



Council Chambers
22 June 2017

The **3692nd MEETING** of **COUNCIL** will be held at the Council Chambers, North Sydney at **7.00pm** on Monday, 26 June 2017. The agenda is as follows.

ADRIAN PANUCCIO
A/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.

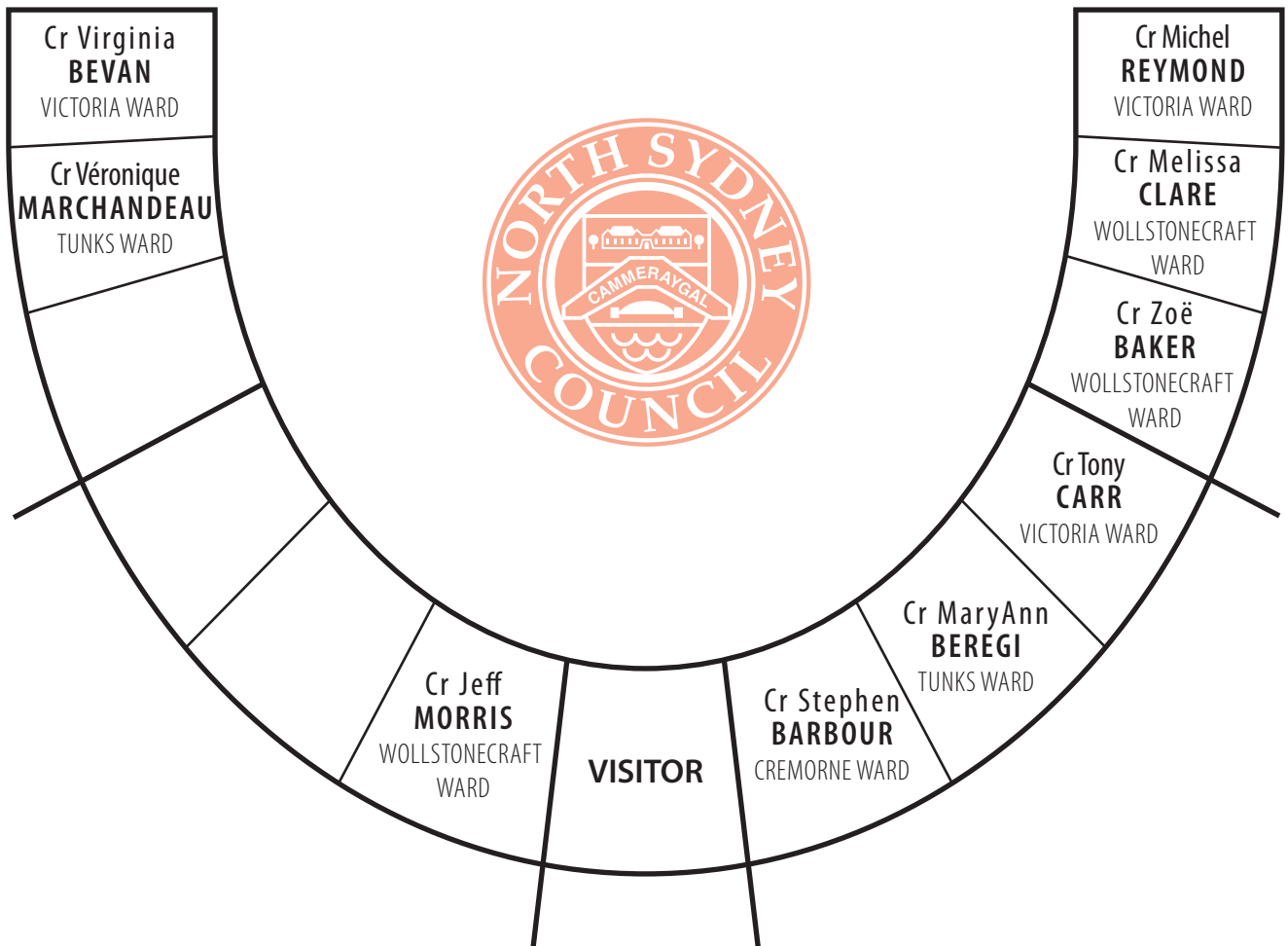
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- **APOLOGIES/LEAVE OF ABSENCE**
 - **ACKNOWLEDGEMENT OF COUNTRY**
 - **MATTERS BROUGHT FORWARD**
 - **CONFIRMATION OF MINUTES** of the previous Meeting
 - **DECLARATIONS OF INTEREST**
 - **MATTERS REFERRED TO COUNCILLOR INSPECTIONS**
 - **MINUTES 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 Ross McCreanor
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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. 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 8100) 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: **3692nd MEETING OF COUNCIL TO BE HELD ON MONDAY, 26 JUNE 2017**

THAT THE MINUTES of the previous 3691st Council Meeting held on Monday, 22 May 2017 be taken as read and confirmed.

DECLARATIONS OF INTEREST

MINUTES OF THE MAYOR

12. MM01: RE: Wendy Whiteley's Secret Garden website

The Sydney Harbour High Line Association (SHHLA) has done a wonderful job in creating a new, informative and sustainable website for Wendy Whiteley's Secret Garden.

I would like to commend them on their efforts and all the hard work that has gone into getting this project off the ground. The website (www.wendyssecretgarden.org.au) features stunning aerial photography of the Garden, lots of information about how it was created and details on how volunteers can get involved.

It is an incredibly valuable tool that will help attract more visitors to the area and encourage more people to volunteer their time to the Garden. Wendy's Garden is now a national and international tourist destination.

The SHHLA has approached me about Council contributing to both the cost of the website and the cost of ongoing maintenance and hosting of the site. Because of the website's benefit to the community and the positive promotion of a North Sydney asset, I believe Council should consider this request.

I therefore recommend

1.THAT Council Officers prepare a report for the July meeting detailing the setup and maintenance costs for the website and options for a Council contribution.

13. MM02: RE: Sports Facilities for Cammeraygal Senior Campus

Plans for Cammeraygal High School's new senior campus are nearing completion and a Development Application is expected in the next few months. While this new facility is to be welcomed, the Cammeraygal Parents and Citizens (CPC) group has highlighted a missed opportunity when it comes to the proposed sports facilities within this new development.

The Department of Education (DoE) has currently allocated just one mixed-use hall for the new senior campus, which is expected to cater for approximately 500 students.

The CPC has requested that the DoE amend the current plans to allow for an additional floor to be added to the sports hall, creating a two-level multi-purpose sports facility for students.

With an architect on board, the CPC has drafted their own plans for this facility and estimates it would cost an additional \$30,000 to add a second level to the sports hall.

But they are struggling to make their concerns heard and have asked for Council's assistance in opening up a dialogue with the State Government about amending the development plans.

Our Recreational Needs Study clearly identified that we need more sports facilities across North Sydney. A larger sports facility at Cammeraygal Senior Campus could help us meet this demand by taking some of the strain away from our other busy facilities that are already at capacity.

It could also present an opportunity for the wider community to use one level of the sports hall in the evenings and weekends, potentially providing income for the school.

As a Council, we need to make sure we maximise every opportunity to create new sporting facilities when they arise. It will only become harder to meet the demand for sporting facilities in the future as our population grows and open space becomes increasingly limited.

I therefore recommend:

- 1. THAT** Council offer in-principal support to the Cammeraygal Parents and Citizens group's proposal to expand the planned sports hall at Cammeraygal Senior Campus.
- 2. THAT** Council staff assess the feasibility of the CPC's proposal and estimate the cost.
- 3. THAT** Council write to the State Government and Department of Education to request a meeting with the project managers, members of the CPC, our Local Member for the North Shore and interested Councillors.
- 4. THAT** the General Manager write to the DoE confirming Council is prepared to consider the Development Application in two separate lots if they are prepared to revise the plan for the multi-purpose sports hall to include an additional floor.
- 5. THAT** in the eventuality that the DA is submitted before Council can contact the State Government, Council prepare and submit a detailed response to the current proposal.

14. MM03: RE: Opportunity at 194-196a Miller Street

The State Government bought two buildings at 194 and 196a Miller Street, North Sydney in 2016 for the new Metro Station. Changes to the Metro plans mean the sites are no longer needed.

This presents a unique opportunity for Council to look at partnering with the State Government to transform a prime piece of real estate in the CBD into a much-needed community facility.

Our Recreational Needs Study clearly identified that we need more sports facilities across North Sydney. This site - covering approximately 955 square metres with a 16 metre height restriction and zoned for mixed use - would be the ideal space for a multi-storey sports centre, located close to public transport and easily accessible for people from across the LGA.

