:

1. THAT Council congratulates the successful candidates in the September 2016 local government elections and acknowledges the strong community opposition to the State Government's forced amalgamation agenda across the State and the "two votes for business" gerrymander in the City of Sydney expressed in the election results.

2. THAT Council write to the Premier and Minister for Local Government demanding that the government immediately halt any further forced amalgamations in the light of the clear community opposition to the policy highlighted by the recent local government election results.

3. THAT Council write to the Premier, Minister for Local Government, Leader of the Opposition and minor party MLCs demanding the repeal of the unfair and undemocratic business voting provisions in the City of Sydney.

318. NoM04: Notice of Motion No. 37/16 by Cr Beregi - 14/9/16

Re: Membership of LGNSW

THAT Council write to LGNSW seeking clarification on the impact of forced council mergers on their membership and the role of administrators.

A Motion was moved by Councillor Beregi and seconded by Councillor Clare

1. THAT Council write to LGNSW seeking clarification on the impact of forced council mergers on their membership and the role of administrators. i.e the voting rights of the administrator.

2. THAT Council request Local Government NSW address the inherent conflict of interest of Administrators when voting takes place in relation to matters pertaining to any NSW State Government Policy, as Administrators are appointed and directly report to the State Government rather than the electors.

3. THAT Council write to Local Government NSW referencing the criticism in terms of the failure of advocacy cited by the Administrator of Cumberland Council and seeking an explanation from Local Government NSW as to how they would justify the failure of their advocacy, in particular in relation to the forced amalgamation agenda and the value for money provided to members.

The Motion was put and carried

Voting was as follows:

For/Against 8/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Beregi	Y	
Reymond	Absent		Barbour	Y	
Clare	Y		Morris	Absent	
Baker	Y		Marchandean	Y	
Carr	Y		Bevan	Y	

RESOLVED:

1. THAT Council write to LGNSW seeking clarification on the impact of forced council mergers on their membership and the role of administrators. i.e the voting rights of the administrator.

2. THAT Council request Local Government NSW address the inherent conflict of interest of Administrators when voting takes place in relation to matters pertaining to any NSW State Government Policy, as Administrators are appointed and directly report to the State Government rather than the electors.

3. THAT Council write to Local Government NSW referencing the criticism in terms of the failure of advocacy cited by the Administrator of Cumberland Council and seeking an explanation from Local Government NSW as to how they would justify the failure of their advocacy, in particular in relation to the forced amalgamation agenda and the value for money provided to members.

MATTERS OF URGENCY

262. James Milson Village.

Councillor Beregi sought urgency to move a motion following a meeting with representatives of James Milson Village prior to the Council meeting.

The Mayor did not permit urgency.

Councillor Baker requested that a further Councillor Briefing be held on the matters raised at the previous Briefing and the Mayor advised that the Acting General Manager could

arrange such a Briefing.

The Meeting concluded at 8.43 pm

CHAIRPERSON

ACTING GENERAL MANAGER