



Council Chambers
16 February 2017

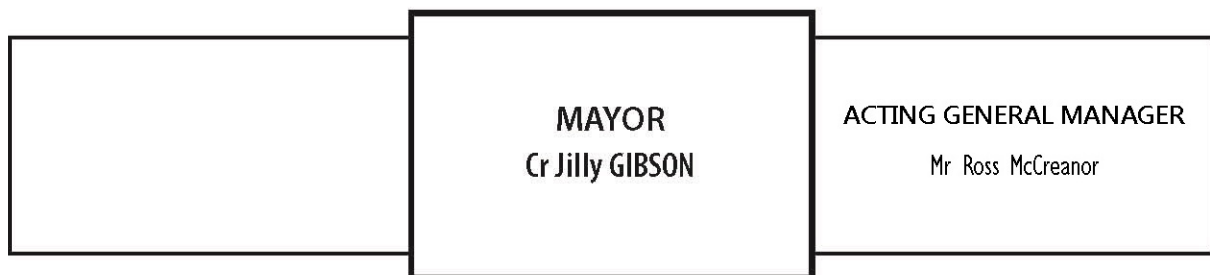
The **3688th MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.00pm** on Monday, 20 February 2017. The agenda is as follows.

ROSS MCCREANOR
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.

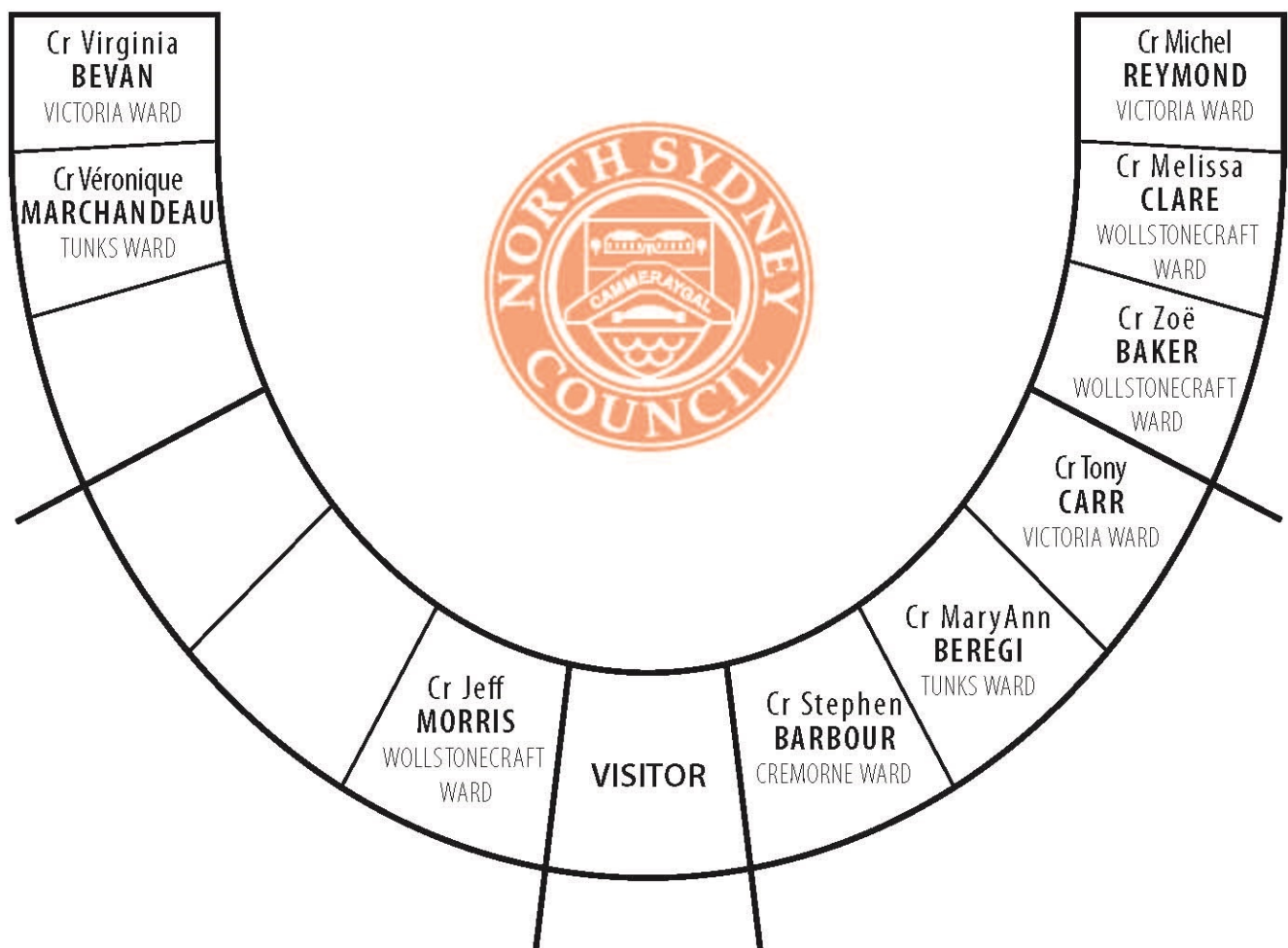
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - **MATTERS BROUGHT FORWARD**
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**
 - **MINUTES 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.



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: 3688th MEETING OF COUNCIL TO BE HELD ON MONDAY, 20 FEBRUARY 2017

THAT THE MINUTES of the previous 3687th Council Meeting held on Monday, 5 December 2016 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

MM01: Crows Nest Road Waverton

In March 2016, Council voted to change the parking arrangements in Crows Nest Road by moving parking from the Northern side to the Southern side of the street. Unfortunately, a residents' survey had not been undertaken at this stage and Councillors were unaware of the very strong opposition to this change.

