



Council Chambers
17 November 2016

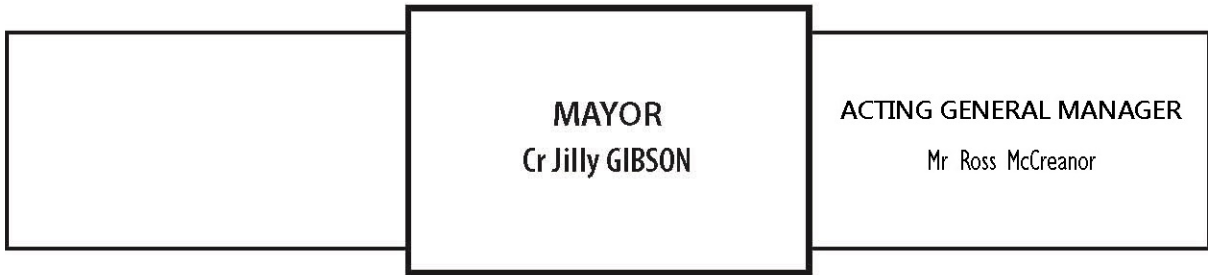
The **3686th MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.00pm** on Monday, 21 November 2016. The agenda is as follows.

**ADRIAN PANUCCIO
ACTING GENERAL
MANAGER**

North Sydney Council is an Open Government Council. The records of Council are available for public viewing in accordance with this policy, with the only exception being made for certain confidential documents such as legal advice, matters required by legislation not to be divulged, and staff matters.

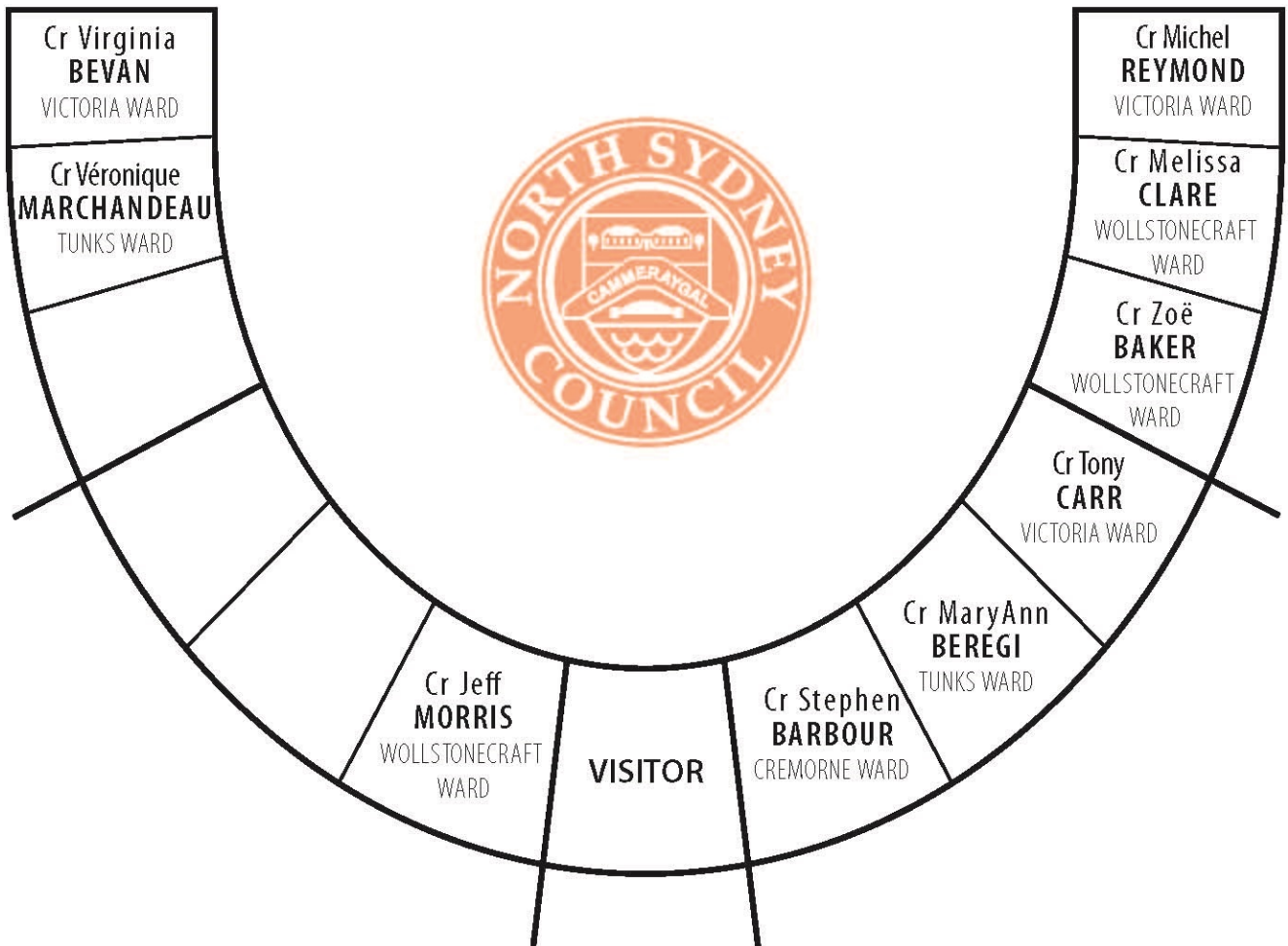
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - **MATTERS BROUGHT FORWARD**
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**
 - **MINUTES OF THE MAYOR**
 - **RESCISSION MOTIONS** of which due notice has been given
 - **REPORTS** from Officers of the Council
 - **CORRESPONDENCE** to be read, and if necessary ordered upon
 - **MOTIONS** of which due notice has been given
 - **QUESTIONS** of which due notice has been given
 - **QUESTIONS** without notice.