A sports centre at this location would be well used by residents, workers and schools.

Over the past five years, Council's usual response to meet demand for more sports facilities is to look at intensifying the use of existing facilities. We know from community feedback that residents do not want artificial turf or bright night lights in our parks to allow for more sports use.

So we have to look at alternatives that will provide the much needed sporting facilities without taking up our precious green space and creating transport and pollution issues for the residents who live nearby.

This site answers all of these demands – it is indoors, can be noise proofed and is located in an already built-up area. With a site this big, we could provide

facilities for a wide range of sports – from netball, to tennis, bowling, squash, soccer and cricket.

This site is now in public hands and I believe it should stay in public hands. Time is of the essence – these opportunities do not present themselves often, so it is vital that Council works quickly to attempt to secure this site for the community. I suggest that at the end of this meeting we go into closed session to discuss confidential financial matters relating to this concept.

I therefore recommend:

1.THAT Council immediately open a dialogue with the State Government about a potential partnership with Council to transform the sites at 194 and 196a Miller Street for a community facility.

2.THAT Staff prepare a report for the July Council meeting on the outcome of these talks.

3.THAT Council go into closed session at the end of the meeting to discuss financial matters.

15. MM04: RE: Art Trail Extension

Numerous members of the public have approached me with serious concerns about the extension of the Art Trail. Development Applications for proposed new sculptures at Cremorne Point and Kurraba Point are of particular concern. I was surprised, not only by the locations and scale but also the large quantity, of the proposed installations.

The proposed locations for both Points are prime viewing spots for the New Year's Eve (NYE) fireworks and other special events. On NYE in particular these areas are heavily crowded with spectators. As well as obstructing views these installations could pose safety risks.

In Cremorne Point, the proposed location is situated in the middle of one of the largest green open spaces in the reserve, which has some of the most stunning views of the harbour, Opera House and bridge in the whole of Sydney.

Cremorne Point is a national treasure and the proposed site is one of Sydney's most spectacular viewing spots where residents and visitors alike love to sit and watch the world go by.

In addition, thought needs to be given to the appearance of these installations from the harbour as viewed from small and large water vessels.

While the Art Trail has been a successful addition to the North Sydney landscape, the location in Cremorne Point and other proposed sites along the harbour foreshore have ample natural beauty and are not ideal locations for sculptures.

Specific sites for installations were not put before Council and sculptures in these harbour locations would be viewed by many as an intrusion on the beautiful landscape. Sculptures simply are not needed in these areas and would be better suited in some of our more urban areas. Possible locations might include Neutral Bay, Cammeray or Crows Nest/St Leonards, taking the Art Trail north up Miller Street rather than south to the harbour.

I therefore recommend:

1.THAT the DAs for proposed seven new Art Trail sites, including Cremorne Point, be withdrawn and all signage immediately removed.

2.THAT Council staff analyse the submissions received from these DAs and create a report on this for a councillor workshop.

3.THAT interested councillors participate in a workshop with the relevant staff from Community Development to consider whether we want to extend the Art Trail and, if we do, consider potential sites for the Art Trail.

4.THAT recommendations from the workshop are reported back to the next Council Meeting.

16. MM05: RE: Retirement Housing/Aged Care Facilities

I recently met with the Waverton Hub who have requested that Council develop a new policy to secure the inclusion of retirement housing and aged care facilities in new residential developments.

According to the last census, the number of people living in North Sydney who are aged 65 or over is expected to increase by more than 6000 people by 2036.

While this may not sound like a lot, that figure represents almost a 5% increase in the proportion of our population who are aged 65 and over. Put another way, one in six residents will be of retirement age and over.

This follows a country-wide trend – our population is ageing and the proportion of people aged 65 and over is getting bigger.

Inevitably this will create more demand for retirement housing and aged care facilities - and we should start preparing for this now.

There are just three retirement villages in our LGA which cater for all levels of dependence, with very limited access to affordable aged housing; a Council report in 2014 indicated that we have a rising deficit of aged care places.

More accommodation is certainly needed to meet growing demand and to give retirees the chance to find aged care facilities in the area they already call home.

A fourth retirement village was planned for 50 McLaren Street in North Sydney CBD, but this development has been scrapped to allow for the creation of a second entrance to the Victoria Cross Metro Station.

While this decision was out of Council's control and aged care is a Regional issue we, as a Local Council, can call on Regional and State planners to make more provision for this type of accommodation.

I therefore recommend:

1.THAT Council staff prepare a report on the amount of retirement housing and aged care facilities available in the North Sydney LGA, what policies are currently in place to address this need and how much more aged care accommodation is needed in the future.

2. THAT Once approved by Council, this report and recommendations be sent to the Greater Sydney Commission, with a request that more provision is made in the draft Northern District Plan for retirement housing and aged care facilities.

3.THAT Council seek greater commitment from the State Government to delivering aged care facilities and note that North Sydney is missing out on a vital new aged care facility because of the Metro development.

4.THAT Council calls on the State Government to recognise the growing need for retirement housing and aged care facilities in its plans for Crows Nest/St Leonards as a priority precinct.

17. MM06: RE: Design Input into the Victoria Cross Metro Station Entrance on McLaren Street

Transport for New South Wales has announced plans to build a second entrance to the Victoria Cross Metro Station in North Sydney CBD on the north eastern corner of McLaren Street.

While this second entrance at 50 McLaren Street will create better connectivity throughout the CBD and prevent the bottlenecking of pedestrian traffic on Miller Street, it is crucial that Council has input into the proposed over-station development at this site.

This new Metro entrance will sit opposite Council Chambers and will be part of our well used Civic Precinct. It is also situated next to several residential developments with views over the site.

It is vital that the new Metro Station entrance contributes architectural value to the area and adds to the streetscape.

The modifications are on public exhibition until July 5, so there is time for Council to have input into the design and façade.

I therefore recommend:

1.THAT Council consult with Transport for NSW about 50 McLaren Street and make a submission on the proposal before the public exhibition closes on 5 July.

2.THAT Council staff regularly review the progress of this development design proposal and keep the elected body informed.

18. MM07: RE: Vivid

The Vivid Sydney Festival has gone from strength to strength in recent years and now attracts tourists from all over the world. Approximately 2.3 million people attended last year despite the bad weather and I am sure this year's Festival was equally successful.

Anyone who has been to Circular Quay, Martin Place, The Botanical Gardens or Darling Harbour during Vivid will have seen the bustling crowds, busy cafes and restaurants, as well as the stunning light displays.

We have missed out on hosting a Vivid attraction in North Sydney in the last three years, and I feel our loss has been Willoughby's and Mosman's gain. Both now accommodate successful Vivid events in their municipalities – at the Chatswood Concourse and at Taronga Zoo - which have both proved to be incredibly popular with residents, local businesses and tourists.

When we partnered with Destination NSW in 2013 and 2014 to light the western side of Sydney Harbour Bridge and Council put on entertainment in Bradfield Park, we received great feedback from the community and local businesses.

Located right on the harbour with great transport links, large parks and a thriving CBD, North Sydney is an obvious choice for a Vivid event. This could also help us achieve some of our key targets –such as the promotion of a night-time economy in the CBD.

I therefore would like to see North Sydney included in the Vivid festivities and urge Council to consider reopening negotiations with Destination NSW and our local businesses to make this a reality.

I therefore recommend:

1.THAT Council Officers prepare a report exploring options for holding a Vivid event in North Sydney, outlining estimated costs and ways for funding.

19. MM08: RE: Marriage equality

At present colourful flags fly proudly on Miller Street with three words: “Progressive, Vibrant and Diverse”.

These strong, descriptive words were chosen by this elected Council in 2012 to enunciate our vision for North Sydney, and they still guide us today.

Whilst marriage equality is not necessarily a local government matter, we can choose to make it one tonight and prove our commitment to our Council motto by voicing our support for marriage equality.

I believe that challenging the traditional limitations of local government makes us stronger, more effective and more relevant.

While any motion we pass tonight in relation to this issue will be symbolic rather than jurisdictional, that doesn't lessen the power of the message.

This Mayoral Minute also provides Councillors and members of our community an opportunity to speak out in a public forum on this important and topical issue.

I therefore recommend:

1.THAT Council demonstrate its commitment to being progressive, vibrant and diverse by supporting marriage equality.

2.THAT Council continues to acknowledge, support and celebrate the diverse families who call North Sydney home.

3.THAT North Sydney Council follow the lead of other Councils and write to the Australian Marriage Equality campaign pledging our support for Marriage Equality.

4.THAT Council write to the Prime Minister, Leader of the opposition, our local federal member Mr Trent Zimmerman and our local state member Felicity Wilson.