At Council's Meeting in July 2016 Councillors unanimously adopted the recommendation from the June Traffic Committee, which was to send the matter to a site meeting. A site meeting was subsequently held on July 28 2016. Myself, Crs Raymond and Marchandean attended the meeting along with a number of residents. It was a very productive site meeting and the 3 Councillors in attendance agreed the various safety issues required urgent attention.

The matter then went back to the November Traffic Committee and the recommendations were adopted to proceed with the proposal favoured at the site meeting. However, at the December 2016 Council Meeting, Council resolved not to adopt the recommendations from the November Traffic Committee but to re-adopt and proceed with the March 2016 decision. Only one resident addressed the December Meeting.

Since then, I have received numerous phone calls and emails from residents in Crows Nest Road who are concerned about the changes, including concerns about safety. I have inspected the site on several occasions and concur with the concerns of the residents. Residents are now asking that the Elected Body reconsider the matter.

I understand that, in all the actions and decisions taken to date, Council has not undertaken a formal survey of residents in the street. In order to reconsider the matter, Councillors need to hear both the opinion of residents and technical advice from our Traffic Department.

While we cannot overturn our December decision for three months (since no rescission motion was lodged) I believe we can ask the Acting General Manager to delay implementation of the work.

I am therefore proposing that Council staff be asked to undertake a comprehensive parking survey in a consultative manner with all affected residents in Crows Nest Road and provide a report to the residents' representative as well as the Council detailing both the survey results and the technical issues that need to be addressed. I have been made aware that 28 of the 33 dwellings on the street are in favour of having an in-house meeting and I suggest this meeting be scheduled on the completion of the formal consultation process.

I therefore recommend:

1.THAT the implementation of the parking changes in Crows Nest Road be put on hold pending a review by Council.

2.THAT Council staff promptly undertake a comprehensive, consultative survey with residents of Crows Nest Road of the proposed parking changes from the north side to the south side in Crows Nest Road.

3.THAT on completion of the survey an in-house meeting promptly be scheduled with staff, Councillors and residents in attendance.

4.THAT the date for the in-house meeting be scheduled in consultation with the Wollstonecraft Ward Councillors.

5.THAT the matter is then brought back to Council for determination by the elected body. The following is to be provided:

- A comprehensive staff analysis
 - Details from the survey results and
 - Minutes from the in-house meeting
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MM02: Innovation Hub in Milsons Point

The lower North Shore has already been dubbed by politicians as Sydney's rising *Silicon Alley* with a number of tech start-up companies establishing themselves in our area.

Last year, the Member for North Sydney, Trent Zimmerman, set up the *North Sydney Innovation Network*. Council is supportive of this venture and has appointed Councillor Clare as our representative on the network. I'm told by the group's chairman, Jonathan Herrman, that they now have almost 3000 followers on their social media pages and hold regular meetings, giving entrepreneurs the opportunity to meet and share ideas. We need more initiatives like this in North Sydney.

Council now has an opportunity to help create a new innovative precinct in Milsons Point. The General Manager of the successful Bay 9 co-working space in Middlemiss Street has submitted a DA to Council, seeking to expand his business into Bays 6,7 and 8. Bay 9 is in the structure of the northern side of the Harbour Bridge approaches.

If the expansion is approved, the precinct will attract pioneering businesses and create an entrepreneurial culture of innovation in Milsons Point. Nurturing such talents in our local business community will help establish some forward thinking leaders in our LGA and reinforce the importance of our region as part of Global Sydney.

The invigoration of this Milsons Point precinct is a great opportunity for Council to look at activating Middlemiss Street with an influx of new workers coming into the area. It will also become increasingly relevant as the RMS completes the leasing of properties in the nearby area.

On Monday 30 January, I had an opportunity to meet with the General Manager of Bay 9, Tom Fleming, along with North Sydney MP Trent Zimmerman and a number of Senior Council staff.

We discussed Mr Fleming's initiative and vision to create an innovative co-working precinct. One of the matters that arose during our meeting was the possibility of making Middlemiss Street a shared zone. The street is operating as an informal share way in many respects already, with a larger volume of pedestrians than motorists. By formalising the area as a shared zone, we will make it safer for pedestrians and motorists.

The street is also an important link between Kirribilli/Milsons Point and the North Sydney CBD. At the moment, the footpath is barely wide enough to walk down and inadequate for pedestrian activity. I believe that making it a shared zone will create a more pedestrian friendly route. It would also support Council's commitment to encouraging active transport. Mr Zimmerman has written to the State Minister for Roads seeking support for this proposal.

Council has investigated this idea in the past and it would seem now is the perfect time to implement the project. I am advised that the project would cost in the order of

\$600,000. Mr Zimmerman has indicated that a co-funding arrangement between Council and his office is something that could be undertaken. This would be a great outcome for Council and the local business community.

I therefore recommend:

1.THAT Council endorses Middlemiss Street becoming a shared zone and takes the appropriate steps to progress this initiative.

2.THAT Council staff enter into negotiations with Mr Zimmerman's office re grant funding for this initiative.