**COUNCILLORS PLEASE NOTE - ANY PAPERS RELATING TO FUTURE COUNCILLOR
INSPECTIONS OR RESCISSION MOTIONS SHOULD BE KEPT**



COUNCIL OFFICERS

DIRECTOR Open Space & Environmental Services Mr Robert Emerson	DIRECTOR Community & Library Services Mr Martin Ellis	DIRECTOR Engineering & Property Services Mr Duncan Mitchell	DIRECTOR City Strategy Mr Joseph Hill	MANAGER	CHIEF OPERATING OFFICER Mr Adrian Panuccio
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PUBLIC GALLERY



Explanatory Notes for Members of the Public Attending Meetings

1. Council meetings comprise the full membership of the Council with a quorum of six Councillors. Ordinary Council meetings consider reports from all Divisions of Council.

2. The Chairperson shall be the Mayor or, in her absence, the Deputy Mayor.

3. A recorded message listing all items on the agenda is placed on the Agenda Information Line (9936 8188) after midday on the Thursday before a Council meeting. Reports are published on Council's website (www.northsydney.nsw.gov.au) by close of business on the **Thursday** before the meeting or printed copies may be viewed at Stanton Library or the Council Chambers.

4. Members of the public wishing to address Council or have an item brought forward may register by telephoning the Council (9936 8115) by 5.00pm on the day of the meeting or by speaking to the officer who is present in the foyer outside the Council Chamber from 6.40pm to 6.55pm.

5. As the Chairperson calls the brought forward items on the agenda, speakers are invited to take their place at the foot of the Councillors' table. When you are called to speak, you must identify yourself by name and address or professional status. When you have made your address, the Council may wish to ask questions of you, after which you should resume your seat in the Gallery.

6. The following points should be noted by members of the public wishing to address Council:

- Addresses must relate to an item on the agenda.
- Addresses should be limited to three (3) minutes.
- Addresses should be made to "Mayor and Councillors".
- If you have previously addressed the Council on the subject then any further address must be made to present new information **ONLY**.
- Groups, or persons wishing to present similar points of view, should nominate a spokesperson and not address the Council individually.
- All questions and comments are to be addressed through the Chairperson.
- Having made your address and answered any questions put to you by the Councillors, you may take no further part in the debate.
- No written submissions or documentation may be presented to the meeting without a resolution of Council
- Members of the public are asked not to make insulting or defamatory statements, and to take care when discussing other people's personal information (without their consent).

7. When all representations have been heard, the Chairperson will ask for a motion to determine the matter.

COUNCIL MEETINGS



Explanatory Notes for Members of the Public Attending Meetings

8. It should be noted that any three (3) Councillors may lodge a Notice to have a decision reviewed. The Notice must be lodged with the General Manager by 12.00 noon on the second business day after the meeting. You should not act on any decision of this meeting until you receive written notice of the decision from the General Manager.

9. Members of the public should acknowledge the Chairperson when entering or leaving the Chamber whilst the meeting is in progress.

10. Members of the public gallery are requested to switch off mobile phones for the duration of the meeting.

11. Parts of this meeting may be recorded for the purpose of assisting in the transcription of the Minutes. The Government Information (Public Access) Act applies to the recording of Council meetings and, from time to time, Council may receive an application to release such recordings to a member of the public.

All Council meetings are also webcast via the internet. Members of the public are advised that if they address Council their voice will form part of the webcast but they will not appear on camera.

Note: The Code of Meeting Principles and Practices may be viewed on Council's Website, at Council Offices or Stanton Library.

TO: The Mayor, Jilly Gibson and Councillors Reymond, Carr, Bevan, Barbour, Morris, Clare, Baker, Marchandean, Beregi.

**SUBJECT: 3686th MEETING OF COUNCIL TO BE HELD ON MONDAY,
21 NOVEMBER 2016**

THAT THE MINUTES of the previous 3685th Council Meeting held on Monday, 24 October 2016 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

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

1. NoRM01: Notice of Rescission No 4/16 By Councillors Gibson, Bevan, Marchandean and Barbour

THAT the decision of Council at its meeting of 24 October 2016 regarding MM01: Additional Netball Courts at the Ward Street Carpark North Sydney (The Motion was put and lost) be rescinded.