5.THAT A copy of this Mayoral Minute and the subsequent resolutions be forwarded to our neighbouring councils, including Willoughby, Mosman and Lane Cove.

REPORTS

General Manager's Office

30. GMO01: Matters Outstanding

Report of Adrian Panuccio, Acting General Manager

A report on the current status of matters arising from Council resolutions up to the meeting of 22 May 2017 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.
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City Strategy Division

31. **CiS01: Draft Amendments to NSDCP 2013 - North Sydney Character Statement**

Report of Mark Yee, Strategic Planner

On 20 March 2017, Council adopted the North Sydney Centre Capacity and Land Use Study (the Study). The Study forms the final component of the North Sydney Centre Review and was prepared to explore opportunities for growth in order to improve the North Sydney Centre's employment capacity, its resilience and vibrancy as well as its investment attractiveness.

A Planning Proposal which incorporated the outcomes of the Study was adopted by Council on 1 May 2017 and forwarded to the Department of Planning & Environment with a request for a gateway determination.

A number of amendments to North Sydney Development Control Plan 2013 (DCP 2013) are required to support the Planning Proposal. Proposed amendments to the North Sydney Character Statement can be seen at Appendix 1.

The proposed amendments reflect a number of recent Council strategies which were developed to assist planning for the Victoria Cross Metro Station. These strategies were outlined in Council's Sydney Metro Planning Study (first adopted in May 2016, and amended in February 2017) and the Central Laneways Masterplan (adopted in July 2016).

This report seeks adoption of the draft amendments to DCP 2013 for the purpose of public exhibition. The exhibition is proposed to occur concurrently with the North Sydney Centre Planning Proposal once a gateway determination has been issued for that Proposal.

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 adopts the draft North Sydney Character Statement (Attachment 1) located in Part C of North Sydney DCP 2013 for the purpose of public exhibition.

2. THAT draft amendments to North Sydney DCP 2013 be publicly exhibited concurrently with the North Sydney Centre Planning Proposal once a gateway determination has been issued by the Department of Planning and Environment for that Proposal.

32. **CiS02: Interim Heritage Order - 24 Cranbrook Avenue, Cremorne**

Report of Ben Boyd, Executive Strategic Planner

In response to submissions made to DA 75/15 which sought to demolish the existing dwelling at 24 Cranbrook Avenue, Cremorne and erect an 11 storey residential flat building, Council considered a Notice of Motion at its meeting of 1 May 2017, wherein it resolved:

1. *THAT Council prepare a report on the possibility of reinstating the previous heritage listing on the property, 24 Cranbrook Avenue, Cremorne.*

2. *THAT Council obtain urgent advice in relation to whether an Interim Heritage Order can be supported including the interior of the property given that the property has been the subject of development pressure.*

In accordance with this resolution, Council engaged heritage consultants Lucas Stapleton Johnson to prepare a preliminary heritage assessment to determine if the subject site would satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The Preliminary Assessment identified that the site contains a 1920s Californian bungalow designed by notable architect Edwin Roy Orchard, who contributed greatly to the development of the Arts and Crafts style and California Bungalow style of architecture in Sydney. Although records indicate that he worked extensively throughout the Lower North Shore (throughout the Mosman, Neutral Bay and Cremorne areas), little of his work is acknowledged via formal heritage listings, and as such, is at risk of being substantially altered or demolished. The Preliminary Assessment recommended the imposition of an Interim Heritage Order (IDO) over the subject land to provide temporary protection to allow additional research to be undertaken.

Under delegated authority, Council's then Acting General Manager imposed an Interim Heritage Order (IHO) under the NSW Heritage Act 1977 over 24 Cranbrook Avenue, Cremorne on 24 May 2017 to provide temporary protection until a detailed heritage assessment of the property had been undertaken. A notice regarding the imposition of the IHO was subsequently published in the NSW Government Gazette on 26 May 2017.

The Heritage Consultant is currently preparing a detailed heritage assessment. This report is for information purposes only.

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.

33. CiS03: Parking Management in School Zones

Report of Mark Richardson, Manager Ranger and Parking Services

The following report identifies school zone traffic areas within the North Sydney LGA where Council is seeking to significantly improve compliance with the road rules.

Despite running a Road Safety program around schools every year, recent years have seen an increase in the level of non-compliance in school zones in the North Sydney local government area, a trend concerning enforcement staff and management within Council, notwithstanding the concern from the wider community. An analysis of school zone infringements issued between 2012 and 2016 shows an increase of 272%, noting that there has been no increase in Ranger or Parking Officer numbers during this time. The NSW Police have also assisted with enforcement action at various times given this trend.

The nature of many of the offences are significant in that they have the potential to endanger children crossing or using roads in school zones as well as endangering every other road user at that location.

It is worth exploring whether schools can assist in changing attitudes to parking around their schools and contribute to the management of parking with the aim of high level compliance.

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

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

Recommending:

1. THAT Council write to schools within the North Sydney local government area requesting that they notify their communities of Council's concerns in relation to:

- a. the turnover of limited "school zone" parking spaces,
- b. compliance with erected parking control signs, and
- c. the importance of these actions in providing a safe environment for children in the streets surrounding each school as outlined within this report.

2. THAT this report be referred to the Educational Institutions Working Group and the North Sydney Traffic Committee.

Community & Library Services Division

13. **CLS01 Grant from NSW Department of Family and Community Services Program Level Agreement 2017-18**

Report of Eric Poulos, Acting Manager Community Development

The NSW Department of Family and Community Services (FACS) are renewing North Sydney Council's Community Capacity Building funding. A new three-year funding term will commence from 1 July 2017. The agreement includes a Program Level Agreement (PLA), Special Conditions and a Service Delivery Schedule. In general terms there is no change from the current PLA's except for the addition of Special Conditions – Attachment 1 that prescribes how Council will participate in transitioning to the Targeted Earlier Intervention (TEI) Program.

The new PLA, SDS and the Special Conditions which form part of the contract are attached. These requirements are not seen as any barrier to Council accepting the contract from FACS.

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 hereby authorises its Official Seal to be affixed to the Program Level Agreement with the NSW Department of Family and Community Services under the signature of the Mayor and the Acting General Manager.

Corporate Services Division

14. **CoS01 Investments and Loan Borrowings Held as at 31 May 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 May 2017.

Investment Portfolio:

The portfolio provided an annualised return of 3.99% for the year to date as at 31 May 2017, 2.22% 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.

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 Investments and Loan Borrowings report be received.

15. **CoS02 Councillor Workshop - Finance: Actions Rising – 5 June 2017**

Report of Garry Ross, Financial Services Manager

This report presents the actions arising from the Workshop held on 5 June 2017. Actions arising will be addressed at the next Workshop.

Nil.

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 5 June 2017 be noted.

16. **CoS03 Council Meeting Schedule and Decision-making Prior to September 2017 Elections**

Report of Ian Curry, Manager Governance and Committee Services

The Office of Local Government has issued a Circular (17-11) regarding Council decision-making prior to the September 2017 elections.

Clause 393B of the *Local Government (General) Regulation 2005* limits councils' ability to exercise some of their functions in the four weeks preceding the date of a local government election (the caretaker period).

As a result of this caretaker period, it may be necessary to revise the current Council meeting schedule.

Nil.

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 contents of OLG Circular 17/11.

2. **THAT** Council determine its preferred option regarding future Council meetings.

17. **CoS04: Governance Committee - Minutes 5 June 2017**

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 held on 5 June 2017, for Council adoption.

The report also contains suggested community poll questions for the September Council elections, for Council's consideration.

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

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

Recommending:

1. **THAT** the proposed changes in Delegations of Authority as tabled in this report be reported to the next Council meeting for adoption. (G01)

2. **THAT** any matter raised as general business at the Traffic Committee meeting that seeks changes to traffic or parking arrangements be referred to Council's Traffic Engineers for technical assessment as part of the TAPAS program, and future report to the Traffic Committee if considered appropriate by Council's Manager Traffic & Transport Operations. (G01)

3. **THAT** a copy of this report be provided to all submitters in this matter and local Precinct Committees. (G01)

4. **THAT** the response from the NSW Electoral Commission be received. (G02)

5. **THAT** Council call for any community poll questions to be posed in conjunction with the 2017 Local Government elections. (G02)

6 **THAT** a further report be submitted to the 26 June Council meeting regarding the proposed community poll questions. (G02)

7. **THAT** NSWEC be asked to reconsider Council's previous unanimous request regarding the number of polling places for the election as Council is

concerned about the increased cost to ratepayers, to reconsider the inclusion of the Crows Nest Uniting Church and to provide more funding for voter education about the elections. (G02)

8. THAT the Commencement of Phase 1 Amendments to the Local Government Act report be received. (G03)

9. THAT the Draft Related Party Disclosures Policy be adopted. (G04)

10. THAT subject to adoption of the Related Party Disclosures Policy as amended, the Key Management Personnel complete the declarations and transaction certificate for the period 1 July 2016 to 30 June 2017. (G04)

11. THAT the amended Environmental Upgrade Agreement Policy be placed on public exhibition for 28 days. (G05)

12. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the amended Environmental Upgrade Agreement Policy as adopted at the end of the closing period for submissions. (G05)

13. THAT Council decline the Smart Cities, Smart Suburbs proposal and thank the applicant. (G06)

14. THAT Council determine which, if any, of the community poll questions received to adopt and forward to NSWEC for consideration.