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

**NoRM01: Notice of Rescission No 6/16 By Councillors Gibson,
Bevan and Barbour**

THAT the decision of Council at its meeting of 5 December 2016 regarding
GMO03: Membership of Local Government NSW and Next Steps:

*1. **THAT** Council nominate Councillors Baker and Beregi to form a steering group,
along with the Acting General Manager, in accordance with Notice of Motion 43/16
adopted 24 October 2016 which proposes “to establish a peak body organisation to
represent councils and engage in robust and rigorous advocacy and policy leadership
on local government issues and reform”*

*2. **THAT** all Councillors be notified of Steering Group meetings and can attend if they
are interested.*

be rescinded

REPORTS

General Manager's Office

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 5 December 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.

GMO02: NSW State Government's Reform Agenda - Update

Report of Peter Coulton, Executive Officer, Organisational Performance

This report provides an update on the NSW State Government's Council reform agenda and

provides a Submission for comment and endorsement by Council to the Minister for 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** the report be received.
 2. **THAT** the Submission to the Minister for Local Government be endorsed.
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City Strategy Division

CiS01: Biannual Review of the Delivery Program 2013/14 to 2016/17 for the period 1 July to 31 December 2016

Report of Katrina Furjanic, Corporate Planning Coordinator

This is the first Biannual Review presented to Council on progress to deliver the fourth year of the Delivery Program 2013/14 to 2016/17.

The report includes information in summary and in detail on progress to deliver the Delivery Program 2013/14 to 2016/17 and Council's progress towards the outcomes in the Community Strategic Plan 2013-2023.

The Biannual Review shows that performance against the Community Strategic Plan for the year to date is on track at 51%.

Full financial performance information and implications on Council's financial position are detailed within the December Quarterly Budget Review Statement (QBRs) presented separately to Council.

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 Biannual Review of the Delivery Program 2013/14 to 2016/17 for the period 1 July to 31 December 2016 be received.

CiS02: Preparation of Alfred Street Precinct Planning Study

Report of Marcelo Occhiuzzi, Manager Strategic Planning

On 3 September 2015, Council received a Planning Proposal seeking to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) for 275 Alfred Street, North Sydney (also known as the 'Bayer Building'). In particular, the Planning Proposal sought to:

- rezone the land from B3 Commercial Core to B4 Mixed Use;
- increase the maximum building height over the majority of the site to 85m (from the current actual height of approximately 52m); and
- increase the maximum floor space ratio from 3.5:1 to 10.2:1 (the existing building on the site is 7.3:1).

Council refused this Proposal at its meeting of 15 February 2016 for various reasons including that the Proposal was prepared in isolation of a wider study. Following the lodgment of a Pre Gateway Review, the Department of Planning and Environment indicated that the Proposal had strategic merit and it was referred to the Joint Regional Planning Panel (JRPP) for consideration. At its meeting of 13 September 2016, the JRPP recommended refusal of the Proposal. In doing so, however, the Panel provided some indicators for the potential favourable consideration of a future amended proposal. On this basis and taking into account Council's previous resolutions, this report recommends a pathway for the preparation of a Council led study as the framework for the consideration

of a potential future planning proposal for this site. The alternative would be that the applicant lodges an amended planning proposal for Council to respond to.

Given the prominence of this site, it is more prudent to pro-actively prepare a framework, through a planning study, which guides the preparation of any future planning proposal. Whilst the deliberations and directions provided by the JRPP are noted, they are not binding on Council's strategic planning for the precinct.

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 preparation of a planning study for the Alfred Street precinct as a basis to guide the preparation of any future planning proposal for the site at 275 Alfred Street, North Sydney.

CiS03: North Sydney CBD Food Truck Trial and “Parklet” Strategy

Report of Marcelo Occhuzzi, Manager Strategic Planning and Karl Stade, Graduate Strategic Planner

The North Sydney CBD will experience significant disruptions over the coming years as a result of development related construction activity. Pedestrian movement and environmental amenity will be impacted from these activities, as will the number of food offerings available, particularly as a result of the demolition of sites containing food related premises.

The North Sydney CBD Temporary Amenity Improvement Strategy has been created to address these potential issues and provide options to address this temporary loss of amenity. This report describes the current and imminent development being undertaken within the CBD, identifies potential temporary amenity improvement options and an examination of required policy position and approvals processes to achieve these.

A key recommendation of this report and draft Strategy is the proposed food truck trial within the Centre in response to the significant reduction of the number of food stores in the coming months. The trial proposes to invite food truck operators that are approved for the City of Sydney food truck program to participate in the trial. The trial approach has been proposed in order to establish and review the suitability and effectiveness of food trucks as an option to provide food and amenity improvement within the Centre. The draft Strategy also proposes that a dedicated North Sydney Centre Mobile Food Vending Vehicles Trial Policy (Attachment 2) be adopted to facilitate and provide guidance to the trial.

It is proposed that the strategic direction and draft policy position be placed on public exhibition for comment. Key stakeholders will be consulted during the process as per the Community Engagement Strategy.

There will be a minimal loss of parking meter revenue as a result of the food truck trial if pursued.

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 draft North Sydney Centre Temporary Amenity Improvement Strategy and North Sydney Centre Mobile Food Vending Vehicles Trial Policy be adopted for public exhibition.

2.THAT the public exhibition engages with key stakeholders in and around the North Sydney Centre, including businesses, precinct committees, workers and visitors.

3.THAT it be explicitly clear during the exhibition process that the strategic/policy position is for the purpose of a three-month food truck trial.

4.THAT a report be prepared outlining the submissions received following public exhibition.