2. NoRM02: Notice of Rescission No 5/16 By Councillors Gibson, Bevan and Marchandean

THAT the decision of Council at its meeting of 24 October 2016 regarding NoM06: Membership of Local Government NSW:

1. THAT Council resign from financial membership of LGNSW with immediate effect and that a refund of subscription fees paid this year be requested.

2. THAT Council authorise the General Manager to seek other options in conjunction with other councils and ROCs to provide industrial and related services as required.

3. THAT Council establish a peak body organisation to represent councils and engage in robust and rigorous advocacy and policy leadership on local government issues and reform.

4. THAT Council allocate funding towards lobbying and advocacy including the establishment of such an organisation and provide an officer with detailed knowledge and experience of the local government sector and LGNSW to this project for a minimum 2 year period.

5. THAT Council nominate a steering group for the establishment of the new organisation of the General Manager and two Councillors.

be rescinded.

REPORTS

General Manager's Office

3. **GMO01: 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 24 October 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.

4. **GMO02: Review of Delegations of Authority**

Report of Matthew Pearce, Solicitor

An annual review of the delegations granted to staff in accordance with Section 377 of the Local Government Act 1993 has been undertaken.

Amendments to the Delegations of Authority Manual have been highlighted in red in Attachment 1.

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 delegations to the Mayor and General Manager as contained in the Delegations of Authority Manual be granted.

2. **THAT** the delegations by the General Manager to staff in the Delegations of Authority Manual be noted.

5. **GMO03: Final Report: Code of Conduct (1)**

Report of Adrian Panuccio, Chief Operating Officer / Complaints Coordinator

To present the Final Report of an Independent Conduct Reviewer following the Reviewer's investigations into alleged breaches of the Conduct of Conduct by a Councillor.

In accordance with Clause 8.45 within Appendix A of Council's Code of Conduct - Councillors and Staff:

The Council is to close its meeting to the public to consider the final report where it is permitted to do so under section 10A of the Act.

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 close the meeting to the public pursuant to sections 10A(1) and 10A(2)(i) of the *Local Government Act 1993* to consider information concerning a code of conduct matter.

6. GMO04: Final Report: Code of Conduct (2)

Report of Adrian Panuccio, Chief Operating Officer/Complaints Coordinator
To present the Final Report of an Independent Conduct Reviewer following the Reviewer's investigations into alleged breaches of the Conduct of Conduct by a Councillor.

In accordance with Clause 8.45 within Appendix A of Council's Code of Conduct - Councillors and Staff:

The Council is to close its meeting to the public to consider the final report where it is permitted to do so under section 10A of the Act.

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 close the meeting to the public pursuant to sections 10A(1) and 10A(2)(i) of the *Local Government Act 1993* to consider information concerning a code of conduct matter.

City Strategy Division

7. **CiS01: North Sydney Council Annual Report 2015/16**

Report of Katrina Furjanic, Corporate Planning Coordinator

Council's Annual Report for the financial year ending 30 June 2016 has been completed in accordance with section 428 of the Local Government Act 1993, the Local Government (General) Regulation 2005 (Part 9, Division 7) and the Office of Local Government's Integrated Planning and Reporting Guidelines.

The Annual Report is a comprehensive document which includes Council's audited financial statements as well as detailing Council's performance towards achieving the community's vision and priorities outlined in the Community Strategic Plan (CSP). Overall, all the five CSP Directions scored a green light, indicating performance for the year was on track in all areas and 93% of Operational Plan activities were completed or on track.

North Sydney Council achieved many great outcomes in 2015/16 including:

- 110kg of waste per person was diverted from landfill
- 15% reduction in Council's energy consumption
- \$61.6m operating surplus
- \$43.7m spent on capital works
- Record number of road and footpath improvements
- A successful Happiness Works Here Program
- \$2.2 million in grants given to local community organisations
- Construction of a boarding House at Wollstonecraft
- 516,478 visitors to Stanton Library
- Council's 125th anniversary celebration
- 84% overall customer satisfaction with Council
- 508 Council resolutions made

North Sydney Council is proud to be the winner of a number of awards, including:

- National Trust Heritage Award for *At Home in North Sydney – an architectural history of a locality*
- Parks & Leisure Australia Award for the Wollstonecraft Station playground, Berry Island playground and Brightmore Reserve tricycle track
- Excellence in the Environment Award for *Harvest North Sydney*

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 Annual Report be adopted.

8. **CiS02: Amendment under Section 73A of the EP&A Act (Parcel Descriptions & Heritage Map)**

Report of Chloe Desgrand, Student Strategic Planner

Since the commencement of North Sydney Local Environmental Plan (NSLEP) 2013, Council staff have identified and have been alerted to some minor issues with the interpretation and application of the LEP. In particular, three issues have been identified that are of a minor technical nature and relate to obvious errors, including:

- The application of property descriptions involving Strata Plans and Company Title;
- The legal property descriptions for items listed in Schedule 5 to NSLEP 2013; and
- A discrepancy between the Heritage Map to NSLEP 2013 and the written instrument.

The primary purpose of the proposed amendments is to improve the clarity in the application of NSLEP 2013 through the correction of these technical errors.