18. CoS05 Proposal to Renew and Extend Alcohol Managed Areas for New Year's Eve

Report of Gemma North, Events Officer

Alcohol Free Zones and Alcohol Prohibited Areas have assisted in managing the negative impacts of alcohol consumption on New Year's Eve. This report outlines a request to renew the expired New Year's Eve Alcohol Free Zones and Alcohol Prohibited Areas. It includes minor amendments to include areas that are generally managed as alcohol free and alcohol prohibited zones.

Alcohol Free Zones and Alcohol Prohibited Areas can be established for a maximum of four years under Ministerial guidelines, but councils can review the Zones and Areas at any time.

Alcohol Free Zones apply to streets and footpaths and are in force 24 hours a day. Alcohol can be carried unopened, but cannot be consumed in these zones. Alcohol Prohibited Areas apply to parks, plazas and car parks and the hours can be flexible. Alcohol cannot be taken into or consumed in these areas and may be confiscated or tipped out. The Alcohol Free Zones and Alcohol Prohibited Areas are to be established, respectively, under Sections 644, 644A and 644B of the Local Government Act 1993.

The cost of renewing the signage for four years is \$6,000. This has been included in the New Year's Eve budget. Day labour is used to erect and dismantle New Year's Eve additional temporary signage.

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 2012-2016 Alcohol Free Zones and Alcohol Prohibited Areas for New Year's Eve shown on the maps provided be renewed for 2017-2020.

2. **THAT** an extension to the New Year's Eve Alcohol Prohibited Areas (parks) be established for 2017-2020 in Beulah Street Reserve, Sawmillers Reserve, the western side of Blues Point Reserve and Waverton Park.

3. **THAT** an extension to the New Year's Eve Alcohol Free Zones (streets) be established, for 2017-2020 on Larkin Street, Waverton and Lavender Crescent, Lavender Bay.

4. **THAT** the areas described in the report be placed on Public Exhibition and that licensed venues in the affected area be notified.

19. **CoS06 New Year's Eve Planning Update**

Report of Gemma North, Events Officer

Council Officers are undertaking preliminary planning for New Year's Eve with key stakeholders.

This report proposes changes to: resident vehicle access times in highly congested areas, the alcohol surrender process, vantage point information and the capacity of Bradfield Park.

The most significant change recommended is around resident vehicle access to roads bordering entry/exit routes to Bradfield Park and Blues Point Reserve. Previously it has been communicated that while roads close at 5pm, resident vehicle access is available until 8pm unless Police close the road earlier for safety. In practice, in the highly congested areas surrounding Bradfield Park and Blues Point Reserve, Police restrict resident access well before 8pm.

For 2017, NSW Police have requested resident vehicle access times be changed due to safety concerns. When the volume of pedestrians increases, footpaths become congested and pedestrians begin to walk on the roads. A secondary concern is the recent events where 'hostile' vehicles have been used to commit acts of terror.

It is therefore proposed that the road closure time be brought forward to 6pm for streets around McMahons Point, Lavender Bay, Milsons Point and Kirribilli and all communications include the likely times that resident access will be restricted by Police.

There will be some costs associated with communicating the changes, updating Traffic Control Plans and staff attendance at precinct committee meetings. These have 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** Council supports the Police request to restrict resident vehicular access from 6pm to streets in McMahons Point, Lavender Bay, Milsons Point and Kirribilli on New Year's Eve.

2. **THAT** Council officers promote the change in resident vehicle access times to affected residents and Precinct Committees.

3. **THAT** Council notes the changes to vantage point information, the capacity of Bradfield Park and the alcohol surrender process.

20. CoS07: Bradfield Bark Event 2017

Report of Justin Sheining, Acting Manager Communications and Events
Council's Communications and Events team has delivered the second annual dogs day out event, Bradfield Bark, on Sunday 28 May 2017. The event was well attended and positively received by the community.

Nil.

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 Bradfield Bark Event 2017 report be received.

Engineering & Property Services Division

21. **EPS01: Sustainable Transport Reference Group - Minutes 29 May 2017**

Report of Michaela Kemp, Manager Traffic & Transport Operations

This report presents the recommendations of the last meeting of the Sustainable Transport Reference Group held on 29 May 2017 for Council endorsement. The Minutes are attached for information.

Nil.

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 information on Current Sustainable Transport Projects be received.
- 2. THAT** consultation activities recommended in the attached *Ride to Work Day Survey Report* be considered as part of the next review and update of the *North Sydney Cycling Strategy*.
- 3. THAT** the Mayor write a letter to the RMS regarding pedestrian safety of parents and children when crossing Ernest Street to access Anzac Primary School.
- 4. THAT** the Mayor to write to the RMS requesting a timeframe for installation of the lift access onto the Sydney Harbour Bridge and improvements made to the steps leading up to the Bridge.
- 5. THAT** the Sustainable Transport Reference Group note the successful application of Mr Roderick Miller to become a Citizen Member of this group and the resignation of Mr Nick Austin.

22. **EPS02: 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 15 June 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.

23. EPS03: Parking Management – Parking Sensor Technology Review

Report of Michaela Kemp, Traffic and Transport Operations Manager
Council began using parking sensors in metered parking areas in 2015 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 live and average occupancy and turnover rates in a particular street or area.

This report details how the parking sensor technology has been utilised since its introduction in 2015 and how it has improved the overall management of parking in North Sydney.

Nil.

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 roll out the parking sensor technology to Council’s open air carparks that are not already managed with boom gates.

24. EPS04: Draft TAPAS Action Plans

Report of Michaela Kemp, Traffic & Transport Operations Manager

In 2015 Council adopted the Integrated Traffic and Parking Strategy (Strategy) to improve the management of traffic and parking across the North Sydney Council area.

The Strategy proposed the development of Traffic and Parking Area Scheme (TAPAS) Action Plans for seven TAPAS Zones across the LGA.

TAPAS Action Plans are similar to Local Area Traffic Management (LATM) Plans. The Action Plans will be used to form and priorities the Capital Works Program for transport projects for the next 5 years to 10 years and to plan changes to parking restrictions.

Community engagement for Stage 1 of the TAPAS Plans was undertaken between February and May 2016. Council received over 2000 submissions in relation to the project across the 7 zones, including over 5,000 comments relating to specific locations. The outcomes and findings of Stage 1 were reported to Council in July 2016.

A detailed technical review has been undertaken by traffic consultants in each TAPAS Zone and a Draft Action Plans for each zone have been prepared following this review.

The Draft Action Plans are attached and are proposed to be placed on public exhibition for 28 days.

The related financial implications include cost of implementing each of the projects within the action plan over 10 years. The associated costs will be

covered by the 10 year financial budgets from 2017/18. Some projects may also be eligible for State and Federal Government Grants including Black Spot and Active Transport Programs. The Action Plans will be used to inform forward planning for Council budgets and grant funding applications.

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 place the Draft Action Plans on public exhibition for a period of 28 days with a follow up report to the August 2017 Council meeting.

25. EPS05: Sydney Metro City and Southwest – Proposed Substratum Acquisition for Underground Rail Facilities – Report No 2

Report of Risha Joseph, Property Officer

This report follows on from the report to Council dated 22 May 2017 in relation to the proposed substratum acquisition of Council's roads and properties that it owns and controls along the Sydney Metro City and Southwest Rail corridor. (Refer to figure 1).

The project includes the construction of two underground tunnels (located side by side) from Chatswood, under Sydney Harbour, through to new underground stations in the Central Business District and out to Sydenham. Three new stations are proposed to be built within the North Sydney Local Government Area which includes a new station at Crows Nest located between Oxley Street – Hume Street – Clark Street and the Pacific Highway. A second station known as Victoria Cross Station (North) is proposed to be located at the corner of Miller and McLaren Streets – opposite Council Chambers and a third station is proposed for the middle of North Sydney Centre, Victoria Cross Station (South) – located on the corner of Miller and Berry Streets. A tunnel boring machine recovery site for the construction of the tunnels is proposed at Blue Point Reserve, McMahon's Point.