CiS04: Sydney Metro Planning Study – Victoria Cross Built Form section

Report of Brad Stafford, Executive Planner – Metro Project

The Sydney Metro City and Southwest project was announced by the State Government in November 2015. In response, Council resolved to dedicate resources to ensure that the built form, land use and public domain outcomes resulting from the Crows Nest and North Sydney Metro stations deliver the highest possible public benefit to the North Sydney community.

The Sydney Metro Planning Study was prepared by staff to inform and guide Transport for NSW's (TfNSW) ongoing planning and design of the Metro sites and immediate surrounds, particularly with regard to transport, public domain and land use outcomes. The Study was adopted by Council in May 2016. Given the urgent need to present TfNSW with the Study, detailed consideration of built form / over station development outcomes was deferred from the Study.

The attached Sydney Metro Planning Study contains Section 5 - Victoria Cross Built Form, representing the undertaking of that deferred consideration. The built form section of the Study considers options and presents principles and recommendations for over station development outcomes at Victoria Cross Station, North Sydney.

The Study acknowledges and supports the opportunity for the Metro site to deliver a significant amount of new commercial floor space and contribute positively to public domain and place-making improvements and initiatives in the North Sydney Centre.

The new Section 5 of the Study does not include detailed consideration of the Crows Nest Station site, as it is the subject of other detailed State and Council strategic planning processes.

As was the case in May 2016, the NSW Government's ambitious timetable for the delivery of this project means that Council must seize the limited time available to positively influence this important project. It is understood that a preliminary design process is currently being undertaken by TfNSW, which the proposed addendum to the Planning Study seeks to influence. As such, the

forwarding of an adopted Council policy document to TfNSW is a very high priority. In this context, a formal public exhibition process for this section of the Metro Study, whilst normally desirable, is not recommended in these circumstances.

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 adopt Section 5 of the attached Sydney Metro Planning Study as an addition to the endorsed Sydney Metro Planning Study;

2.THAT the updated Study be forwarded to Transport for NSW with a request that the principles established by the Study be applied to future design and planning of all aspects of Metro development in North Sydney; and

3.THAT the updated Sydney Metro Planning Study be made publicly available on Council's internet page, and copies of the Study sent to interested precinct committees.

4.THAT Council staff continue to meet and collaborate with TfNSW in order to achieve the best possible outcomes for both Victoria Cross and Crows Nest precincts arising from the Metro development.

CiS05: Draft North Sydney Transport Strategy (NSTS)

Report of Nigel Turner, Strategic Transport Planner

Transport has emerged as one of the most important urban planning issues facing Global Sydney. The *Draft North Sydney Transport Strategy* (draft NSTS) is intended to be Council's guiding document for the delivery of its transport planning and management functions. This includes strategic transport planning, delivery of local transport projects and transport advocacy. The draft NSTS builds on the directions, outcomes and strategies detailed in North Sydney's Community Strategic Plan 2013-23 (CSP) and Ecologically Sustainable Development Best Practice Project 2013 (ESD) to create an over-arching transport planning and management framework for the whole of Council.

Key elements of the draft NSTS include:

- a holistic Vision for transport in North Sydney;
- a principled, best practice approach to achieving this Vision;
- requirements for the development of mode specific action plans;
- a Council-wide transport implementation framework;
- a delivery methodology that will help to ensure quick, consistent and robust responses to increasingly complex transport issues for Council initiated projects, policies and wider transport advocacy; and
- shared CSP/NSTS measuring and reporting requirements.

The draft NSTS is based on extensive feedback from community consultation undertaken in early 2016. This feedback helped to identify the community's priorities and aspirations for transport in North Sydney.

It is proposed that further community consultation occur via public exhibition of the draft NSTS. Following consideration of submissions and any necessary changes being made, a revised draft NSTS will be reported to Council for final adoption and implementation.

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 Draft North Sydney Transport Strategy be placed on public exhibition for a period of 6 weeks.

CiS06: Response to B-line Review of Environmental Factors (REF) Report

Report of Nigel Turner, Strategic Transport Planner

On 5 December 2016, the Northern Beaches B-line Program team released a Review of Environmental Factors (REF) report, “to assess the environmental impacts associated with the construction and operation of the B-line proposal under the provisions of Part 5 of the Environmental Planning and Assessment Act 1979”. Public submissions to the REF were due by 1 February, with North Sydney Council having been granted an extension to these time frames to address Council reporting schedules.

The detail provided in the REF shows that the further development of the project has done little to address matters identified by Council as part of intergovernmental working group processes and in letters to relevant ministers on 14 December, 2015. These matters are as follows:

- Mode shift, traffic reduction and value for money objectives for the project are unclear.
- The extent to which parking removal and clearway extensions will impact pedestrian/retail amenity in Cremorne and Neutral Bay are unclear.
- A North Sydney CBD Northern Beaches BRT stop should be included in the scope of the project.
- A centrally aligned BRT option should be considered as part of the further development of the project as per the project’s pre-feasibility report recommendations.

In addition to these overarching concerns, this report identifies a number of further strategic and technical issues associated with the B-line proposals detailed in the REF. These matters should also be examined and taken into account as part of the further development of the B-line project.

This report makes 33 recommendations that seek to achieve the public transport objectives underlying this project as well as improve its transparency.

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 33 recommendations detailed in the conclusion of this report be submitted as Council’s response to the B-line REF.

2.THAT Council write to the NSW Premier, the Minister for Transport and Infrastructure and the Minister for Roads, Maritime and Freight enclosing

copies of this report and expressing its concerns regarding the B-line project as per the attached letter.

3.THAT copies of this report be sent to Neutral Bay and Cremorne Chambers of commerce for their consideration.