The intent of the amendments is proposed to be met through the following amendments to NSLEP 2013:

- Remove all lot references where Strata Plans are mentioned throughout the LEP, with the exception of Clause 21 to Schedule 1;
- Remove all lot references where Company Titles are mentioned throughout the LEP, and inclusion of the underlying Deposited Plan information;
- Correction of the legal descriptions to heritage items within Schedule 5; and
- Replacement of the Heritage Map Sheet 002 with a new map that removes the references to nine heritage items that were previously formally removed from Schedule 5, prior to the LEP's commencement.

In 2005, NSW Planning Reforms included the introduction of Section 73A under the Environmental Planning and Assessment Act 1979 (EP&A Act).

Section 73A allows certain types of minor amendments to be made to a LEP without the need to follow the usual procedures for preparing and amending an instrument under Part 3 of the EP&A Act.

The proposed amendments represent minor corrections to the LEP and are consistent with the provisions of Section 73A, as the amendments propose to:

- Correct obvious errors in the principal instrument consisting of the misdescription of land; and
- Resolve a minor discrepancy between the heritage map and written instrument.

Prior to advising the DPE of a proposed amendment, Planning Circular PS 06-014 requires that Council first resolve to prepare a LEP amendment in accordance with Section 73A.

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 prepare a LEP amendment in accordance with Section 73A of the Environmental Planning and Assessment Act, 1979, to:

- (a) Remove all lot references where Strata Plans are mentioned throughout the LEP, with the exception of Clause 21 to Schedule 1;
- (b) Remove all lot references where Company Titles are mentioned throughout the LEP and inclusion of the underlying Deposited Plan information, as follows:

<i>Item No.</i>	<i>Address</i>	<i>Property Description</i>
I0289	59 Upper Pitt Street, Kirribilli	Lot 1, DP 322192 (CT 39)
I0294	29 Waruda Street, Kirribilli	Lot 17, DP 13064 (CT 3); Lots 1 and 2, DP 179278.
I0467	19 East Crescent Street, McMahons Point	Lot B, DP 325054 (CT 19)
I0468	23-25 East Crescent Street, McMahons Point	Lot 2, DP 983771 (CT 20)

- (c) Correction of the legal descriptions for heritage items listed under Schedule 5, as follows:

<i>Item No.</i>	<i>Address</i>	<i>Property Description</i>
I0017	336-338 Miller Street, Cammeray	SP 273 and SP 10734
I0016	336-338 Miller Street, Cammeray	SP 273 and SP 10734
I0359	23 Waiwera Street, Lavender Bay	SP 85383
I0511	62 Victoria Street, McMahons Point	Lot 4, DP 1214465
I0512	64 Victoria Street, McMahons Point	Lot 3, DP 1214465
I0513	66 Victoria Street, McMahons Point	Lot 2, DP 1214465
I0514	68 Victoria Street, McMahons Point	Lot 1, DP 1214465

- (d) Replacement of the Heritage Map Sheet 002 with a new map that removes the references to nine heritage items that were previously formally removed from Schedule 5, prior to the LEP's commencement:

- I0391
- I0392
- I0393
- I0395
- I0398
- I0399
- I0400
- I0401
- I0403

2. THAT Council notify the Department of Planning and Environment of Council's resolution to prepare an amendment to North Sydney Local Environmental Plan 2013 in accordance with Section 73A of the Environmental Planning and Assessment Act, 1979 and forward all the necessary documentation according to their requirements and this report.

3. THAT the relevant North Sydney Heritage Inventory Sheets be updated to reflect the outcomes of the amendment.

4. THAT Council seek to amend the *Planning Proposal – Redevelopment and Expansion of Hume Street Park* to remove all lot references within Strata Plan property descriptions through the Parliamentary Counsel drafting the instrument.

9. **CiS03: Preparation of Plans of Management for Tunks and Anderson Parks**

Report of Katerina Pikoulas, Graduate Strategic Planner and Mark Yee, Strategic Planner

At its meetings on 21 March and 18 April 2016, Council resolved to prepare Plans of Management (POM) for Tunks and Anderson Parks. These resolutions arose from a significant level of community interest in the future use and management of both these parks.

Detailed Project Briefs for Tunks and Anderson Parks have now been prepared (refer to Attachments 1 and 2). The preparation of these Project Briefs has involved input from an internal Project Control Group (PCG). In particular, the Project Briefs acknowledge the issues raised by the community regarding previous Council proposals for both Tunks and Anderson Parks. Given the similarity of issues to be addressed for each park, the intent is for both Plans to be prepared concurrently and adopt a similar methodology. As such, the proposed project objectives, scope of works, staging and timing is similar for both Plans. The Project Briefs require a thorough and proactive community consultation program, comprising two key consultation phases. This includes a preliminary phase which will elicit the values and general feedback about each park, followed by an extensive workshop consultation process for each plan during the formal public exhibition period.

The Project Briefs identify several key issues affecting Tunks Park and Anderson Park which will be addressed by each Plan of Management. These relate to the competing recreation needs of a diverse range of park users; the impacts associated with the increasing use and intensity of the parks; traffic and parking; fauna and flora, heritage conservation; contamination; acid sulfate soils, irrigation and drainage, flooding and bushfire.