Planning approval for the construction of these tunnels and new stations was granted by the Minister for Planning under Part 5.1 of the Environmental Planning and Assessment Act 1979 on 9 January 2017. Construction work for the project has already commenced.

This report identifies the potential legal and property risks Council may be exposed to as a result of the tunnel construction and proposed compulsory acquisition of the sub-stratums beneath Council's roads and properties along the Sydney Metro City and Southwest Rail corridor.

More information about the Project is available on the Sydney Metro website – see web link. <https://www.sydneymetro.info/citysouthwest/project-overview> or at North Sydney Councils Customer Services desk located at 200 Miller Street – North Sydney.

The cost of the Project will be funded by Transport for NSW.

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** in response to the Council Resolution dated 22 May 2017 a copy of this report and the May Report be provided to all Precinct Committees affected by the proposed substratum acquisitions and associated works.
 2. **THAT** the legal and property advice attached in the Confidential Memorandum that forms part of this report be received and the advices be subject to a claim of legal professional privilege and commercial in-confidence, respectively.
 3. **THAT** a Tripartite Agreement be entered into between Transport for NSW, the Principal Contractor and North Sydney Council to ensure that Council is indemnified against all claims that may arise as a result of the Sydney Metro City and Southwest Rail corridor works.
 4. **THAT** a clause be inserted into the Tripartite Agreement indemnifying Council against any direct tenant or resident claims such as a loss of turnover or disturbance during the construction period.
 5. **THAT** Council write to Transport for NSW to ascertain what testing they would be undertaking prior to the tunneling works and upon completion of the project.
 6. **THAT** Council obtain copies of the Principal Contractor's Certificates of Currency.
 7. **THAT** Condition/Dilapidation Reports be obtained from Transport for NSW prior to the commencement of the rail corridor construction works for all areas and properties owned and controlled by Council that are identified within that railway corridor. (Refer to Figure 1)
 8. **THAT** if the reports are unattainable, then Council commission its own Condition and Dilapidation Reports as a safeguard at the cost of Transport for NSW.
 9. **THAT** Transport for NSW provide Council with copies of the Construction Noise and Vibration Management Plans which are to be commissioned as part of the rail corridor works.
 10. **THAT** Transport for NSW advise Council of any additional land that lies above the surface that it intends to acquire for the purposes of the Sydney Metro project.
 11. **THAT** Transport for NSW enter into a lease agreement with North Sydney Council for the purposes of operating a worksite within Blues Point and Henry Lawson Reserves at a market related rental rate.
 12. **THAT** Council agree to an "Agreed Acquisition Process" in accordance with Section 30 of the Land Acquisition (Just Terms Compensation) Act 1991.
 13. **THAT** Transport for NSW and all its contractors doing rail corridor and Metro station related works within the North Sydney Local Government Area be charged Council's standard fees and charges relating to construction hoarding, road opening permits, stand plant permits, work zone permits, parking meter removal charges and infrastructure re-location costs and the like.
 14. **THAT** Transport for NSW enter into a formal agreement with North Sydney Council on how Public Domain and Council Infrastructure located in and around or directly impacted by the Metro Works be returned to Council at the completion of the project.
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15. THAT Transport for NSW be responsible for all legal and associated costs relating to the acquisition, which includes the subdivision and transfer of all identified Council owned and controlled sites along the Rail corridor.

Open Space & Environmental Services Division

26. **OSE01: Waverton Peninsula Working Group – Minutes 9 May 2017**

Report of Melissa Dunlop, Governance Co-ordinator

This report presents the recommendations of the last meeting of the Waverton Peninsula Working Group held on 9 May 2017 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 9 May 2017.
2. **THAT** should Council adopt any of the specific projects/proposals recommended in the minutes of the Waverton Peninsula Working Group held on 9 May 2017 that a report be prepared detailing proposed costings, timelines and implications to existing workload and the adopted Delivery Program.

27. **OSE02: Environment Reference Group - 29 May 2017**

Report of Peita Rose, Governance Officer

This report presents the recommendations of the last meeting of the Environment Reference Group held on 29 May 2017, 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** the Reference Group receives and notes the report on the North Sydney Community Renewable Energy Feasibility Study.
 2. **THAT** the Reference Group distributes the link to the Community Renewable Energy survey to their relevant networks.
 3. **THAT** members of the Reference Group complete the Community Renewable Energy survey.
 4. **THAT** the report on Council's Parliamentary Friends of Landcare Event be noted.
 5. **THAT** the Reference Group receives and notes the Cities Power Partnership report.
 6. **THAT** the Reference Group recommends that Council signs up to the program to become a Cities Power Partner.
 7. **THAT** the Reference Group receives and notes the Cities Power Partnership report.
 8. **THAT** the Reference Group recommends that Council signs up to the program to become a Cities Power Partner.
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9. **THAT** the report on the greenSchools Grant Program be received and noted.
10. **THAT** the update report on the Community Recycling Centre be received.
11. **THAT** the report on the E-waste Recycling Collection Program be received.
12. **THAT** the report on the Biodegradable Dog Tidy Bags Trial be received.
13. **THAT** the Reference Group supports the switch to biodegradable dog tidy bags, pending survey responses at the end of the extended trial demonstrating consistency with those received to date.
14. **THAT** the Environment Reference Group note the successful application of Mr Roderick Miller to become a Citizen Member of this group and the resignation of Ms Susette Dixon.

28. **OSE03: Refurbishment of Public Facilities**

Report of Kate Bambrick-Browne, Landscape Grants Coordinator

This report is a response to the Notice of Motion asked by Cr Reymond during the meeting of 15/08/2016 (Min. No 285) regarding the refurbishment of a number of public facilities in parks and open space areas.

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 consider the allocation of the funding required for these projects in the 2018/2019 budget.

29. **OSE04: Forsyth Park Accessible Pathway - Tender No. 38/2017**

Report of Kate Bambrick-Browne, Landscape Grants Coordinator

Tenders were called and were received until 4.00pm Thursday 11 May 2017 for the submission of tenders to undertake construction of Forsyth Park Accessible Pathway.

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 reject all offers for Tender No. 38/2017 for Forsyth Park Accessible Pathway as the tenderers were deemed to be non-conforming.
2. **THAT** Council resolve to enter into direct negotiation with other suitable contractors for the Forsyth Park Access Improvements.
3. **THAT** authority be delegated to the General Manager to negotiate with suitably qualified contractors and enter into a contract for the Forsyth Park Access Improvements.

30. OSE05: Waverton Oval Lighting Upgrade - 43/2017

Report of David Manson - Parks and Reserves Manager

Tenders were called and were received until 4pm on Thursday 8 June 2017 for the submission of tenders to undertake the Waverton Oval Lighting Upgrade.

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 tender of the highest ranked Tenderer for Tender No. 43/2017 - Waverton Oval Lighting Upgrade.
- 2. THAT** Council hereby authorises its Official Seal to be affixed to Contract 43/2017 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.*

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

- 31. NoM01: Notice of Motion No. 20/17 by Crs Baker, Clare and Morris - 17/05/17 (*Deferred from 22 May 2017 Council meeting*)**
Re: Official Opening of the Coal Loader Platform

1. THAT the official opening of the Coal Loader Platform be arranged for Saturday 19 August 2017 to coincide with the 20th anniversary of the declaration by the Carr Government of the preservation of the Waverton Peninsula lands (including the Coal Loader Platform) as public lands.

2. THAT the Coal Loader Platform be officially opened by community representatives nominated by the Waverton Precinct rather than politicians/elected officials in recognition that the Waverton Peninsula parklands have been protected and placed in community care and control due to the continued activism and engagement of residents and community members for a century.

3. THAT former Premier Bob Carr, former Federal Minister for Local Government and Infrastructure, Anthony Albanese (who granted funds to enable the completion of the adaptive reuse of the administrative buildings on the site) and former North Sydney Mayor and councillors who were on the Council at the time of the declaration be invited to the ceremony together with the current Federal Member for North Sydney, the Hon Trent Zimmerman, and State Member for North Shore, the Hon Felicity Wilson.

- 32. NoM02: Notice of Motion No. 21/17 by Cr Baker - 23/05/17**
Re: Parking Infringement Review Committee

1. THAT a report be prepared and provided to the next Council meeting in relation to Council establishing a Parking Infringement Review Committee.