CiS07: Management of boat trailers parked long term under new legislation

Report of Mark Richardson, Manager Ranger and Parking Services

On 1 October 2016 an amendment to the Impounding Act 1993 titled Impounding Amendment (Unattended Boat Trailers) Bill 2015 commenced. The amendment, as gazetted, requires boat trailers parked, without moving for a period exceeding 28 days, on public roads within the North Sydney local government area to be moved or be processed as unattended items leading to impound action after the expiry of a subsequent 15-day notification period.

This report outlines the outcomes of the first application of the new legislation, undertaken in October 2016. The report details the numbers of boats affected by the Amendment and actions taken by Council staff.

In terms of the ongoing management of this issue the findings of the first application concludes that the most efficient and effective procedure is to utilise the first day of each month to chalk newly parked trailers and process existing chalk marks. The need for Rangers to monitor or manage boat trailers will then occur once each month with follow up actions thereafter. Any notifications coming to Council mid-month will be dealt with on the first of the next month. This is a sustainable procedure which gives the community some certainty that Council has established an ongoing commitment to monitoring and enforcing this legislation.

A consistent monitoring program may see an improvement to this issue, however it is important to note that the new legislation simply means a boat must move beyond the next intersection. Any impounding actions will be reported to the Traffic Committee.

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.

2.THAT impounding actions be reported to the Traffic Committee for information.

CiS08: Parking Management and Enforcement Policy

Report of Mark Richardson, Manager Ranger and Parking Services

Changes are required to North Sydney Council's "Parking Management and Enforcement Policy" in order to remove some ambiguity and aid clarity in interpreting the Policy.

The changes will explain in plain English the recommendations of the New South Wales Ombudsman and the directive of the Office of State Revenue's

State Debt Recovery Office (SDRO) regarding penalty notice representations considered by internal review panels. They also document who are the members of a review panel within Council for the purpose of reviewing penalty notice representations sent to Council from SDRO.

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 adopt the proposed amendments to the Parking Management and Enforcement Policy as outlined in this report.

CiS09: Council Response to the Proposed Milsons Point Ferry Wharf Upgrade

Report of Gavin McConnell, Executive Planning Advisor

This report has been prepared in response to the proposed upgrade of the Milsons Point Ferry wharf. NSW Roads and Maritime Services advised Council on 21 October, 2016 of the proposed upgrade of the Milsons Point ferry wharf. The upgraded wharf will include a second ferry berth to the east of the current berth. This will significantly reduce the queueing for ferries waiting to embark and disembark passengers at the current single berth. The proposal will also result in improved disabled access facilities to the ferry wharf.

The works are being carried out under the provisions of the NSW Infrastructure SEPP 2007 and the RMS is the consent authority.

Council was invited to make a submission identifying any issues that should be considered in the preparation of the Review of Environmental Factors (REF) to which officers responded to on 21 November, 2016.

The REF was then placed on public display from 13 December 2016 to 7 February 2017. Public consultations were held between December 2016 and January 2017.

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 a formal submission be made in accordance with the matters raised in this report.

Community & Library Services Division

CLS01: Shorelink Library Network – Notice of Termination from Willoughby City Council regarding Deed of Agreement

Report of Martin Ellis, Director Community and Library Services

The Shorelink Library Network was formed under a Deed of Agreement in 1983 with the twin purposes of increasing service and containing costs to member Councils' communities through the provision of joint cataloguing and membership databases. Lane Cove, Manly (Northern Beaches), Mosman, North Sydney and Willoughby Councils are members. Although reciprocal borrowing (members being able to borrow from library services outside of their LGA of residence) was streamlined under the Deed, this was never a prominent objective of the co-operative, as reciprocal borrowing rights already existed (and continue to exist) among NSW public libraries for decades under a separate agreement.

Willoughby City Council has given notice of withdrawal under Clause 17 of the Deed of Agreement to take effect from December 2017. A substantial impact of this will be a reduction in the number of items available through the Shorelink catalogue (down from 840,000 to 550,000). Minor impacts include necessity for residents of Willoughby and North Sydney LGAs to hold two membership cards, if they wish to use both library services and the loss of the privilege of members being able to return items to any library.

North Sydney is currently developing its estimates for 2017/18. In order for North Sydney (and the remaining member Councils) to participate in a library co-operative from January-June 2018 an amended Deed of Agreement will be drafted, and an extension of the current contract for a Library Management System (LMS) for the 12 months from July 2017 (inclusive of Willoughby's withdrawal in December) will need to be negotiated.

It is recommended that the proposed new Deed of Agreement will be a bridging Agreement for 6 months (January-June 2018), and include the same terms and conditions. This will allow member councils to continue a high level of customer service. Councils interested in continuing co-operation will then have an opportunity to develop a new Deed of Agreement suited to their new objectives for 2018/19 and beyond.

A draft budget for July-December 2017 will be tabled at the Shorelink meeting on 22 February 2017. This will underpin a related recommendation to extend the current contract for the LMS to December 2017. Councils who have not given notice of withdrawal will need to meet separately to consider estimates for the full year (2017/18) for inclusion in their own draft estimates. These will be higher for the final two quarters due to Willoughby's withdrawal.

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 note the correspondence from Willoughby Council and its consequence that the Shorelink Library Network Deed of Agreement will terminate or be amended in December 2017.
2. **THAT** Council includes in its estimates for 2017/18 a continuation of the Shorelink Library Network for July-December 2017, as well as costs for continuing to participate in a cooperative library network with the remaining Councils (Lane Cove, Northern Beaches (Manly) and Mosman for January-June 2018.
3. **THAT** a new or amended Deed of Agreement (with the same terms and conditions as the 1983 Agreement) be drafted to give a legal basis for the Library co-operative between January-June 2018.