This report seeks Council's endorsement of the draft Project Briefs for Tunks and Anderson Parks. It also notes that the funding required to expedite the project is yet to be allocated. As such, the appropriate funding will need to be allocated to enable the project to proceed to the tender stage in accordance with Council's Procurement Policy and section 55 of the Local Government Act 1993.

Funding will need to be allocated to proceed with the preparation of each Masterplan and Plan of Management.

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 draft Project Briefs for Tunks and Anderson Parks, as per Attachments 1 and 2.
- 2. THAT** the appropriate funding (\$100-150K) be allocated to each Plan to be spent in 2016/17 to expedite the preparation and delivery of the Masterplan and Plans of Management for Tunks and Anderson Parks.
- 3. THAT** the project progress to the tender stage in accordance with Council's Procurement Policy and section 55 of the Local Government Act 1993.

Community & Library Services Division

1. **CLS01: North Sydney Council's Australia Day Community Awards 2017**

Report of Jess Gledhill, Arts & Cultural Programs Officer

North Sydney Council's Australia Day Community Awards will be held in conjunction with the Citizenship Ceremony on Thursday 26 January 2017. The awards will be presented by the Mayor, Jilly Gibson and the Australia Day Ambassador (to be announced). The community awards form part of the Australia Day Council awards program administered by local government.

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 three Australia Day Community Award Winners - Citizen of the Year, Young Citizen of the Year and Community Group/Event of the Year.

Corporate Services Division

2. **CoS01: Financial Statements for the Year Ended 30 June 2016**

Report of Garry Ross, Manager Financial Services (Responsible Accounting Officer)

The Annual statements were prepared, audited and submitted to the Division of Local Government on 31 October 2016. The reports have been on public exhibition and Council has not received any submission as to the contents of the reports.

Council has received an unqualified audit report.

Please find attached the audited Financial Statements for the year ended 30 June 2016. The document consists of the following four sections:

- Section I – Executive Summary;
- Section II – General Purpose Financial Statements;
- Section III – Special Purpose Financial Statements; and
- Section IV – Special Schedules.

Council achieved a net operating surplus from continuing operations of \$61.6 million in 2015/16. This result includes unrealised (non-cash) capital gains of \$12.8 million in the value of Council's investment properties and a \$34.3 million (non-cash) land and building contribution.

The audited 2016 Financial Statements have been presented to the Audit and Risk Committee and at the Councillors Workshop – Finance.

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 under Section 413(1) of the Local Government Act, 1993, the Financial Statements for the year ended 30 June 2016 be received.

3. **CoS02: Quarterly Budget Review - September 2016**

Report of Darren Goode, Accounting Services Manager

The purpose of this report is to inform Council of the results of the review of the budget for the quarter ended 30 September 2016 and to seek approval to make the necessary adjustments to the 2016/17 revised budget to reflect the current projected estimates of income and expenditure for the year.

The net effect of the adjustments to the 2016/17 revised budget outlined in this report was the budget remaining in a balanced position at the end of the September quarter with net transfers from reserves of \$47.6 million.

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 Quarterly Budget Review Statement – September 2016 report be received.
2. **THAT** the recommended adjustments to the 2016/17 budget be adopted.

4. CoS03: Investments and Loan Borrowings Held as at 31 October 2016

Report of Garry Ross, Manager Financial Services (Responsible Accounting Officer)

This report provides details of the performance of Council's investment portfolio and borrowing limits for the period ending 31 October 2016.

Investment Portfolio:

The portfolio provided an annualised return of 3.56% for the year to date as at 31 October 2016, 1.83% above the reportable benchmark (BBSW Bank Bill Index)

Borrowing Limits:

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

Investment Portfolio:

Interest returns for the month ended 31 October 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.

Borrowing Limits:

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

Comment by Responsible Accounting Officer:

Investments and Loan borrowings funding comply with Council's Financial Management Policy.

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.

5. CoS04: Legal and Planning Committee - 31 October 2016

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last meeting of the Legal and Planning Committee held on 31 October 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 – October 2016 report be received.
2. **THAT** Council resolves to adopt the draft amendments to NSDCP 2013, as provided in Attachment 2 to LP02.
3. **THAT** the draft amendments to NSDCP 2013 be placed on public exhibition for a period of 28 days commencing in late January 2017.
4. **THAT** Council write to the Minister for Planning requesting an amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 such that:
Where the Code permits a change of message to building identification signs as exempt development, that it further restricts the requirements to not apply to building identification signs located on or near the roof top of buildings.
5. **THAT** the Committee nominate Councillor Baker to serve on the Advisory Panel to the Minister for Planning as part of the Priority Precinct Planning review of the St Leonards/Crows Nest precinct.
6. **THAT** Council nominate its current JRPP nominees to the Northern Sydney Planning Panel, including Councillors Reymond and Marchandean, with Councillor Barbour nominated as an alternate.
7. **THAT** the JRPP Panel membership be reviewed in 12 months' time.
8. **THAT** the Northern Beaches B-line report be noted.

6. **CoS05: Governance Committee - Minutes 7 November 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 7 November 2016, for Council adoption.