- 33. NoM03: Notice of Motion No. 22/17 by Cr Baker - 24/05/17**
Re: Hot Desk for Precincts

1. THAT Council establish a “hot desk” at Council in order to support Precinct office bearers and the Precincts generally.

2. THAT the “hot desk” support include, but not be limited to, a computer, printing and photocopying facilities and provision of hard copies of current and draft policy documents.

Background

At a recent Hayberry Precinct meeting Hayberry Precinct Chair, Davie Macdonald, suggested that Council consider providing a “hot desk” in order to assist and support Precinct office bearers. This is an excellent and practical idea

that Council ought to immediately adopt given that Precinct members and office bearers undertake significant administrative and communications roles on a voluntary basis.

34. NoM04: Notice of Motion No. 23/17 by Crs Beregi and Reymond - 8/06/17

Re: North Sydney Public Art Trail Extension

1.THAT Council withdraw its DA 169/17 regarding the installation of sculptures in seven sites, including in Cremorne Point.

2.THAT a Public Art Trail Masterplan be prepared by Council's City Strategy Division which identifies appropriate sites and sculptures along the North Sydney Public Art Trail.

Background

The location of the proposed sculptures, particularly the proposed site at Cremorne Point, has resulted in considerable concern and strong objections from members of the community. Not only will the sculpture interrupt the iconic views of Sydney Harbour from a world renowned public reserve, it also seems incompatible with the way that part of the reserve is used for passive recreation, gatherings and picnics.

A North Sydney Public Art Trail Masterplan will allow full community consultation and by engaging qualified art consultants and landscape curators, more suitable locations and types of sculptures can be identified.

35. NoM05: Notice of Motion No. 24/17 by Crs Carr & Clare – 20/6/17

Re: Western Harbour/Northern Beaches Link Tunnel - Stacks in Cammeray

1. THAT Council urgently seek advice from RMS in relation to the proposed location(s) of stacks for the northbound and southbound lanes of the proposed Western Harbour Northern Beaches Link Tunnel in Cammeray.

2. THAT Council request detailed advice from RMS in relation to air pollution, health and visual impacts of such stacks/vents.

36. NoM06: Notice of Motion No. 25/17 by Cr Baker – 20/6/17

Re: Air BnB - Policy Reform and Regulation

1. THAT a report be prepared for Council on compliance and regulatory issues in relation to Air BnB.

2. THAT the report include analysis of Australian and international responses to the challenges faced by local and city governments in relation to the impacts

of Air BnB on neighbours and owners corporations in apartment blocks and on rents and affordable housing issues.

Background

At the recent ALGA National General Assembly of Local Government in Canberra, the issue of affordable housing was considered as well as the challenges for local government across Australia in relation to the operation and impacts of Air BnB.

Cities around the world are wrestling with the impacts of Air BnB on the cost of rents for permanent city residents and housing affordability. For example, New York changed the laws to prohibit an apartment owner or lessee from renting for less than 30 days a year. In 2016 San Francisco introduced regulations that require hosts may only rent out their permanent residence and no more than 1 unit.

37. NoM07: Notice of Motion No. 26/17 by Cr Baker – 20/6/17

Re: Architecture and Urban Design Festival

- 1. THAT** Council establish an architecture and urban design festival celebrating architecture, urban design and the long association of many of Australia's most eminent architects, urban designers and town planners with the North Sydney Local Government Area.
- 2. THAT** the festival include public forums, master classes taught by eminent architects, an oral history project, exhibitions and a workshop to consider future planning and design for a community infrastructure project.
- 3. THAT** Council seek the participation and partnership with the University of NSW, UTS and University of Sydney Schools of Architecture.
- 4. THAT** Council seek sponsorship, including but not limited to, sponsorship from architecture, design and building companies and organisations.

Background

North Sydney has a unique and often unrecognised place in Australian architectural history and practice. That is, many of the best and brightest architects and landscape architects have lived, worked and/or practiced in North Sydney - shaping both our built and cultural landscape and greater Sydney. For example, Ken Woolley, Sid Anchor, Stuart Murray, Bryce Mortlock, Col Madigan, Philip Cox, Squizzy Taylor, Louise Cox, Harry Seidler, Harry Howard, Ian McKay, Ian Breden, Reg Smith, Rod Simpson, Howard Tanner, Ian Stapleton, Clive Lucas, Robin Dyke, Daryl Coneybeare, Peter Johnson, Chris Johnson, Terence Byrne, Philip Atkin and Bruce Rickard - just to name a few.

Council is committed to careful and excellent strategic planning and design excellence. We should celebrate this historic and continuing contribution and take the lessons of the some of the most creative and interesting minds in the country into our future planning.

38. NoM08: Notice of Motion No. 27/17 by Cr Baker – 20/6/17**Re: NSW Biodiversity Conservation Legislative Reform Package**

1. THAT Council urgently write to the Premier and relevant Minister in relation to the NSW Government's Biodiversity Conservation Legislative Reforms Package seeking extended community consultation in relation to the proposed changes to biodiversity protections due to the insufficient detail provided as part of the community consultation, including lack of details on the proposed Vegetation SEPP and codes.

2. THAT Council make a (late) submission in relation to the proposed reforms particularly the proposed changes to the offsets policy which will allow cash payments in lieu of vegetation offsets and result in the loss of mature trees, significant canopies and urban vegetation and urge the Government to ensure that any reforms ensure increased protection of urban trees and green space.

39. NoM09: Notice of Motion No. 28/17 by Cr Morris – 21/6/17**Re: Lavender Bay Rail Line**

1. THAT Council calls upon the State Government to consider reactivating the Waverton to Lavender Bay rail line for public use by means of constructing platforms at Waverton Station and Lavender Bay to permit trains that would otherwise terminate at North Sydney to unload at Waverton and to allow heritage trains to be run on the siding on weekends and public holidays as a working historic railway.

Background

During the recent North Shore by-election a “cast iron” commitment was given by the Premier that this piece of harbourside land would always remain in public ownership and a scheme for a “Highline” was floated. The problem is however that this piece of infrastructure, which would be expensive to replicate, remains in active use by the railways for driver training and stabling trains. There is thus little prospect of this land being released for other uses in the foreseeable future. This motion proposes a means, at minimal cost, of obtaining greater public access to and benefit from the site whilst the existing use by the railways continues. At present, trains terminate at North Sydney and unload passengers before double shunting on the siding at Waverton and reversing down to Lavender Bay. A platform could be economically constructed next to the siding at Waverton to allow passengers to alight from at least the first 6 carriages of terminating trains, thus easing congestion at North Sydney Station and providing greater redundancy and flexibility in the event of broken down trains. A further platform at Lavender Bay, reinstating one of the four former platforms, would permit the occasional or regular use of this siding as an historic railway, most likely for diesel or electric rather than steam trains due to the tunnels. This harbourside railway could be developed into major attraction and might also be useful for clearing crowds at major events such as New Year’s Day or Australia Day. Since most of the infrastructure already exists the cost of this proposal is minimal.

40. NoM10: Notice of Motion No. 29/17 by Cr Morris – 21/6/17**Re: Berrys Bay Marina / Balls Head Peninsula**

1. THAT Council calls upon the State Government to withdraw from the agreement to lease in relation to the Berrys Bay Marina project and instead transfers the site and the nearby Quarantine Depot site, to the management and control of Council to facilitate the establishment of a Museum of North Sydney to celebrate the rich and varied history of our harbourside community.

2. THAT Council point out to the State Government that such action is only consistent with the recent “cast iron promise” given by the Premier to preserve iconic harbourside land at Lavender Bay in public ownership for public use in perpetuity.

3. THAT Council draw attention to its fine record of achievement over the past 20 years in redeveloping and rehabilitating the former industrial sites of the Balls Head Peninsula as public spaces, culminating in the imminent completion of the Coal Loader platform.

Background

While in Opposition prior to the 2011 Election, the current State Government made a promise to “halt and review” the flawed tender process in relation to the Berrys Bay Marina. Once elected however they signed an “agreement to lease” with the “preferred proponent” from the flawed tender process. Over the years this proponent has presented a succession of unacceptable proposals for marina development, the last one of which was rejected by the JRPP. Given the recent undertaking by the Premier to preserve iconic harbourside land at Lavender Bay [that is not actually currently under threat] in public hands in perpetuity, it would seem inconsistent for the Government to continue to support the attempted overdevelopment of the idyllic Berrys Bay for the sake of minor commercial gain. This is an opportunity for the State Government to finally deliver on promises previously made to the community and partner with Council in completing the sympathetic re-development of this prime harbourside peninsula as public open space. The adaptive re-use of buildings on both the Marina and Quarantine Depot sites is envisaged to provide a unique and authentic setting for a magnificent local museum that will complement the other public spaces and activities available on this peninsula. Council has demonstrated the financial wherewithal and expertise to successfully bring such major public infrastructure projects to completion.