CLS02: James Milson Village – Governance Review Outcomes & Constitution

Report of Martin Ellis, Director, Community and Library Services

North Sydney Council and the North Sydney Retirement Trust (NSRT) have partnered in commissioning a Governance Review of the James Milson Village operations. This was in response to several issues arising in 2016:

- The provision of a new NSRT Constitution for Council approval.
- The departure of Uniting Care Ageing from the Board of NSRT.
- How best to have Council's interests in this community service represented on the Board.
- Council's wish to place a value on its peppercorn lease of land to the NSRT (to 2087), reflecting the social objectives of the Constitution.

The purpose of the Review was to (i) provide independent assessment of JMV's fit for the Aged Care Reform Agenda and (ii) guide Council in considering the above issues.

The Review finds that the proposed constitution meets Council's objectives and that JMV forgoes \$1.256 million annually for Social Justice Activities. Council's provision of a lease to the NSRT for a peppercorn rent makes possible approximately 53.5% of these social justice outcomes.

The Review recommends that "those organisations who may appoint Directors under the Constitution undertake a process to identify suitable candidates through seeking expressions of interest from within the community it represents rather than Council itself, to match the Director skills and attributes required with particular reference to:

- Aged Care experience (operation, context, policy and strategy).
- Clinical governance (medical, nursing and allied health).
- Pastoral care.
- Accounting & Finance.

The Review further recommends that a subcommittee of the Board be established to consider the issues of "non-executive Director remuneration". "Should this Committee agree that Director remuneration is feasible and desired it is expected that the North Sydney Retirement Trust, operating as James Milson Village, would be responsible for payment of remuneration to any Director."

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 Governance Review be received.
2. **THAT** Council approve the North Sydney Retirement Trust Constitution dated 6 February 2017.
3. **THAT** Council call for Expressions of Interest from qualified community members to represent Council in two positions on the Board of the North Sydney Retirement Trust.

CLS03: Public Art Proposals – Post Public Exhibition

Report of Martin Ellis, Director, Community and Library Services

Two Public Art proposal have completed Public Exhibition and have attracted 4 submissions:

1. **Relocation of *Harbour Cycles*** from the corner of Berry and Miller Streets North Sydney to Bradfield Park North, to allow for development of the Victoria Cross Metro Station. Two submissions received: one not opposed to the relocation but preferring Bradfield Park Central (near the steps to Bridge), or Bradfield Park South (opposite the Olympic Pool); the other submission opposes any move of the sculpture.

The report considers these submissions but recommends the relocation to Bradfield Park North proceed as envisaged. Pending Council approval this will take place in early March 2017

2. **Selection of a site to enable Council to accept the 2016 winner of Sculpture by the Sea: *Change Ahead***. Two submissions received: one opposed to the McMahons Point site, preferring Quibaree Park, the other preferring the site at Bradfield Park North, the one earmarked for *Harbour Cycles*. For all but one of the five exhibited options for this sculpture, a Development Application is required as they would constitute new sites on the Art Trail if proceeded with. The report considers these submissions and recommends the McMahons Point site, noting that this is dependent on Development Application approval being granted for the extended Art Trail.

1. Harbour Cycles: Council has been advised by Transport for NSW that “all costs associated with the relocation of the Harbour Cycles sculpture from its current location to Milsons Point will be reimbursed by TfNSW”.

2. Change Ahead. The funds for this (\$59,000) are not available in the current estimates.

The allocation of \$59,000 from the Capital Works Reserve in 2016/17 to extend the Public Art Trail and allow for the acceptance of *Change Ahead* as a gift will reduce the pool of funds available for discretionary projects in 2017/18.

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 relocates the sculpture *Harbour Cycles* to the new location in Bradfield Park North identified in the Public Art Trail on the basis that

Transport from NSW has given a written undertaking to fully meet the costs of relocation.

2. THAT Council's preferred location for *Change Ahead* is the McMahon's Point site as specified in the report.

3. THAT Council notes that the Development Application underway for an extension to the Public Art Trail includes three of the proposed sites (one at McMahon's Point and two at Blues Point Reserve).

4. THAT Council allocates \$59,000 to extend the Public Art Trail along 7 potential sites on the harbor and allow for acceptance of *Change Ahead* as a gift at a site to be confirmed after the Development Application is assessed.

CLS04: 2016-17 Small Grants Program

Report of Helen Campbell, Manager, Community Development

At the time the Council adopted its overall grants program for 2016/17 the successful applicants for the new and innovative grants were not known. In addition, recipients of Council's food grants at Christmas time program, and the sports development and wellbeing fund were also being sourced. This report updates Council on the successful recipients.

The amounts granted have been provided for in the current estimates.

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.

Corporate Services Division

CoS01: Quarterly Budget Review - December 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 31 December 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 December quarter with net transfers from reserves of \$37.4 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 – December 2016 report be received.
- 2. THAT** the recommended adjustments to the 2016/17 budget be adopted.

CoS02: Investments and Loan Borrowings Held as at 31 January 2017

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 January 2017.

Investment Portfolio:

The portfolio provided an annualised return of 3.46% for the year to date as at 31 January 2017, 1.60% above the reportable benchmark (BBSW Bank Bill Index). Interest returns 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 has commenced a \$30 million debt facility and as at the reporting date, has drawn down \$9.5 million for capital works projects. Council continues to monitor interest rate risk whenever it borrows, regardless of whether the interest rates are fixed or variable.