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 Contract Variations report be noted.
2. **THAT** Council note that the OLG Section 23A Guidelines titled "Council decision making during the merger proposal period" have been considered and are not applicable.
3. **THAT** the Manager Environmental Services be appointed as an alternate delegate to the Sydney Coastal Councils Group, to vote at meetings when a councillor is unavailable to attend.
4. **THAT** Council appoint representatives to the bodies listed in the Table 1 of this report.
5. **THAT** Councillor Marchandean be re-appointed as Council's representative for the NSW Metropolitan Public Libraries Association Inc. (NSW MPI-A), together with the Manager Library Services.
6. **THAT** Council write to the bodies to inform them of Council's representatives for 2016/17.
7. **THAT** Council determine whether to appoint councillors on James Milson Village or call for expressions of interest from appropriately qualified members of the public.

8. **THAT** Council determine representation on Nutcote, subject to advice on the new constitution.

9. **THAT** the Youth Councillor Mentor Program be referred to the next elected body.

7. **CoS06: Audit and Risk Committee – 4 November 2016**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last meeting of the Audit and Risk Committee held on 4 November 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 and are not applicable.

Recommending:

1. **THAT** the minutes of the Audit and Risk Committee held 4 November 2016 be received.

8. **CoS07: Councillor Workshop - Finance: Actions Rising – 8 November 2016**

Report of Garry Ross, Financial Services Manager

This report presents the actions arising from the Workshop held on 8 November 2016. Actions arising will be addressed at the next Workshop.

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 summary of actions arising from the Councillor Workshop - Finance held on 8 November 2016 be noted.

9. **CoS08: Management of 2016 New Year's Eve Celebrations**

Report of Gemma North, Events Officer

Council and the community have been consulted on key changes to management of New Year's Eve throughout 2016. This report provides a general overview of key changes with detailed information to be provided for the December Council Meeting.

The estimated cost of the proposed changes, including earlier start time for managed access, additional infrastructure, additional wayfinding signage, additional toilets and promotion is estimated at \$50,000. This has been included in the budget for 2016/17.

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** the report be received.

10. CoS09: Events Update 2016/17

Report of Justin Sheining, Acting Manager Communications and Events

A number of events have been held in the North Sydney LGA in recent months, major events organised by Council include a month-long music program Sounds of September, the Backstreet Block Party in Napier Street and Live @ St Leonards Park.

Council also supported a number of significant third party events including Sculpture at Sawmillers, Blackmore's Sydney Running Festival, the Crows Nest Festival, Spring Cycle, Seven Bridges Walk and the Street Food and Produce Markets in Civic Park.

Upcoming events include the Twilight Food Fair, which runs until March, and a new Australia Day event at Milsons Point titled BBQ by the Bridge. This report provides a summary of the events that have been held and details of the new event on Australia Day.

The events are funded in the 16/17 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** the proposed arrangements for Australia Day 2017 be noted.
2. **THAT** Elsa Atkin be thanked for her efforts in successfully curating the third Sculpture at Sawmillers.

11. CoS10: Customer Feedback and Complaints Report: 1 January to 30 June 2016

Report of Ian Curry, Manager Governance and Committee Services

The purpose of this report is to provide a summary of the complaints, both justified and partially justified, and compliments received during the period 1 January to 30 June 2016. A comparison is made to the total number of customer contacts that Council received during the same period.

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.

Engineering & Property Services Division

12. **EPS01: Traffic Committee - Minutes 14 October 2016**

Report of Michaela Kemp, Manager Traffic and Transport Operations

This report presents the recommendations of the last meeting of the Traffic Committee held on 14 October 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 and are not applicable

Recommending:

- 1. THAT** Council undertake more direct consultation with tenants of Hume Street regarding the road closure. (4.3)
 - 2. THAT** Council request a new Traffic Management Plan for the closure of Hume Street to vehicular traffic with a risk assessment on the safety aspects of closing Hume Street, particularly with regard to access for the child care centre, and cumulative impacts of the closure of Hume Street south of Clarke Street during construction of the Metro station. (4.3)
 - 3. THAT** the information concerning increased bus services on Blues Point Road be received. (4.2.1)
 - 4. THAT** the information concerning truck movements on Blues Point Road during construction of the Sydney Metro be received. (4.2.1)
 - 5. THAT** the Director Engineering and Property Services, prepare a letter of protest to Transport for NSW on behalf of the Mayor, seeking an alternative arrangement to the increased bus services on Blues Point Road and to acknowledge the impact of truck movements on Blues Point Road during construction of the Sydney Metro. A copy of the letter is to be sent to Jillian Skinner MP, Gladys Berejiklian MP and the Lavender Bay Precinct. (4.2.1)
 - 6. THAT** subject to RMS approval, the traffic aspects contained in the Construction Management Plan (CMP) dated September 2016, Rev 2, prepared by Richard Crookes Constructions, for an approved development at 221 Miller Street, North Sydney is approved under delegated authority of Council's Traffic Engineer, subject to the conditions outlined in the report. (6.1)
 - 7. THAT** subject to RMS approval, the Work Zone as described in this CTMP is approved under delegated authority of Council's Traffic Engineer, with the same conditions pending lodgement of a Work zone application, payment of all applicable fees. (6.1)
 - 8. THAT** the information regarding Delegated Authority items be received. (4.1)
 - 9. THAT** the Mayor write to Shore School that requesting a meeting between Council staff and the School to address the issues with queuing on Union Street at the pick-up and drop-off facility; and to undertake a review of the No Right Turn restriction as resolved at the Traffic Committee meeting on 6/9/13. (4.2.2)
 - 10. THAT** Council automatically write to all schools at the beginning of the New Year's school term reminding school community about road safety issues. (4.2.2)
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- 11. THAT** the plans for proposed minor amendments to the Falcon Street Shared User Path be referred to the RMS for approval, as the road authority for this road. (4.4)
- 12. THAT** the information concerning New Year's Eve 2016/17 Traffic Management be received. (4.5)
- 13. THAT** the information concerning the Abandoned Vehicles Processed Report be received (5.1)
- 14. THAT** the site meeting minutes be received. (7.1)
- 15. THAT** it be noted that the Minister for Transport and Infrastructure has also met with the School and Jillian Skinner, MP regarding some of these issues. (7.1)
- 16. THAT** Cr Gibson, as Chair of the Traffic Committee, be informed of any future meetings relating to traffic/safety issues. (7.1)
- 17. THAT** another site visit is arranged which is to include Cr Gibson, Cr Barbour, Council's Director Engineering and Property Services and Manager Traffic and Transport Operations, Ms Mackenzie, David Shuster (Neutral Bay Public School), David Jackson (Neutral Bay Public School), and Sydney Buses. (7.1)

13. EPS02: Parking Management – Licence Plate Recognition Review

Report of Michaela Kemp, Manager Traffic and Transport Operations
Council began using Licence Plate Recognition (LPR) in 2013 for parking management and enforcement purposes. The technology is specifically designed to provide an integrated parking management and enforcement tool for Council It can also be used for parking surveys to determine average occupancy and turnover rates in a particular street or area. This report details how LPR has been utilised since its introduction in 2013 and how it has improved the overall management of parking in North Sydney.

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 information provided in this Report.
- 2. THAT** Council consider acquisition of a second camera, hardware and vehicle in the future should demand for the LPR technology for enforcement and survey purposes increase.

14. EPS03: 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 7 November 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 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.

15. EPS04: Reclassification of Properties: 10 Atchison Street, St Leonards, 10 Falcon and 34-48 Alexander Streets, Crows Nest

Report of Risha Joseph, Property Officer

On 10 February 2015, the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act 1979 granted approval for the following 9 Lots which form part of 10 Atchison Street, St Leonards, comprised within Deposited Plan 1216746, and which were deemed Affordable Housing, to be transferred to Council.

- Lot 16 of SP 93392
- Lot 18 of SP 93392
- Lot 19 of SP 93392
- Lot 26 of SP 93392
- Lot 36 of SP 93392
- Lot 38 of SP 93392
- Lot 55 of SP 93392
- Lot 65 of SP 93392
- Lot 75 of SP 93392

The project is now complete and the Title has been transferred into Council's ownership. Council, under the Deed of Agreement for the Public Private Partnership (PPP) with Fabcot Pty Ltd will acquire the following properties:

10 Falcon Street, Crows Nest

- Lots 13 Section 4 in DP 1265
- Lots 1-3 in DP 455869
- Lot 1 in DP 104029
- Lot 1 in DP 104030

34-48 Alexander Street, Crows Nest

- Lots 10-12 Section 4 in DP1265
- Lot 1 in DP1081820
- Lot 1 in DP 185720

Once the plan of subdivision and consolidation has been completed, registration of the subdivision and title, will simultaneously be effected into Council's ownership to form Lots 1, 2 and 3 in DP1222060. Section 31(2) of the Local Government Act 1993 provides Councils with a mechanism to facilitate the reclassification process.

It states: “31(2) Before Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with Chapter 6, Part 2, Division 1) that the land be classified as community land or operational land”

The status of the above properties satisfy this condition.

Advertising fees for the reclassification and gazetting will be in the region of \$3,000.

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 approve the reclassification of the following 9 Lots which form part of 10 Atchison Street, St Leonards (DP1216746) to Operational Land, subject to any submissions being received during the advertising period.

- Lot 16 of SP 93392
- Lot 18 of SP 93392
- Lot 19 of SP 93392
- Lot 26 of SP 93392
- Lot 36 of SP 93392
- Lot 38 of SP 93392
- Lot 55 of SP 93392
- Lot 65 of SP 93392
- Lot 75 of SP 93392

2. THAT Council approve the reclassification of the following Lots which form part of 10 Falcon and 34-48 Alexander Streets, Crows Nest to Operational Land, subject to any submissions being received during the advertising period.

10 Falcon Street, Crows Nest

- Lots 13 Section 4 in DP 1265
- Lots 1-3 in DP 455869
- Lot 1 in DP 104029
- Lot 1 in DP 104030

34-48 Alexander Street, Crows Nest

- Lots 10-12 Section 4 in DP1265
- Lot 1 in DP1081820
- Lot 1 in DP 185720

3. THAT Council note that once the Lots comprised within 10 Falcon and 34-48 Alexander Streets in Crows Nest are consolidated, the proposed new Lot 1 (Woolworths site); Lot 2 (Retail Specialty Shops) and Lot 3 (the Car Park) in DP 1222060 are deemed to have been classified as Operational Land and Council proceed with the gazetting of the reclassified properties.