41. NoM11: Notice of Motion No. 30/17 by Crs Beregi and Clare – 21/6/17**Re: Australian Marriage Equality Campaign**

1. THAT, consistent with:

- i) North Sydney Council’s Community Strategic Plan Direction 4: Our Social Vitality, specifically Item 4.2 Community is diverse;
4.2.2 Celebrate diversity within the community, and,
- ii) North Sydney Council’s Charter, specifically:

“We will strengthen bonds in our community and give more recognition and support to our social and cultural diversity”,

North Sydney Council support the Australian Marriage Equality campaign.

2. THAT Council write to the Australian Marriage Equality campaign with a copy of this resolution.

42. NoM12: Notice of Motion No. 31/17 by Cr Beregi – 21/6/17

Re: Proposed B-Line, Transport Infrastructure and Traffic Flows in the North Sydney LGA

1. THAT in relation to the resolution of Council from 22 May 2017, Min No 142, Point 4:

THAT Council coordinate a community campaign and prepare a submission to the State Government supported by any additional expert reports on traffic, planning, impacts of pollution and air quality, noise and community attitudes collated via community engagement including focus groups in respect of the proposed tunnel in the context of the proposed B-Line and transport infrastructure and traffic flows in the North Sydney LGA.

the report also include the impacts in relation to safety (pedestrian and traffic) pertaining to the proposed traffic changes being considered to accommodate the B-Line.

2. THAT in particular, the report investigate and address the safety issues arising from:

i) the removing of the safety fencing along the centre of Military Road, which deters pedestrians (including school children) from crossing Military Road at locations other than at traffic lights

ii) obstructed sight lines for bus drivers

iii) the ability of pedestrians (especially school children) to safely access and use the footpath at peak times when commuters are waiting for buses to arrive (erg: will pedestrians be forced to walk on the road to by-pass commuters waiting for a bus?)

iv) lack of safe and weather-proof cover for commuters waiting for buses to arrive

3. THAT the report to Council also note alternative transport options to the B-Line such as a train line from Dee Why to Chatswood via Frenchs Forest to meet the new metro line and electric trams (refer article below).

<http://www.dailytelegraph.com.au/newslocal/manly-daily/campaign-for-tramstyle-electric-buses-in-one-of-sydneys-emerging-town-centres-gains-traction/news-story/c229489cf5fa8bf44a8bc595c3ee687e>

Background

There is significant community concern regarding the B-Line. These include safety issues at Cremorne Junction pertaining to the removal of the central safety fencing along Military Road as well as the reduced footpath and space available for commuters which will interrupt the ability of pedestrian traffic to safely use the footpath at peak times. There are also concerns that agreements made previously have not been 100% confirmed.

Last week, concerned residents met with MP for North Shore, Felicity Wilson, and representatives of the B-Line (meeting notes attached). Concerningly, representatives of the B-Line were not able to confirm that the outcomes of previous meetings, such as ones which resulted in an agreement to remove the no-left-turn from Military Road into Ben Boyd Road and property acquisitions on Military Road near Hampden Street, were not 100% off the agenda.

43. NoM13: Notice of Motion No. 32/17 by Cr Beregi – 21/6/17

Re: Local Ideas Campaign

1. THAT, following the address by the Hon Bill Shorten MP, Leader of the Opposition to delegates at the recent ALGA conference, and in response to his call for councils to nominate their top three local ideas/initiatives, North Sydney Council write to Mr Shorten submit the following as their three priorities:

- Parraween Street redevelopment - to provide affordable housing, community facilities and parking.
- Stage 2 and 3 of Hume Street Park redevelopment - to provide public open space, sport and recreation facilities, community facilities.
- Ridge Street Carpark redevelopment - to provide community facilities, sport and recreation facilities, parking.

Background

At the recent ALGA Conference, the Hon Bill Shorten MP, Leader of the Opposition, announced his party's local ideas campaign and invited councils to submit three local ideas/initiatives that were ready to go, subject to funding. The above three projects are in Council's current program of works with work able to commence as soon as funding has been secured.

44. NoM14: Notice of Motion No. 33/17 by Cr Baker – 21/6/17

Re: Cammeraygal Senior Campus

1. THAT an urgent councillor briefing be arranged to provide details of the Department of Education plans for the Cammeraygal Senior Campus, West Street, Crows Nest in order to ensure that the design incorporates opportunities for after-hours community use of the campus facilities and efficient use of the site to ensure the appropriate provision of recreation facilities for students.

45. NoM15: Notice of Motion No. 34/17 by Cr Baker – 21/6/17

Re: State Government Forced Amalgamation Agenda

1. THAT Council reiterates its long standing policy position opposing the State Government's forced amalgamation agenda.

2. THAT Council condemns the State Government's failure to respect the wishes of our community in the face of successful legal challenges in its continued commitment to metropolitan Council mergers only.

3. THAT Council continues to strongly and vigorously resist the proposed amalgamation of North Sydney Council with Willoughby and Mosman Councils.

4. THAT Council maintains the policy that North Sydney Council remain independent and stand alone.

5. THAT Council deplores the recent reports that the newly elected local MP and the Mayor purported to negotiate an alternative merger proposal of North Sydney and Mosman Councils contrary to the long adopted policy position of both Councils strongly supported by their communities.

6. THAT Council acknowledges and reiterates all previous resolutions in relation to the State Government's forced amalgamation agenda, particularly those authorising continuing commitment to legal challenges.

46. NoM16: Notice of Motion No. 35/17 by Cr Baker – 21/6/17

Re: ALGA National General Assembly of Local Government

1. THAT Council receive a short verbal report from attendees at the recent ALGA National General Assembly of Local Government.

47. NoM17: Notice of Motion No. 36/17 by Cr Morris – 21/6/17

Re: Pet Friendly Park Grants

1. THAT Council identify an appropriate park to upgrade to make more pet friendly and then apply for a Pet Friendly Park Grant from the Keep Australia Pet Friendly campaign.

Background

The Pet Friendly Park Grants program for 2017 was announced at the recent ALGA conference. There is over \$20,000 in grant funding available to local councils to upgrade pet friendly parks.

The grants are available to contribute towards the cost of upgrading a pet friendly area. The campaign identifies the "Gold Standard" for pet friendly areas as including designated areas for off and on leash dogs, clear signage showing any restrictions, fencing with multiple entrance points, materials for cleaning up (litter bags and bins), drinking water taps and bowls, agility equipment and available shade.

Council is committed to combatting social isolation - pet ownership provides social, physical and emotional benefits. Providing appropriate facilities in our parks is part of this commitment.

48. NoM18: Notice of Motion No. 37/17 by Cr Clare – 21/6/17

Re: Food Precinct/Artists Precinct

1. **THAT** Council receive a report on the feasibility of creating:
 - a. A Food Precinct; and/or
 - b. An artists' precinctWithin the local government area.

Background

There is a significant amount of development going on in the local government area which is evident from the number of development sites. All this new development opens up avenues for Council to explore repurposing or dedicating areas to concepts that will make our area more liveable and desirable. The inner west has recently created a number of new 'food precincts' such as the weekly markets held at Carriageworks, Redfern, which is also home to a number of very successful food and wine events; Tramsheds at Harold Park, which has attracted flagship restaurant tenants and contains deli's, butchers and bakeries; Burwood is creating an Asian style food precinct around the Burwood Hotel; and at Summer Hill, the Flour Mill development is going to be home to another dedicated food precinct. The North Sydney night markets and other events are very successful so it would be great if there was a permanent food precinct.

In addition, North Sydney Council has been very supportive of artists and has artists in residence programs and art prizes. The North Sydney LGA is home to established and up and coming artists. Whilst we are looking at locations for food precincts it would be worthwhile to also consider if there are areas that we can repurpose to an artists' precinct, perhaps as part of the Public Art Trail.

49. NoM19: Notice of Motion No. 38/17 by Cr Clare – 21/6/17

Re: Small Bars in the North Sydney LGA

1. **THAT** Council call for a report into possible ways in which Council may be able to assist those persons wishing to establish small bars in the Local Government Area.

Background

There is significant interest from individuals looking to create a more vibrant North Sydney by establishing small bars. However, there is confusion over the various licensing and approval regimes which are required to establish small bars. Council's role is limited to the development application but it would be beneficial to provide additional information or flow charts on the processes required to establish small bars, including the limitations and community involvement. It would be prudent to ensure that we are supporting services that are going to be of a benefit to the local community.