Any surplus funds generated in excess of adopted estimates will be transferred to Council's internally restricted reserves.

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.

CoS03: New Applications for Reference Group Membership

Report of Melissa Dunlop, Governance Co-ordinator

The purpose of this report is to inform Council of applications from Mr Josh Hyland, Mr Paul Orgad and Mr Ted Wziontek for citizen membership of the Sport and Recreation Reference Group.

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 applications from Mr Josh Hyland, Mr Paul Orgad and Mr Ted Wziontek for citizen membership of the Sport and Recreation Reference Group be accepted.

CoS04: Events Update - New Year's Eve, Australia Day and Upcoming 2017 Events

Report of Justin Sheining, Acting Manager Communications and Events

This report provides a review of New Year's Eve 2016/17, Australia Day events in North Sydney and details of upcoming events including the NTH SYD Rooftop Fiesta and the return of our dogs' day out - Bradfield Bark.

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 receive the report.
-

Engineering & Property Services Division

EPS01: Crows Nest Road Parking Matter – Timeline of Events

Report of Michaela Kemp, Manager Traffic & Transport Operations

At the Council meeting on 5 December 2016 it was resolved:

- 1. THAT Council adopt the recommendations of the Traffic Committee report except points 11-16 and in respect of those recommendations Council refer the resolution of 21 March 2016 to the Acting General Manager.*
- 2. THAT a report be submitted to Council on the process in relation to how items 11-16 came to be considered by the Traffic Committee and a site visit undertaken in circumstances where Council had already determined the issue. The report also provide details of Council procedures and policies in relation to the setting of the Traffic Committee Agenda more generally.*

This report provides a timeline of the events that occurred in relation to this matter since it was first raised, for information purposes.

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.

RECOMMENDATION:

- 1. THAT** the information concerning the Crows Nest Road timeline of events be received.

EPS02: North Sydney Local Government Area Wide Flood Study

Report of Jim Moore, Engineering Project Manager

The Office of Environment and Heritage (OEH), as part of the state government's Floodplain Management Program, provided a grant to North Sydney Council to undertake the North Sydney Council Local Government Area Wide Flood Study (Flood Study). The Flood Study comprises the first stage in the Floodplain Management Program. Council awarded a tender to WMA Water to prepare the Flood Study.

The draft Flood Study was placed on public exhibition from 28 July 2016 to 8 September 2016. Six information sessions were held during the public exhibition period at four locations representing the four Council Wards. The sessions were undertaken at both daytime and evening. At the close of the consultation period, 90 submissions were received.

Having completed the public exhibition phase and consideration of submissions, endorsement is now sought for the finalised Flood Study.

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 adopt the flood study report, forming Attachment 1 to this report.
2. **THAT** Council place a copy of the flood study report on Council's website.
3. **THAT** Council note tagging of the Section 149(2) planning certificate for individual properties will only be undertaken at the completion of the Floodplain Risk Management Study and Plan.

EPS03: Council Owned/Leased Properties: Leasing Transactions

Report of Hinako Nakata, Property Officer

A report is submitted regarding the leasing transactions for Council's owned and leased properties, for the period ending 10 February 2017.

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.

EPS04: Submission of Tenders for Miller Street and Blues Point Road Pavement Rectification - Contract 19/2017

Report of Ashraf Doureih, Engineering Project Manager

Tenders were called and were received until 4pm on 14 December 2016 for the submission of tenders for Miller St and Blues Pt Rd Pavement Rectification Works.

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 included in the current delivery program adopted by Council.

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 19/2017 for Part 1 (Miller Street between Ridge Street and McLaren Street) and Part 3 (Blues Point Road between Blue Street and Lavender Street) works under the contract.
2. **THAT** Council not award Part 2 works between McLaren Street and Berry Street under the contract due to current development works.

3. THAT Council hereby authorises its Official Seal to be affixed to Contract 19/2017 under the signature of the Mayor and the General Manager.

4. 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*.

EPS05: Submission of Tenders for the Stormwater Drainage Relining Works – Contract 20/2017

Report of Jim Moore, Engineering Project Manager

Tenders were called and were received until 4pm, 20th December 2016 for the submission of tenders for Stormwater Drainage Relining Works.

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 included in the delivery program adopted by Council.

Comment by Responsible Accounting Officer:

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 20/2017 for Stormwater Drainage Rehabilitation Works.

2. THAT Council hereby authorises its Official Seal to be affixed to Contract 20/2017 under the 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*.

EPS06: Submission of Tenders for the Regional Cycleway Construction (Ernest Street & Park Avenue) – Tender 22/2017

Report of Robert Esdaile, Engineering Project Manager

Tenders were called and were received until 4pm, 24 January 2017 for the submission of tenders for the the Regional Cycleway Construction (Ernest Street & Park Avenue).

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 included in the four-year delivery program adopted by Council.

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 22/2017 for the Regional Cycleway Construction (Ernest Street & Park Avenue).
2. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 22/2017 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*.

EPS07: Submission of Tenders for the Kerb and Gutter Construction Works – Contract 24/2017

Report of Jim Moore, Engineering Project Manager

Tenders were called and were received until 4pm, 25 January 2017 for the submission of tenders for Kerb and Gutter Construction Works.

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 included in the delivery program adopted by Council.