4. THAT should Council receive any relevant submissions during the advertising period, a further report be prepared for Council’s consideration. Should Council receive no relevant submissions, Council consider the properties deemed to have been classified as Operational Land.

Open Space & Environmental Services Division

16. **OSE01: Sport and Recreation Reference Group – 10 October 2016**

Report of Rosie Schulz, Governance Officer

This report presents the recommendations of the last meeting of the Sport and Recreation Reference Group held on 10 October 2016, for Council endorsement. 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 and are not applicable.

Recommending:

1. **THAT** further consultation be conducted on the the St Leonards Park Masterplan.
2. **THAT** the presentation of the St Leonards Park Masterplan by consultants be received with thanks and that a copy of the report be circulated to all councillors and citizen members of the Sport and Recreation Reference Group.
3. **THAT** Council be provided with an update of the report on the the St Leonards Park Masterplan.
4. **THAT** the Preparation of Plans of Management – Anderson and Tunks Park report be received.
5. **THAT** the information provided by the residents regarding Anderson and Tunks Parks be noted and circulated to councillors and form part of the stakeholder consultation process.
6. **THAT** the Proposal to Lodge DA for new Sportsground Lighting at Forsyth Park Field No 1, Neutral Bay report be received.
7. **THAT** the North Sydney Oval - Sight Screen Replacement be received.
8. **THAT** the Proposed new Playground in Forsyth Park – Post Exhibition report be received.
9. **THAT** the North Sydney Oval Bookings for the first half of the 2016/17 financial year be received.
10. **THAT** the Director Open Space and Environment prepare a report for Council requesting an extension of hours of use during football season at the Cammeray Oval with a starting time of 7am instead of 8am and for games on Saturday to extend from 5pm to 9pm.

17. **OSE02: Waverton Peninsula Working Group - Minutes 25 October 2016**

Report of David Banbury, Landscape Architect

This report presents the recommendations of the last meeting of the Waverton Peninsula Working Group Held on 25 October 2016, for Council reception. The minutes are provided 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 and are not applicable.

Recommending:

1. **THAT** Council receives the minutes of the Waverton Peninsula Working Group held on 25 October 2016.
2. **THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held 25 October 2016 that a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

18. OSE03: Open Space Schedule of Rates – Tender 7/2017

Report of David Manson, Parks and Reserves Manager

Tenders were called and were received until 4pm on Tuesday 30 August 2016 for the submission of tenders to undertake Open Space Schedule of Rates

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.

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 tenders of the selected short listed tenderers for Tender 7/2017 – Open Space Schedule of rates.
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 7/2017 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.*

PETITIONS

CORRESPONDENCE

19. Sydney Coastal Councils Group

The Sydney Coastal Councils Group has submitted the Minutes of its Annual General Meeting held at City of Sydney on 22 October 2016.

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

10. NoM01: Notice of Motion No. 48/16 by Cr Carr – 21/11/16

Re: North Sydney Public Inquiry

1. THAT Council write to Minister for Local Government Paul Toole and request release of the finding of Mr Thomas Howard SC as Commissioner to hold a Public Inquiry under section 438U of the Local Government Act 1993 into North Sydney Council.

Background

It is now well over 4 months since the conclusion of the Public Enquiry, As North Sydney Council is a fully functioning Council and determination across amalgamation proceedings in front of the NSW Land and Environment Court, the constituents of North Sydney should be appraised of the outcome to restore faith in the oncoming functioning of Council and the performance of individual Councillors.

11. NoM02: Notice of Motion No. 49/16 by Cr Baker – 21/11/16

Re: North Sydney Public Inquiry

1. THAT upon the release of the report from the Public Inquiry into North Sydney Council and any Government response to that report, should the Minister for Local Government decide to suspend Council (contrary to the submissions on preliminary findings put forward by Counsel Assisting the Inquiry), proceedings challenging the decision be commenced immediately (including any interlocutory action to stay such a decision).

12. NoM03: Notice of Motion No. 50/16 by Cr Beregi – 21/11/16

Re: Privatisation of the North Beaches Bus Line

1. THAT Council strongly opposes the privatisation of the contract to operate a new bus corridor known as the “B-Line” from Sydney's CBD to the lower north shore and northern beaches.

2. THAT Council write to the Premier, the Deputy Premier, the Minister for Transport, the Opposition Leader and the Shadow Minister for Transport expressing Council's strong opposition to the privatisation of the B-line.

Background

Media reports recently have indicated that the NSW State Government are proposing to allow private companies to bid for the contract known as the B-Line.

<http://www.smh.com.au/nsw/big-companies-ready-for-privatisation-of-lucrative-sydney-bus-contracts-20161027-gsc3uf.html>

QUESTIONS WITH NOTICE

QUESTIONS WITHOUT NOTICE