50. NoM20: Notice of Motion No. 39/17 by Cr Clare – 21/6/17

Re: Cyber Security and Data Retention

1. **THAT** Council calls for a report documenting the current cyber security policies and plans, including any relevant DRP and BCP.
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2. **THAT** given the new mandatory data breach notification requirements Council reviews the data that it holds and controls to manage the risk of a data breach.

Background

At the recent ALGA conference, there was a significant amount of focus and attention on cyber security risks to Local Councils particularly as part of introducing smart cities technology. Cyber security risks need to be managed and addressed as part of Council's risk management strategies.

QUESTIONS WITH NOTICE

51. **QN01: By Councillor Beregi - 21/06/17**

Re. The Boulevarde, Cammeray - footpath

Why has the footpath on The Boulevarde, Cammeray, at Rowlison Parade, been closed off from pedestrian use?

QUESTIONS WITHOUT NOTICE

Minutes of Meeting

B-Line Zone C – Cremorne Town Centre

Date/Time: Friday 16 June 2017, 4pm

Location: Cremorne Town Centre

Attendees: Cameron Scott, Project Manager B-line, Zone C
Melissa Read, B Line Community Stakeholder Manager
Felicity Wilson, MP, Member for Northshore
Committee for Zone C Cremorne Members;
Vasilli Karellas – Karellas Group/IGA
Chris Quinn – Manager, Exagym (326 Military Road)
John Lucas – Resident
Michiko de Solom – Resident

Apologies: Mimi Telli-Bate, Genevieve Destro

Purpose of Meeting:

This meeting was organised by Felicity Wilson at the request of the Zone C Committee of Cremorne residents and business owners. The purpose of the meeting was to seek clarification about the infrastructure changes proposed by B-line at Military Road, Cremorne , with particular reference to;

- The relocation of bus stops
- Closure of Cabramatta Road
- Installation of tidal flow
- Removal of safety fence along the centre strip of Military rd
- Pedestrian safety in general incl. removal of safety fence
- Loss of all on street parking both inbound and outbound
- Resulting negative impacts on business owners and residents.

Meeting Format:

The meeting was conducted on-site by way of a “walk around” key locations in Cremorne with Cameron Scott (CS) and Melissa Read (MR).

Issues discussed:

Citybound bus stop at 271 Military Road

The proposed new bus stop requires further consideration to ensure commuter amenity such as an awning, seating and lighting. Also, consideration need to be made about whether footpath space is adequate for waiting commuters given existing obstacles (planter boxes, building stairwell, alcoves).

Action required: B-line to advise how these issues will be overcome.

Tidal Flow – CS explained the mechanics and the location. The tidal flow will operate in the morning peak (6-10am) citybound only. The purpose of the tidal flow is to provide an extra lane for traffic at Cremorne to “weave around” bus stops ie 3 lanes of traffic: transit lane + 2 lanes of citybound traffic.

The tidal flow will be managed by the installation of illuminated lights imbedded permanently in the road surface as well as a moveable concrete barrier at the median.

This will involve removal of the pedestrian safety fence as well as replacing the existing traffic light signals at the centre of the road with an over roadway gantry structure.

The first section of the tidal flow between Cremorne Town Centre – Minskys – Cabramatta Road will consist only of illuminated lights. The concrete removable barrier will be installed approximately in the median in front of Cremorne Plaza and will continue for a short section. Thenceforth, the existing safety fence will be retained at the median.

The tidal flow will stop approximately at Spencer Street. At this point the lanes will revert to the existing arrangement ie transit + 2 lanes of citybound traffic. Buses and cars will be forced to merge at this point.

The Committee for Zone C – Cremorne expressed concern about the pedestrian safety impacts posed by the relocation of the bus stops away from the pedestrian crossings and simultaneously removing the safety fences to facilitate the proposed tidal flow system of lights embedded into the roadway - resulting in no safety barrier to deter pedestrians crossing at undesignated points. At present, pedestrians and commuters are “funnelled” by the safety fence to cross at the two existing sets of traffic lights at Cremorne. Relocating the bus stops away from these crossings and taking away the safety fence will result in pedestrians, and in particular commuters, being once again tempted to cross Military Road in haste dodging moving traffic, in particular commuters running late for a bus. This is a recipe for disaster. The fences were erected in 2003 in response to numerous pedestrian accidents including fatalities on Military Road.

Note: In the minutes of the Zone C Committee Meeting with B line dated 28 February 2017, held at The Oaks Hotel, B line were asked the question “tidal flow barriers need to be higher than proposed to prevent people from attempting to climb over them”

B Line’s response at that time was” “RMS is reviewing options”.

No safety audit appears to have been conducted related to these changes.

Action required: B-line to specify exact locations and mechanics of the tidal flow. B-line to provide pedestrian safety audit.

Cabramatta Road

In the new diagram provided by CS, a new infrastructure change was noted: No exit to Military Road from 6-10am and 3-7pm.

It was explained that this will be “policed” by a sign to be installed – similar to the one at the Rangers Road/Military Road intersection. At other times of the day, vehicles will be permitted to exit.

Note: Zone C Committee was originally told that the reason given for this arrangement was that vehicles turning left from Cabramatta Road citybound hinder bus movements.

Zone C Committee Comment: The existing two sets of traffic lights at Cremorne provide a “natural” traffic break allowing vehicles to exit from Cabramatta Road. Placing restrictions on access to Military Road will create unsafe conditions and exacerbate traffic congestion at the Cabramatta

Road/Spofforth Street intersection. Cabramatta Road is heavily utilised by large trucks making deliveries to IGA supermarket, Minsky's Hotel and other businesses serving Cremorne Town Centre

Action required: B-line to continue re-assessing the need to impose restrictions on Cabramatta Road and consult more closely with Cremorne Town Centre management and business owners.

B-line to review the necessity to impose a no left turn closure during the PM peak from 3 – 7pm.

Spofforth Street Right Hand Turn

CS explained that the right turn lane will be extended by double the current existing length. This will be permanently marked with line marking. This appears to be a new and additional infrastructure change. CS explained that this extension was an "outcome of the tidal flow" and that due to this there will be a permanent loss of street parking on the citybound side of Cremorne.

Action required: Public consultation with the Cremorne community and North Sydney Council about this new proposal to extend the Spofforth Street right hand turning lane.

B-line to review the need to extend the right turn lane as it comes at the expense of on street parking.

Cremorne Plaza

Issues in the area include the total loss of street parking due to the relocation of the outbound bus stop. Chris Quinn from Exagym explained the impacts on his and surrounding business – in particular loss of opportunity – many sales are made to customers who notice Exagym whilst driving past – the opportunity cost is lost if customers can no longer park in front of the shop. Chris explained that deliveries will also become problematic. The situation described by Exagym is an example of the negative impact of the removal of on-street parking on all businesses situated on both sides of Military Rd along the strip between Spofforth and Murdoch/Winnie Streets.

CS and MR suggested Parraween Street as an alternative parking area but Chris explained that Parraween Street is already congested and offers limited parking for delivery trucks. Parking on Parraween Street is also metered creating another disincentive to customers. MR said that B-line offered to "buy" 10 parking places on Parraween Street from North Sydney Council so that free parking could be offered but this was apparently not able to be negotiated.

The possibility of an indented bus bay (and/or indented car parking) was also discussed. CS explained that an indented bus bay would require redesign of Cremorne Plaza – apparently it was considered in one of the initial designs but it was dismissed due to problems consulting with Council and building owners of the Cremorne Plaza business owners.

It was acknowledged however, that having an indented bus bay at Cremorne Plaza could enable on-street parking to be retained in the area between Sushi Train and Exagym.

Action required: B-line to provide details of this original plan. Zone C committee offered to organise a meeting with North Sydney Council to discuss the Cremorne Plaza and Parraween Street issues. B-line to advise Zone C Committee and Felicity if they are amenable to a joint meeting with North Sydney Council. B-line to investigate options which will provide a solution which will enable businesses to receive deliveries at the kerbside on Military Road.

Note: The outbound bus stop at Cremorne Plaza serves local buses only - E (express)/L/ B-line do not set down at Cremorne on the outbound journey to the Northern beaches.

Other: CS confirmed that Hampden Street and Ben Boyd Road issues were mostly resolved but he was not able to confirm these were 100% off the agenda. The project status was described as being at the "80%" stage.

Action Required: B-line to notify the Zone C committee and Felicity whenever there is a change to project plans or confirmation of a 100% change of plan.