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 24/2017 Separable portion 1 for Stormwater Drainage Rehabilitation Works.
2. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 24/2017 Separable portion 2 for Stormwater Drainage Rehabilitation Works.
3. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 24/2017 Separable portion 3 for Stormwater Drainage Rehabilitation Works.
4. **THAT** Council accept the tender of the highest ranked Tenderer for Tender 24/2017 Separable portion 4 for Stormwater Drainage Rehabilitation Works. Due to insufficient funds in 2016/17 the works will be undertaken in 2017/18.
5. **THAT** Council hereby authorises its Official Seal to be affixed to Contract 24/2017 under the signature of the Mayor and the General Manager.
6. **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*.

Open Space & Environmental Services Division

OSE01: Environmental Upgrade Agreement Delegated Authority

Report of Niki Carey, Sustainability Programs Coordinator

This report seeks the Acting General Manager to be granted delegated authority to execute Environmental Upgrade Agreements on behalf of Council in order to help expedite the process application process and hence make it more commercially viable for applicants.

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 Acting General Manager be delegated authority to execute Environmental Upgrade Agreements subject to the application fee being paid and agreement being reached in respect of the terms of the Environmental Upgrade Agreements.

PETITIONS

CORRESPONDENCE

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NoM01: Notice of Motion No. 1/17 by Cr Beregi – 14/02/17

Re: Cost of Council Reform Process

THAT Council write to the Premier and the Minister for Local Government requesting an itemised breakdown of the \$358 million that the NSW State Government spent on Council reform in the past year (refer attached media article).

<https://www.google.com.au/amp/s/amp.smh.com.au/nsw/taxpayers-fund-council-merger-surveys-as-government-searches-for-a-resolution-20170209-gu982y.html?client=safari>

NoM02: Notice of Motion No. 2/17 by Cr Baker – 15/02/17

Re: Forced amalgamations

1.THAT Council urgently write to the Premier, Deputy Premier and Minister for Local Government expressing its disappointment with the State Government's decision to abandon Regional amalgamations and press forward with the outstanding Metropolitan forced amalgamations.

2.THAT the letter reiterate Council's financial sustainability and exceedance of all Office of Local Government standards and include a detailed and strong rebuttal of the disingenuous argument put forward by the Premier that forced amalgamations will serve to enhance housing affordability in metropolitan Sydney with reference to Council's consistent delivery (and exceedance) of State Government residential housing strategy targets and the abundant evidence that supply alone will not remedy the issue.

3.THAT Council condemn the use of telephone polling by the State Government (via the Office of Local Government) in Mosman for political purposes in the face of a potential by election in the event that the local State Member of Parliament, Jillian Skinner, formally resigns her seat.

4.THAT Council once again reiterate its commitment to maintain the legal challenge to the forced amalgamation of North Sydney, Mosman and Willoughby Councils through every available legal avenue.

NoM03: Notice of Motion No. 3/17 by Cr Reymond – 15/02/17

Re: Ward Street Carpark

THAT the Council immediately take all necessary steps to bring those parts of the Ward Street carpark, which are not Real Property Act land under the provisions of that Act including the identifying of any easements etc., benefiting or burdening this site and with any redevelopment of this site, consider the

stratum subdivision of it so as to enhance and protect the final masterplan as finally adopted.

NoM04: Notice of Motion No. 4/17 by Cr Reymond – 15/02/17

Re: Review of Council's CBD Planning Controls

THAT the Council in its review of its CBD controls, re the provision of further commercial floor space etc, and in those mixed-use areas where there is increasing and/or high pedestrian traffic, such as St Leonards, Neutral Bay, amend its DCP controls to the extent necessary or where there's no current provision, so as to provide for ground floor setbacks where none currently exist or where they do to keep these. Consideration should be given to the provision of a minimum setback of at least 1.5 to 2.5m in all such cases. Such provisions would only apply to new developments. In addition, consideration should be given to what provision should be made whether in the DCP or consent conditions, where plans show retention of boundary walls, which are used to keep an existing building's footprint which, after approval of a new development, are then demolished where a setback might otherwise have been required.

Note:

Many ground floor setbacks were provided in developments approved by planners in the 1970's and 80's, which are progressively being lost, for example in the City of Sydney or not now provided because of more recent developments which provided none. A medium to long term policy provision is needed which looks to the future and not the past when considering this issue.

NoM05: Notice of Motion No. 5/17 by Cr Beregi – 15/02/17

Re: 11 Woolcott Ave, Waverton - Lease

- 1.THAT** the signing of lease over public land in relation to 11 Woolcott Avenue, Waverton, be set aside.
- 2. THAT** Council call for a report into alternative access route(s) to the property at 11 Woolcott Ave, including the access from John St which is currently used by the owners to access and park at their property.
- 3. THAT** the report advise whether the lease of public land for private use is consistent with Council's commitment to the preservation of public open space.
- 4.THAT** further community consultation be undertaken in relation to the leasing of public land for private use.
- 5. THAT** the legal advice dated 24 February 2016 which was discussed at the briefing on 7 March 2016 be made public and posted on Council's website.

Background

There is considerable community concern regarding the leasing of public open space for private use. The concern is further inflamed as the lease and alienation

of public open space for private use is seemingly unnecessary given that an access route already exists and is currently used by the owners (photos attached). Before leasing public land for private and exclusive use, Council must ensure that all other options have been appropriately and carefully considered, and determine whether such a decision is consistent with Council's policy in relation to the leasing of public land for private purposes - clearly this has not occurred as an alternative access exists and is in use. As there doesn't appear to be any urgency relating to this matter, it is appropriate that the decision regarding the lease be set aside whilst all other options are investigated and exhausted.



QUESTIONS WITH NOTICE

QUESTIONS WITHOUT NOTICE